

1st February 1938

THE

LEGISLATIVE ASSEMBLY DEBATES

(Official Report)

Volume I, 1938

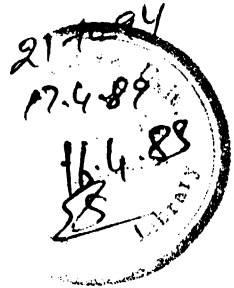
(31st January to 22nd February, 1938)

SEVENTH SESSION

OF THE

FIFTH LEGISLATIVE ASSEMBLY,

1938



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Legislative Assembly.

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

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

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

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LEGISLATIVE ASSEMBLY.

Tuesday, 1st February, 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. Vaduvur Shrinivas Sundaram, M.L.A. (Government of India: Nominated Official).

STARRED QUESTIONS AND ANSWERS.

(a) ORAL ANSWERS.

LABOUR DISPUTES IN INDUSTRIES.

† 36. ***Mr. Akhil Chandra Datta:** Will the Honourable Member for Commerce and Labour state and explain the policy and programme of the Government of India for preventing and settling labour disputes generally in all industries?

Mr. A. G. Clow: Under the constitution legislation relating to the prevention and settlement of trade disputes falls in the concurrent field, while executive authority, except in respect of Chief Commissioners' Provinces, Federal railways, and undertakings carried on by the Central Government is vested in the Provincial Governments. As the Honourable Member is aware, the Trade Disputes Act of 1929 is a Central Act, and the Government of India have placed before this House proposals for its amendment; the main provisions of this Bill seek to expand the machinery for the prevention and settlement of trade disputes and to facilitate its operation. With regard to disputes with which the Central Government are concerned on the executive side, I invite the Honourable Member's attention to the Press Communiqué of the 19th November, 1937, concerning the appointment of a Special Conciliation Officer and the subsequent setting up of an Industrial Advisory Board for the prevention of disputes on Federal railways.

TRADE TALKS BETWEEN INDIAN AND BRITISH DELEGATES AND TERMINATION OF THE OTTAWA TRADE AGREEMENT.

† 37. ***Mr. Akhil Chandra Datta:** (a) Will the Honourable Member for Commerce and Labour state why there was no agreement in regard to the trade talks between the Indian delegates and British delegates and why the Indian delegates had to return to India after six months of stay in England?

(b) Will the Honourable the Commerce Member state whether in view of the interminable "talks", the Government of India propose, in deference to the wishes of this House, to scrap the Ottawa preferences?

Mr. H. Dow: (a) The Honourable Member is referred to the Press Communiqué issued by Government on this subject on the 18th October, 1937, copies of which are in the Library.

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

(b) Government do not think that the talks will prove interminable, nor are they aware of any expression of the wishes of this House that the Ottawa preferences should be scrapped.

RATIFICATION OF THE INTERNATIONAL SUGAR AGREEMENT.

† 38. ***Mr. Akhil Chandra Datta:** (a) Will the Honourable Member for Commerce and Labour state whether the International Sugar Agreement has been ratified by Government?

(b) Is the Honourable the Commerce Member aware that the ratification has been done against the considered opinion of this House?

Mr. H. Dow: (a) Yes, Sir.

(b) One of the relevant facts taken into consideration by the Government of India was the Resolution passed by this Legislative Assembly on the 27th September, 1937.

SUSPENSION OF ENQUIRY INTO THE SMALL SCALE INDUSTRIES.

† 39. ***Mr. Akhil Chandra Datta:** (a) Is the Honourable Member in charge of the Commerce and Labour Department aware that Government's decision to suspend enquiries into the small scale industries has aroused much misgivings in the mind of the public?

(b) Will the Honourable Member state when the enquiry will be resumed?

Mr. H. Dow: (a) Government have received representations to that effect.

(b) The Honourable Member is referred to the Commerce Department Press Communiqué, dated the 3rd November, 1937, copies of which are in the Library.

INAUGURATION OF THE FEDERATION.

40. ***Mr. T. S. Avinashilingam Chettiar:** Will the Honourable the Law Member state:

- (a) whether the minimum number of States have agreed to join the Federation;
- (b) if so, when the Federation is expected to be inaugurated; and
- (c) whether the British Indian Provinces will be consulted in the matter?

The Honourable Sir Nripendra Sircar: (a) and (b). I have nothing to add to the following statement made by the Under Secretary of State in the House of Commons on the 6th December last, in reply to a question put by Mr. Ross Taylor:

"The aim of His Majesty's Government is, and always has been, to carry into effect the clear intention of Parliament that Federation should follow Provincial Autonomy, as an integral part of a single constitutional scheme, with the least possible delay.

With this object, steps were taken by the Viceroy immediately after the passing of the Act to have examined the novel problems presented by the practical applications of its provisions to the diverse elements of the future Federation. These steps are being actively pursued and every effort will be made to achieve the purpose of Parliament with the least possible delay."

(c) I have no reason to suppose that any such consultation is contemplated.

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

Mr. T. S. Avnashilingam Chettiar: May I know what steps are being taken in this matter?

The Honourable Sir Nripendra Sircar: By the phrase "By steps are being actively pursued", I mean negotiations and proceedings between the rulers of States and the Government of India.

Mr. Abdul Gaiyum: May I ask why British Indian provinces are not being consulted?

The Honourable Sir Nripendra Sircar: We are not required to do that by the Government of India Act.

Seth Govind Das: The Honourable Member has just said that after December there has not been anything. . . .

The Honourable Sir Nripendra Sircar: I never said that.

Seth Govind Das: The Honourable Member, I think, said that there has not been anything worth mentioning after December in this respect; may I know what is being done after December in this respect?

The Honourable Sir Nripendra Sircar: The negotiations, started before the 6th of December, are being continued up to this moment.

Seth Govind Das: How are they being continued, and what have been the results of this continuation?

The Honourable Sir Nripendra Sircar: They will be continued as long as it is necessary.

Seth Govind Das: What has been the result of this "continuation" so far?

The Honourable Sir Nripendra Sircar: The result has been progress (Laughter), but, as I said on the last occasion, as regards the points as to what negotiations are going on, with whom, what is the exact amount of progress, and so on, any disclosure here of those confidential communications would be opposed to the public interest.

Mr. N. M. Joshi: May I ask if, although there may not be any legal obligation upon the Government of India to consult the Provincial Governments, they will, nevertheless out of moral obligations, consult the British Indian people (Hear, hear)?

The Honourable Sir Nripendra Sircar: Ideas of morality differ.

Mr. President (The Honourable Sir Abdur Rahim). I do not think this sort of thing can be carried on. There shall be no more supplementary questions. Next question.

SUSPENSION OF ENQUIRY INTO THE MINOR INDUSTRIES.

41. ***Mr. T. S. Avnashilingam Chettiar:** Will the Honourable the Commerce Member state:

- (a) whether the proposed enquiry into the minor industries by an officer of the Commerce Department has been dropped;
- (b) if so, why it has been dropped; and

(c) whether the prices of the Japanese products have again gone down?

Mr. H. Dow: (a) and (b). The Honourable Member is referred to the Commerce Department Press Communiqué, dated the 3rd November, 1937, copies of which are in the Library.

(c) The prices of Japanese imports into India in recent months do not show any definite trend in either direction. In some cases a rise has occurred while in others a downward tendency is noticeable. Conditions are still too unsettled for a definite opinion to be expressed regarding the future course of prices.

Mr. T. S. Avinashilingam Chettiar: May I know whether this inquiry was stopped for the specific reason that the prices of Japanese products were going down?

Mr. H. Dow: I have already referred the Honourable Member to the Press Communiqué which was issued on the subject and which gives the full reasons for stopping the inquiry or suspending it at that particular juncture.

Mr. T. S. Avinashilingam Chettiar: May I know whether the decline in the prices of Japanese products was one of the reasons?

Mr. H. Dow: No, Sir.

Mr. M. Ananthasayanam Ayyangar: May I know if any investigation has been made into any of the minor industries at all?

Mr. H. Dow: Certainly, Sir, an inquiry was made into a very large number of industries, I think about forty of them. In a later question someone is asking for a list of those industries, and I propose to lay a statement on the table.

Mr. Badri Dutt Pande: May I know if Japanese goods are still coming into this country?

Mr. H. Dow: Some Japanese goods are still coming into this country.

Mr. Badri Dutt Pande: After this war of aggression by Japan, is it not the intention of Government to put an embargo on Japanese goods?

Mr. President (The Honourable Sir Abdur Rahim): That does not arise out of this question.

Seth Govind Das: May I know if there has been no change in this respect?

Mr. H. Dow: There has been a rise in the prices of some things and a fall in the prices of others.

Mr. Mohan Lal Saksena: May I know if the inquiry into the case of minor industries has been completed?

Mr. H. Dow: No, Sir. The inquiry, as is pointed out in the Press Communiqué to which I have referred and which I wish Honourable Members would read, has been suspended.

Prof. N. G. Ranga: Did Government receive any *interim* reports before it was suspended?

Mr. H. Dow: Government have received interim reports—yes.

Seth Govind Das: What has been the reason for this suspension?

Mr. H. Dow: As I have stated twice already, those reasons are given in the Press Communiqué which is in the Library of the House.

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

TRADE NEGOTIATIONS WITH BRITISH GOVERNMENT.

42. ***Mr. T. S. Avinashilingam Chettiar:** Will the Honourable the Commerce Member state:

- (a) at what stage the trade negotiations with the British Government are;
- (b) whether any point of agreement has been reached; and
- (c) when they expect to come to a conclusion in the matter?

Mr. H. Dow: (a) and (b). The Honourable Member is referred to the Press Communiqué issued by Government on this subject on the 6th January, 1938.

(c) It is not possible at this stage to say when a conclusion is likely to be reached.

Mr. T. S. Avinashilingam Chettiar: May I know—in view of the fact that notice of the conclusion of the agreement was given long ago and it has taken an inordinately long time for these negotiations to come to a conclusion—whether the Government will take an early opportunity of finishing these negotiations early or of giving notice again and end this agreement?

Mr. H. Dow: As to whether this has taken a long time, that of course is a matter of opinion, but Government are doing their best to expedite the conclusion of these negotiations.

Mr. M. Ananthasayanam Ayyangar: What are the outstanding points of difference?

Mr. H. Dow: I am not prepared to state that.

Seth Govind Das: Is there any proposal for sending any more Indians to England in connection with these negotiations?

Mr. H. Dow: I have not yet heard of any such proposal.

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

NEGOTIATIONS FOR TRADE AGREEMENTS WITH OTHER COUNTRIES.

43. ***Mr. T. S. Avinashilingam Chettiar:** Will the Honourable the Commerce Member state:

- (a) whether negotiations are going on for the conclusion of trade agreements with any country other than England;
- (b) if so, with what countries; and
- (c) at what stage the negotiations are?

Mr. H. Dow: (a) Yes, Sir.

(b) The Honourable Member's attention is invited to the reply given to his question No. 479 on the 13th September, 1937.

(c) Proposals have been exchanged with the Government of the Union of South Africa for the conclusion of a temporary *modus vivendi* but the negotiations have not yet been concluded. Negotiations for an agreement between India and the Netherlands Indies regarding import quotas have been dropped as the Netherlands Government were not disposed to deal with the question of import quotas in isolation. As regards Siam, a commercial treaty has been concluded by His Majesty's Government in the United Kingdom with that country, and the question of India's accession to that treaty will be considered in due course.

Mr. Abdul Qayum: Are any negotiations in progress with Afghanistan at the present moment?

Mr. H. Dow: No, Sir.

Mr. Manu Subadar: Did any negotiations begin with Canada three years ago?

Mr. H. Dow: I think not.

Mr. M. Ananthasayanam Ayyangar: Are any negotiations going on with Ceylon?

Mr. H. Dow: No, Sir.

Mr. M. Ananthasayanam Ayyangar: Is it not a fact that Ceylon has given up the Ottawa Agreement and has been receiving preferences and is it not also a fact that it has not shown any preferences to our goods?

Mr. H. Dow: I am afraid it does not arise out of this question.

Seth Govind Das: May I ask the names of those countries with which these negotiations are going on at present?

Mr. H. Dow: They are mentioned in my answer to part (c).

Seth Govind Das: Only one country is mentioned.

Mr. H. Dow: The names of three countries are mentioned there.

Prof. N. G. Ranga: Why is it that the Government of India had waited so long in order to get into trade negotiations with the Siamese Government until after the British Government came to a trade agreement with that Government?

Mr. H. Dow: We have been in treaty relations with Siam up till the present. These are merely negotiations for replacing an earlier treaty.

PROGRAMME OF RURAL DEVELOPMENT IN THE CENTRALLY ADMINISTERED AREAS.

44. ***Mr. Sham Lal:** Will the Secretary of the Education, Health and Lands Department be pleased to state:

- (a) what the programme of rural development has been in each of the last two financial years for different regions of the centrally administered areas together with estimates of expenditure thereon; and
- (b) if any, the extent of success achieved in this direction?

Sir Girja Shankar Bajpai: (a) and (b). Information is being collected and a statement will be placed on the table.

DISCOVERIES IN TOPOGRAPHICAL, ZOOLOGICAL, BOTANICAL AND GEOLOGICAL SURVEYS.

45. ***Mr. Sham Lal:** Will the Secretary of the Education, Health and Lands Department be pleased to state the discoveries of permanent utility made so far in Topographical, Zoological, Botanical and Geological surveys conducted in different parts of India during the last two decades?

Sir Girja Shankar Bajpai: For detailed information the Honourable Member must refer to the publications of the Surveys concerned. A summary statement of the information asked for by the Honourable Member is laid on the table of the House.

Statement.

(a) *Topographical Survey.*—The work of the Topographical Survey relates solely to the making of maps and cannot by its nature result in discoveries. The whole of the work, however, is of permanent utility.

(b) *Zoological Survey.*—During the last two decades the Zoological Survey of India has made discoveries which provide information of permanent utility in regard to:

- (1) the species of rats responsible for the spread of plague in India and the fleas which act as carriers of plague germs;
- (2) mosquitoes and other dipterous insects which act as carriers of certain diseases;
- (3) the role of fishes as mosquito destroyers and other biological agencies as larvicides of mosquitoes;
- (4) fresh water Copepods that act as carriers of the Guinea worm;
- (5) helminthic parasites;
- (6) measures required for the protection and conservation of certain species of fishes which are of economic importance; and
- (7) insects which damage crops or destroy timber, etc.

In 1918 soldiers returning from the Eastern Front were found to be infected with Blood Fluke which is responsible for the highly devastating disease called *Schistosomiasis*. Investigations on Indian freshwater molluscs carried out by the Zoological Survey of India, however, proved that there was no possibility of the Blood Fluke taking a hold in the country. Similar results were also obtained in 1926 in respect of the Chinese Blood Fluke imported into Burma by Chinese labourers. These discoveries saved the necessity of extensive preventive operations.

Investigation carried out by the Zoological Survey of India in connection with the water supply of Calcutta in recent years have resulted in substantial monetary savings to the Calcutta Corporation and in addition have ensured a regular and purer supply of filtered water for the city.

(c) *Botanical Survey*.—The utility of the Botanical Survey of India may properly be appreciated by a reference not to any specific discovery made but to its general contribution to the dissemination of scientific knowledge in the domain of economic botany. In so far, however, as research of purely economic value is concerned the survey has successfully arranged during the last twenty years for the experimental cultivation in Indian soil of several important foreign medicinal plants, viz. *Hyoscyamus Muticus*, *Digitalis purpurea*, *Parazacum*, *Officinalis*, *Psychotria Ipecacuanha* and *Cinchona*. The Survey has also arranged for investigation on, and organised supplies of, *Podophyllum Emodi*, *Atropa Belladonna*, various species of *Hydnocarpus* (the active principle of which is claimed to be an effective remedy for leprosy). Santonian yielding *Artemisia* and some edible fruits notably wild grapes and oranges. The economic exploration of the vegetable resources of India has resulted in the discovery of many new species.

(d) *Geological Survey*.—The discoveries made by the Geological Survey of India relating to new occurrences of ores and mineral deposits are published annually in the General Reports included in the Records of the Geological Survey of India. More detailed results of economic investigations on a particular mineral or on a particular region are published in a Memoir or in papers included either in these Records or in the Transactions of the Mining, Geological and Metallurgical Institute of India.

SUGGESTIONS FOR REORGANISATION OF EDUCATION RECEIVED BY THE CENTRAL ADVISORY BOARD OF EDUCATION.

46. ***Mr. Sham Lal**: Will the Secretary of the Education, Health and Lands Department be pleased to state:

- (a) whether the Central Advisory Board of Education has ever been the recipient of constructive suggestions by post from members of the public for the reorganisation of education;
- (b) if so, whether any of these suggestions have been found to be practicable on examination; and
- (c) if so, which of them have already been adopted to any part of India to any extent?

Sir Girja Shankar Bajpai: (a) Yes.

(b) and (c). Such of the suggestions as were not covered by the resolution of the Central Advisory Board of Education passed at its first meeting when the question of educational reconstruction was considered, are reviewed as particular aspects of educational reconstruction come before the Board. Action on private proposals, as on those of the Board itself, lies within the sphere of Provincial Governments.

Mr. M. Asaf Ali: What is the net result of the activities of this Central Advisory Board?

Sir Girja Shankar Bajpai: The net result of the activities of the Board is the provision of advice to Local Governments.

Seth Govind Das: Do the Government not think that for only this gratuitous advice they are spending rather too much on this Board?

Sir Girja Shankar Bajpai: Not at all. Perhaps my Honourable friend will be interested to hear that even the new Ministers are most anxious to make use of the Board.

Mr. M. Asaf Ali: The Honourable Member said that the net result of the activities of the Central Board was the provision of advice to Local Governments. May we know what advice has been tendered to the Local Governments?

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

MEASURES AGAINST THE SPREAD OF BOGUS AND SECRET MEDICINES IN THE CENTRALLY ADMINISTERED AREAS.

47. ***Mr. Sham Lal:** Will the Secretary of the Education, Health and Lands Department be pleased to state:

- (a) whether it is a fact that qualified medical men are being debarred in the centrally administered areas from advertising in the non-medical press, while no such restrictions are being applied to unqualified ones issuing alluring advertisements of bogus medicines;
- (b) whether he is aware that secret medicines having no formulas of their own disclosed on the labels are being imported into the centrally administered areas from several foreign countries of the world;
- (c) if the replies to parts (a) and (b) above be in the affirmative, whether these matters have had the attentions of the Central Advisory Board of Public Health for their investigations and recommendations; and
- (d) if not, whether Government intend to take any action in this respect?

Sir Girja Shankar Bajpai: (a) There is no such disability imposed by central legislation but medical practitioners in centrally administered areas registered under Provincial Medical Acts are debarred from advertising in the lay press. (This is according to the medical code of professional conducts.)

(b) This disability these areas share with the rest of India at present.

(c) and (d). As regards the disability mentioned in part (b), the Honourable Member must be aware of the Bill to regulate the import of drugs which was referred last Session to a Select Committee of this House. No reference to the Central Advisory Board of Public Health seems necessary. The matter mentioned in part (a) is primarily one for the consideration of Provincial Governments.

INSUFFICIENT TIME AT THE DISPOSAL OF GOVERNMENT DEPARTMENTS FOR PREPARATION OF REPLIES TO QUESTIONS.

48. ***Mr. Sham Lal:** Will the Honourable the Leader of the House be pleased to state:

- (a) whether it is a fact that a fairly large number of questions seeking information are not being answered in the Central Legislative Assembly on account of the shortness of time at the disposal of the different Government departments for the preparation of replies; and
- (b) if so, how Government propose to meet this difficulty?

The Honourable Sir Nripendra Sircar: (a) I assume that by "are not answered" the Honourable Member means "receive in the first instance an interim reply". On this assumption the number is not large in relation to the total number of starred questions.

(b) Does not arise.

**ORDINANCE PROMULGATED IN TANGANYIKA TO CONTROL THE BUSINESS OF
INDIAN GOLDSMITHS AND SILVERSMITHS.**

49. ***Sardar Sant Singh** (on behalf of Mr. Lalohand Navalrai): (a) Will the Secretary of the Education, Health and Lands Department be pleased to state whether the attention of Government has been drawn to the new Ordinance which has been promulgated in Tanganyika, and which is intended to control the business of Indian goldsmiths and silversmiths?

(b) Is it a fact that these smiths' shops will be liable to be searched, without warrant by any authorized officer for the purpose of ascertaining what gold-ore, silver-ore, or other material containing gold or silver is there in the premises?

(c) Is it a fact that these smiths would be required to take out licences which may be refused at the discretion of the officer concerned?

(d) Is it a fact that the Indians in Tanganyika have objected to these stringent provisions? If so, what measures have the Government of India taken or propose to take to relieve them from the oppression of such an Ordinance?

Sir Girja Shankar Bajpai: (a) Yes, except that the Ordinance applies to all and not to Indians only.

(b) Yes.

(c) The provision which empowers a licensing officer to refuse a licence in his discretion also provides for an appeal to the Governor of the Territory. In cases of refusal of renewal of licences the licensing officer shall, if called upon to do so, state his reasons for refusal in writing.

(d) The Government of India have not received any representation from the Indian community in Tanganyika.

Mr. T. S. Avinashilingam Chettiar: May I ask whether the Government of India have satisfied themselves that with regard to the issue of these licences Indians are not discriminated against?

Sir Girja Shankar Bajpai: I am sure that if there had been any discrimination practised the Government of India would have heard on the matter from the Indian community in Tanganyika.

Mr. T. S. Avinashilingam Chettiar: Are they in touch with the Indian community in Tanganyika?

Sir Girja Shankar Bajpai: Yes, Sir, they are as much in touch with the Indian community in Tanganyika as with the Indian communities in other countries.

Mr. M. Ananthasayanam Ayyangar: Have the Government any information regarding the property of European goldsmiths and silversmiths?

