

14th February 1938

THE

LEGISLATIVE ASSEMBLY DEBATES

(Official Report)

Volume I, 1938

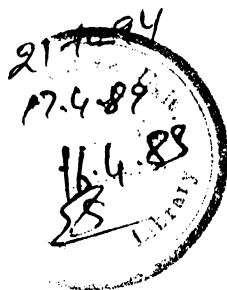
(31st January to 22nd February, 1938)

SEVENTH SESSION

OF THE

FIFTH LEGISLATIVE ASSEMBLY,

1938



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1938

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A

Legislative Assembly.

President :

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

Deputy President :

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

Panel of Chairmen :

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

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

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

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

Secretary :

MIAN MUHAMMAD RAFI, BAR.-AT-LAW.

Assistants of the Secretary :

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

RAI BAHADUR D. DUTT.

Marshal :

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

Committee on Petitions :

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

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

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

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

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

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LEGISLATIVE ASSEMBLY

Monday, 14th 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. Frank D'Souza (Government of India: Nominated Official):

STARRED QUESTIONS AND ANSWERS.

(a) ORAL ANSWERS.

†205*—213*

LEGISLATION AFFECTING THE SUFFRAGE OF INDIANS IN CEYLON.

214. ***Mr. T. S. Avinashilingam Chettiar**: Will the Secretary for Education, Health and Lands state:

(a) the latest position of the legislation affecting the suffrage of Indians in Ceylon; and

(b) what Government have done in the matter?

Sir Girja Shankar Bajpai: (a) The attention of the Honourable Member is invited to the reply given by me to part (a) of Mr. Badri Dutt Pande's question No. 185 on the 9th February, 1938.

(b) Pending a satisfactory settlement, the Government of India do not propose to agree to the reopening of recruitment of labour for Ceylon.

AMALGAMATION OF THE INDIAN AND LONDON STORES DEPARTMENT.

215. ***Mr. T. S. Avinashilingam Chettiar**: Will the Comm^{ce} Secretary state:

(a) whether Sir James Pitkeathly has submitted his report regarding the amalgamation of the Indian and London Stores Department;

(b) the nature of his recommendation; and

(c) whether Government have considered the report, and if so, what action they propose to take in the matter?

Mr. H. Dow: (a) to (c). Owing to his other duties making heavy calls on his time, Sir James Pitkeathly has not yet been able to submit a complete report, but it is expected very shortly.

Mr. T. S. Avinashilingam Chettiar: May I know for how many years this matter has been under reference to him.

Mr. H. Dow: I require notice of this question.

†These questions which were on the Order Paper for the 11th February 1938, have lapsed, the meeting fixed for that date having been cancelled.

Mr. T. S. Avinashilingam Chettiar: May I know the reason for this great inordinate delay in this matter.

Mr. H. Dow: I gave it in my answer to the question.

Babu Baijnath Bajoria: When was Sir James Pitkeathly deputed to study this question of amalgamation.

Mr. H. Dow: About a year ago, I believe.

Mr. T. S. Avinashilingam Chettiar: May I know what are the other duties of Sir James Pitkeathly?

Mr. H. Dow: Sir James, as the Chief Controller of Stores, has a very heavy post.

Prof. N. G. Ranga: The Honourable Member should be aware of the fact that Sir James Pitkeathly admitted before the Public Accounts Committee, whose full proceedings are published, that his report was due to be submitted to Government within a few months of his meeting us in the Public Accounts Committee.

Mr. H. Dow: I am not aware of that. The Honourable Member seems to be more anxious to impart information than to acquire it.

Mr. T. S. Avinashilingam Chettiar: When did Sir James meet the Public Accounts Committee?

An Honourable Member: Last July.

Mr. H. Dow: I am not aware of that.

Babu Baijnath Bajoria: Will the report be published and distributed to the Members of this House?

Mr. H. Dow: I shall consider that question after I get the report.

Mr. T. S. Avinashilingam Chettiar: Is the Honourable Member sure that the report will be forthcoming soon. He said in his answer that it would be submitted soon.

Mr. H. Dow: The report is promised very shortly.

Mr. T. S. Avinashilingam Chettiar: Before the end of this Session.

Mr. H. Dow: I cannot say.

Mr. Manu Subedar: Has any correspondence passed between the Government of India and the High Commissioner on the subject.

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

Mr. Manu Subedar: It is on the same subject—the subject of abolishing the London Department.

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

EFFECT OF THE SINO-JAPANESE WAR ON THE JAPANESE TRADE WITH INDIA.

216. ***Mr. T. S. Avinashilingam Chettiar:** Will the Commerce Secretary state:

- (a) the effect of the Sino-Japanese war on the Japanese trade with India;
- (b) whether the Japanese intake of Indian cotton and tobacco has decreased; if so, to what extent; and
- (c) what will be the effect of this on the Indo-Japanese trade agreement?

Mr. H. Dow: (a) Since the outbreak of hostilities between Japan and China, there has been a marked increase in the value of Japanese imports into India and a decrease in the value of Indian exports to Japan. While it is obvious that these figures reflect war conditions, I am, of course, unable to state the precise extent to which these conditions alone are responsible for the variations.

(b) Yes. I lay on the table a statement giving the monthly exports during 1937 of raw cotton and tobacco to Japan.

(c) None.

Statement showing Exports of Cotton and Tobacco from British India to Japan.

1937.	Cotton, raw.		Tobacco unmanufactured.	
	Quantity. Tons (000)	Value. Rs. (lakhs)	Quantity. Lbs. (000)	Value. Rs. (000).
January	66	3.89	250	54
February	36	2.13	1,265	368
March	46	2.73	471	128
April	42	2.62	627	125
May	43	2.78
June	40	2.49	724	117
July	34	2.20	3	3
August	16	1.01
September	3	17	775	51
October	4	21
November	2	11	187	19
December	2	12

Mr. T. S. Avinashilingam Chettiar: In view of the fact that exports to Japan have decreased and imports from Japan have increased, have the Government of India under contemplation any amendment to the Indo-Japanese Trade Agreement?

Mr. H. Dow: The Honourable Member has not listened, I think, to the answer made to part (c) of the question.

Mr. T. S. Avinashilingam Chettiar: What is the answer?

Mr. H. Dow: "None".

Mr. K. Sathanam: With reference to paragraph (a), will the Government of India reconsider the subject of protection to cottage industries as the Japanese imports have increased?

Mr. H. Dow: No, Sir.

Mr. T. S. Avinashilingam Chettiar: With reference to Government's answer to (c)—None—what is the meaning of 'none'? Does it mean that exports promised under the agreement are going on?

Mr. H. Dow: The answer to (c) is a perfectly clear and categorical answer to the Honourable Member's question. The Honourable Member asked what would be the effect of this on the trade agreement, and the effect of this is none.

Mr. T. S. Avinashilingam Chettiar: May I know, Sir, what exports of cotton to Japan are required under the scheme laid down in the Indo-Japanese Trade Agreement?

Mr. H. Dow: I do not think that arises out of this question.

Mr. T. S. Avinashilingam Chettiar: I want a ruling.

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

Babu Baijnath Bajoria: How much has Japan taken less than her quota?

Mr. H. Dow: I am laying a statement on the table of the House—a statement of the total exports during 1937.

Babu Baijnath Bajoria: How does it compare with the previous year?

Mr. H. Dow: It is, I think, less than previous year's.

Babu Baijnath Bajoria: What percentage.

Mr. H. Dow: I am afraid I cannot answer that question without notice.

Prof. N. G. Ranga: Have Government taken any steps to see that exports of Indian cotton to Japan are increased in the near future.

Mr. H. Dow: No, Sir.

RAW PRODUCTS PURCHASED BY GERMANY AND JAPAN FROM INDIA.

217. ***Mr. Govind V. Deshmukh:** Will the Commerce Secretary please state:

- (a) what were the raw products which Germany and Japan purchased from India;
- (b) if Germany concluded agreements with Roumania, Yugoslavia, Argentine, Egypt and South America to purchase raw products which she used to purchase from India, if so, when these agreements were concluded and why;
- (c) if Japan entered into any agreement with any country or countries to purchase raw products from them which she used to purchase from India; if so, when and why;

- (d) to what extent the trade of India has been affected by the above referred to trade agreements by Germany and Japan with other countries; and
- (e) what immediate and effective steps the Government of India have taken, or are going to take, to see that India is not ousted from the market of countries which used to purchase or are at present purchasing her raw materials?

Mr. H. Dow: (a) The Honourable Member is referred to Volume II of the Annual Statement of the Sea-Borne Trade of British India, copies of which are in the Library.

(b) Since 1934 Germany has concluded agreements with most of the countries named and with many others. Generally, speaking, the agreements represent attempts to overcome the lack of free exchange and to improve Germany's trade balance with the countries concerned.

(c) Government are not aware of any such agreement.

(d) The extent to which trade agreements between foreign countries affect their trade with India is not capable of precise estimation. In the case of Germany, trade with India is hampered by the positive restrictions which Germany has imposed. Indian importers of German goods have to pay in cash in full for all German goods imported into India, while Indian goods imported into Germany must be paid for in foreign currency, provided the German importer is granted the necessary permission by the German authorities.