Sir Girja Shankar Bajpai: As far as I know, there are no European gold or silversmiths in Tanganyika.

Mr. M. Ananthasayanam Ayyangar: That being the case, is not this legislation intended to affect only the Indian gold and silversmiths?

Sir Girja Shankar Rajpai: Well, Sir, I do not think myself that this particular measure is of any racial character at all. The main object of it is to prevent thefts of gold and silver in the mining areas.

Seth Govind Das: Are the Government aware that in spite of the fact that these legislations are of a general character, their effect in Colonies has always been against the Indian interests?

Sir Girja Shankar Rajpai: My Honourable friend is casting his net too wide. I am not holding forth on the subject of all pieces of legislation; I am only talking of this particular Ordinance.

Seth Govind Das: Are the Government aware that even the effect of this legislation has been against the Indians of Tanganyika?

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

APPOINTMENT OF THE SUPERINTENDENT OF INSURANCE.

50. ***Mr. K. Santhanam** (on behalf of Mr. George Joseph): (a) Will the Honourable Member for Commerce and Labour state whether in view of the insurance legislation pending before the Central Legislature, the Government of India are considering, formally or informally, the appointment of the Superintendent of Insurance?

(b) Have Government considered or decided the question of the salary and allowances attachable to the office of the Superintendent of Insurance, and if so, to what effect?

(c) Do Government propose, subject to all relevant considerations, to make an effort to appoint an Indian to the office of the Superintendent of Insurance?

Mr. H. Dow: (a), (b) and (c). Government have these questions under consideration, but no decision can be taken on these questions until the final form of the legislation now pending is known.

Mr. Mann Sabadar: Is the Honourable Member in a position to assure the House that an Indian will be appointed?

Mr. H. Dow: I am not in a position to assure the House that anyone will be appointed.

PERMISSION FOR PURCHASE OF REAL PROPERTY IN BRITISH INDIA BY AN INDIAN PRINCE, ETC.

51. ***Mr. K. Santhanam** (on behalf of Mr. George Joseph): Will the Honourable the Leader of the House be pleased to state:

(a) whether there is any rule or convention which requires that before an Indian Prince or any member of the ruling family of an Indian State acquires real property in British India the permission of the Government of India in any of their departments or of any authority subordinate to the Government of India, should be obtained;

(b) if the answer to part (a) be in the affirmative, whether the grant of such permission is barely formal or governed by statable rules;

- (c) whether the Honourable the Leader of the House will be prepared to lay on the table of the House the rules if they should exist; and
- (d) the number and short description of cases in which permission was sought for and granted, if any, in respect of purchase of real property in British India since 1st January, 1930?

The Honourable Sir Nripendra Sircar: (a), (b) and (c). The revision of the existing procedure in regard to the acquisition by Ruling Princes of property in British India is under consideration in view of constitutional changes, and no decision has yet been reached.

(d) The information required cannot be supplied without a degree of labour which is not commensurate with the purpose to be served.

Mr. Mohan Lal Saksena: Has there been any case in which permission has been refused.

The Honourable Sir Nripendra Sircar: I cannot answer it, I am afraid, without notice.

Mr. M. Ananthasayanam Ayyangar: What is the present practice?

The Honourable Sir Nripendra Sircar: As a matter of fact, I am not aware whether there is any, or what, consistent practice and I have not inquired into it for the obvious reason that that procedure is now, whatever it was, going to be obsolete and a new procedure will be established at an early date.

Mr. Sri Prakasa: Has the attention of the Government been called to a recent judgment in the Allahabad High Court in an income-tax case against the Maharaja of Benares regarding his properties in British India?

The Honourable Sir Nripendra Sircar: No, Sir.

Mr. M. Ananthasayanam Ayyangar: Are there any similar rules regulating the acquisition of land in the Indian States by the Government of India or by the Provincial Governments?

Mr. President (The Honourable Sir Abdur Rahim): That does not arise.

EXPORT OF INDIAN COTTON AND OIL-SEEDS.

52. ***Mr. K. Santhanam:** Will the Honourable Member for Commerce be pleased to state:

- (a) the quantity of Indian cotton exported from 1st April, 1937, to 31st December, 1937, and the figures for the corresponding periods of the two previous years; and
- (b) similar figures for oil-seeds for the same periods?

Mr. H. Dow: The Honourable Member is referred to the Accounts relating to the Seaborne Trade and Navigation of British India for December, 1937, a copy of which is in the Library. His special attention is invited to page 230 and pages 220-224 of the publication.

Mr. K. Santhanam: Do the reports show a tendency to decline?

Mr. H. Dow: The Honourable Member will be able to see that for himself if he looks at the figures.

Mr. K. Santhanam: I am asking the Honourable Member to give the information now.

Mr. President (The Honourable Sir Abdur Rahim): You will find the information contained in the Statement referred to by the Honourable Member. You ought to see that.

BOYCOTT OF THE CLOVE TRADE BY INDIANS IN ZANZIBAR.

53. ***Mr. K. Santhanam** (on behalf of Mr. George Joseph): Will the Secretary of the Education, Health and Lands Department be pleased to state:

- (a) whether the boycott of the clove trade by Indians in Zanzibar is still being maintained;
- (b) whether the clove trade of Zanzibar with India is being diverted from the ordinary ports of entry (such as Bombay) to the ports in the Madras Presidency; and
- (c) whether, in view of the losses caused to Indians in Zanzibar and the development in the matter since the Legislative Assembly dispersed in October last, the Government of India are prepared to reconsider the policy adumbrated in the speech of the Honourable Sir Jagdish Prasad on the debate on the adjournment motion at the Simla Session of the Assembly last autumn, and impose a ban on the import of cloves from Zanzibar to India?

Sir Girja Shankar Bajpai: (a) Yes.

(b) The Government of India have no information to that effect.

(c) The Government of India understand that proposals for modifying the existing Clove Decrees are under consideration.

Seth Govind Das: Are the Government aware that the British Resident of Zanzibar sent certain proposals to the Colonial Office in this respect?

Sir Girja Shankar Bajpai: I presume that the Resident, as in duty bound, has made certain proposals to the Colonial Office.

Seth Govind Das: Are the Government aware that Seth Govind Das, a Member of this Assembly, had interviews with the British Resident and Lord Dufferin in this respect?

Sir Girja Shankar Bajpai: I am sure the House will be interested to have from Seth Govind Das this information.

Seth Govind Das: Have the Government received any information regarding these interviews and are Government prepared to move in this matter any further?

Sir Girja Shankar Bajpai: The Government have read accounts of these interviews in the Press, and they have also heard of them from the Honourable Member just now. They have made enquiries from the Government of Zanzibar as to whether any proposals are in contemplation, and they have received a reply in the affirmative.

Seth Govind Das: Have the Government received any information from the Government of Zanzibar regarding these interviews?

Sir Girja Shankar Bajpai: The Government of India have received no information from the Government of Zanzibar regarding these interviews in particular.

Mr. Mohan Lal Sakseena: Have the Government made any representations on this question since the last statement was made in the Assembly?

Sir Girja Shankar Bajpai: No, Sir. There has been no occasion to make any representations.

CULTIVATION OF CLOVES IN INDIA.

54. ***Mr. K. Santhanam** (on behalf of Mr. George Joseph): Will the Secretary of the Education, Health and Lands Department be pleased to state:

- (a) whether the officer appointed to inquire into the possibilities and development of the cultivation of cloves in British India and Indian States has made a report to the Government of India, and if so, whether he will lay a copy of the report on the table of the House;
- (b) whether there are areas in India where cloves are being produced at present, and the total value of the production and the quality of Indian cloves compared to that imported from Zanzibar; and
- (c) whether the production of cloves in South India, especially in the State of Travancore, was not considerable at one time, and the reasons for its falling off?

Sir Girja Shankar Bajpai: (a) The officer was appointed by the Imperial Council of Agricultural Research, and his report has been made to that body. If the Council have no objection, I propose to place a copy of the report in the Library of the House.

(b) The production of cloves in India at present is negligible.

(c) I understand that there was a certain amount about a hundred years ago. Clove growing was undertaken in conjunction with coffee growing and went out owing to economic causes.

FALL IN THE PRICE OF RUBBER.

55. ***Mr. K. Santhanam** (on behalf of Mr. George Joseph): Will the Honourable Member for Commerce and Labour be pleased to state:

- (a) whether the Government of India are aware that the price of rubber has fallen heavily in the recent months causing disorganisation in the market and a heavy loss to Indian producers of rubber;

- (b) whether any representations have been made to Government by rubber planters in India stating that the said fall is due to the unsatisfactory nature of the international quota; and
- (c) whether Government propose to take action to relieve rubber planters in the present difficulties and, if so, the nature of such action?

Mr. H. Dow: (a) The price of rubber has fallen, but there is no information to show that the Indian market has been disorganised or that the Indian producers of rubber have suffered a heavy loss.

(b) No, Sir.

(c) Does not arise.

PROGRESS OF THE FEDERATION SCHEME.

56. ***Mr. Badri Dutt Pande:** (a) Will the Honourable the Leader of the House be pleased to state how far the scheme of the Federation has progressed?

(b) Have replies been received from all the States?

(c) Have any of the eleven Provinces opposed the Federation scheme? If so, which?

The Honourable Sir Nripendra Sircar: (a) and (b). I would invite the attention of the Honourable Member to the reply given by me to Mr. Avinashilingam Chettiar's question No. 40 answered today.

(c) The Government of India have not received any official intimation from Provinces as regards their attitude towards the scheme of Federation embodied in the Government of India Act, 1935.

Mr. K. Santhanam: May I ask whether the revised Instrument of Accession has been sent to the States?

The Honourable Sir Nripendra Sircar: I would ask your Ruling, Sir, whether that arises as a supplementary question.

Mr. President (The Honourable Sir Abdur Rahim): In part (a) of the question, it is asked how far the scheme of Federation has progressed. If the Honourable Member likes, he can answer this supplementary question.

The Honourable Sir Nripendra Sircar: Having regard to your ruling, I should be quite prepared to accept short notice of this question if my Honourable friend wants a satisfactory answer.

Mr. Badri Dutt Pande: May I enquire why these dignified canvassers are going about asking the Indian States to federate?

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member must withdraw the word 'dignified'. The Honourable Member must not cast reflection on any gentlemen who are not present in the House. The Honourable Member should put the question in proper form.

Mr. Badri Dutt Pande: I withdraw the word 'dignified'. I will merely say canvassers.

(No answer.)

Mr. N. V. Gadgil: Are there any proposals for retrocession of territory to the States?

The Honourable Sir Nripendra Sircar: I once more repeat that I am not going to disclose what is contained in the negotiations because it is opposed to public interest.

Mr. Mohan Lal Saksena: May I ask whether the copies of the Resolutions passed by the various Provincial Legislative Assemblies on this subject have not been received by the Government of India?

The Honourable Sir Nripendra Sircar: I have already answered that question.

NEGOTIATIONS FOR REPLACEMENT OF THE OTTAWA TRADE AGREEMENT.

57. *Mr. Manu Subedar: (a) Will the Honourable Member for Commerce and Labour be pleased to state whether any negotiations took place between the authorities in the United Kingdom and the Government of India with regard to the nature and form of an agreement to replace the Ottawa Agreement before the latter expired?

(b) Will Government be pleased to lay the correspondence on the table?

Mr. H. Dow: (a) The Ottawa Trade Agreement of 1932 has not yet expired but is being continued temporarily subject to three months' notice of termination by either side pending conclusion of a fresh agreement. On the assumption that by the expiry of the Agreement the Honourable Member means the expiry of the period of six months' notice given on the 13th May, 1936, the answer is in the negative.

(b) Does not arise.

Mr. Manu Subedar: Was there any communication between the Government of India—whose function it is as executive Government to do so—and the United Kingdom before the full period of the Ottawa Agreement as originally provided expired?

Mr. H. Dow: The question originally asked was "any negotiations with regard to the nature and form of an agreement", and I have answered that.

Prof. N. G. Ranga: Why was it that this trade agreement was not definitely terminated after the expiry of six months' notice?

Mr. H. Dow: That is a matter which has been already discussed threadbare in this House.

Mr. M. Ananthasayanam Ayyangar: When do the Government expect to conclude these negotiations?

Mr. H. Dow: That does not arise out of this question. There is a later question on the agenda regarding this.

Mr. M. S. Aney: Is it not a fact that on the floor of this House, the Honourable the Commerce Member had given out that Government would be bound by the vote of this House on this question?

Mr. H. Dow: That does not seem to arise out of this question.

Mr. President (The Honourable Sir Abdur Rahim): I did not hear the question. Will the Honourable Member please repeat?

Mr. M. S. Aney: Is it not a fact that during the course of the debate on that Resolution, the Honourable the Commerce Member declared on the floor of the House that the Government of India would be bound by the vote of the House?

Mr. H. Dow: I am not quite clear whether the Honourable Member is referring to the Resolution of 1936.

Mr. M. S. Aney: I am referring to the debate on the Ottawa Agreement.

Mr. H. Dow: There have been so many debates on the Ottawa Agreement.

Seth Govind Das: Is it not a fact that the assurance has been repeatedly given on the floor of the House by every Commerce Member on all debates on the Ottawa Agreement that Government were going to be bound by the decision of the House?

Mr. H. Dow: I would suggest that the Honourable Member might himself look up the debates.

Seth Govind Das: Is it not a fact that in most of the debates this assurance has been given and even in the last debate that we had on this subject, the assurance was given?

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member ought to look up the debate and cite it.

Seth Govind Das: I am asking whether it is not a fact that the assurance was given?

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member representing the Government was not then in the House; and, therefore, you cannot expect him to remember it. The Honourable Member must himself cite that passage in the debate where the assurance was given.

Seth Govind Das: I am citing that in the last debate this assurance was given by the Government.

Mr. President (The Honourable Sir Abdur Rahim): That is not citing.

Seth Govind Das: I am citing the fact that in the last debate, the Government announced that they would be bound by the vote of the House.

(No answer.)

Mr. Bhulabhai J. Desai: The question is put as to what happened in the past. Now I will put a question about the present. Will the Government now declare whether final negotiations will not terminate into an agreement without a vote of the House?

Mr. H. Dow: That is entirely a different question.

Mr. Bhulabhai J. Desai: That is the question I am asking.

Mr. H. Dow: There is a later question dealing with that point.

Mr. Bhulabhai J. Desai: May I take it that it will be answered later on.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member says there is a later question.

Mr. Bhulabhai J. Desai: Will this question be answered? I do not mind when.

Mr. H. Dow: The question is down on the agenda today, and if the question is reached, it will undoubtedly be answered to the best of my ability.

Mr. Bhulabhai J. Desai: I do not mind when it is answered so long as I am assured that it will be answered.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member had better wait till that question is reached.

NEGOTIATIONS FOR THE INDO-BRITISH TRADE AGREEMENT.

58. ***Mr. Mann Subedar:** Will the Honourable Member for Commerce and Labour be pleased to state what period has expired since the first communication from or to the authorities in the United Kingdom, relating to the Indo-British Trade Agreement, took place?

Mr. H. Dow: Notice of termination of the Ottawa Trade Agreement was given on behalf of the Government of India on the 13th May, 1936.

Mr. Mann Subedar: Will Government be pleased to lay on the table the correspondence which has subsequently taken place between the Government of India and the Government of the United Kingdom on this subject?

Mr. H. Dow: No, Sir.

Mr. Abdul Qayyum: Why not?

Mr. Mann Subedar: Is there any objection to placing this correspondence on the table? Any ground of public interest?

Mr. H. Dow: Yes, Sir. It is not in the public interest.

Mr. Manu Subedar: As so much time has elapsed these have almost become historical documents. Why not place them on the table now?

NEGOTIATIONS FOR THE INDO-BRITISH TRADE AGREEMENT.

59. *Mr. Manu Subedar: Will the Honourable Member for Commerce and Labour be pleased to state:

- (a) at what stage the negotiations for the Indo-British Trade Agreement are;
- (b) whether Government will take this House into their confidence with regard to the nature of the difficulty which has arisen;
- (c) whether Government have brought any pressure on the non-official Advisers to accept conditions which they were not originally prepared to accept, in order to have a compromise; and
- (d) what those conditions are?

Mr. H. Dow: (a) and (b). The Honourable Member's attention is invited to the Press Communiqué issued by the Commerce Department on the 6th January, 1932.

(c) No, Sir.

(d) Does not arise.

Mr. K. Santhanam: With reference to part (c), are we to understand that Government are acting on the advice of the non-official advisers?

Mr. H. Dow: That is set out in the communiqué to which I have referred.

Mr. Manu Subedar: Do I understand that the Honourable the Commerce Member has taken with him now the terms which the non-official advisers advised in the first instance, or has he taken different terms?

Mr. H. Dow: I will quote one sentence from the communiqué:

"Since Sir Muhammad Zafrullah's return Government have reviewed the position which has been reached, and they have decided that further progress should be sought along certain lines suggested by the non-official advisers."

I can add nothing usefully to that.

Mr. Manu Subedar: Was this the second suggestion after they were called at Delhi or was it the first suggestion before they set out for the United Kingdom?

Mr. H. Dow: I am not prepared to answer that question.

Prof. N. G. Ranga: Can we have an indication of the lines along which progress was suggested by the non-official advisers?

Mr. H. Dow: No, Sir.

Mr. Bhalabhai J. Desai: Were any instructions given distinctly different to those which formed the opinion or the basis of opinion of the non-official advisers?

Mr. H. Dow: I am not prepared to disclose the exact nature of the instructions which have been given to Government's delegate.

Mr. Bhulabhai J. Desai: I am not asking for the actual subject-matter, but is it, or is it not, a fact that instructions have been given which materially differ from the basis of the opinion of the non-official advisers?

Mr. H. Dow: I am not prepared to indicate even the character of the instructions that have been given.

Mr. Bhulabhai J. Desai: Is the Honourable Member prepared to indicate whether they did differ at all?

Mr. H. Dow: No, Sir.

Mr. Bhulabhai J. Desai: May I take it that they did differ?

Mr. H. Dow: You may not, Sir, (Laughter.)

TRADING DISABILITIES OF INDIANS IN THE UNITED STATES OF AMERICA.

60. ***Sardar Mangal Singh:** Will the Honourable Member for Commerce and Labour please state:

- (a) whether Government are aware of the trading disabilities of Indians in the United States of America;
- (b) what steps Government propose to take to remove these disabilities; and
- (c) whether Government propose to negotiate a trade treaty with the United States of America?

Mr. H. Dow: The question should have been addressed to the Foreign Secretary.

SLUMP IN THE COTTON PRICES.

61. ***Sardar Mangal Singh:** Will the Honourable Member for Commerce and Labour please state:

- (a) whether Government are aware of the sad plight of the cotton-growers owing to the slump in cotton prices;
- (b) what steps Government propose to take to raise the price of cotton or at least to prevent further fall in prices; and
- (c) whether Government are prepared to consider the proposal to impose import duties on foreign cotton of a certain staple?

Sir Girja Shankar Bajpai: (a) Government are aware of the adverse effect on cotton growers owing to the slump in cotton prices.

(b) and (c). Representations for an increase in the rate of the import duty on cotton have been received and are under examination.

Mr. Bhulabhai J. Desai: Is there any other matter relating to the subject-matter of item (b) under the consideration of Government?

Sir Girja Shankar Bajpai: No, Sir.

Mr. Bhulabhai J. Desai: Are any questions relating to the decrease in freights between certain cotton growing districts either for the purpose of consumption internally or for the purpose of export under consideration?

Sir Girja Shankar Bajpai: I believe, Sir, there is a separate question on that point which will come up on the 4th February, and it will be answered then.

Mr. M. S. Aney: Do Government see the urgency of deciding this matter?

Sir Girja Shankar Bajpai: The particular suggestion referred to in part (c) of the question will be disposed of as early as possible.

Mr. M. S. Aney: I am referring to part (b) of the question.

Sir Girja Shankar Bajpai: I have already said in reply to my Honourable friend, the Leader of the Opposition, that with the exception of the question of the raising of the cotton import duty no other suggestion is under examination.

Mr. M. S. Aney: Then as regards that, do Government see the urgency of deciding it at an early date?

Sir Girja Shankar Bajpai: That I answered in reply to my Honourable friend's previous supplementary question; we will try and decide the matter as early as possible.

Mr. Sami Vencatachelam Chetty: Have Government received a copy of the recommendations of the sub-committee of the All-India Congress Committee in regard to this matter?

Sir Girja Shankar Bajpai: I have not seen any such representation.

Mr. Bhulabhai J. Desai: Has it not been seen in the press at all,—the recommendation of the committee that was appointed by the working committee of the Congress containing six recommendations? I may refresh my Honourable friend's memory because I intend to ask a few questions. I refer to the report that was made recommending six measures for the purpose of remedying the difficulties suffered by the cotton-growing peasants by reason of the unprecedented fall in cotton prices.

Sir Girja Shankar Bajpai: I confess I have not read this particular report.

Mr. Bhulabhai J. Desai: Then I will ask questions without reference to it. Has any question been considered of a subsidy to the cotton exporters?

Sir Girja Shankar Bajpai: I should like my Honourable friend to remember what I said in reply to parts (b) and (c) of the question, namely, that so far as I know, with the exception of the proposal for imposing an import duty on foreign cotton of a certain staple, no proposal for subsidy, or any other proposal of a similar character, has been considered by Government.

Mr. Bhulabhai J. Desai: While the answer may appear adequate, the object of the question, even though the answer may be in the negative, is to call the attention of Government to specific measures. Therefore, I do propose to ask a question even if the answer is in the negative. Has any other question been considered, apart from freight, apart from import duty and apart from subsidy,—a question like that of reapportionment of the crop area under cultivation?

Sir Girja Shankar Bajpai: Not so far as I am aware.

Mr. K. Santhanam: May I know whether the Government of India are in consultation with the Provincial Governments as to the methods of dealing with the slump?

Sir Girja Shankar Bajpai: Two Provincial Governments have made representations to the Government of India and those are the recommendations which are under examination.

Mr. Sami Vencatachelam Chetty: May I know whether these representations cover the question of crop regulation?

Sir Girja Shankar Bajpai: These two representations do not refer to the question of crop regulation.

Mr. Bhulabhai J. Desai: Have any representations been received by Government from the East India Cotton Association?

Sir Girja Shankar Bajpai: I do not think any representation has been received by the Government of India direct. I believe representations have been made to the Government of Bombay and the Government of Bombay have taken them into account in making their representations to the Government of India.

Mr. Bhulabhai J. Desai: What are the recommendations of the Government of Bombay?

Sir Girja Shankar Bajpai: I am afraid I cannot answer that without notice. I have not got them in my mind.

Mr. Bhulabhai J. Desai: After all it is only by way of relief to the peasants, and without going into any detail will the Honourable Member give the heads of suggestion made by the Government of Bombay?

Sir Girja Shankar Bajpai: Speaking from memory,—and I think I am correct in my recollection,—I would say that the only recommendation which the Government of Bombay have made relates to the increasing of the rate of import duty on cotton of a certain staple.

Prof. H. G. Ranga: What action do Government propose to take on that?

Sir Girja Shankar Bajpai: I have said more than half a dozen times that that particular recommendation is being examined.

PURCHASE OF STIPULATED QUANTITY OF COTTON BY JAPAN.

62. ***Sardar Mangal Singh:** Will the Honourable Member for Commerce and Labour please state:

(a) whether Japan is taking from India the stipulated quantity of cotton, particularly from October last; and

(b) what steps Government propose to take to force Japan to fulfil the terms of the agreement?

Mr. H. Dow: (a) Yes, Sir. The provisions of the Protocol to which the Honourable Member refers are based on the total exports for the calendar year. Exports of raw cotton from India to Japan during 1937 (excluding December, for which figures are not yet available) amounted to 1,931,343 bales, against the minimum of one million bales provided for by Article 3 of the Protocol. There is consequently no breach of the Protocol, although exports during the latter part of 1937 were below normal.

(b) Does not arise.

Mr. Manu Subedar: Are Government aware that a part of the money for this cotton which was exported is being retained by the Japanese Cotton Spinners' Association to the great prejudice of the cotton exporters of India?

Mr. H. Dow: That is a matter which, I submit, does not arise out of this question.

Mr. K. Santhanam: May I know whether it is not an implied term of the Protocol that all exports should be paid for?

Mr. H. Dow: No.

Mr. Bhulabhai J. Desai: Is it the meaning of the agreement that cotton will be taken and no money will be paid? Is that enforcing the agreement?

Mr. H. Dow: There is nothing in the agreement which prevents cotton being given away free. The agreement does not concern itself with the question of the payment.

Mr. Bhulabhai J. Desai: The agreement does not concern itself with gifts of cotton from the rich country of India to poor Japan!

Mr. Manu Subedar: Will Government take any steps if they find that the monies which rightfully belong to the cotton exporters are being wrongfully retained by the Japan Cotton Spinners' Association?

Mr. H. Dow: That is a purely hypothetical question, and it does not also arise out of the original question.

Mr. M. S. Aney: Is it not a fact that money belonging to the cotton growers in India is being withheld today?

Mr. H. Dow: I submit it does not arise out of this question, but I would refer the Honourable Member to the communiqué on the subject which was issued by the Commerce Department only last Saturday.

Mr. Bhulabhai J. Desai: Was not the substance of the communiqué this, that the prices are not being fully paid?

Mr. H. Dow: The terms of the communiqué are available in the Library, and the Honourable Member must draw his own conclusions.

Mr. Bhulabhai J. Desai: If I state the conclusion as being that they are not being paid, do the Government propose to take any steps in the interests of the Indian sellers to secure the price?

Mr. H. Dow: This is a question of which I should require notice.

Mr. Manu Subedar: Do Government consider that withholding the price is a breach of the agreement or not?

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

Prof. N. G. Ranga: Have Government made any representations to the Government of Japan in this matter?

Mr. H. Dow: No.

Mr. Badri Dutt Pande: Are they so terrified of Japan? (Laughter.)

INDO-BRITISH TRADE AGREEMENT.

63. ***Sardar Mangal Singh:** Will the Honourable Member for Commerce and Labour please state:

- (a) whether Government are prepared to publish the report of the non-official advisers submitted to the Government of India regarding the Indo-British trade pact;
- (b) when the Indo-British trade pact will be concluded;
- (c) whether non-official advisers would be consulted before the final settlement;
- (d) whether this House would be consulted before the agreement is signed, or whether Government will bring it before this House for final ratification; and
- (e) whether Government are prepared to abide by the decision of this House?

Mr. H. Dow: (a) No, Sir.

(b) Government are not in a position to say.

(c) Yes, if necessary.

(d) and (e). The Honourable Member's attention is invited to the answers given on the 23rd August and 29th September, 1937, to parts (e) and (j) respectively of Mr. Satyamurti's starred questions Nos. 15 and 880 and supplementaries.

Prof. N. G. Ranga: Are these non-official advisers likely to be called to London for further consultations?

Mr. H. Dow: Not so far as I am aware.

Prof. N. G. Ranga: What is the object in having constituted these non-official advisers

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

Prof. N. G. Ranga: Is there any stage at which the Government of India contemplate consulting these non-official advisers again before they finally accept any results of the negotiations that are being carried on now by their Commerce Member?

Mr. H. Dow: I have answered that in part (c) of the question.

Mr. Manu Subedar: Is it proposed that non-officials from the United Kingdom should come and advise here?

Mr. President (The Honourable Sir Abdur Rahim): There is nothing in the question about non-official advisers from the United Kingdom.

Mr. Manu Subedar: I ask if non-official advisers will come from the United Kingdom here—whether Government have any proposal of that kind if these negotiations are carried on for another couple of years?

Mr. H. Dow: There is no such proposal before Government.

Sardar Mangal Singh: May I know at what stage this House will be consulted in the matter, before the signing of the treaty or after?

Mr. H. Dow: That at present is a purely hypothetical question. Government are not aware whether there will be an agreement or what the nature of the agreement will be, and, therefore, Government are unable to make up their minds on this particular question.

Mr. Manu Subedar: If an agreement is arrived at, will Government consult the House?

Mr. H. Dow: That is a hypothetical question.

Mr. Bhulabhai J. Desai: May I take it that depends on the nature of the agreement whether they will consult this House or not?

Mr. H. Dow: That is a matter on which the Honourable Member must draw his own conclusions.

Mr. Bhulabhai J. Desai: I am asking a definite question of fact: do I understand the Honourable Member to say that if it suits the Government, if the terms are such, then they will consult the House, but not otherwise?

Mr. H. Dow: What I wish the Honourable Member to understand is that when this hypothetical contingency matures into an acknowledged certainty, then Government will make up their mind what action they will take in the circumstances.

Mr. Bhulabhai J. Desai: Do I understand Government to say that there are prospects that no agreement will be reached?

Mr. H. Dow: No.

Mr. Bhulabhai J. Desai: Then I take it that there are prospects that an agreement will be reached?

Mr. H. Dow: Yes.

Mr. Bhulabhai J. Desai: If that is so, will Government consult this House?

Mr. H. Dow: The Honourable Member has again got into the field of hypothesis.

Mr. Bhulabhai J. Desai: I have asked two questions which have been answered but the third arises out of these two.

Mr. President (The Honourable Sir Abdur Rahim): The point of his answer is that he is unable to answer this question now.

SUGAR IMPORTED INTO INDIA AND INDIAN SUGAR EXPORTED TO BURMA.

64. ***Sardar Mangal Singh:** Will the Honourable Member for Commerce and Labour please state:

- (a) the amount of sugar imported into India during the last quarter of 1937; and
- (b) the amount of Indian sugar exported to Burma during the same quarter?

Mr. H. Dow: (a) The quantity of sugar imported into British India during the last quarter of 1937 was about 6,200 tons.

(b) The information has been called for and will be supplied to the House when available.

Mr. Badri Dutt Pande: Where did the bulk of the sugar come from?

Mr. H. Dow: I am unable to answer that without notice; but the total is only 6,000 tons, and I should imagine that the bulk of it is either from Java or from the United Kingdom, being special kinds of sugar.

LABOUR DISPUTES ON RAILWAYS.

165. ***Mr. Akhil Chandra Datta:** (a) Will the Honourable Member for Commerce and Labour state and explain the policy of the Government of India for dealing with labour disputes on Railways?

(b) What steps, if any, have actually been taken recently for preventing and settling such disputes?

(c) Has any machinery, permanent or temporary, been set up for this purpose? If so, for which Railways?

Mr. A. G. Clow: I would refer the Honourable Member to the latter part of the reply given today to his question No. 36.

WARDHA SCHEME OF EDUCATION.

66. ***Mr. M. Ananthasayanam Ayyangar:** Will the Secretary for Education, Health and Lands please state whether Government have considered the Wardha scheme of education propounded by Mahatma Gandhi, and whether any steps are being taken by Government in regard to the centrally administered areas (i) in the matter of giving instruction in the mother tongue of the pupil, (ii) in giving vocational training and (iii) in making elementary education free and compulsory?

Sir Girja Shankar Bajpai: The whole question of primary and secondary education, which includes the Wardha scheme of education, is at present under consideration in all its aspects, including those referred to by the Honourable Member. I lay on the table of the House a statement showing the action which has already been taken to provide facilities for vocational training and to introduce free and compulsory elementary education in the centrally administered areas.

Statement.

(a) *Vocational Training.*

In Delhi there is a Government Commercial Institute and also a Government Industrial School.

In Ajmer-Merwara vocational classes in carpentry, agriculture, tailoring and carpet making have been attached to certain Government Vernacular Middle Schools.

In Baluchistan there are clerical and commercial classes at Pishin.

In Coorg there is a Weaving School at Sanivarsante and an Industrial School at Virajpet. Instruction in poultry farming and bee-keeping has also been introduced in certain schools as an experimental measure.

(b) *Free and Compulsory Elementary Education.*

Free and compulsory elementary education for boys has been introduced in six out of the nine wards under the Delhi Municipality and in sixteen villages under the District Board. In Ajmer City its introduction is under consideration.

Elementary education is free for girls in the Delhi Province and in Coorg and for both boys and girls in Ajmer-Merwara and Baluchistan.

Mr. M. Ananthasayanam Ayyangar: Is the Honourable Member considering the resolution of the Educational Conference at Calcutta where the Wardha scheme also was considered?

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

Sir Girja Shankar Bajpai: The Central Advisory Board of Education has set up a committee of its own to examine the Wardha scheme, including the scheme of the Educational Conference.

Mr. K. Santhanam: May I know to what stage instruction is given in the mother tongue in the centrally administered areas?

Sir Girja Shankar Bajpai: So far as I know in the primary stage all instruction is given in the mother tongue.

Mr. K. Santhanam: Is it given in the mother tongue in the secondary stage?

Sir Girja Shankar Bajpai: I believe in certain classes, yes.

Mr. K. Santhanam: What classes?

Sir Girja Shankar Bajpai: I could not say off-hand.

Seth Govind Das: May I know, Sir, if the Vidya Mandir Scheme which has been accepted by the Central Provinces Government is being considered by the Central Advisory Board of Education?

Sir Girja Shankar Bajpai: Copies of the Vidya Mandir Scheme were supplied by the Honourable Minister concerned himself to the members of the Central Advisory Board of Education, and that scheme will also be considered by the proposed Committee.

MEDICAL INSPECTION OF SCHOOL CHILDREN IN THE CENTRALLY ADMINISTERED AREAS.

67. ***Mr. M. Ananthasayanam Ayyangar:** Will the Secretary for Education, Health and Lands please state whether Government have considered any scheme for the compulsory annual medical inspection of all school children, and is such medical inspection insisted upon in the schools in the administered areas? If not, why not?

Sir Girja Shankar Bajpai: Medical inspection of children in the schools under the control of Provincial Governments is primarily the concern of those Governments. So far as the centrally administered areas are concerned, arrangements already exist for the periodical medical inspection of school children in Delhi Province. In Coorg, Ajmer-Merwara and Baluchistan medical inspection of only students residing in hostels attached to some of the schools is carried out. Medical inspection of all school children in these three provinces is not undertaken owing to want of funds.

ACTION ON THE ABBOTT-WOOD REPORT ON VOCATIONAL EDUCATION.

68. ***Mr. M. Ananthasayanam Ayyangar:** Will the Secretary for Education, Health and Lands please state what action has been taken upon the Abbott-Wood report on vocational education in India.

Sir Girja Shankar Bajpai: The views of the Provincial Governments on the recommendations contained in the Wood-Abbott Report have been

obtained and referred, along with the report, to the Central Advisory Board of Education for consideration. Further action must await the recommendations of the Board.

Mr. M. Ananthasayanam Ayyangar: Have the opinions of all Provincial Governments been invited on the Report or only the opinions of the three Provincial Governments?

Sir Girja Shankar Bajpai: No, Sir, copies of the Report were sent to all the Local Governments, and they were asked not merely to consider the Report, but also to communicate, if they wished, any views they might have to the Government of India.

INDIAN TRADE WITH AFGHANISTAN.

69. ***Mr. Abdul Qaiyum:** (a) Has the attention of the Honourable Member for Commerce and Labour been drawn to a statement issued by the Honorary Secretary, Frontier Chamber of Commerce, Peshawar, published in the *Tribune*, Lahore, dated the 5th January, 1938?

(b) Is it a fact that before 1921-22, a system of free trade existed between India and Afghanistan?

(c) When was the system of custom drawback introduced in favour of Afghanistan, and what was the system in existence before the coming in of the drawback system?

(d) Is it a fact that in 1933 a big Joint Stock Company was set up in Afghanistan and granted the sole monopoly to import sugar, iron, cement, petrol, motor cars and dyes? If so, is it a fact that Indian traders lost their valuable trade in consequence?

(e) Is it a fact that the monopoly of import of dry fruits into India from Afghanistan has been recently handed over to the same or a similar concern? If so, is it a fact that Indian traders have been completely driven out of this trade?

Mr. H. Dow: (a) Yes.

(b) According to our information, no customs duty was levied by the Government of India on goods imported from, or exported to, Afghanistan prior to 1923. No information is available to show whether customs duties were levied before that year by the Afghanistan Government on their imports and exports.

(c) The existing system relating to the grant of rebate of customs duty on goods re-exported to Afghanistan has been in operation since 1923. Prior to that year no rebate of duty was admissible on such goods.

(d) The information in the possession of Government shows that a Company was formed in Afghanistan in 1933 and was given the monopoly to import sugar, petrol, motor oil and motor vehicles and their accessories. Government are not aware whether the same, or another, Company has been granted a monopoly in respect of the other articles mentioned by the Honourable Member, and if so, when? Government have no reason to doubt that the monopoly system in Afghanistan, like any other State monopoly, has tended to eliminate foreign middlemen from the trade in the articles concerned and that Indian traders have suffered in consequence.

(e) So far as Government are aware, a Fruit Monopoly Company was formed some years ago in Kandhar and another such Company has recently been established at Kabul. As I have just stated, those monopolies cannot but adversely affect Indians who have hitherto been carrying on the fruit trade with Afghanistan.

Mr. Abdul Qaiyum: May I know, Sir, whether it is a fact that all this import business into Afghanistan was conducted by Indian traders before 1933?

Mr. H. Dow: I believe, Sir, the bulk of it was in the hands of Indian traders.

Mr. Abdul Qaiyum: Then may I know, Sir, with reference to part (e) of the question, whether the dry fruit monopoly has thrown a very large number of Indians out of employment?

Mr. H. Dow: Is the Honourable Member referring to Indians in Afghanistan?

Mr. Abdul Qaiyum: Whether in Afghanistan or in India, I want to know if this dry fruit monopoly has thrown a large number of Indians out of employment?

Mr. H. Dow: As I have said in my answer, monopolies of this kind are bound to adversely affect Indians who have hitherto been carrying on the trade.

Mr. K. Santhanam: Do the Government of India propose to take any action by way of putting an import duty on fruit imported from Afghanistan?

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

DUTIES ON IMPORTS AND EXPORTS OF AFGHANISTAN.

70. **Mr. Abdul Qaiyum:** Will the Honourable Member for Commerce and Labour please state whether imports into Afghanistan from India are subject to a duty of something like 35 per cent. and exports from Afghanistan into India enter duty free?

Mr. H. Dow: The rates of import duties in Afghanistan vary on different articles, the duty on some articles being as low as one per cent. and on some others as high as 35 per cent. With regard to the latter part of the question the majority of exports from Afghanistan enter India duty free, though a duty has recently been imposed on certain articles. In this connection I would invite the Honourable Member's attention to the Government of India, Department of Commerce, Notification No. 24-H(1)/37, dated the 29th January, 1938, which was published in the *Gazette of India* of the same date.

Mr. Abdul Qaiyum: May I know, Sir, what articles coming from Afghanistan have been subjected to duty?

Mr. H. Dow: They are set out in the Schedule attached to the notification.

Mr. M. Ananthasayanam Ayyangar: Do the Government of India contemplate taking any action in view of the fact that 35 per cent. duty is imposed by Afghanistan on articles exported from India?

Mr. President (The Honourable Sir Abdur Rahim): I don't think I can allow that question.

Mr. M. Ananthasayanam Ayyangar: I want to know, Sir, whether Government propose to impose a corresponding duty?

Mr. President (The Honourable Sir Abdur Rahim): That is asking for action.

Mr. M. Ananthasayanam Ayyangar: Why does not the Government take any action by way of retaliation?

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

Prof. N. G. Ranga: Is there any trade agreement between Afghanistan and India?

Mr. H. Dow: Not at present.

Mr. M. Ananthasayanam Ayyangar: In view of what is taking place so far as our business with Afghanistan is concerned, do Government?

Mr. President (The Honourable Sir Abdur Rahim): There is another question on that.

LOSS TO INDIAN TRADERS OF THE FRONTIER DUE TO TRADE REGULATIONS IN AFGHANISTAN.

71. ***Mr. Abdul Qaiyum:** Is the Honourable Member for Commerce and Labour aware that owing to these trade regulations by Afghanistan a very large number of Indian traders on the frontier have been thrown out of employment and have suffered great financial losses?

Mr. H. Dow: I am not clear what exactly the Honourable Member means by "these" trade regulations, but if he is referring to the Afghan monopolies these must have caused some loss to those Indian traders who in the past have acted as middlemen.

Mr. Abdul Qaiyum: May I know, Sir, if it is not a fact that hundreds of people have been forced to stop their business altogether as a result of this trade monopoly, especially the most recent trade monopoly in connection with dry fruit?

Mr. H. Dow: I am not aware of the numbers of the people who are affected by these orders, but I am prepared to take it from the Honourable Member that the number must be considerable.

Mr. Abdul Qaiyum: Will the Honourable Member please try to ascertain the extent of fall in the income of these people?

Mr. H. Dow: I should like the Honourable Member to suggest the manner in which this can be done.

Prof. N. G. Ranga: Will Government be pleased to inquire and find out how many people have been thrown out of employment as a result of this monopoly?

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

DESIRABILITY OF A RECIPROCAL TRADE AGREEMENT WITH AFGHANISTAN.

72. ***Mr. Abdul Qaiyum:** Will the Honourable Member for Commerce and Labour please state whether the Government of India will negotiate a reciprocal pact with Afghanistan or failing that agree to subject the import from Afghanistan into India to a heavy Custom duty?

Mr. H. Dow: Government have under consideration the question of devising means for improving India's trade with Afghanistan, but they are not at present disposed to take the action suggested in the latter portion of this question.

Mr. Abdul Qaiyum: May I know if the Government of India have made any representation to the Afghan Government in view of this most recent dry fruit monopoly?

Mr. H. Dow: No, Sir.

Mr. Abdul Qaiyum: May I know whether the Government intend to make a representation immediately on the subject?

Mr. H. Dow: I think the Honourable the President has already disallowed this question.

Mr. Abdul Qaiyum: May I know, Sir, if this question has been disallowed?

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

Mr. Abdul Qaiyum: My question is whether Government propose to make immediate representations to the Afghanistan Government in view of this most recent dry fruit monopoly?

Mr. President (The Honourable Sir Abdur Rahim): I don't think that question has been disallowed.

Sir Aubrey Metcalfe: May I point out, Sir, that a question asking about diplomatic negotiations on this very subject with the Afghan Government was disallowed. Representations can only be made through diplomatic channels.

Mr. President (The Honourable Sir Abdur Rahim): No, no; this relates only to trade negotiations.

Mr. Abdul Qaiyum: May I have an answer to my question?

Mr. H. Dow: I am afraid I must require notice.

Mr. Abdul Qaiyum: May I know whether the Government of India will immediately make an attempt to put on very heavy duties on Afghanistan goods entering this country?

Mr. H. Dow: I have already answered that part of the question.

COMPOSITION OF THE CENTRAL ADVISORY BOARD OF EDUCATION.

73. ***Maulvi Abdur Rasheed Chaudhury:** (a) Will the Honourable Member in charge of Education please state the total number of members of the Central Advisory Board of Education established by the Government of India? How many of them are Muslims?

(b) How many members were nominated by Government?

(c) Did Government nominate any Muslim member? If so, what is his name?

Sir Girja Shankar Bajpai: A statement giving the information asked for by the Honourable Member is laid on the table of the House.

Statement showing the total number of Members of the Central Advisory Board of Education and the number of Muslim Members.

Total number of members including the Chairman.	28
Number of Muslim members	5
Number of members who are nominated by the Government of India.	10
Name of the Muslim member nominated by the Government of India.	The Right Honourable Sir Akbar Hydari, LL.D., Prime Minister, His Exalted Highness the Nizam's Government, Hyderabad State.

Maulvi Abdur Rasheed Chaudhury: On what considerations were the members of the Advisory Board selected?