(e) It is impossible to give a brief reply to so general a question on the floor of the House. The course of India's trade with various countries is constantly under review by the Government of India, and such measures, as are possible to extend India's trade in foreign markets, are taken as occasion arises.

Prof. N. G. Ranga: Why is it that the Government of India have not instituted a system of licensing German imports into India when Germany has insisted upon licensing Indian imports into Germany? Why is it that the same practice, as now obtains in Germany with regard to Indian imports, has not been adopted in India with regard to German imports?

Mr. H. Dow: Because the Government of India do not consider that it would be in the interests of India.

Mr. Govind V. Deshmukh: What are the grounds for considering that it is not in the interest of India.

Mr. President (The Honourable Sir Abdur Rahim): You cannot discuss a matter like that. It cannot be discussed now:

Babu Baijnath Bajoria: Have Government considered the adverse effect of the barter system obtaining in Germany so far as that affects the exports from India to Germany?

Mr. H. Dow: Sir, we are generally aware that the restrictions imposed by Germany are harmful to Indian trade.

Babu Baijnath Bajoria: What steps are taken by the Government so that these conditions may be improved?

Mr. H. Dow: The measures which restrict Indian trade are measures which have been taken by Germany. If Germany wishes to improve the position, then the latch is on her side of the door.

NEGOTIATIONS FOR TRADE AGREEMENTS DIRECT BY THE GOVERNMENT OF INDIA.

218. ***Mr. Govind V. Deshmukh:** (a) Will the Commerce Secretary please state whether a practice has been established that trade agreements shall be negotiated by the Government of India direct with other Empire countries and also foreign countries?

(b) Has such practice been ever interfered with by the Secretary of State for India? If so, when and in respect of which countries and on what grounds?

Mr. H. Dow: (a) The attention of the Honourable Member is invited to the reply given to his starred questions Nos. 397 and 398 on the 8th September, 1937, Negotiations for trade agreements between India alone on the one side and another contracting country (Empire or foreign) on the other side, have in practice been conducted direct. In regard to agreements in which both the United Kingdom and India are concerned as one party, negotiations are conducted by His Majesty's Government.

(b) No, Sir.

EMIGRATION OF INDIAN LABOUR TO CEYLON.

219. ***Mr. Govind V. Deshmukh** (on behalf of Seth Govind Das): Will the Secretary for Education, Health and Lands be pleased to state:

(a) whether the decision of Government not to renew assisted emigration of Indian labour to Ceylon as a retaliatory measure against that country's refusal to extend franchise to Indian labourers in that country on equal terms with the native population, has brought about any beneficial results;

(b) whether Government are aware of any attempts by the planters in Ceylon to decoy Indian labour to counteract Government efforts in this matter; if they have taken any precautionary measures to prevent such emigration; and

(c) if so, what those measures are?

Sir Girs Shankar Bajpai: (a) If the Honourable Member will kindly tell me what "beneficial results" he has in mind, I shall endeavour to answer his question.

(b) and (c). There has been no large-scale evasion of the Indian Emigration Act and the rules issued thereunder; but as a precautionary measure, the Protector of Emigrants has been instructed by the Madras Government to be particularly strict in his interpretation of Rule 30 (1) of the Indian Emigration Rules.

BILLS INTRODUCED IN THE BURMA LEGISLATURE AGAINST INDIAN INTERESTS IN BURMA.

220. ***Mr. Govind V. Deshmukh** (on behalf of Seth Govind Das): Will the Secretary for Education, Health and Lands please state:

(a) whether Government have examined the Bills introduced in Burma Legislature after Burma's separation from this country;

- (b) whether Government have considered if some of these Bills were directed against Indian interests in Burma;
- (c) whether Government's attention has been drawn to the proceedings of the Burma Indians' Conference held in Rangoon at the end of December last;
- (d) whether Government's attention has been drawn to the move on the part of the Burmese Government on important matters like the employment of Indians in the public services and Public Service Commission, appointment of Indian Judges in their High Court, Education of Indian children in Burmese and the proposal of amending the Rangoon Municipal Act;
- (e) whether Government have considered if the move on the part of the Burmese Government on these issues affects the Indian community in that land;
- (f) whether Government are taking necessary steps to counteract the move on the part of the Burmese Government affecting the interests of the Indian community in that land; and
- (g) if so, what those steps are?

Sir Girja Shankar Bajpai: (a) and (b). If the Honourable Member will kindly specify the Bills to which he refers, I shall be able to give him an answer.

- (c) Yes.
- (d) Government have seen a report of the resolutions passed by the Conference with regard to some of these matters.
- (e) That is a matter of opinion.
- (f) and (g). The recommendations are intended for the Government of Burma. The question of action by the Government of India does not arise.

PREVENTION OF THE REPATRIATION OF INDIAN EMIGRANTS FROM CERTAIN COLONIES.