Sir Girja Shankar Bajpai: The considerations are set out in the Resolution of the Government of India constituting the Board, a copy of which is available in the Library of the House.

Mr. M. Ananthasayanam Ayyangar: I want information on this point.

12 NOON. So far as the Central Advisory Board is concerned. I asked certain questions which you disallowed stating that it was not within the province of the Department of Education, Health and Lands, but here in this case . . .

Mr. President (The Honourable Sir Abdur Rahim): If it has been disallowed it has been disallowed, and it cannot be discussed now.

Mr. M. Ananthasayanam Ayyangar: I want further information now so that I may not put similar questions.

Mr. President (The Honourable Sir Abdur Rahim): I cannot allow any ruling that I may have given to be discussed.

Mr. M. Ananthasayanam Ayyangar: I am not discussing your ruling, Sir. I would like to know the ratio *decidendi* of your disallowance and in what particular manner I was wrong so that I may guard myself hereafter.

Mr. President (The Honourable Sir Abdur Rahim): I have told the Honourable Member that I cannot allow it to be discussed.

Mr. M. Ananthasayanam Ayyangar: Then may I open correspondence with you on that?

Mr. President (The Honourable Sir Abdur Rahim): No. The Honourable Member knows what the procedure is whenever any question is disallowed.

(b) WRITTEN ANSWERS.

COMPOSITION OF THE SUB-COMMITTEES OF THE CENTRAL ADVISORY BOARD OF EDUCATION.

74. ***Maulvi Abdur Rasheed Ohaudhury**: (a) Will the Honourable Member in charge of Education please state how many sub-committees the Central Advisory Board of Education has appointed and what is the total number of members on each sub-committee?

(b) Is there any Muslim on any of those sub-committees?

Sir Girja Shankar Bajpai: (a) A statement giving the information asked for by the Honourable Member is laid on the table of the House.

(b) Yes. Four out of the five sub-committees have Muslim members

Statement showing the number of Sub-Committees appointed by the Central Advisory Board of Education and the number of Members on each of them.

Sub-Committees.	Number of members.
1. Women's Education Committee	6
2. Secondary Education Committee	7
3. Vernacular Education Committee	6
4. Vocational and Professional Education Committee	6
5. Committee to examine the scheme of educational reconstruction incorporated in the Wardha Scheme in the light of the Wood-Abbott Report and other relevant documents	12

AMOUNT ALLOTTED FOR THE IMPROVEMENT OF GIRLS' EDUCATION.

75. ***Maulvi Abdur Rasheed Chaudhury:** (a) Will the Honourable Member for Education, Health and Lands please state the amount which the Government of India have placed at the disposal of the Education Department to spend for the improvement of girls' education either directly or through the advice of any sub-committee?

(b) Who is the sanctioning authority of this grant?

(c) Was any grant given to any Muslim girls' institution?

Sir Girja Shankar Bajpai: (a) The Government of India do not make any separate allotment of funds for the specific purpose of improving girls' education.

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

ESTABLISHMENT OF TRAINING COLLEGES FOR WOMEN.

76. ***Maulvi Abdur Rasheed Chaudhury:** (a) Will the Honourable Member in charge of Education please state whether the Government of India have taken any action to encourage the establishment of any Training College for women?

(b) Did any University now under the control of the Government of India take any initiative in this matter? What encouragement, if any, did the Government of India give?

Sir Girja Shankar Bajpai: (a) No. The Government of India are concerned only with the requirements of the centrally administered areas. The establishment of a Women's Training College for these areas is not considered necessary.

(b) The authorities of the Aligarh Muslim University recently submitted a proposal to raise the Muslim Girls' Intermediate College, Aligarh, to the degree standard and to provide instruction in "Education" as a part of the B.A. course, pending the establishment of a fully-equipped Training College for Women in connection with a larger scheme for the expansion of the activities of the University which is under their consideration. The Government of India, who already make a grant of Rs. 3 lakhs per annum to the University, were unable to give any additional grant towards the cost of this proposal.

RESEARCH SCHEMES IN INDIA.

77. ***Mr. Badri Dutt Pande:** (a) Will the Secretary for Education, Health and Lands be pleased to state what research schemes are in progress in India and what research schemes and investigations were sanctioned by the Government of India in December 1937?

(b) Will Government be pleased to give a short resume of the work done by these research departments and their usefulness to the public or the agricultural and other Departments?

(c) Was a small committee appointed to go into the question and see how results of laboratory work could be brought to the cultivator and how it would be possible to bridge the gap between the cultivators and the experimental station? If so, with what results?

(d) What is the total annual cost of these research schemes?

Sir Girja Shankar Bajpai: If the Honourable Member will be good enough to specify the subjects of research for which he requires information, I shall endeavour to obtain the information for him.

REPRESENTATION URGING IMPOSITION OF AN IMPORT DUTY ON AUSTRALIAN WHEAT.

78. ***Mr. Badri Dutt Pande:** (a) Will the Honourable the Commerce and Labour Member be pleased to state if he has received any representation from the Indian Merchants Association, Lyallpur, to the effect that Australian wheat import is causing a heavy fall in wheat prices and that an import duty is essential?

(b) If so, what action have Government taken in this matter?

Mr. H. Dow: (a) Yes.

(b) Government are carefully watching the situation, but do not think that there is any case at present for the imposition of a protective duty.

UNSTARRED QUESTION AND ANSWER.

COMMITTEE FOR THE ADMINISTRATION OF THE GRANT FOR THE DEVELOPMENT OF THE SUGAR-CANE INDUSTRY.

6. **Prof. N. G. Ranga:** Will the Secretary for Education, Health and Lands be pleased to state:

- (a) whether any Committee has been constituted for the administration of Rs. 5 lakhs granted for the development of the marketing of sugarcane and otherwise improving the conditions of the cane-growers;
- (b) if so, what are the different interests represented on the committee, and in what proportions they are represented;
- (c) whether actual cane-growers are given any representation, and if so, in what proportion;
- (d) whether all provinces interested in cane-growing are represented on it;
- (e) what are the functions of this Committee; and
- (f) how this grant is proposed to be allocated as between the different cane-growing provinces, and what is going to be the basis of this allocation?

Sir Girja Shankar Bajpai: (a) No, the question is still under consideration.

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

MOTION FOR ADJOURNMENT.

REFUSAL OF THE UNDER SECRETARY OF STATE TO CONSULT THE PROVINCIAL GOVERNMENTS RE INTRODUCTION OF THE FEDERATION.

Mr. President (The Honourable Sir Abdur Rahim): Order, order. I have received notice of a motion for the adjournment of the business of the House from Mr. Avinashilingam Chettiar in these terms:

"I propose to move a motion for the adjournment of the House to discuss a definite matter of urgent public importance, namely, the refusal of the Under Secre-

Secretary of State in the British House of Commons to consult the Provincial Governments regarding the introduction of Federation as reported in the *Hindu*, dated 30th November 1937."

Mr. T. S. Avinashilingam Chettiar (Salem and Coimbatore *cum* North Arcot: Non-Muhammadan Rural): I do not want to move it.

Mr. President (The Honourable Sir Abdur Rahim): Mr. Govind V. Deshmukh has given notice of an adjournment motion, but he is not here.

MESSAGE FROM HIS EXCELLENCY THE GOVERNOR GENERAL.

Mr. President (The Honourable Sir Abdur Rahim): The following message has been received from His Excellency the Governor General:

"In exercise of the powers conferred by rule 2 of the Indian Legislative Rules, I, Victor Alexander John, Marquess of Linlithgow, hereby appoint the Honourable Sir Thomas Stewart to perform the functions assigned to the Finance Member under rule 46 of the said Rules on the occasion of the general discussion appointed for Thursday, the 17th February, 1938, on the statement of the estimated annual expenditure and revenue of the Governor General in Council in respect of Railways.

(Sd.) LINLITHGOW,

Viceroy and Governor General."

PANEL OF CHAIRMEN.

Mr. President (The Honourable Sir Abdur Rahim): I have to inform the House that under rule 3(1) of the Indian Legislative Rules, I nominate Mr. S. Satyamurti, Sir Cowasji Jehangir, Dr. Sir Ziauddin Ahmad, and Mr. L. C. Buss on the Panel of Chairmen for the current Session.

COMMITTEE ON PETITIONS.

Mr. President (The Honourable Sir Abdur Rahim): I have to announce that under standing order 80(1) of the Legislative Assembly Standing Orders the following Honourable Members will form the Committee on Petitions, namely:—

1. Mr. M. S. Aney.
2. Mr. M. Ghiasuddin.
3. Mr. N. M. Joshi.
4. Mr. L. C. Buss.

According to the provision of the same Standing Order, the Deputy President will be the Chairman of the Committee.

THE INDIAN COMPANIES (AMENDMENT) BILL.

Mr. President (The Honourable Sir Abdur Rahim): Legislative Business. Further consideration of the Bill further to amend the Indian Companies Act, 1913, for certain purposes, as reported by the Select Committee.

Dr. Sir Ziauddin Ahmad (United Provinces Southern Divisions: Muhammadan Rural): On a point of order, Sir. There was one Honourable gentleman who was speaking yesterday on the Tea Cess Committee and he has not finished. Can we change the order now?

Mr. President (The Honourable Sir Abdur Rahim): It is for the Government to fix the order of its business.

Dr. Sir Ziauddin Ahmad: Then what will happen to the speech of Mr. Dow?

Mr. President (The Honourable Sir Abdur Rahim): It will be continued when that item of business is taken up.

The Honourable Sir Nripendra Sircar (Law Member): My Honourable friend, Dr. Ziauddin Ahmad, will find that this matter will not take more than three minutes. It stood over to enable parties to come to some arrangement and I am glad that that has been done and the amendments have been circulated. I hope that Mr. Aikman will withdraw the amendment which has been discussed and move the agreed ones.

Mr. A. Aikman (Bengal: European): I believe it is necessary in the first instance for me to ask permission to withdraw the amendment which I moved yesterday when this matter was under discussion. I ask for permission to withdraw it.

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

Mr. A. Aikman: I beg to move:

"That in clause 13 of the Bill—

(a) for the words 'To section 277D of the said Act' the following be substituted, namely:

'Section 277D of the said Act shall be re-numbered as sub-section (1) of that section, and to the sub-section so re-numbered'

and

(b) after the second proviso added to section 277D by clause 13 the following shall be added as sub-section (2) of section 277D, namely:

'(2) This section shall be deemed not to have come into force until the commencement of the Indian Companies (Amendment) Act, 1938:

Provided that where the provisions of section 109 and sections 117 to 120 have not been complied with in respect of any charge or mortgage created since the 15th day of January, 1937, as required by this Act, those provisions shall be complied with within four weeks from the commencement of the Indian Companies (Amendment) Act, 1938."

I have altered the last two words "this Act" into "the Indian Companies (Amendment) Act, 1938" for the sake of clarity. The reason for this amendment was discussed yesterday and I would like to assure my Honourable friend, Mr. Ayyangar, that the non-Indian companies had nothing in their minds beyond making clear something which was not

clear in the Bill as drafted. I thank the Leader of the Congress Party for his constructive criticism which has enabled a much more practical amendment to be put forward before the House. Sir, I move.

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

"That in clause 13 of the Bill—

(a) for the words "To section 277D of the said Act" the following be substituted, namely:

'Section 277D of the said Act shall be re-numbered as sub-section (1) of that section, and to the sub-section so re-numbered' and

(b) after the second proviso added to section 277D by clause 13 the following shall be added as sub-section (2) of section 277D, namely:

'(2) This section shall be deemed not to have come into force until the commencement of the Indian Companies (Amendment) Act, 1938:

Provided that where the provisions of section 109 and sections 117 to 120 have not been complied with in respect of any charge or mortgage created since the 15th day of January, 1937, as required by this Act, those provisions shall be complied with within four weeks from the commencement of the Indian Companies (Amendment) Act, 1938'."

The motion was adopted.

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

"That clause 13 as amended, stand part of the Bill."

The motion was adopted.

Clause 13, as amended, was added to the Bill.

Mr. A. Aikman: Sir, my Honourable friend, Mr. Bartley, has pointed out that the first line of my next amendment is not correctly expressed. With your permission, I would make a slight change as follows:

I move:

"That after clause 13 of the Bill the following clause be inserted as clause 13A, namely:

'13A. To section 277E of the said Act, the following shall be added, namely:

'Provided that references in the said section to the Registrar shall be deemed to be references to the Registrar of the Province in which the principal place of business in British India of such company is situated, and references to the registered office of the company shall be deemed to be references to the principal place of business in British India of the company'."

The purpose of this amendment is to give a meaning to the word 'Registrar' where it occurs in sections 118 and 119 of the 1936 Act. The reason for this was fully explained to and appreciated by the House yesterday. Sir, I move.

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

"That after clause 13 of the Bill the following clause be inserted as clause 13A, namely:

'13A. To section 277E of the said Act, the following shall be added, namely:

'Provided that references in the said section to the Registrar shall be deemed to be references to the Registrar of the Province in which the principal place of business in British India of such company is situated, and references to the registered office of the company shall be deemed to be references to the principal place of business in British India of the company'."

The motion was adopted.

New clause 13A was added to the Bill.

Mr. J. Bartley (Government of India: Nominated Official): Sir, I move:

"That in clause 1 of the Bill, for the figures "1937" the figures "1938" be substituted."

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

"That in clause 1 of the Bill, for the figures "1937" the figures "1938" be substituted."

The motion was adopted.

Clause 1, as amended, was added to the Bill.

Mr. J. Bartley: Sir, I move:

"That the clauses of the Bill be re-numbered as necessitated by the amendments now made in the Bill."

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

"That the clauses of the Bill be re-numbered as necessitated by the amendments now made in the Bill."

The motion was adopted.

The Title and the Preamble were added to the Bill.

The Honourable Sir Nripendra Sircar: Sir, I move:

"That the Bill, as amended, be passed."

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

"That the Bill, as amended, be passed."

The motion was adopted.

THE INDIAN TEA CONTROL BILL.

Mr. H. Dow (Commerce Secretary): When my remarks were interrupted by the incidence of the adjournment motion yesterday afternoon, I was trying to deal with a few points which had been made by the Honourable Member, Mr. Ranga. I had explained why I did not think that his flattering suggestion that Government should themselves undertake all the duties of this Committee would be likely to appeal to a House which is generally keen on Government being guided by non-official opinion and even on handing over to non-official committees executive powers. I had also welcomed his interest in giving weightage to various minority interests and I had explained how to a great extent the Bill before the House seeks to give effect to the principle which he advocated.

Then I was just explaining that in his reference to the vast staff which was employed by the Indian Tea Licensing Committee he seemed to have got away altogether from the subject matter of this Bill. He was, I think, referring to the activities of the Tea Marketing and Expansion Board, which is set up under an entirely different Act. Actually the staff which is employed to administer this particular Act consists only, I believe, of two joint controllers, each with a few clerks. Finally, Mr. Ranga asked the members of the Select Committee to have a close eye upon the details of the Bill. Now, I am not sure what a close eye is. I hope it is not a

-closed eye, because we have gone out of our way to propose a Select Committee, the members of which have their eyes particularly wide open.

Prof. N. G. Ranga (Guntur *cum* Nellore: Non-Muhammadan Rural): On a piece of information. What about the stoppage of all appeals to any Court of law?

Mr. H. Dow: That is a question which I dealt with in my opening remarks, and I have no doubt that the Select Committee will also give further attention to the matter. I should now like to deal with one or two points made by Sardar Mangal Singh. He said that in my opening speech I had admitted that serious complaints had been made against the present Committee. Except in the sense that I am prepared to consider, until the contrary is made clear, that any complaint which is made is made with a serious intention, his statement is rather a travesty of what I actually said. I intended, at least, that my words should be taken rather as a tribute to the fairmindedness with which the Committee had tried to deal with the difficult tasks imposed upon them by the Act, while at the same time I was prepared to admit that the Committee, as they themselves fully realize, are not altogether as well qualified as they would like to be, especially in dealing with those matters where local knowledge and some knowledge of revenue regulations are required. In the second place, Sardar Mangal Singh referred to the amount of speculation which is going on in matters of export quota rights. I would like to assure him that the industry is fully alive to the existence of this speculation, but, I believe, disapproves of it; and that in the course of the Select Committee Government are quite prepared to lend their support to any redraft of the terms of the Bill which will tend to discourage such speculation. It is hardly necessary for me to say more about that, because it is a matter which can more appropriately be dealt with in the Committee itself. The third point, that Sardar Mangal Singh made was that he would like to have special representation for certain interests in the Dehra Dun district. Now the total acreage under tea in that area is five thousand acres, out of a total of 826,000 acres in the whole of India; you will see at once, Sir, that if we are going to give special separate representation merely to an area of five thousand acres, and if we are going to treat other areas in the same way, we should have to have a Committee of at least 160 people. That, I think, is entirely impracticable.

Another Honourable Member brought forward a somewhat similar plea on behalf of the Kangra Valley, where, I believe, the area grown actually under tea is something like 9,000 acres. Obviously, it is quite impossible to have a Committee of a size which will provide for special representation for such areas. As I have already pointed out, as regards the total, the Indian-owned gardens and the small gardens are getting a very much larger representation on the Committee than they are entitled to on a numerical basis.

Sir, I do not propose to take up the time of the House in dealing with points raised by other Honourable Members, not because I do not regard them as worth dealing with, but because the other Honourable Members who spoke are all Members of the Committee and their objections can be dealt with in the course of the Select Committee. Sir, I have no more to say in commending this motion to the House.

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

"That the Bill to provide for the control of the export of tea from, and for the control of the extension of the cultivation of tea in British India, be referred to a Select Committee consisting of Mr. Kuladhar Chaliha, Mr. Brojendra Narayan Chaudhury, Raizada Hans Baj, Mr. Thirumala Rao, Mr. Badri Dutt Pande, Dr. Sir Ziauddin Ahmad, Mr. Akhil Chandra Datta, Mr. P. J. Griffiths, Mr. F. E. James, Maulvi Abdur Rasheed Chaudhury, Mr. H. A. Sathar H. Essak Sait, Mr. G. D. Walker, Sir Girja Shankar Bajpai, Mr. A. K. Chanda and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

The motion was adopted.

THE MANŒUVRES, FIELD FIRING AND ARTILLERY PRACTICE BILL.

Mr. President (The Honourable Sir Abdur Rahim): The House will now resume consideration of the Bill to provide facilities for military manœuvres and for field firing and artillery practice, as reported by the Select Committee.

Mr. Sri Prakasa (Allahabad and Jhansi Divisions: Non-Muhammadan Rural): Sir, I have to raise a point of order. I understood the Honourable the Law Member to say yesterday that if notices of amendments are given to the clauses of Bills already introduced, even six months before the clauses come before the House for discussion, they are in order

Mr. President (The Honourable Sir Abdur Rahim): I cannot have any abstract question like that. There is no point of order, unless with reference to any particular amendment.

Mr. Sri Prakasa: Sir, I sent in a large number of amendments to the clauses of this Bill in October last and I do not find them on the order paper.

Mr. President (The Honourable Sir Abdur Rahim): They have lapsed.

Mr. Sri Prakasa: *That* is my point of order.

Mr. President (The Honourable Sir Abdur Rahim): *That* is the answer to your point of order.

Mr. Sri Prakasa: Sir, the Honourable the Law Member said that if notices are given even six months before, they are in order, but I find that my amendments though given only in October last, are supposed to have lapsed.

Mr. President (The Honourable Sir Abdur Rahim): I do not know whether the Honourable Member did say so or not but what I have stated is the rule.

Mr. Mohan Lal Saksena (Lucknow Division: Non-Muhammadan Rural): What about amendments to Resolutions? I find these have appeared on the order paper.

Mr. President (The Honourable Sir Abdur Rahim): When that point arises, I shall deal with it.

Mr. M. S. Aney (Berar: Non-Muhammadan): May I know if the Bill does not lapse, and it is under consideration, why the amendments given notice of to the Bill have lapsed? Under what rules have they so lapsed?

Mr. President (The Honourable Sir Abdur Rahim): Standing Order 4 says:

"On the termination of a Session :

- (1) All pending notices, other than notices of intention to move for leave to introduce a Bill, shall lapse and fresh notice must be given for the next Session : . . ."

Mr. M. S. Aney: Sir, leave to introduce a Bill is a different thing.

Mr. President (The Honourable Sir Abdur Rahim): All other notices lapse.

Clause 2. Mr. Brojendra Narayan Chaudhury.

Mr. Brojendra Narayan Chaudhury (Surma Valley cum Shillong: Non-Muhammadan): Sir, I beg to move:

"That in sub-clause (1) of clause 2 of the Bill, after the word 'Manœuvres', occurring in the third line, the words 'for purposes of training' be inserted."

The clause then will read thus:

"The Provincial Government may, by notification in the local official Gazette, authorise the execution of military manœuvres for purposes of training over any area specified in the notification during a specified period not exceeding three months," etc., etc.

Sir, from the Statement of Objects and Reasons it appears that the object of this legislation is to promote and proceed with the training of the army. My submission is that the Bill cannot, at any rate it ought not to, go beyond the scope of that object, so that unless we amend this clause by the additional words "for purposes of training", it might be supposed that the law intended by this Bill to assist in the other military operations, whether of the nature of a punitive action or otherwise. Apart from the technical nature of the point raised, viz., whether the Bill ought to go beyond the scope of the intention as set out in the Statement of Objects and Reasons, from the standpoint of reasonableness and for the safety of the innocent population, I think we ought not to arm the executive with this power. Today the assistance of the Local Governments is obtained for the purpose of quartering soldiers in schools and colleges so that they may be utilised for the purpose of punitive expedition. We have got reports from Kisan Sabhas from the district of the 24 Parganas that these military manœuvres are still going on there. So, my request to the House is a very simple one and it is also a reasonable one and I hope the House will accept it. Sir, I move.

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

"That in sub-clause (1) of clause 2 of the Bill, after the word 'Manœuvres', occurring in the third line, the words 'for purposes of training' be inserted."

Mr. C. M. G. Ogilvie (Defence Secretary): I may explain that all manœuvres of whatever kind are for the purposes of training and, therefore, it is unnecessary to insert those words.

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

"That in sub-clause (1) of clause 2 of the Bill, after the word 'Manœuvres', occurring in the third line, the words 'for purposes of training' be inserted."

The motion was negatived.

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

"That in the proviso to sub-clause (1) of clause 2 of the Bill, for the word 'two' the word 'four' be substituted."

The object of this amendment is that no area shall be visited by these manœuvres for more than once in four years and in the Bill it is said once in two years. I think the manœuvres may last for a few months at a time and it is quite necessary that a long period of rest should be given to each area. I hope this amendment will be accepted by the Government.

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

"That in the proviso to sub-clause (1) of clause 2 of the Bill, for the word 'two' the word 'four' be substituted."

Mr. C. M. G. Ogilvie: Sir, I think that all Parties in the House are agreed as to what are the main principles lying behind this measure and I think no one wishes in any way to hamper manœuvres. They are obviously necessary for the training of the defence forces of the country and no one wishes that the defence forces of the country should not be adequately trained. On the other hand, every one in this House wishes that people over whose lands manœuvres are conducted from time to time shall be promptly and adequately compensated. The amendment at present before the House would definitely hamper manœuvres. There are many places in which the minimum inconvenience to people is occasioned and it is in those places that manœuvres would naturally be frequently held. If manœuvres could be held in no place ordinarily for more than once in four years, the choice of desirable sites would undoubtedly be restricted, and manœuvres might have to be held in sites in which their holding would cause more trouble to the people and more dislocation in their ordinary daily avocations. I submit also that the amendment unduly fetters the discretion of the Provincial Governments. Members will see that section 2 reads thus:

"The Provincial Government may, by notification in the local official Gazette, authorise the execution of military manœuvres over any area specified in the notification"

The Provincial Government will presumably be careful not to allot any area in which unusual damage or dislocation to the life of the people is liable to occur. I cannot, therefore accept the amendment.

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

"That in the proviso to sub-clause (1) of clause 2 of the Bill, for the word 'two' the word 'four' be substituted."

The motion was negatived.

Mr. Mohan Lal Saksena: Sir, I beg to move:

"That in the proviso to sub-clause (1) of clause 2 of the Bill, for the words 'two years', occurring in the last line, the words 'three years' be substituted."

The amendment that has just now been rejected was for four years. My amendment is for a shorter period and I hope the Honourable Member will see his way to accept it. I may point out to the House that in the Military Manœuvres Act of Great Britain the provision is for five years. In other words, no area shall be specified over again for a period of five years. We must also remember that there the army is a national army while here we have got an army occupation and people do not generally like these army manœuvres when they know that when these manœuvres are held their privacy is likely to be disturbed and they are likely to be inconvenienced. One thing more. If these manœuvres are likely to make the country military-minded, then I think it is all the greater reason that these manœuvres should be held at as many places as possible. Either these manœuvres are a good thing or they are not. If they are good, then they should be held at as many places as possible. Therefore, there is no reason why the same area should be specified over and over again every two years. On the other hand, if these manœuvres are bad, then they should not be held over and over again at the same place. When in a small place like Great Britain the period specified is five years, in a vast country like India the period should have been 10 or 15 years; because if the manœuvres are to be conducted all over the country it is much better to have them after as long a period as possible. So, I submit that the House should accept this amendment which is for three years.

As regards the argument advanced by the Honourable Member that after all it is in the discretion of the Provincial Government to fix the period and they will see to the convenience of the people, I want to know whether the Government in England is not a popular Government and why was this restriction fixed for five years. There are other restrictions which this Bill does not provide. So, I submit that the House should accept this amendment and I move it.

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

"That in the proviso to sub-clause (1) of clause 2 of the Bill, for the words 'two years', occurring in the last line, the words 'three years' be substituted."

Mr. N. V. Gadgil (Bombay Central Division: Non-Muhammadan Rural): Sir, I wish to say just one word in support of the amendment moved by my friend, Mr. Mohan Lal Saksena. Usually, the manœuvres take place just before the harvest and if the area is to be visited by the troops once in two years, it will cause too much inconvenience to the peasantry. I therefore submit that the amendment moved by Mr. Mohan Lal Saksena is very reasonable and I wait and see how far this reasonable amendment is to be met by the Official Member.

Mr. C. M. G. Ogilvie: Sir, I grant that the amendment moved by my Honourable friend, Mr. Mohan Lal Saksena, is less unacceptable by one year than the one which preceded it. As regards his point about five years in England, I should like to say that though England is a country infinitely inferior to India for purposes of manœuvres the army in England

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

enjoys the advantage which the Indian army does not of possessing very large territories of its own over which it conducts manœuvres continuously. The arguments I adduced in the case of the previous amendment apply also here to a slightly less degree and I would say that on the assumption that this Bill is passed into law, people who happen to reside in localities where manœuvres are frequently held will, I think, welcome the fact that manœuvres are held there frequently and that the generous compensation which they will receive will more than compensate them for the barrenness of their fields. If however, after what I had to say on the matter the House is anxious still for this change, though I do not like it, I will not oppose it.

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

“That in the proviso to sub-clause (1) of clause 2 of the Bill, for the words ‘two years’, occurring in the last line, the words ‘three years’ be substituted.”

The motion was adopted.

Mr. Mohan Lal Saksena: Sir, I beg to move:

“That in sub-clause (2) of clause 2 of the Bill for the words ‘two months’, occurring in the fifth line, the words ‘three months’ be substituted.”

Now, Sir, if you refer to the Bill, the clause reads thus:

“(2) The Provincial Government shall publish notice of its intention to issue a notification under sub-section (1) as early as possible in advance of the issue of the notification, and no such notification shall be issued until the expiry of two months from the date of the first publication of such notice in the local official Gazette.”

Sir, under the British Act the provision is six months and the object is that the public should get as much time to get the information about the proposed manœuvres as possible. Here in the original Bill the Government provided a month and now they have provided two months. But I think in the existing conditions of India where there is illiteracy practically among the whole population, where people do not read newspapers, it is necessary that they should get as long a time as possible and I suggest that this period of notification should be made three months at least instead of two months.

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

“That in sub-clause (2) of clause 2 of the Bill for the words ‘two months’, occurring in the fifth line, the words ‘three months’ be substituted.”

Mr. C. M. G. Ogilvie: Sir, I am afraid that the amendment is entirely unacceptable as it would most gravely hamper manœuvres in this country. As I said while talking about amendment No. 3, the position in the United Kingdom is quite different. There the vast majority of military manœuvres are held on land which belongs to the military authorities. Here in India on the contrary, all manœuvres, however small, have to take place over lands which do not belong to the army. No doubt we went as far as two months in the Select Committee, but we did so with extreme reluctance in order to get an agreed measure and it was as far as we could possibly go. Sir, I oppose the amendment.

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

"That in sub-clause (2) of clause 2 of the Bill for the words 'two months', occurring in the fifth line, the words 'three months' be substituted."

The Assembly divided:

AYES—54.

Abdul Ghani, Maulvi Muhammad.
Abdul Qaiyum, Mr.
Abdur Rasheed Chaudhury, Maulvi.
Aney, Mr. M. S.
Asaf Ali, Mr. M.
Ayyangar, Mr. M. Ananthasayanam.
Azhar Ali, Mr. Muhammad.
Banerjee, Dr. P. N.
Chattopadhyaya, Mr. Amarendra Nath.
Chaudhury, Mr. Brojendra Narayan.
Chettiar, Mr. T. S. Avinashilingam.
Chetty, Mr. Sami Vencatachelam.
Chunder, Mr. N. C.
Das, Pandit Nilakantha.
Desai, Mr. Bhulabhai J.
Deshmukh, Dr. G. V.
Deshmukh, Mr. Govind V.
Essak Sait, Mr. H. A. Sathar H.
Gadgil, Mr. N. V.
Ghiasuddin, Mr. M.
Ghulam Bhik Nairang, Syed.
Govind Das, Seth.
Gupta, Mr. K. S.
Hans Raj, Raizada.
Hosmani, Mr. S. K.
Jedhe, Mr. K. M.
Jehangir, Sir Cowasji.

Jogendra Singh, Sirdar.
Joshi Mr. N. M.
Kailash Behari Lal, Babu.
Lahiri Chaudhury, Mr. D. K.
Malaviya, Pandit Krishna Kant.
Mangal Singh, Sardar.
Mudaliar, Mr. C. N. Muthuranga.
Murtuza Sahib Bahadur, Maulvi Syed.
Paliwal, Pandit Sri Krishna Dutta.
Pande, Mr. Badri Dutt.
Raghubir Narayan Singh, Choudhri.
Ramayan Prasad, Mr.
Ranga, Prof. N. G.
Rao, Mr. Thirumala.
Saksena, Mr. Mohan Lal.
Sant Singh, Sardar.
Santhanam, Mr. K.
Sham Lal, Mr.
Shaukat Ali, Maulana.
Sheodass Daga, Seth.
Singh, Mr. Gauri Shankar.
Singh, Mr. Ram Narayan.
Sri Prakasa, Mr.
Subedar, Mr. Manu.
Umar Alvi Shah, Mr.
Varma, Mr. B. B.
Zafar Ali Khan, Maulana.

NOES—51.

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

Jawahar Singh, Sardar Bahadur Sardar Sir.
Kamaluddin Ahmed, Shams-ul-Ulema.
Kushalpal Singh, Raja Bahadur.
Lloyd, Mr. A. H.
Mackeown, Mr. J. A.
Metcalf, Sir Aubrey.
Miller, Mr. C. C.
Ogilvie, Mr. C. M. G.
Parma Nand, Bhai.
Rahman, Lient-Col. M. A.
Row, Mr. K. Sanjiva.
Scott, Mr. J. Ramsay.
Sen, Mr. S. C.
Sen, Rai Bahadur N. C.
Sher, Muhammad Khan, Captain Sardar Sir.
Sircar, The Honourable Sir Nripendra.
Sivaraaj, Rao Sahib N.
Slade, Mr. M.
Spence, Mr. G. H.
Staig, Mr. B. N.
Stewart, The Honourable Sir Thomas.
Sundaram, Mr. V. S.
Thorne, Mr. J. A.
Walker, Mr. G. D.
Yamin Khan, Sir Muhammad.
Ziauddin Ahmad, Dr. Sir.

The motion was adopted.

Mr. Abdul Qaiyum (North-West Frontier Province: General): Sir, I beg to move:

"That in sub-clause (3) of clause 2 of the Bill for the words 'the manner' occurring in the fifth line, the following be substituted:

'Some newspaper circulating in and in the language commonly understood in that area and by beat of drum and by affixation in all prominent places of copies of the said notice in the language of the locality and in such other manner as may be.'

In this connection, I should like to point out one thing that it is absolutely necessary that in cases where manœuvres are about to take place the notice should be as ample and as sufficient as possible. I contend that mere publication in the Government Gazette will not do, and that many serious accidents and incidents will be averted if a proper notice is given to the inhabitants of the locality which is not being done at present. It is absolutely necessary that the notice should be given in some newspaper which is published in a language understood in the locality and which is read by the inhabitants of that particular area. It is also absolutely necessary that a notice in the form of beat of drum should be given to the people. It is a well known fact that after so many years of British rule illiteracy still remains the order of the day in this country and there is a very large number of people who cannot read or write; and for them a notice in the form of publication in the Government Gazette or even in a paper published in the language of the place will be a meaningless formality. A notice according to the recognised mode which is understood in this country, namely, by beat of drum, is absolutely necessary. Probably it will be urged, Sir, that this is a matter which can be left to those who will be called upon to frame rules under this particular Bill when it becomes law. But knowing the attitude of the Government in the matter of rule-making, their anxiety to keep the power of rule-making entirely to themselves, and the fact that they are exceedingly anxious that the Legislature at the Centre or in the Provinces should have no say in the matter of rule-making, this very important provision cannot be left to rule-making.

After all in an Act like the Army Manœuvres and Field Firing Act, the real object is to give ample and sufficient notice to the people so that their troubles and worries may be lessened, and that any risk of loss of life may be completely eliminated. If this important provision, *viz.*, ample and satisfactory notice is to be left to rule-making, then I think there was absolutely no object in bringing this Bill before this Honourable House. I submit this is a matter which is of very vital importance. Unless ample notice is given it is quite likely that many accidents will occur. There have been many instances on the Frontier where owing to the inadequacy of notice many valuable lives have been lost. I am aware of a case which happened quite near Peshawar, where an officer in the army who was deputed to warn villagers in places where military manœuvres were taking place was himself shot dead by a stray bullet. If a well-known army official who himself knew the regulations and the procedure adopted by the military authorities is likely to fall a victim to a stray bullet, I think the likelihood of peasants who have to work in the neighbourhood losing their lives and limbs is very great indeed. Sir, I move.

1 P.M.

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

"That in sub-clause (3) of clause 2 of the Bill for the words 'the manner', occurring in the fifth line, the following be substituted:

'Some newspaper circulating in and in the language commonly understood in that area and by beat of drum and by affixation in all prominent places of copies of the said notice in the language of the locality and in such other manner as may be.'"

Mr. C. M. G. Ogilvie: Sir, in opposing this amendment, I contend that it is a matter which should most properly belong to rules and should find no place in the body of the Bill. The rule-making power under this Bill has been allotted to the Provincial Governments and the reason why the Select Committee made a change from the Government of India to the Provincial Government was that it was held that Local Governments will be more familiar with and solicitous of local interests and will know the best way in which to do these things. I gather also that the amendment would not necessarily by any means cover all the places in which manœuvres are frequently held. Certain places contain few or no inhabitants but are visited by wandering shepherds and their flocks. In their case the only thing to do is to find each one and warn him. I agree entirely with the Honourable the Mover in that notice is most desirable—full and proper notice; and I have observed that a number of other Honourable Members lay particular stress on this point. Why, however, they should object to this type of matter being dealt with by the Provincial Governments, as expressly laid down in section 13, I do not know. Section 13 reads:

"The Provincial Government may make rules prescribing the manner in which the notices required by sub-section (2) of section 2 and sub-section (3) of section 9 shall be published in the areas concerned."

I submit they are the proper persons to know what methods should be adopted for this purpose. As regards the Honourable the Mover's statement that there was a general atmosphere of opposition to Legislatures encroaching upon the rule-making power, I noticed in the paper of yesterday or the day before that in answer to an interpellation, Dr. Katju, who is a Minister in the United Provinces Government, belonging to the same party as the Honourable Member, replied that the rule-making power was the function of the executive and it is always open to the Legislature to censure the Government. I have no doubt that the Local Legislature would pull up the executive if the executive should prove itself careless of the lives of the people in whose country the manœuvres take place. I suggest, therefore, for the consideration of the House a possible alternative to meet what I recognise to be a strong feeling on this point, that the Defence Department should address a letter to all Provincial Governments calling attention to the methods of giving warning which are stated here and saying that subject to local conditions the Defence Department agrees that these methods are proper.

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

"That in sub-clause (3) of clause 2 of the Bill for the words 'the manner', occurring in the fifth line, the following be substituted:

'Some newspaper circulating in and in the language commonly understood in that area and by beat of drum and by affixation in all prominent places of copies of the said notice in the language of the locality and in such other manner as may be.'"

The motion was negatived.

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

"That clause 2, as amended, stand part of the Bill."

The motion was adopted.

Clause 2, as amended, was added to the Bill.

Mr. Brojendra Narayan Chaudhury: Sir, I move:

"That in sub-clause (2) of clause 3 of the Bill, after the words 'interference with' occurring in the second line, the words 'any springs, waterfalls, well or tank held sacred by any religious community or' be inserted."

Sub-clause (2) of clause 3 reads thus:

"The provisions of sub-section (1) shall not authorise entry on or interference with any place of worship, etc."

I want to add another category after the word "interference". Sir, in the original section the words "place of worship" have been mentioned. There are in this country, fortunately or unfortunately, a large number of tanks, water falls or springs which are held sacred by some of the communities, but in all these worship or offerings are not made and, therefore, these do not come under the category of the places of worship. Therefore, to be on the safe side and in order that the military authorities may be careful in future, tanks and waterfalls, etc., which are not places of worship yet held sacred should be exempted. Sir, the history of religious disturbances in this country is well-known. There was a quarrel only a few months ago between two communities over a trifling matter like the drawing of water from a well. So I ask this House not to leave any loophole in this Bill and minimise the chances of clashes of the civil population with the authorities in future.

Mr. O. M. G. Ogilvie: There was, Sir, originally a provision of this kind in the Bill, but the Select Committee unanimously excluded it as unnecessary

Mr. Brojendra Narayan Chaudhury: May I know the reasons, Sir?

Mr. O. M. G. Ogilvie: The Report of the Select Committee on clause 3 says this:

"We have omitted the provision for power to interfere with water sources as being unnecessary and have slightly modified the restriction imposed on the use of water sources"

I think that the provisions of sub-section (2) of section 3 really cover the Honourable Member's amendment fairly adequately in practice whereby no entry on or interference with any place of worship or ground attached thereto is permitted; that is to say, any tank or well attached to a temple would *ipso facto* be protected. Again, from a purely practical point of view, so far as I know, there has never been any actual complaint of any such interference in the past. I suggest therefore that the amendment is not necessary and should be rejected.

Mr. M. S. Aney: Sir, the real point is, whether the words "any place of worship" mentioned in sub-clause (2) include springs, water falls, etc. It is wellknown, Sir, that objects of worship, among the Hindus at any rate, I do not know of others, are both liquid and solid. A

place of worship may be taken as comprising only what may be called solid objects of worship, and not the liquids. If that is so, then it is necessary to point out that over and above these objects which are covered by the words "places of worship", there are certain liquid objects also.

Mr. N. M. Joshi (Nominated Non-Official): Gaseous also?

Mr. M. S. Aney: Yes, there are many sacred streams, rivers and tanks held in veneration, and if they are really not covered by the words "places of worship", there is likely to be trouble in the future. I personally think that a "place of worship" should include all these, and not necessarily ground only; but if there is any doubt it is better to clear the position, and for that purpose I would ask the Honourable the Law Member to say authoritatively whether a "place of worship" can be construed to include all the objects to which reference has been made in the amendment; if these are not included, I think the amendment is very necessary.

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

The Assembly re-assembled after Lunch at Half Past Two of the Clock, Sir Cowasji Jehangir (one of the Panel of Chairmen) in the Chair.

Mr. Chairman (Sir Cowasji Jehangir): Amendment No. 8 is under discussion.

Mr. N. V. Gadgil: Mr. Aney, just before the adjournment, was appealing to the Honourable the Law Member to give an authoritative meaning of the words "place of worship"—whether those words include water springs and other cognate matters contemplated in the amendment.

The Honourable Sir Nripendra Sircar (Law Member): I feel flattered in being referred to as an authority although my authority may not be obeyed by the Courts. The kind of tanks I have in mind is this—I have seen many where offerings are actually made. I have seen cocoanuts and flowers being offered to those tanks. I have personally no doubt that that tank would be a place of worship. But if there is any other kind of tank which the Honourable Member has in mind I may be able at least to give my personal opinion as to whether that comes within the words "place of worship" or not. I think what is meant is that there are certain tanks and wells which are really held sacred, at least I know about the Hindu community, and there offerings are given just as you give offerings in a temple and those surely would be covered by the words "place of worship". That is my personal opinion and I believe that is the question I have got to answer.

Mr. Brojendra Narayan Chaudhury: But there are some springs where no cocoanuts are offered, but some people bathe in that water and they consider it a *punya*.

The Honourable Sir Nripendra Sircar: If that has got to be included, then it really means a dangerous inclusion. If some people say, "I believe in the efficacy of a dip in this river, therefore it is a place of worship though no worship is being offered there"—if that is the idea, then it is very wide and may create difficulties.

Mr. M. Ananthasayanam Ayyangar (Madras ceded Districts and Chittoor: Non-Muhammadian Runal): There are tanks which are called *Pushkarani* where no such offerings are made. Though *puja* is not done, people go and bathe, and they recite *sankalpam* for their purification. If they bathe in that river or *Pushkarani*, they think they become pure, that is their idea. There are no external indications of a *puja* and it may be said that it is not a place of worship. No doubt, in Northern India rivers and tanks are worshipped; in the evenings they offer flowers, *arti* and camphor in flowing river and in that case it may be considered a place of worship. Even without a special explanation like this or an addition by way of amendment like this, those may be considered as places of worship. But in Southern India no *puja* is offered to the tanks as such, but they are held sacred. People go and bathe but they may not come within the meaning of "place of worship" as now defined in the Bill and they would be avoided if the amendment is not carried. If the object of the Government is not to include them wherever they may be held sacred and if they agree to the principle that they must be excluded, there is no harm in making it more explicit by adding these words. On the other hand, if they object to the exclusion of these places wherever manœuvres or field artillery or firing may take place, that is a matter of substance, but if they do not intend utilising or using them or obstructing people from them, then there is no harm in making it clear. I therefore, appeal to the Government to accept this amendment if they really have no objection to it on the merits.

Mr. Chairman (Sir Cowasji Jehangir): Do the Government accept that position?

Mr. C. M. G. Ogilvie: I am not sure whether it will be in order if I speak again.

Mr. Chairman (Sir Cowasji Jehangir): There can be no objection in saying whether you accept it or not.

Mr. C. M. G. Ogilvie: I am willing to accept it in part.

Mr. Chairman (Sir Cowasji Jehangir): With the permission of the House, I will allow the Honourable Member to explain what he is prepared to accept.

Mr. C. M. G. Ogilvie: I am prepared to accept the last two, "well or tank". Springs or waterfalls, I think, would in practice possibly cause difficulties.