221. ***Mr. Govind V. Deshmukh** (on behalf of Seth Govind Das): Will the Secretary for Education, Health and Lands please state:

- (a) whether Rev. Mr. C. F. Andrews interviewed the Honourable Sir Jagadish Prasad recently on the question of returned emigrants from Fiji, British Guiana and Trinidad, etc.;
- (b) whether Government's attention has been drawn to the fact that Indian labourers from different colonies, who are aged, infirm and paupers, are repatriated, adding to their miseries on arrival at Calcutta;
- (c) whether Government expect further shipments of repatriated Indians from the colonies;
- (d) whether Government have taken any measures on the issue to prevent or cause the prevention of such exodus in future; and
- (e) if so, what those measures are and also any other action taken in the matter?

Sir Girja Shankar Bajpai: (a) No.

(b) It is true that some repatriates fall under one or other of the categories mentioned by the Honourable Member, but such repatriates have, it is understood, insisted upon exercising their right to repatriation against the advice of the Colonial Government concerned.

(c) to (e). Government understand that the Government of British Guiana propose to charter a ship for repatriates this year. Indians in the Colonies who are *ex-indentured* labourers are entitled to a free or assisted passage to return to India whenever they choose to avail themselves of it. In 1933, the Colonial Governments concerned agreed, at the instance of the Government of India, to discourage the return of destitutes to this country. The question of taking steps to make such dissuasion more effective is under examination by Government.

Mr. Lalchand Navalrai: May I know with regard to clause (e) why they are repatriated and not allowed to remain there?

Sir Girja Shankar Bajpai: Because they want to come back.

Mr. N. M. Joshi: May I ask whether the Government of India are considering the question of appointing trade agents in Fiji, British Guiana and Trinidad?

Sir Girja Shankar Bajpai: I submit that that question does not arise out of this. There is a separate question on that later on, and if the Honourable Member wants to ask a supplementary question, he can do so then.

Mr. K. Santhanam: May I know if the Government of India have any record of these people who have been repatriated?

Sir Girja Shankar Bajpai: No. The Government of India do not maintain any record of that kind, as the number involved will be over one hundred thousand.

Mr. K. Santhanam: Will it not be desirable to keep such a record?

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

MEASURES FOR EXPORT SUBSIDY AND PROHIBITION OF THE IMPORT OF COTTON.

222. ***Mr. Govind V. Deshmukh:** Will the Secretary for Education, Health and Lands please state whether measures will be adopted for (i) an export subsidy and (ii) a total prohibition of the import of cotton of 1 staple and below in India from any country; if so, when; if not, why not?

Sir Girja Shankar Bajpai: I would refer the Honourable Member to the answers to previous questions asked on the subject during the present Session.

RESEARCH FOR UTILISATION OF COTTON IN OTHER THAN THE TEXTILE INDUSTRY.

223. ***Mr. Govind V. Deshmukh:** Will the Secretary for Education, Health and Lands please state whether any research work has been made as to the use of cotton in any industry besides textile? If so, what are these?

Sir Girja Shankar Bajpai: The possibility of using short staple cotton and cotton linters for the production of artificial silk is being investigated

by the Indian Central Cotton Committee with the co-operation of the Imperial Council of Agricultural Research and the Industrial Research Bureau.

INCREASE IN THE PRODUCTION OF SUGAR IN JAVA.

224. ***Seth Govind Das:** Will the Commerce Secretary please state:

- (a) whether it has been brought to the notice of Government that Java has decided to ~~increase its~~ production of sugar from about five hundred thousand tons in the years 1935-36 to about fifteen hundred thousand tons during this season;
- (b) whether Government have considered that this very large increase in the production of sugar can be a source of serious menace to the sugar industry in India in its present stage of development, and that Java may turn its attention to the Indian market for selling a part of this increased production by reducing its c.i.f. price at Indian ports during next year;
- (c) whether Government are aware that in consequence of the serious check to exports of sugar both to China and Japan, Java has already reduced her price of sugar for effecting sales elsewhere;
- (d) whether Government propose to increase immediately the amount of duty on imports of sugar; and
- (e) whether Government have given due weight to the recent recommendations of the Tariff Board for the protective Tariff on sugar?

Mr. H. Dow: (a) Representations to this effect have been received from certain commercial bodies in India. Inquiries made however indicate that production of sugar in Java during 1937-38 though larger than that of 1935-36 is not expected to be above that of 1936-37.

(b) In view of the answer given to part (a) above, this does not arise.

(c) The statistics available to the Government of India show that though there has been a fall in exports of sugar from Java to China there has been no fall in exports to Japan or in the total exports to all countries. At the same time the loss in exports to China is not being made up at the expense of the Indian producer. Imports into India from Java show no increase nor is there any reduction in price to India. I am not in a position to state whether Java has been reducing prices for other countries in order to maintain her total exports.