Mr. Brojendra Narayan Chaudhury: I am agreeable to that. I shall leave out the words "springs, waterfalls". In that case the amendment would read like this:

"That in sub-clause (2) of clause 3 of the Bill, after the words 'interference with', occurring in the second line, the words 'any well, or tank held sacred by any religious community or' be inserted."

Mr. Chairman (Sir Cowasji Jehangir): Has the Honourable Member permission of the House to move his amendment as he has just read out?

(The Assembly agreed.)

Mr. Chairman (Sir Cowasji Jehangir): The question is:

"That in sub-clause (2) of clause 3 of the Bill, after the words 'interference with', occurring in the second line, the words 'any well or tank held sacred by any religious community or' be inserted."

The motion was adopted.

Mr. Abdul Qayum: Sir, I move:

"That in sub-clause (2) of clause 3 of the Bill, after the word 'thereto' occurring in the third line, the words 'except for the legitimate purpose of offering prayers' be inserted."

I need not say anything on this. I simply move.

Mr. C. M. G. Ogilvie: I have no objection to the amendment.

Mr. Chairman (Sir Cowasji Jehangir): The question is:

"That in sub-clause (2) of clause 3 of the Bill, after the word 'thereto' occurring in the third line, the words 'except for the legitimate purpose of offering prayers' be inserted."

The motion was adopted.

Clause 3, as amended, was added to the Bill.

Clauses 4 and 5 were added to the Bill.

Mr. Chairman (Sir Cowasji Jehangir): Clause 6.

Mr. K. Santhanam: Sir, I beg to move:

"That in sub-clause (2) of clause 6 of the Bill, the words 'where possible' occurring in the third line be omitted."

This amendment should be read with amendments Nos. 11 and 12. Clause 6 (2) runs as follows:

"The Revenue Officer shall consider all claims for compensation under section 5 and determine, on local investigation and where possible in the presence of the claimant, the amount of compensation, if any, which shall be awarded, etc."

We want to omit the words "where possible". In the next amendment we provide that the words 'after summoning and hearing the claimant' be substituted for the words 'in the presence of the claimant'. If you limit it only to the claimant, he may not be available. We want to provide for the claimant or his authorised agent. We do not want to give any excuse to the revenue officer to say that 'we tried to get at the claimant but we could not do so'. There should be no such loophole. The revenue officer must settle the matter with the claimant or his authorised agent. It is for this purpose that I have moved this amendment.

Mr. Chairman (Sir Cowasji Jehangir): Amendment moved:

"That in sub-clause (2) of clause 6 of the Bill, the words 'where possible' occurring in the third line be omitted."

Mr. Sri Prakasa: I should like to make the position quite clear, so that, if possible the Defence Secretary may accept this amendment. The three amendments, Nos. 10, 11 and 12 hang together and should be read as one. The position in the village is something like this. A piece of

[Mr. Sri Prakasa.]

land may be owned by a woman and she may be observing purdah. I am specially referring to conditions in my province. Even in the villages, the higher class women do observe some sort of purdah; and in any case they might hesitate to come before military officers to put forward their plea. We therefore feel that wherever such cases occur an authorised agent should be allowed to appear on behalf of such persons, so that their case may be presented fully. I hope that in view of the social conditions in the land and the conditions in which work is carried on in the country-side, the Government will accept the amendment. If the three amendments, which we propose to move one after the other, are read together, I think there should be no difficulty in accepting the same.

Mr. C. M. G. Ogilvie: I am unable to accept this amendment. It has consequential effects, as the Honourable the Mover pointed out but our aim in this Bill, so far as awards of compensation go, is that firstly they should be adequate and secondly that they should be prompt. The idea is that wherever possible—one cannot say more than that—the Revenue Officer should actually hand over to the person whose crops have been damaged a sum of money to compensate him on the spot. If the House will bear with me for a few moments, I will tell them a story which illustrates this point. It was extremely popular in the State in which I was serving. A certain maharaja used to go partridge shooting on an elephant. The elephant did considerable damage to the crops. When he observed the unfortunate peasant to whom the field belonged standing helplessly on the bund, he will beckon him and say 'How much, my man, would your crop have fetched if it had ripened'. He would say 'Rs. 20, maharaja'. Then the maharajah would put his hand into a sack of rupees in the howdah and give the money to the peasant who would go away rejoicing. Well, that is the kind of procedure which we envisage here. I would draw the attention of the House to section 13, the rule-making section and to part (c) thereof. The House will see that the rules provide for the expeditious settlement of claims. Instructions will be issued to revenue officers to deal with this matter. Now, we do not want to have legal processes, powers of attorney or anything of that kind. What would happen is that if the owner is a *purdahnashin* lady or a cripple or ill or bed-ridden, then some representative of his, a friend or relation or the village headman would presumably take the money for him and the revenue officer would take his receipt. That kind of matter, I submit, can best be dealt with by rules and I submit that the clause as drafted makes the best practical proposition for the swift payment of compensation.

Mr. T. S. Avinashilingam Chettiar (Salem and Coimbatore *cum* North Arcot: Non-Muhammadan Rural): Sir, we do not want to add one more to the list of a maharajas when we are trying to scrap them all. I would not be a party to that. The list is already quite big. Things may be done in an expeditious way but the parties whom you are awarding compensation should know what is being done. The people affected really do not know any of these legal processes and to say that things will be decided in their absence passes my understanding. I would suggest that the most honest course is to accept this amendment and decide the matter in the presence of the claimant or his authorised agent or lawyer, and then, if necessary, frame rules for the expeditious conduct of the cases. I support the amendment.

Mr. M. Ananthasayanam Ayyangar: Sir, there are two other amendments, Nos. 11 and 12. Taken together, their object is to see that no order of compensation is passed behind the back of the claimant. This particular amendment requires that his authorised agent, should be present and that otherwise no order should be passed. Possibly it might be said that the claimant or his agent might embark on obstructive tactics. If it is convenient for the Government, they should accept amendment No. 11, for summoning and hearing the claimant. Anyhow, if at least that is not done, there will not be any justification for the revenue officer going over the heads of these people and it will be improper. The complainant is the person who has to place the materials as to what amount of compensation should be paid for damages. Then there is another point. Government itself must be willing to accept this amendment for another reason. In sub-clause (2) of clause 6 of the Bill, the last sentence reads thus:

"and shall disburse on the spot to the claimant the compensation so determined as payable."

I do agree that the procedure must be of the nature of a Maharaja giving away money on the spot. That is intended to be expeditious. You expect the claimant to be there to receive the money. One minute earlier, when you are deciding about the compensation, you must have him there then also. Do you want to keep him out, or are you indifferent whether he is present now or not? Sir, the latter portion will be absolutely impossible until you get the claimant or his authorised agent for the purposes of the inquiry. Therefore, to make the latter portion consistent with the earlier portion, this amendment ought to be accepted, or, at any rate, if a later amendment No. 11 is accepted, it will make the clause readable. I shall only wait for an answer from the Government as to whether they will accept amendment No. 11, in which case we will have no objection to withdrawing this motion.

Captain Sardar Sir Sher Muhammad Khan (Nominated Non-Official): Sir, I rise to oppose this amendment. I think it is a technical amendment. Now, Honourable friends probably do not quite understand how this compensation is paid. I myself have been a compensation officer and I have tried many times to see that the Zamindar did get his legitimate rights. One of the difficulties raised was that the money was not paid on the spot, and the second was delay in paying the money to the Zamindar. Now these two provisions have been made clear in the Bill. Now my friend thinks that if the claimant is not present, how is the revenue officer going to judge or going to pay to every claimant? Now, it is impossible that every claimant should be present on the spot. My friend must remember that there are district board members, there are representatives of the Zamindars on that board along with the revenue officers, the representatives of the Zamindars are there, then there is the civil officer, then there is the representative of the Military Department. All these three or four authorities judge of the value of the damage done to the crops and then they decide on the spot. Then there is another thing. If any claimant is not satisfied, there is a provision in sub-clause (3) of clause 6 of the Bill, as follows:

"Any claimant, dissatisfied with a refusal of the Revenue Officer to award him compensation or with the amount of compensation awarded to him by the Revenue Officer, may, at any time within seven days from the communication to him of the decision of the Revenue Officer, give notice to the Revenue Officer of his intention to appeal against the decision."

If after forty-five days he is not satisfied, he has got a right of appeal.

Mr. K. Santhanam: If he does not know it?

Captain Sardar Sir Sher Muhammad Khan: It is clear that if he is not satisfied, he can appeal to the Court or to any higher authority to get his legitimate right to damages. So by proposing that every claimant should be present you will only put another obstacle. If one claimant is not present and then he goes back and says, "I was not present", what happens? Sir, in this case the Zamindars' representatives are represented by the district board member and then by the revenue officer and all of them together will decide to give on the spot adequate compensation for any damages to the crops. Therefore, it is not necessary to move this amendment.

Mr. Abdul Qaiyum: Sir, it is really surprising to find the Honourable the Defence Secretary opposing such a reasonable and necessary amendment as has been moved from this side. After all, *ex parte* orders are very often orders which are found to be wrong. The Honourable the Defence Secretary cited the case of a Maharaja and his summary and efficient method of assessing and paying compensation on the spot. If the Government or the officials of the Government want to act as the particular Maharaja referred to, I will not grudge them their playing the part of a Maharaja but even in the instance cited the unfortunate peasant was present on the spot and he was asked as to how much compensation had to be paid to him. The very case cited by the Defence Secretary makes it absolutely necessary that the man whose crops were damaged or who has to receive compensation must be present on the spot. Then my Honourable friend, the gallant Knight from the Punjab, in the course of his speech stated that the peasant need not worry his head very much about it because he is being given the right to appeal under this Statute, but if an order is passed *ex parte*, if the man is not served with a notice to be present at the time when compensation is being assessed or his claim is being adjudicated upon, how is he to know later on that his case has been decided? If you are going to have a communication after the order, there is all the more reason that the communication should take place before the order. The idea is to simplify procedure. If a communication is to be addressed to the unfortunate man, then there is absolutely no reason why the same communication should not be addressed to him before his claim is going to be adjudicated upon. I strongly support this amendment, not because it is an amendment coming from my Party but because I think this amendment is a highly necessary and equitable amendment and I do hope that the Honourable the Defence Secretary will reconsider his position and accept this very reasonable amendment.

Mr. N. V. Gadgil: Sir, I beg to support the amendment. I really fail to see why it should not be accepted by the Honourable the Defence Secretary. As I understand the position, the investigation will have to take place on the spot, and there should be no difficulty in securing the presence of the man concerned. My experience in the Bombay Presidency is that it is usually found that these agriculturists come and place their claims and it is the first principle of justice that if any decision must be taken against any party, that party should have some opportunity to be present and to put forth its claim. Under the provisions of the Deccan Agriculturists Act, several attempts are made to secure the presence of the agriculturist, first by summoning him, if he does not turn up,

then by summoning him as a witness, and then a warrant of arrest is issued and his presence is secured, so that the Court may know from his own lips how and what his case is. I think it is possible to do so in this case also. Then, if he is to be given the amount of compensation personally, I really fail to see why he should be asked to take the amount without giving him any opportunity to say what he had to say as regards the amount of compensation. I therefore think that it is extremely reasonable to accept this amendment. Just an hour before, Sir, the Honourable the Defence Secretary accepted some of our amendments and I hope and trust that he will see the reasonableness of accepting this amendment also.

Mr. Mohan Lal Saksena: Sir, may I know whether the Honourable the Defence Secretary is going to accept the other two amendments? My friend, Mr. Ananthasayanam Ayyangar, has asked whether he is going to accept amendments Nos. 11 and 12, or not?

Mr. C. M. G. Ogilvie: Sir, I do not wish to accept any of them.

Mr. Chairman (Sir Cowasji Jehangir): The question is:

"That in sub-clause (2) of clause 6 of the Bill, the words 'where possible' occurring in the third line be omitted."

The motion was negatived.

Mr. K. Santhanam: Sir, I beg to move:

"That in sub-clause (2) of clause 6 of the Bill, for the words 'in the presence of the claimant' the words 'after summoning and hearing the claimant' be substituted."

I do not want to make a speech but there is one point to be mentioned.

3 P.M. I do not see why they have put in the phrase 'in the presence of the claimant'. This phrase may imply two things. There is no obligation on the part of the Government to summon the claimant and, when he is present, there is no obligation to hear him. There is no purpose at all in having the claimant unless he is asked to explain his point of view and as we have allowed the previous amendment to be negatived, Government should, wherever possible, summon the claimant and after he is summoned they should allow him to put in his case. I do not see why his presence is required at all unless they are prepared to hear him. The claimant must be able to protest against the inadequacy of the compensation and on the basis of that protest he must be able to file his appeal within the 7 days allowed to him. Therefore, I suggest that this amendment is very important and the Government ought to be able to accept it without much difficulty.

Mr. Chairman (Sir Cowasji Jehangir): Amendment moved:

"That in sub-clause (2) of clause 6 of the Bill, for the words 'in the presence of the claimant' the words 'after summoning and hearing the claimant' be substituted."

Mr. C. M. G. Ogilvie: The objections which I raised to the previous amendment apply also to this one. There may be, for example, 5 or 10 owners of the same plot of land. All may not be present or all may not wish to be present. Some of the owners may be absentees and their summoning would necessitate perhaps very great delay. What we want to do from our point of view is to know what money we have got to pay

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

and to pay it quick. As one who has been a District Officer for many years, I can say with certainty about that part of the country which I know that what the zamindar wants is quick payment. There is no danger at all that his claim will go by default. The rules which will be made for the expeditious payment of claims may lay down the maxima or the minima, I cannot say which. The minimum rates will probably be laid down. In any case, if the claimant is dissatisfied by the amount given him, he can, within 7 days of the communication of the fact to himself, appeal as laid down by the provisions of sub-clause (3) of this section. It does not matter if he hears it five years afterwards but he can still, as soon as he had the amount communicated to him, appeal if he wishes to do so. There is no question of his just claim going by the board. I submit that every possible allowance has been made not only for the payment of money to the persons to whom it is due but for its quick payment, which, both from the point of view of the Government and from the point of view of the zamindar, is necessary.

Mr. M. S. Aney: I think that this is an amendment to which the Honourable the Defence Secretary should not have taken any exception. After all, whom are you going to give the compensation? If you are going to give the compensation and you are interested in giving it as quickly as possible, then it is in the interest of the man himself. Therefore, is it not better that you should get an opportunity of hearing the man who is to be given the compensation before the amount of compensation is fixed or assessed? So far as the previous amendment was concerned, there was at least some show of reason on the side of the Government. It may be difficult to secure the presence of some person and consequently the proceedings may have to be delayed. But now we are proceeding on the basis of "wherever it is possible to secure his presence". In that case, what are you going to do with that man? Are you going to summon that man and ask him as to what he has to say? It is laid down here that wherever possible the proceedings will be conducted in the presence of the man. If the man voluntarily turns up, then the Government will be carrying on the proceedings in his presence. But is he to remain mute and a silent witness to what you are doing or has he got any right to have his say on the basis of which you will be called upon to assess the amount of compensation? That fact is left completely undetermined and undecided in the clause as it stands. As my Honourable friend, Mr. Gadgil, has rightly pointed out, before we pass any order either in favour of the man or against him it is an elementary principle that there should be an opportunity for that man or his representative to have his say. I do not know what is the reason behind the reluctance shown by the Defence Secretary in understanding the position which the Honourable the Mover of the amendment has taken. In fact, I believe his own work about which he is so very keen and about the expeditious carrying out of which he is so very anxious will be better done and more expeditiously done if we get the proper man on the spot to say what he has to say and to explain to him the elements or factors which he wants him to consider in order to come to an exact figure of assessment to be given to him by way of compensation.

Now, it is said that there is the right of appeal if the man is aggrieved. We know it is one thing to go in appeal after the order is passed and it

is another thing to participate in the very proceedings by which the amount of compensation is assessed. Why do you want to deny yourself the assistance which you are likely to get from him in coming to a right conclusion at the very beginning? If you do not want to have anything to do with that man at that stage, then you take the risk of coming to a wrong decision, and the consolation which the man has got is that he has the right to go in appeal within 7 days after the orders have been communicated to him. I do not think it is a right way of doing the thing at all. If you really want the man to be present to receive the compensation on the spot, then as my Honourable friend, Mr. Ananthasayanam Ayyangar, has pointed out, you have the advantage of having the man by your side. You must have that particular person on the spot if the orders that will be passed are to be properly carried out. In my opinion, the clause is there not so much to secure the avoidance of the payment to anybody else except that man, but probably that will be a source of delay in itself if that man for some reason or other should not be able to turn up as there is no provision here to allow that man to be present by means of his agent to receive the payment. Therefore, I do not know whether that clause is really in the interests of the person who is to get the compensation. Anyhow, if this clause requires the presence of that man at some stage of the inquiry—at least at the final stage—, then why don't you allow that man to come at the proper time to put forth his plea or whatever he wants to say in order to claim a particular amount of money by way of compensation? After all, you are the judges and you have got to fix the amount and you only give him an opportunity to have his say. That demand is perfectly reasonable and no man who is conversant with the ordinary principles of justice can reasonably refuse it. I, therefore, give my support to the amendment moved by my Honourable friend, Mr. Santhanam.

Mr. C. M. G. Ogilvie: Sir, I should be prepared to accept the amendment if the words 'summoning and' be omitted from it so that the clause would read: "... where possible after hearing the claimant ...". The expression 'summoning and hearing the claimant' is unacceptable whereas "hearing the claimant" is acceptable.

Mr. M. Asaf Ali (Delhi: General): I do not know how a person can possibly be heard without being summoned. You must inform a man before you can hear him. It is simply a question of procedure. When you say 'after hearing' it naturally means that the man must know when exactly he can be heard and therefore he must be summoned for that purpose. I really do not see any insuperable difficulty in the way of accepting this amendment. It is a very simple one, and perfectly consistent with justice as was so ably pointed out by the Leader of the Congress Nationalist Party. I hope Mr. Ogilvie will find no further difficulty in accepting the amendment.

Mr. C. M. G. Ogilvie: I am afraid I do find difficulty.

Mr. Sri Prakasa: I hope that the Defence Secretary will follow the precedent of this House. We are first summoned and then heard: and if we wanted to make ourselves heard without being summoned, I do not think anybody will hear us. Therefore, I say that the Defence Secretary ought to agree to this very reasonable suggestion, so vigorously and weightily

[Mr. Sri Prakasa.]

supported by so eminent an authority as our Honourable and esteemed leader, Mr. Aney.

Mr. Chairman (Sir Cowasji Jehangir): The question is:

"That in sub-clause (2) of clause 6 of the Bill, for the words 'in the presence of the claimant' the words 'after summoning and hearing the claimant' be substituted."

The Assembly divided:

AYES—41.

Abdul Ghani, Maulvi Muhammad
Abdul Qaiyum, Mr.
Abdur Rasheed Chaudhury, Maulvi.
Aney, Mr. M. S.
Asaf Ali, Mr. M.
Ayyangar, Mr. M. Ananthasayanam.
Chattopadhyaya, Mr. Amarendra
Nath.
Chandhury, Mr. Brojendra Narayan.
Chettiar, Mr. T. S. Avinashilingam.
Chetty, Mr. Sami Vencatachelam.
Das, Pandit Nilakantha.
Desai, Mr. Bhulabhai J.
Gadgil, Mr. N. V.
Govind Das, Seth.
Gupta, Mr. K. S.
Hans Raj, Raizada.
Hosmani, Mr. S. K.
Jedhe, Mr. K. M.
Jogendra Singh, Sardar.
Kailash Behari Lal, Babu.
Lahiri Chaudhury, Mr. D. K.

Miera, Pandit Shambhu Dayal.
Mudaliar, Mr. C. N. Muthuranga.
Muhammad Ahmad Kazmi, Qazi.
Murtuza Sahib Bahadur, Maulvi
Syed.
Paliwal, Pandit Sri Krishna Datta.
Raghobir Narayan Singh, Choudhri.
Ramayan Prasad, Mr.
Ranga, Prof. N. G.
Rao, Mr. Thirumala.
Saksena, Mr. Mohan Lal.
Sant Singh, Sardar.
Santhanam, Mr. K.
Shaukat Ali, Maulana.
Sheodass Daga, Seth.
Singh, Mr. Gauri Shankar.
Singh, Mr. Ram Narayan.
Sinha, Mr. Satya Narayan.
Sri Prakasa, Mr.
Subedar, Mr. Mamu.
Varma, Mr. B. B.

NOES—48.

Abdul Hamid, Khan Bahadur Sir.
Ahmad Nawaz Khan, Major Nawab
Sir.
Aikman, Mr. A.
Ayyar, Mr. N. M.
Bajpai, Sir Girja Shankar.
Bartley, Mr. J.
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.
Crain, 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
Gidney, Mr. C. W. A.
Griffiths, Mr. P. J.
Grigg, The Honourable Sir James.
James, Mr. F. E.

Jawahar Singh, Sardar Bahadur
Sardar Sir.
Kamaluddin Ahmed, Shams-ul-Ulema.
Kushalpal Singh, Raja Bahadur.
Lloyd, Mr. A. H.
Mackeown, Mr. J. A.
Mehr Shah, Nawab Shahbazada Sir
Sayad Muhammad.
Metcalfe, Sir Ambrey.
Miller, Mr. C. C.
Ogilvie, Mr. C. M. G.
Rahman, Lieut.-Col. M. A.
Row, Mr. K. Sanjiva.
Scott, Mr. J. Ramsay.
Sen, Mr. S. C.
Sen, Rai Bahadur N. C.
Sher Muhammad Khan, Captain
Sardar Sir.
Sircar, The Honourable Sir Nripendra.
Sivaraj, Rao Sahib N.
Siade, Mr. M.
Spence, Mr. G. H.
Staig, Mr. B. M.
Stewart, The Honourable Sir Thomas.
Sundaram, Mr. V. S.
Thorne, Mr. J. A.
Walker, Mr. G. D.

The motion was negatived.

Mr. Sami Vencatachelam Chetty (Madras: Indian Commerce): Sir, may I request you to suspend the Standing Order in regard to giving notice of amendments and allow me to move the following amendment?

"That in sub-clause (2) of clause 6 of the Bill, for the words 'in the presence of the claimant' the words 'after hearing the claimant' be substituted."

Since Government are in a position to accept this amendment I request that the Standing Order may be suspended.

Mr. Chairman (Sir Cowasji Jehangir): If it is an agreed amendment I will waive the Standing Order.

Mr. O. M. G. Ogilvie: Sir, I made this offer in order to avoid a division. That was turned down and the result has been a division. I do not see how I can possibly go back on it.

Mr. Chairman (Sir Cowasji Jehangir): I was told it is an agreed amendment and so I agreed to waive the Standing Order. I will not allow it if it is not an agreed amendment.

Mr. Sami Vencatachelam Chetty: Sir, on the merits the Defence Secretary accepted this amendment, but he takes exception to my asking you to suspend the Standing Order on the ground that since the House did not accept his offer at an earlier stage and went into a division in regard to a previous amendment, he would withdraw the offer then made. That is a matter merely on the merits. I rather think that Government are straining too much the strictness of the rules in regard to acceptance of amendments of this kind. In a House like this it is just possible that we may try our chance in respect of an amendment which is most favourable to a particular side. When we fail we generally accept the next best. I do not think Government should oppose this.

Mr. Chairman (Sir Cowasji Jehangir): If it is an agreed amendment I will waive the Standing Order. I should like Government to say whether it is an agreed amendment or not.

Mr. O. M. G. Ogilvie: Sir, I think the circumstances are most peculiar. I made an offer, as I explained just now, in an attempt to secure agreement. That offer was spurned, a division was insisted upon, the division was lost and now they say that they will go back and make the best of both worlds and rule out the division. In the circumstances, I cannot agree to this amendment.

Mr. Bhulabhai J. Dessai (Bombay Northern Division: Non-Muhammadan Rural): Sir, may I point out one thing? After all is said and done, in an issue like this the *amour propre* as expressed by the Defence Secretary is something which I thought would not come into existence at all. Here is a question of compensation payable to a man whose lands my friend and the like of him will go and invade at their pleasure. And it is in his name that I am speaking. If any apology is needed for spurning, you can have it not once but twenty times, for in pleading for the poor man no *amour propre* stands in my way. All that he begs of you and all that we ask for is that the poor man should be heard, so that the few annas or the few rupees which have been ruined or lost he may have some compensation for. I do appeal to my Honourable

[Mr. Bhaulebhai J. Desai] friend not to stand on *amour propre*. I will admit that what has happened has happened. It is no use shaking heads; they only injure the muscles of those who shake them. The truth of the matter is that the issue is purely one of equitable arrangement so that the man whose lands you are trespassing upon and which trespass is by the law of this House, being excused may be compensated. After all it is nothing but a criminal trespass; you go and get hold of a man's land without his permission, and the House is sanctioning it. Let the House and Government remember that in matters of this kind it is no use winning or losing divisions. Let us understand equitable methods of at least giving compensations after hearing a man. If that is not agreed to I shall regret it, but remember that by straining points like that we do not gain anything.

Mr. Chairman (Sir Cowasji Jehangir): I should like to know exactly the views of Government on this matter.

Mr. C. M. G. Ogilvie: Sir, Government are somewhat puzzled. I think this is a question that I as Defence Secretary ought not to decide solely on behalf of Government. It does constitute a precedent the like of which I, though my Parliamentary experience is limited, have never heard before. When an offer was made and refused, a division is taken; the result is not in favour of the Opposition and it is then suggested that we should wash out the division and go back to the offer. I am quite prepared to admit that an acceptance of the offer would not damage me or damage the Bill. But the question of precedent seems to me a difficult one. Otherwise there is no use in trying to come to an agreement. If you fail to come to an agreement and have a division, why should one come to an agreement?

Mr. Chairman (Sir Cowasji Jehangir): Has the Leader of the House anything to say on this matter?

The Honourable Sir Nripendra Sircar (Leader of the House): Sir, I understand from my Honourable friend who has last spoken that it does not damage the Bill of which he is in charge. I, therefore, see no objection to accepting the new amendment.

Mr. Sami Vencatachelam Chetty: Sir, I beg to move:

"That in sub-clause (2) of clause 6 of the Bill, for the words 'in the presence of the claimant' the words 'after hearing the claimant' be substituted."

Mr. Chairman (Sir Cowasji Jehangir): The question is:

"That in sub-clause (2) of clause 6 of the Bill, for the words 'in the presence of the claimant' the words 'after hearing the claimant' be substituted."

The motion was adopted.

Mr. Mohan Lal Saksena: Sir, I move:

"That in sub-clause (2) of clause 6 of the Bill, after the word 'claimant' occurring in the fourth line, the words 'or his authorized agent' be inserted."

It was pointed out just now by Mr. Sri Prakasa that there are *pardanashin* ladies in certain parts of the country and it is just possible that they would like to send their authorised agent. I do not mean any lawyer or anything of the sort, but any person who applies in writing. I think there should be no difficulty in accepting this amendment.

Mr. C. M. G. Ogilvie: Sir, I am sorry to appear unaccommodating, but this also I am afraid I cannot accept. The words 'authorized agent' seem to me in the circumstances to hold within themselves a whole pack of trouble. What will the authorization be? Will the individual have to take out a power of attorney?

Mr. Mohan Lal Saksena: May I explain? Anybody authorized in writing—that is all.

Mr. C. M. G. Ogilvie: Will he have to produce authorization in writing? That means that if he cannot write himself he has got to find somebody who can and he may have to pay a fee. Unless it can be defined very much more closely, it is definitely unacceptable. But I maintain that all arrangements of that type will be made by the Provincial Governments under the rules, whereby they will decide how these claims are to be disbursed.

Mr. Mohan Lal Saksena: May I make a suggestion? The words "or an agent authorized in writing" may be added instead of the words in the amendment. It will clarify it, if it is acceptable to the Honourable Member.

Mr. Chairman (Sir Cowasji Jehangir): The question is:

"That in sub-clause (2) of clause 6 of the Bill, after the word 'claimant' occurring in the fourth line, the words 'or his authorized agent' be inserted."

The motion was negatived.

Mr. Abdul Qaiyum: Sir, I move:

"That in sub-clause (3) of clause 6 of the Bill, for the word 'seven' occurring in the fourth line, the word 'fifteen' be substituted."

The object of this amendment is that a period of seven days for preferring an appeal in the case of persons who hail from rural areas may be too short a period, and the idea is to give them fifteen days' time. Sir, I move.

Mr. C. M. G. Ogilvie: Sir, I accept the amendment.

Mr. Chairman (Sir Cowasji Jehangir): The question is:

"That in sub-clause (3) of clause 6 of the Bill, for the word 'seven' occurring in the fourth line, the word 'fifteen' be substituted."

The motion was adopted.

Mr. Mohan Lal Saksena: Sir, I move:

"That after sub-clause (6) of clause 6 of the Bill, the following new sub-clause be inserted:

"(7) No fees shall be charged for any claims, notices, appeal, applications or any documents filed before the revenue officer, collector or the commission under this section."

The amendment speaks for itself, the object being that these persons who are going to be paid compensation of a few annas or rupees need not be required to affix any court fee or any stamp on the application.

[Mr. Mohan Lal Saksena.]

that they may have to file before the collector or revenue authority or commission which may inquire into their claims or on appeals they may have to file against the compensation awarded to them. I hope the Honourable Member will accept this amendment at least, as he seems to be very much in favour of summary procedure and he would not mind allowing this concession to the poor peasant.

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

Mr. O. M. G. Ogilvie: Sir, I accept the amendment subject, with your permission, to a slight verbal alteration. I suggest that it should read:

"No fee shall be charged in connection with a claim, notice, appeal, application or document filed before the revenue officer, collector or the commission under this section."

The only change I make is that I use the singular instead of the plural throughout, and the words 'in connection with' instead of the word 'for', and the word 'any' goes.

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

That after sub-clause (d) of clause 6 of the Bill, the following new sub-clause be inserted:

"(7) No fee shall be charged in connection with a claim, notice, appeal, application or document filed before the revenue officer, collector or the commission under this section."

The motion was adopted.

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

"That clause 6, as amended, stand part of the Bill."

The motion was adopted.

Clause 6, as amended, was added to the Bill.

Mr. Mohan Lal Saksena: Sir, I move:

"That in clause 7 of the Bill, for the word 'fifteen' occurring in the last line, the word 'ten' be substituted."

This is the amount of fine prescribed by this Bill. In the British Military Manœuvres Act, we find that the fine prescribed is 20 shillings or two pounds and 5 pounds. So they have differentiated between the offences covered by this clause. As Honourable Members of this House are aware, the original Bill provided for Rs. 50 as the maximum amount of fine. We know the condition of the villagers, and since those cases are to be summarily tried, I think that the maximum amount of fine should be Rs. 10 instead of Rs. 15. I hope the Honourable the Defence Secretary will accept this amendment.

Mr. O. M. G. Ogilvie: Sir, I accept the amendment.

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

"That in clause 7 of the Bill, for the word 'fifteen' occurring in the last line, the word 'ten' be substituted."

The motion was adopted.

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

"That clause 7, as amended, stand part of the Bill."

The motion was adopted.

Clause 7, as amended, was added to the Bill.

Clause 8 was added to the Bill.

Mr. K. Santhanam: Sir, I move:

"That in sub-clause (3) of clause 9 of the Bill for the words 'two months' occurring in the sixth line, the words 'three months' be substituted."

Sir, a similar provision in Chapter I has been accepted. Artillery practice is something much more serious than manœuvres, and therefore this House having passed the first amendment, the present amendment should follow it. I, therefore, hope that the Government will accept it.

Mr. C. M. G. Ogilvie: Sir, as the Honourable Member said that this change from two months to three months had already taken place in the mobilisation part of the Bill is correct, but this was as a result of a division, and I must say it is a grievous blow to the Bill. But though the extension of the period of notification from two months to three would undoubtedly hamper manœuvres, particularly those on a small scale very considerably, it is not absolutely ruinous as it would be in the case of field firing. If I were compelled to go beyond the period of two months which was conceded in the Select Committee in order to arrive at an agreed measure the effect would be so serious that I should be unable to move that the Bill be passed.

Mr. Sri Prakasa: Sir, after hearing my friend, Mr. Ogilvie, I should myself like to make an appeal to my friend, Mr. Santhanam, not to press this point. I shall give my reason for it. There is a difference between manœuvres and field firing. In the case of manœuvres large tracts of land are involved; and therefore a longer notice is reasonable and proper, as a large number of persons have to be approached. The tracts used for manœuvres may be moreover different from year to year. But in the case of field firing, as section 8 of the Bill makes it clear, the Provincial Government shall have to define the area 'as an area within which for a specified term of years the carrying out periodically of field firing and artillery practice may be authorised'. So the area will be specified; and it will be so to say reserved for a certain number of years in succession for a definite purpose; and therefore if we have a comparatively short notice of 2 months, it would not matter so much as it would in the case of artillery manœuvres where large tracts are involved, and areas may change from year to year. I therefore think we should give in to Mr. Ogilvie. That will make up for a little opposition that we entered against him some time back, and as I see the Chief Whip is also smiling behind him instead of shaking his head as he did on the earlier occasion, I hope peace will again be restored.

Mr. K. Santhanam: Sir, I withdraw this amendment.

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

Several Honourable Members: Yes.

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

Mr. Abdul Qaiyum: Sir, I move:

"That in sub-clause (4) of clause 9 of the Bill, for the words 'the manner' occurring in the fourth line, the following be substituted:

'some newspaper circulating in and in the language commonly understood in that area and by beat of drum and by affixation in all prominent places of copies of the said notice in the language of the locality and in such other manner as may be'."

Sir, a similar amendment was moved by me when the portion of the Bill dealing with manœuvres was before this House, and I met with a defeat owing to the opposition of the Honourable the Defence Secretary. But, Sir, now we are dealing with field firing which is a much more serious thing. Knowing full well the mind of the Honourable the Defence Secretary that he will oppose tooth and nail any proposal which seeks to curtail the rule-making power of the executive I have been compelled to move this amendment. Sir, I consider that ample and sufficient notice is absolute necessity where field firing and artillery practice are about to take place. We know that in the past many incidents . . .

Mr. President (The Honourable Sir Abdur Rahim): Does the Honourable Member wish to withdraw his amendment? If that is so, it is not necessary to make a speech.

Mr. Abdul Qaiyum: No, Sir, I am pressing my amendment. In the case of field firing and artillery practice, it is a well known fact that in spite of all the precautions, sometimes the troops have been the victims of carelessly thrown bombs or of stray shots. It is absolutely necessary that, where peasants or the civil population is concerned, that they should be given ample notice. I hope the Honourable the Defence Secretary will see the force and the necessity of having an amendment of this nature, and I trust he will accept it. Sir, I move.

Mr. C. M. G. Ogilvie: I must admit that I am still of the same mind as I was when the amendment on the manœuvres portion of the Bill was under discussion. But I learn from my Honourable friend that if I swallow this pill I shall be rewarded with a withdrawal of amendments Nos. 25 and 26. On that condition I am prepared to give way.

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

"That in sub-clause (4) of clause 9 of the Bill, for the words 'the manner' occurring in the fourth line, the following be substituted:

'some newspaper circulating in and in the language commonly understood in that area and by beat of drum and by affixation in all prominent places of copies of the said notice in the language of the locality and in such other manner as may be'."

The motion was adopted.

Mr. Abdul Qaiyum: Sir, I beg to move:

"That to sub-clause (4) of clause 9 of the Bill, the following further proviso be added:

'Provided that the fact of the said beat of drum and affixation shall be verified in writing by one headman and two other literate inhabitants of the locality and provided further that such notice by the beat of drum shall be given seven and two days before the commencement of such field firing and artillery practice'."

It has very often happened even in the case of Court notices or summonses which are usually sent to parties to suits who come from rural areas that the bailiffs and other gentlemen who have to effect service simply write fictitious endorsements that service has been effected, and it is to make it absolutely sure that notice by beat of drum has been given that a verification by the head man and two other literate inhabitants of the locality is desired. It is also absolutely necessary that this notice should be repeated at least seven and two days before the field firing and artillery practice commence. I consider that this amendment is very necessary to safeguard the lives and limbs of all those people who reside in close proximity to the scene of the firing. Sir, I move.

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

"That to sub-clause (4) of clause 9 of the Bill, the following further proviso be added:

'Provided that the fact of the said beat of drum and affixation shall be verified in writing by one headman and two other literate inhabitants of the locality and provided further that such notice by the beat of drum shall be given seven and two days before the commencement of such field firing and artillery practice'."

Mr. C. M. G. Ogilvie: Sir, subject to the same considerations as I expressed in dealing with the last amendment, I also accept this one subject, with your permission and that of the Honourable the Mover, to one slight alteration. The amendment states "that such notice by the beat of drum shall be given seven and two days before the commencement of such field firing and artillery practice". I suggest that it should read, "... shall be given seven and two days, as nearly as may be, before the commencement of such field firing and artillery practice".

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

"That to sub-clause (4) of clause 9 of the Bill, the following further proviso be added:

'Provided that the fact of the said beat of drum and affixation shall be verified in writing by one headman and two other literate inhabitants of the locality and provided further that such notice by the beat of drum shall be given seven and two days, as nearly as may be, before the commencement of such field firing and artillery practice'."

The motion was adopted.

Clause 9, as amended, was added to the Bill.

Mr. Mohan Lal Saksena: I beg to move:

"That to sub-clause (1) of clause 10 of the Bill, the following further proviso be added:

'Provided further that in the case of a dwelling house occupied by women adequate warning shall be given through a local inhabitant and entry shall be effected after such warning in the presence of two respectable inhabitants of the locality'."

I need not say much on this amendment and I hope that the Honourable Member will accept it.

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

"That to sub-clause (1) of clause 10 of the Bill, the following further proviso be added:

'Provided further that in the case of a dwelling house occupied by women adequate warning shall be given through a local inhabitant and entry shall be effected after such warning in the presence of two respectable inhabitants of the locality'."

Mr. C. M. G. Ogilvie: I feel that this too should be subject to the rules to be prepared by the Provincial Government, especially as the removal of people is done by order of the Collector who is a servant of the Provincial Government, but as so much has come in, I suppose this may also come in, and I therefore accept it. (Laughter.)

Sardar Sant Singh (West Punjab: Sikh): I submit that the wording of this amendment will lead us to a good deal of confusion. It says, "Provided further . . . adequate warning shall be given through a local inhabitant . . ." What is meant by "through a local inhabitant"?

Mr. Abdul Qaiyum: It means that the information of the warning that field firing or artillery practice in that locality is to take place is to be conveyed through a local resident, and if and when the troops effect entry into the house they must be accompanied by two other local inhabitants so that there may be no complaint.

Mr. M. S. Aney: Does it mean three men?

Mr. Abdul Qaiyum: When they enter the house there must be two persons present. It should not be a case of troops rushing into a house occupied by women; there should be some one present there.

Sardar Sant Singh: May I ask the Honourable the Law Member to explain it?

The Honourable Sir Nripendra Sircar: I understand that my Honourable friend, Sardar Sant Singh, says that this is meaningless. I do not agree with him; that is all I can say. (Laughter.)

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

"That to sub-clause (1) of clause 10 of the Bill, the following further proviso be added:

'Provided further that in the case of a dwelling house occupied by women adequate warning shall be given through a local inhabitant and entry shall be effected after such warning in the presence of two respectable inhabitants of the locality.'

The motion was adopted.

Mr. K. Santhanam: I move:

"That in sub-clause (2) of clause 10 of the Bill, the words 'or there is danger to life or health' be added at the end."

This is really an amendment to help the Government because we give greater powers to the Officer Commanding who is empowered to "remove from such danger zone all persons and domestic animals during the times when the discharge of lethal missiles is taking place". This amendment extends this power to the period when there is danger to life or health because in these days of gas warfare the danger to life or health may continue long after the discharge of lethal missiles and, therefore, we are giving extended power. I leave it to the Government to accept it or not.

Mr. C. M. G. Ogilvie: I accept it.

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

"That in sub-clause (2) of clause 10 of the Bill, the words 'or there is danger to life or health' be added at the end."

The motion was adopted.

Clause 10, as amended, was added to the Bill.

Clause 11 was added to the Bill.

Mr. Mohan Lal Saksena: May I, with your permission, move amendment No. 24 in the name of Mr. Pande. At an earlier stage, 4 P.M. a similar amendment has been accepted. The fine has been reduced from 15 to 10.

Mr. President (The Honourable Sir Abdur Rahim): You cannot do it.

Mr. Mohan Lal Saksena: I want you to suspend the Standing Order. It can be done. I think the Government will not object.

Mr. President (The Honourable Sir Abdur Rahim): You must first give notice in writing and then I will see whether there is objection or not. If the House has no objection, then I will consider the question of waiving the Standing Order.

The Honourable Sir Nripendra Sircar: This will not be controversial and as you have power to dispense with notice and as Mr. Ogilvie will not object, you may allow this to be moved.

(After Mr. Mohan Lal Saksena gave notice in writing.)

Mr. President (The Honourable Sir Abdur Rahim): Is there any objection to Mr. Saksena moving the amendment that stands in the name of Mr. Pande?

(No objection was taken.)

I waive the Standing Order and allow this to be moved.

Mr. Mohan Lal Saksena: Sir, I move:

"That in clause 12 of the Bill, for the word 'fifteen' occurring in the last line the word 'ten' be substituted."

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

"That in clause 12 of the Bill, for the word 'fifteen' occurring in the last line the word 'ten' be substituted."

Mr. C. M. G. Ogilvie: I accept the amendment.

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

"That in clause 12 of the Bill, for the word 'fifteen' occurring in the last line the word 'ten' be substituted."

The motion was adopted.

Clause 12, as amended, was added to the Bill.

Clause 13 was added to the Bill.

Mr. G. H. Spence (Secretary, Legislative Department): Sir, I move:

"That in sub-clause (1) of clause 1 of the Bill for the figures '1937' the figures '1938' be substituted."

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

"That in sub-clause (1) of clause 1 of the Bill for the figures '1937' the figures '1938' be substituted."

The motion was adopted.

Clause 1, as amended, was added to the Bill.

The Title and the Preamble were added to the Bill.

Mr. O. M. G. Ogilvie: Sir, I move that the Bill, as amended, be passed.

Mr. Sri Prakasa: Sir, it is not very often that I have an opportunity or the occasion to thank the Government for any good work done.

The Honourable Sir Nripendra Sircar: Not too late to begin. (Laughter).

Mr. Sri Prakasa: But in this particular case, I thank the Government as a whole and particularly the Defence Secretary for having helped in putting a piece of useful legislation on the Statute-book. I must also not forget to thank my respected friend, the Honourable the Law Member, for having come to our rescue at a crucial moment this afternoon. By his legal subtlety, he was able to win over even the armaments of the Defence Secretary. The Defence Secretary is to be congratulated on having, according to the best tradition of the army, got his eye for an eye and a tooth for a tooth. He had yielded to two of our minor amendments in order to snatch away from us two of our major ones. In this connection, I will express my disappointment that the last two amendments were not acceptable to him or to the Government. The Honourable the Law Member has already helped us to taste flesh by accepting an amendment of this nature to his Insurance Bill; and we naturally thought that we might now get these rule-making powers of Government scrutinised by the Legislature in almost every Act.

The Honourable Sir Nripendra Sircar: We have become vegetarians now!