(d) It is not the practice of Government to disclose their intentions in such matters.

(e) The recommendations of the Tariff Board are at present receiving the consideration of the Government of India.

Mr. Lalchand Navalrai: May I know if the increase is not made in the sense of sending them over to India, what for is this increase being made in Java?

Mr. H. Dow: That seems to me a question that might with more propriety be addressed to the Javanese Government.

Mr. T. S. Avinashilingam Chettiar: When do Government expect to finish consideration of the report?

Mr. H. Dow: I have already dealt with that question, I think, in this House, and I have nothing more to add to the replies I gave then.

Mr. T. S. Avinashilingam Chettiar: Do they expect to finish it before the end of the Session?

Mr. H. Dow: If I said anything more I should be adding to what I said then; and, as I have said, I am not prepared to do that.

SECURING OF EQUAL PRIVILEGES FOR INDIANS IN THE KENYA HIGHLANDS.

225. ***Mr. Manu Subedar:** (a) Will the Secretary for Education, Health and Lands please state whether the attention of Government has been drawn to the remarks of Lord Francis Scott regarding the movement of Indian residents in Kenya to secure in respect of the highlands the same privileges as other subjects of His Majesty?

(b) Do Government propose to take any measures in connection herewith?

(c) Are Government prepared to assure the House that, failing a satisfactory reply from Kenya on this subject, they will take retaliatory measures?

Sir Girja Shankar Bajpai: The attention of the Honourable Member is invited to the reply given by me on the 7th February, 1937, to Mr. Abdul Qaiyum's short notice question on this subject.

Mr. Manu Subedar: Have Government been in communication with the India Office or the Colonial Office on this subject?

Sir Girja Shankar Bajpai: No, not since I answered the question.

Mr. Manu Subedar: Before you answered the question?

Sir Girja Shankar Bajpai: Yes, before I answered it.

Mr. T. S. Avinashilingam Chettiar: May I know whether the Government are aware of a statement in the House of Commons that they are trying to issue an Order-in-Council about Kenya about which the Government of India have been consulted?

Sir Girja Shankar Bajpai: I would ask my Honourable friend to read the answer which I gave the other day: I have nothing to add on that subject at the moment beyond this, that I am in touch with the delegation of the East African Indian Congress which is in Delhi now.

TRADE BETWEEN INDIA AND IRAN.

226. ***Mr. Manu Subedar:** (a) Will the Commerce Secretary be pleased to lay on the table figures of the trade between India and Iran for the last five years?

(b) How much of the variation in these figures is due to the exchange restrictions imposed by the Iran Government?

(c) Have Government made any representation to the Government of Iran in regard to balances belonging to Indians, which they are unable to bring over?

Mr. H. Dow: (a) The Honourable Member is referred to the Annual Statements of the Sea-borne Trade of British India, Volume II, the Monthly Accounts for March, 1937, and the issues of the *Indian Trade Journal*, dated the 24th January, 1935, and 4th March, 1937, copies of which are available in the Library.

(b) It is not possible to estimate to what extent the variations in the export figures are due to the exchange restrictions in Iran.

(c) Yes, representations have been made by His Majesty's Legation.

Mr. Manu Subedar: Has there been any reply received to such representations?

Mr. H. Dow: I shall require notice of that question.

Mr. T. S. Avinashilingam Chettiar: What is the representation made to His Majesty's Government?

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

INTERFERENCE WITH TRADE BETWEEN INDIA AND CEYLON AND NEGOTIATIONS FOR A TRADE AGREEMENT WITH CEYLON.

227. ***Mr. Manu Subedar:** (a) Will the Commerce Secretary please state whether the attention of Government has been drawn to, or, whether Government have received any representations regarding, the interference with the trade between India and Ceylon, particularly with the exports from India to Ceylon of *ghee*?

(b) Have Government written to the Government of Ceylon, objecting to the invidious treatment meted out to imports from India?

(c) At what stage is the negotiation for a trade agreement between Ceylon and India?

Mr. H. Dow: (a) and (b). The import duties on certain foodstuffs including *ghee* were enhanced by the Government of Ceylon in 1934. It is presumed that by "invidious" the Honourable Member means "discriminatory", but the higher rates of duty are not discriminatory against India, and the Government of India understand that they are for the protection of indigenous products. The Government of India nevertheless took up the matter officially, but it has been found necessary to postpone further action pending general trade negotiations between the two countries.

(c) Negotiations are expected to begin soon after the conclusion of those now in progress with the United Kingdom.

Prof. N. G. Ranga: Why is it that the opening of negotiations with Ceylon is to be postponed until after the trade negotiations between England and India are concluded?

Mr. H. Dow: It has been arranged in agreement with the Government of Ceylon. They are prepared to take up the matter shortly after the conclusion of the trade negotiations between England and India.

Prof. N. G. Ranga: Are they unwilling to take up the matter before our trade talks with Great Britain are concluded?

Mr. H. Dow: I have already answered that it has been arranged in consultation with the Government of Ceylon that we will take up these discussions shortly after the conclusion of the trade negotiations between England and India.

Mr. M. S. Aney: At whose instance was this arrangement made?

Mr. H. Dow: That I am not prepared to say.

Mr. K. Santhanam: May I know, Sir, if the Government have prohibited the export of palmyra jaggery to Ceylon?

Mr. H. Dow: I doubt if that arises out of this question.

Mr. T. S. Avinashilingam Chettiar: May I know why the Honourable Member is not prepared to say as to who took the initiative, whether the Government of India or the Government of Ceylon?

Mr. H. Dow: Because it is not the custom of the Government of India to indicate the course of their correspondence with His Majesty's Government.

CONSUMPTION AND PRICE OF PETROL IN INDIA.

228. ***Mr. Manu Subedar:** (a) Will the Commerce Secretary please state whether Government are aware that the consumption of petrol in India has been on the increase?

(b) Are Government aware that petrol is being sold cheaper in the United Kingdom than in India?

(c) Have Government any legal power to interfere with the price which is being fixed by the petrol companies in consultation with each other?

(d) If so, do Government propose to use their legal power to interfere with this monopolistic charge in exploitation of the consumer in India?

Mr. H. Dow: (a) and (b). Yes.

(c) No.

(d) Does not arise.

Mr. Lalchand Navalrai: May I know, Sir, if there are possibilities of a larger production of petrol in India, and is any research being carried on to find out whether a larger amount of petrol can be produced in the country?

Mr. H. Dow: I am afraid that does not arise out of this question, but if the Honourable Member will give me notice, I will give him such information as I can.

Mr. Manu Subedar: Do the Government of India possess the same legal powers as the Board of Trade in England possess, to interfere with action taken by business companies acting in a pool when such action is in restraint of trade?

Mr. H. Dow: The Government of India have no legal powers. I should require notice if the Honourable Member wishes to know what powers His Majesty's Government have in the matter.

Babu Baijnath Bajoria: Is the Honourable Member aware that the price of petrol has gone up by three annas in Delhi as compared to the price last year about this time, whereas the price in Calcutta has gone down by three annas?

Mr. H. Dow: I was not aware of that, but I shall expect to know it at the end of this month when my bill comes in.

DISCRIMINATION AGAINST INDIANS IN SERVICE IN FIJI.

229. ***Mr. Abdul Qaiyum:** Will the Secretary for Education, Health and Lands please state:

- (a) whether it is a fact that about the end of 1937 the Governor of Fiji made a speech in the Fiji Legislative Council, in which the following passage occurs:

".....It certainly does not imply that every British subject is fit to rule or that every British subject must serve under identical conditions as a Government servant. The Indian in the colony has not yet contributed anything in constructive thought and organising ability. That has all been done by Europeans, official and non-official";

- (b) whether it is a fact that the said Governor announced on that occasion that Indians, whether or not born there, cannot expect to obtain appointments under conditions identical with Britishers in the colony;
- (c) whether it is a fact that the speech of the Governor's Secretary was couched in a similar strain;
- (d) whether it is a fact that there is discrimination in Fiji against Indians in service in the matter of salary and leave;
- (e) whether it is a fact that the Indian Members of the Fiji Council have protested against this discrimination;
- (f) whether it is also a fact that these Indian Members of the Council have demanded that there should be equality of treatment between locally born Europeans and Indians; and
- (g) whether Government made any representations to the Colonial Office or the Government of Fiji and, if so, with what effect?

Sir Girja Shankar Bajpai: (a) and (c). Government have so far seen only Press reports of the speeches referred to by the Honourable Member. The quotation from the Governor's speech is not strictly in accord with the Press report.

(b) According to the report what the Governor said was that there must be some differences between the conditions of service of Europeans and non-Europeans owing to the former's higher standard of living.

(d) and (g). The Government of India have only recently received a copy of the Report of the Fiji Public Service Reorganisation Committee which was the subject of debate and have it under examination. No representations have yet reached the Government of India from any section of the Indian community in Fiji.

(e) and (f). This would appear to be so from the report of the debate.

Mr. Abdul Qaiyum: May I know, Sir, if there is any discrimination against Indians employed in Government service in Fiji with regard to their leave, pay, etc.?