Mr. Sri Prakasa: But according to the old Persian proverb: *Gurba kushtan barazi awwal*, "the cat must be killed on the first night", the Government decided that before we proceed much further they should show that they do not want this precedent to be followed in all cases. I was particularly anxious to get the rule-making power of the Provincial Governments scrutinised by their respective Legislatures because of the rather dangerous message which the Defence Secretary read out this morning, emanating from my friend, the Honourable Dr. Katju, the Minister for Justice in the United Provinces. That only made me feel that Government is Government; and a Minister is a Minister, whether he is a Congressman or not. Dr. Katju in that message says that the rule-making power is a privilege of the executive and that the Legislature at best can only pass a censure on the action of the executive if they should not like its action. That is exactly why we were anxious that the rules made under this Act should be laid on the table of the Houses of the Legislature so that Members may have a chance to have their say.

I agree with the Defence Secretary that much latitude must be left to the local authorities because there are differences in conditions in various places and, therefore, there are different laws but sometimes some authorities are exceedingly indiscreet and even tyrannical. For instance, in my Province at the present moment the Government gives no compensation for the evacuation of cattle, but in the Province of Delhi I find that they do give some compensation. Here they give four annas for every bullock, two annas for every cow and six pies for even a goat. Even the little ones are not forgotten; for every child of a buffalo, its owner gets one anna. But in my Province this is not done. Therefore, I was anxious that the members of the Legislature who would be directly in touch with the conditions of the localities they represent might have occasion to give their opinions on the rules that Government might make; and we can only hope that the rules that Government will make will be reasonable. I am particularly glad personally that I have had something to do with this Bill because military manœuvres are very common in the great district of Jhansi which I happen to represent in this House and there were many scandals which I had occasion to relate to this House over and over again. Only this morning I received a letter from one of my friends in Jhansi saying that he hoped that I have not forgotten the Military Manœuvres Bill and that we would be able to do what they all expected us to do. I am glad that I shall be able to write to him this evening saying that a proper Bill has been placed on the Statute-book and that the residents of Jhansi need have no further fear of any injustice or tyranny.

Sir, with these words I welcome this measure and I hope it will be worked in the spirit in which it has been enacted. I am really grateful to the Honourable the Defence Secretary for having been so accommodating and I am sure that if he had not been momentarily misled by the Chief Whip of his Government, he would have agreed to our proposals without creating a temporary hitch in the Chamber this afternoon. But, Sir, let it be made clear that I for one—and I hope I am voicing the feelings of many Members in this House—am not quite convinced that these manœuvres and these military preparations are as necessary as the Defence Secretary seems to be convinced that they are.

I think, Sir, that the army is a necessary evil; so I am anxious that its activities should be limited and that the damages that arise to the civil population from its operations should be minimised. I am at one with Bernard Shaw when he says that army rehearsals are absolutely useless because first of all they are in preparation of a day that may never come; and then even when that day does come the events that take place are very different from the rehearsals. We have in our province rehearsals of Hindu-Muslim riots. The police have some fun on the public streets; but when an actual riot takes place, things are very different. No one carries on his operations in front of police stations and high roads where the rehearsals take place. Stabbing goes on in the narrow streets and blind alleys in the interior; and so is the case also when an actual war breaks out. But I can understand that soldiers when they are there, must, like the jinn in the story, be busily employed lest they create worse mischief. (Laughter.) Therefore, Sir, finding that there was no way out of these difficulties, we felt that we might just as well have this on the Statute-book as an improvement on the present 'lawless' condition. Let not the Defence Secretary however forget one thing. Merely putting

[Mr. Sri Prakasa.]

a good law on the Statute-book does not solve all the problems. The law has to be properly worked and the men in charge must be the proper sort of persons. I am, therefore, particularly pleased that the Defence Secretary more than once in the course of these debates has assured us that he is going to write to the Provincial Governments to tell them what he wishes them to do both as regards the rates of compensation and as regards the procedure that is to be followed in giving compensation. I hope that he will give liberal directions to the Provincial Governments from his own knowledge of things and that the Provincial Governments will follow what he says and will even go one step further. They should no doubt remember that the Provincial Governments now have not to pay; that they are to get payments from others; and one can always be more generous at other people's expense. (Laughter.) Sir, so far, the Provincial Governments and the Central Government were not very much differentiated in the eye of the Tahsildar who was in charge of the localities for the payment of these dues. To him all government was one; and as the very name signifies, a Tahsildar makes the tahsil, that is, he takes money. He never gave money; and so as a faithful servant of Government he is anxious not to make the Government pay more than is absolutely necessary. Sir, you will have met in your own experience many of these faithful servants of Government of the lower ranks, who think that though a thousand rupees or so per month is not too much for themselves, two pice is much too much for the poor man who carries the official's heavy luggage on his head. But now that the Government of India differs from the Governments of the Provinces, and as the Government of India are going to foot all the bills, the Provincial Governments may be asked to lay down the schedule of compensation on a liberal scale. I hope they will do so; and so far as my own Province is concerned, I am sure I am going to use the little influence that I possess with that Cabinet, despite what the Honourable Mr. Katju has said

Sardar Sant Singh: Ask him to read "New Despotism".

Mr. Sri Prakasa: to get proper compensation for my people, and especially my constituents of Jhansi so that if possible they may send me up again! Sir, I must also thank all my colleagues on the Select Committee because for the first time I have learnt that law-making is not such a simple process as I thought it would be. Even the putting of a small Bill like this on the Statute-book has required many months of hard work and the staving off of many difficult human situations. I am glad to have had this experience and happy that all is over. I am thankful for the results. Sir, I express my gratitude once more to all concerned.

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

"That the Bill, as amended, be passed."

The motion was adopted.

THE DESTRUCTIVE INSECTS AND PESTS (AMENDMENT) BILL.

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

"That the Bill further to amend the Destructive Insects and Pests Act, 1914, for certain purposes, be taken into consideration.";

but inasmuch as prolixity is a pestilential quality, I would like to tell Honourable Members of the House in advance that I propose to be very brief in my prefatory and explanatory remarks.

The existing Act is defective in two respects. In the first place, it covers the regulation only of the import of insects and pests into this country. If any occasion arose to prohibit or regulate the transportation of a diseased plant or fruit from one province to another, then action could not be taken to that end under the existing Act. The first purpose of the amending Bill is to remedy that defect. The second defect of the existing law is that its restrictive power is limited only to that kind of insect, fungus or pest which is or may be destructive to crops by reason of being infectious. Now, modern science has told us or brought to our notice that it is not only infectious insects that may cause damage to crops. There may be insects and pests which are beneficial for certain purposes but which in certain manifestations of their activities may do damage to crops, and their import and transport from one province to another has also to be regulated in the interests of the cultivator and the horticulturist. Those are the main defects of the existing law and the amending Bill is designed to remedy those defects.

Honourable friends will observe that we have put in a clause [clause 4 (B) as it will be, if the Bill is passed] for the purpose of empowering the station master to refuse consignments of insects of pests or of infected fruit or plant, as the case may be, in accordance with the Notification which may be issued under section 4 (A). This is an implementing provision and it is necessary for us in order to make any regulation that may be notified under section 4 (A) effective. That is all I need say at this stage.

Sir, I move.

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

"That the Bill further to amend the Destructive Insects and Pests Act, 1914, for certain purposes, be taken into consideration."

Mr. K. Santhanam (Tanjore *own* Trichinopoly; Non-Muhammadian Rural): Sir, I rise to a point of order. Under Standing Orders No. 45 and 46 two clear days notice must be given of any motion of amendments.

Mr. President (The Honourable Sir Abdur Rahim): There is no amendment now before the House.

Mr. K. Santhanam: We have had no opportunity to give notice of amendments and that is exactly the point of order which I am now making. Before this motion can be moved, we must have an opportunity to move that the Bill might be referred to a Select Committee or that it may be circulated or we may give notice of other amendments. Now, we have been denied this opportunity. No notice of this Bill was given to us till last Sunday and so we could not give any valid notice of such motions. Therefore, it is practically depriving the House of all its privileges by introducing Bills on the first and second day without giving previous notice. If previous notice had been given, we would have sent notices of amendments from our places. As it is, we did not get any such notice and, therefore, I submit that this motion is not in order and that the House and the Members should be given due time to table down the motions which they are entitled to move in connection with this Bill.

Mr. President (The Honourable Sir Abdur Rahim): I understand that the agenda containing this Bill was issued as far back as the 26th of January.

Mr. K. Santhanam: We did not receive it.

Mr. M. Ananthasayanam Ayyangar (Madras ceded Districts and Chittoor: Non-Muhammadan Rural): I got the agenda only yesterday.

Mr. K. Santhanam: We got the agenda only on the 31st of January. We were all travelling from Madras and other places to Delhi and there is no use posting the agenda on the 26th of January.

Mr. President (The Honourable Sir Abdur Rahim): What I can do under the circumstances is that if any notice of amendment is given, I shall be prepared to waive the time-limit of 2 days. I suppose the Bill will go on till tomorrow. Notice of amendments may be given now. In future, Bills should be sent to the addresses of the Honourable Members as early as possible.

Mr. N. V. Gadgil (Bombay Central Division: Non-Muhammadan Rural): In that case the Bill may be taken up tomorrow.

Mr. President (The Honourable Sir Abdur Rahim): Let the consideration of the Bill go on in the meantime.

Mr. M. S. Aney (Berar: Non-Muhammadan): May I ask what is the notice which you will be pleased to admit? Would a notice for circulation or for public opinion be admitted after the motion for consideration is admitted by the House?

Prof. N. G. Ranga (Guntur *cum* Nellore: Non-Muhammadan Rural): Sir, last time when this Bill was introduced, I tried to have a talk with the Honourable Member in charge of this Bill and ascertain from him whether the Provincial Governments had agreed to this or not. I do not remember now exactly what his answer was on that occasion. Anyhow, I had expected that this time, since so much time had elapsed, Government would have come forward with the views of various Provincial Governments in regard to this Bill. We have no such information now before us. The Honourable Member in charge of the Bill has also not produced any information. It is true it is a short Bill and the Statement of Objects and Reasons wants us to believe that it is really an essential Bill and an innocuous one and therefore we should pass it straightaway. But I am rather surprised at the manner in which the Honourable Member, who is really well known for his good manners and *bonhomie* temperament, should not have taken any opportunity of taking any of us on this side into his confidence and letting us know what his attitude has come to be in regard to the amendments of which I had given notice last time and which he was really prepared to accept at that time. It only shows, as my Honourable friend, Mr. Asaf Ali, says, that since he has to deal with pests, he must somehow or other deal with them in a pest-like fashion. It may be because we are at the beginning of the Session and he is assured of some sort of strength on his side that he has not tried to show any conciliatory attitude and tried to meet us more than half way. We were then given to understand that this Bill was urgently needed and ought to

be passed without any delay because there was a great urgency for trying to prevent the spread of those dangerous and destructive insects and pests in this country. Yet nearly four months have elapsed and I do not know what has happened in those four months,—whether any dangerous insects and pests had come to spread from one province to another and whether any damage has come to be experienced by the peasants in these different provinces or come to be felt by the Directors of Agriculture in various provinces. We are not given any information whatsoever. That only shows that this Bill is not so urgently needed as we were told it was. At the same time, I do admit that a Bill like this is needed and we are quite prepared to co-operate with Government in trying to get this Bill passed as soon as possible.

But we would like to know what the attitude of the Government is in regard to some of the amendments that I had then given notice of and in regard to the amendments that I propose to give notice of now. At the same time we are also anxious to gain as much time as possible to understand the real implications of the various provisions of this Bill. It is only for that purpose that at an earlier stage I gave notice of a motion for referring this Bill to a Select Committee. Later on I was advised that I had better try to co-operate with this Government a little more expeditiously and help them to get this Bill passed into law without being referred to a Select Committee. Even then, I want to know whether it is right that a heavy fine of Rs. 500 should be sought to be imposed upon any peasant who out of ignorance may come to export some bush or plant or trade in anything which might in the opinion of the expert—I do not know what you call this expert, a botanist or otherwise—be considered dangerous. How is any ordinary peasant to know which particular plant is prohibited from being exported from one province to another. We may be told that he should look up the local official Gazette. But how many peasants do really get an opportunity or how many are really able to look into the official Gazette and ascertain which particular plant is prohibited. How are they to know what particular plant is infested with what insect or by what pest. It is very very difficult to expect these people to know all these. To try to penalise them by imposing a fine of Rs. 500 merely because by an accident they happen to have exported such and such a plant whose export has been prohibited is really very unreasonable. Therefore I suggest that Government should take us into their confidence and give us more information and also show more conciliatory spirit and try to meet us more than half way and thus enable us to help our ignorant peasants to get out of the mischief of this Bill.

Then I come to another point. On a subsequent conviction a peasant is liable to imprisonment which may extend to three months or with fine which may extend to Rs. 2,000. Sir, most of our peasants who are interested in raising these small plants or bushes which may be exported from one province to another for the sake of gardening purposes are very poor. Of course, they are ignorant. If by any chance, almost by accident, a peasant comes to be convicted once and he comes to be fined as much as Rs. 500 and if later on, on another occasion, he is again caught hold of and is convicted, he is liable to be put in jail for three months or he is even liable to a fine up to Rs. 2,000. Is it not unfair to pass a second sentence of Rs. 2,000 or three months imprisonment? Yet it is just the proposal that we are asked to accept. I consider this proposal to be an unreasonableness and I hope that the Government will try

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to agree to some compromise by which we can do away with this imprisonment completely and reduce the fine proposed.

Then again a lot of discretion is being given to the Central Government in making rules for prescribing the documents which shall accompany any article or insect the export and transport whereof is subject to conditions imposed under section 4-A. What sort of documents they are going to be, we are not told. Everything depends upon the kind of document that is going to be prescribed. Why? There may be any number of conditions imposed upon him. An ordinary peasant who either raises these plants or who deals in the marketing of these plants is naturally expected to go through these rules and then deal in these plants. As is well known ignorance of law is no excuse. Therefore, whether a peasant is able to ascertain what all rules are prescribed by Government in regard to this particular certificate to be issued or other documents to be prescribed by Government or not, he is to be expected to know all these and, therefore, later on he is to be penalised for having contravened any of the terms of these rules that may be prescribed by the Central Government. Especially in a thing like this where such a heavy fine is sought to be imposed almost indiscriminately, it is urgently necessary that such rules and documents which may be prescribed by the Central Government ought to be placed on the table of the House, and this House should be given an opportunity of scrutinising these rules as soon as may be and of satisfying themselves that there is nothing not innocuous in such rules, a knowledge of which is likely to be disseminated as freely as possible not only through the local official Gazettes but also through the local newspapers. Therefore, Sir, I want the Government to be a little more communicative and take us into their confidence and give us as much information as possible in regard to these points that I have raised and also the other points that may be considered to be important and thus help us in understanding their motives as well as their objectives in trying to move this Bill and also give us an indication as to how far they are prepared to co-operate with us in lessening these fines that are prescribed here and in making some of these clauses as innocuous as possible.

Mr. K. Santhanam: Sir, I do not rise to oppose either the principle of the Bill or the actual provisions, but I wish to make a few remarks regarding the procedure adopted in regard to this Bill. It is no doubt true that this Bill comes in item 30 of the Concurrent Legislative List. At the same time it is also a matter concerning item 20 in the Provincial Legislative List—protection against pests and prevention of plant diseases. Being a common item in the Provincial Legislative List and in the Concurrent Legislative List and also being a matter in which the Provincial Governments are primarily interested, we should expect the Central Government to assure us whether they have consulted the Provincial Governments and also give us the benefit of their views.

In the Statement of Objects and Reasons it is not stated that this Bill has been approved of by the Provincial Governments or that the Provincial Governments were even consulted in the matter. I suggest that it is not a fair way of dealing with matters of this kind. In such matters the parties primarily interested are the Provincial Governments and before such a legislation is brought before this Legislature we ought to be assured that the Provincial Governments were consulted and the Central Government have got full permission to introduce this Bill.

Then again, I wish Government had moved for a small select committee to go into this Bill, and for this reason. Take for instance the proposed section 4C which seems to be a reciprocity in insects. I do not see why, the Central Government should not prevent the importation of insects into that State whether that State has prohibited it or not. In fact, if the Central Government is convinced that insects are being carried it ought to prevent its entry into that State or anywhere else. Such things ought to have been looked into by a select committee. And even at this stage I would suggest that if a small committee sits and scrutinises the clauses it will facilitate the passage of the Bill. Otherwise we would have to table a lot of amendments on each clause and much time of the House will be taken up. On these two matters I am afraid Government have not adopted the proper procedure.

Mr. J. Ramsay Scott (United Provinces: European): Sir, I should like to ask a couple of questions on this Bill. The first is that power, from the Statement of Objects and Reasons, is needed to deal with the San José scale fruit pest, but the powers will be available to deal with other pests, and I presume that there will be a notification by Government on each occasion it is intended to use it. The second is whether it is intended to use it with regard to the moth borer in sugarcane. The damage done by this pest to sugarcane is in the neighbourhood of 2 crores of rupees per annum. The use of the powers in this Bill would have to be considered carefully for factories in one province often get their cane from an adjoining province. I would urge that this moth borer pest be taken up at once as it reduces the yield of cane per acre and the income of the ryot who plants sugarcane.

Sir Girja Shankar Bajpai: Sir, my Honourable friend, Professor Ranga, who is very chary of complimenting anybody on this side of the House at all referred to my good manners. I hope, Sir, that I have, in this particular case, not lapsed from the good manners which, I think, make gentlemen whether on this side or on that side of the House. Really I do not know in what respect any discourtesy has been shown by us to Honourable Members opposite. My Honourable friend has been a Member of this House sufficiently long to know that amendments of which he gives notice in one Session expire as a result of prorogation. I had no notice of a single amendment before me until two hours ago, when some were passed up to me by the Clerk of the House. In the circumstances I cannot really be accused of any discourtesy in the matter of not having told my Honourable friend what my attitude towards non-existent amendments would be.

Then, Sir, he made great play with the alleged lack of candour or communicativeness on the part of Government as regards the attitude of Provincial Governments in respect of this measure. I can reassure both my Honourable friend and Mr. Santhanam by saying at once that our idea to undertake this legislation was communicated to each Local Government. That the Local Governments blessed the principle of this measure, that they made certain suggestions of detail which relate more to the rules that may be made hereafter than to the substance of the provisions of the Bill, and that the Bill therefore is not merely a thing which the Government of India have evolved in their autocratic fashion independently, but it is

[Sir Girja Shankar Bajpai.]

something which the Local Governments have been consulted upon and which embodies in its provisions the result of that consultation.

Now, Sir, my Honourable friend, Professor Ranga, said something about penalties. You, Sir, have ruled that you do not propose to enforce the Standing Orders in this particular case, and that amendments which have already been received or which may be received will be allowed and considered on their merits. That being so, I shall be prepared to consider the question of penalties if any proposal as regards individual penalties is made. I do not know that it is possible for me to say anything more at this stage.

Then, Sir, Mr. Santhanam from Madras said something about the necessity of having to table a number of amendments. Well, quite frankly, he seemed to me to exaggerate the complexity of this particular measure. It really is quite a simple measure. In so far as the substantive provision is concerned, it does no more than give to the Governor General in Council power to make rules for the purpose of regulating the movement of certain insects or pests or infected articles. It does not do anything more than that; and it is really impossible, when you are dealing with an agricultural country of the size of India, and a country where so many varieties of crops are grown, to attempt to incorporate in the body of the law itself the conditions which shall apply. The conditions that apply to sugarcane will not automatically apply to custard apple, or the conditions that apply to oranges will not apply to blackberries. It is, therefore, impossible and it is not really fair to the fruit grower or the agriculturist himself that we should go into details of that kind in the body of the Bill.

Then I think my Honourable friend had something to say with regard to section 4C in clause 5 of the Bill. If my Honourable friend will read section 4A he will find this:

"The Central Government may, by notification in the Official Gazette, prohibit or regulate, subject to such conditions as the Central Government may impose, the export from a province or the transport from one province to another province in British India of any article or class of articles likely to cause infection to any crop or of insects generally or any class of insects."

The point being that, in so far as the power of prohibition is concerned, that power is absolute. There is nothing really to prevent the Governor General from prohibiting the export from any part of British India to any Indian State whatsoever of anything which is diseased or infected. There is no lacuna or defect there. In so far as import into British India from any State of insects or pests or an infected article is concerned, power to prohibit that already exists under Act 2 of 1914. So I do not think that the proposed section 4C is really defective in any way. I do not know that there is any other point raised by the two Honourable Members opposite that I need deal with.

I have to say one word or two in answer to the two questions asked by my Honourable friend, Mr. Ramsay Scott. In so far as his point as regards notification is concerned, I think I have already indicated that it is impossible to cover all commodities or all crops by way of one notification. The intention is that with regard to a particular pest or a particular crop there will have to be a separate notification. Then,

as regards the San José disease; we are not limiting ourselves to prohibiting or restricting or regulating the movement of a thing which is infected only with the San José disease. The law will really be extended as and when occasion requires, to other diseases as well. As regards sugarcane I am not aware that it is the intention of the framers of the Bill or our advisers to apply the restrictions contemplated here automatically to the transport of infected sugarcane. But my Honourable friend's suggestion is one which I shall put to our expert advisers when the time arrives for that. That, Sir, is all that I need say.

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

"That the Bill further to amend the Destructive Insects and Pests Act, 1914, for certain purposes, be taken into consideration."

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim): I should like to know in this connection whether Government intend to bring on the Bill tomorrow, because sufficient time should be given for notice of amendments to be given. I do not know whether there are any serious amendments in contemplation.

Mr. N. V. Gadgil: I have given notice of some.

Mr. President (The Honourable Sir Abdur Rahim): Will it suit the convenience of the House as a whole if the Bill is taken up tomorrow?

Honourable Members: Yes: we are agreeable.

The Assembly then adjourned till Eleven of the Clock on Wednesday, the 2nd February, 1938.