Sir Girja Shankar Bajpai: As I have already stated, the Report, to the extent that I have been able to examine it, does make some differences between the rates of pay and the terms of leave admissible to Europeans and non-Europeans. The Governor's defence of that is that this is due to the differences of domicile and differences in standards of living, but it may be that we shall make representations on the subject.

Mr. Abdul Qaiyum: May I know if such differences exist in the case of local born Europeans and Indians?

Sir Girja Shankar Bajpai: As far as I remember, there are no differences as regards leave between local born Europeans and Indians, but there are differences as regards rates of pay for the reason which I have already given.

Mr. Abdul Qaiyum: Have the Government of India made any representations to the Government of Fiji on the point?

Sir Girja Shankar Bajpai: I have already stated that the Government of India have only recently received a copy of the Report; they are examining it, and it may be that they will make representations.

AREA OF TEA EXTENSION SANCTIONED FOR ASSAM.

230. ***Maulvi Abdur Rasheed Chaudhury:** (a) Will the Commerce Secretary please state the total area of tea extension sanctioned for the Province of Assam under clause 26, sub-clause (3) of the Indian Tea Control Act (XXIV of 1933)?

(b) Was the entire area, sanctioned for Assam, actually allotted to individual estates? If not, what area was allotted?

Mr. H. Dow: (a) 2,140 acres.

(b) All the area was allotted to estates in Assam except 12 acres which was the fractional residue after the division as far as practicable between applicants of the sanctioned allotment of 2,140 acres.

Mr. Kulsdhar Ohaliha: May I know, Sir, on what principle were these extensions allotted to estates in Assam.

Mr. H. Dow: Rules for the purpose were framed by the Licensing Committee in consultation with the Local Governments, who are concerned rather than the Central Government. These rules, I understand, were published, and copies were also sent to the various Tea Associations as well as to Local Governments, and I understand that no objections at all were received to them.

AMENDMENT OF THE GOVERNMENT OF INDIA ACT.

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

- (a) whether he is aware of Lord Lothian's expression of opinion that the Government of India Act is in need of amendments;
- (b) whether there are any proposals to amend the Act and, if so, in which direction; and
- (c) whether there are any correspondence going on between His Majesty's Government and the Government of India with regard to possible amendments to the Act?

The Honourable Sir Nripendra Sircar: (a) I do not know to which statement of Lord Lothian the Honourable Member is referring; in any case Lord Lothian is entitled to hold his own opinion on the subject. His visit, as he himself has explained, was in nature entirely private and non-official, and he holds no official position other than that of a Member of the House of Lords, either in this country or in the United Kingdom.

(b) and (c). As I stated in the House on the 24th September, 1937, I regret I am not in a position to make any statement on the questions raised by the Honourable Member.

Mr. T. S. Avinashilingam Chettiar: May I know, Sir, if there is any correspondence passing between the Government of India and the Secretary of State in regard to the amendment of the Government of India Act?

The Honourable Sir Nripendra Sircar: It is not in the public interest to answer that question, and if I may add what Mr. Asaf Ali said the other day, it is not expedient.

Mr. Sri Prakasa: What is the exact implication of the word "regret" that the Honourable Member just expressed? Does he regret that the Government of India Act is not going to be changed?

The Honourable Sir Nripendra Sircar: Regret at not being able to quench the thirst for knowledge of my Honourable friends.

PREPARATIONS OF ELECTORAL ROLLS AND ELECTIONS OF THE CENTRAL LEGISLATIVE ASSEMBLY.

232. ***Mr. Mohan Lal Saksena:** Will the Honourable the Leader of the House be pleased to state:

- (a) under what provisions of law electoral rolls are being prepared in the Provinces for the Indian Legislative Assembly;

- (b) whether the Provincial or the Central Government would defray the cost of the same; and
- (c) whether the Government of India have considered the question of the next elections of the Legislative Assembly; if so, whether they have fixed any provisional dates?

The Honourable Sir Nripendra Sircar: (a) Under the Legislative Assembly Electoral Rules.

(b) Under sub-paragraph (2) of paragraph 8 of the India and Burma (Transitory Provisions) Order, 1937, read with sub-rule (8) of rule 9 of the Legislative Assembly Electoral Rules, it is an obligation of the Provincial Government to discharge, and consequentially to finance, all functions in connection with the preparation of electoral rolls for the Legislative Assembly up to the 31st March, 1938. After that date it will be within the option of the Provincial Government to accept or to decline to accept an entrustment of those functions, and, if they accept an entrustment thereof, they will be entitled under sub-section (4) of section 124 of the Government of India Act, 1935, to receive payment from the Central Government in respect of any extra cost of administration involved.

(c) I am not clear regarding the precise meaning of the first part of this question. The Honourable Member is doubtless aware that the normal term of the Legislative Assembly has already expired, that it has been extended by the Governor General up to the 1st October, 1938, and that, in default of the termination of the existing transitional regime or in the alternative of a further extension of the life of the Assembly, a general election will in the ordinary course be held as soon as may be after that date. The answer to the second part is in the negative.

Mr. Mohan Lal Saksena: Am I to understand that the electoral rolls normally remain in force for a period of three years?

The Honourable Sir Nripendra Sircar: Yes.

Mr. Manu Subedar: May I know if there have been any negotiations between the Government of India and the Provincial Governments under section 124(4).

The Honourable Sir Nripendra Sircar: That does not arise from this.

Mr. Mohan Lal Saksena: Is it not a fact that in the ordinary course this should have been prepared in 1936-37.

The Honourable Sir Nripendra Sircar: No, Sir.

Mr. Sri Prakasa: May I know whether all the expenses incurred in the preparation of these rolls up to the 31st March, 1938, would be borne by the Provincial Governments?

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

Mr. Sri Prakasa: I am sorry I could not follow the answer. That is why I ask to make sure.

The Honourable Sir Nripendra Sircar: The answer is "Yes" to make it shorter.

Mr. Mohan Lal Saksena: May I know when these electoral rolls were prepared last?

The Honourable Sir Nripendra Sircar: I want notice.

Mr. Mohan Lal Saksena: Was it not prepared in 1924?

PROGRESS OF THE FEDERATION SCHEME.

233. ***Mr. Mohan Lal Saksena:** Will the Honourable the Leader of the House be pleased to state:

- (a) what stage the negotiations with the Rulers of the States have reached;
- (b) how many instruments of accession, if any, have been signed by the States;
- (c) whether the representative States have made any proposals requiring the amendment of the Government of India Act, 1935; if so, whether Government propose to publish the proposals for the information of the people of India; and
- (d) whether Government have consulted the new Provincial Governments regarding the proposed scheme of Federation; if not, whether they propose to consult them in the near future?

The Honourable Sir Nripendra Sircar: (a) to (d). I have nothing to add to the replies which I gave on 1st February, 1938, to Mr. T. S. Avinashilingam Chettiar's starred question No. 40 and on 7th February, 1938, to a short notice question by Mr. K. Santhanam.

Mr. Lalchand Navalrai: May I know why the Sind Government have not sent any Member?

The Honourable Sir Nripendra Sircar: The Honourable Member is anticipating another question to which this may be a legitimate supplementary question.

Mr. Badri Dutt Pande: Is it or is it not the intention of the Government to call for a conference of the Premiers of all the provinces and other public men to solve this knotty problem of Federation?

The Honourable Sir Nripendra Sircar: I am unable to answer that question.

Mr. T. S. Avinashilingam Chettiar: May I know whether Government have issued the revised Instruments of Accession?

The Honourable Sir Nripendra Sircar: I cannot answer that question.

Mr. Mohan Lal Saksena: Do the Government propose not to consult the Provincial Governments, because they are opposed?

The Honourable Sir Mripendra Sircar: I can only deny the insinuation but subject to that I can give no information.

Mr. Badri Dutt Pande: May I know what would happen if the Provinces refuse to enter the Federation?

(No answer.)

SCHEME OF EDUCATION PREPARED BY EDUCATIONAL EXPERTS AT WARDHA.

234. ***Mr. Badri Dutt Pande:** (a) Will the Secretary for Education, Health and Lands be pleased to state if the Government of India have studied the scheme of education prepared by educational experts at Wardha at the instance of Mahatma Gandhi?

(b) Is it the intention of Government to discuss the scheme with the Education Ministers of the Provinces with a view to its adoption in rural areas?

Sir Girja Shankar Bajpai: (a) and (b). The Wardha Scheme of education is being considered by the Central Advisory Board of Education which has appointed a sub-committee for the purpose. Further action must await the recommendations of the Board.

Mr. Badri Dutt Pande: Will the proceedings of the Board be made public or will a press communiqué be issued on the subject?

Sir Girja Shankar Bajpai: It will be for the Board to decide whether it will issue a communiqué or make a report, after the report of the sub-committee has been made.

APPOINTMENT OF INDIAN AGENTS IN COLONIES.

235. ***Mr. Badri Dutt Pande:** (a) Will the Secretary for Education, Health and Lands be pleased to state if agents have been appointed all over the colonies ex-India, where Indians are domiciled, and if still there are countries where agents have not been appointed?

(b) If so, which are those colonies where there are no Indian agents to watch the interests of Indians?

Sir Girja Shankar Bajpai: (a) and (b). The attention of the Honourable Member is invited to the reply given by Mr. Hydari on the 2nd September, 1937, to parts (a) and (b) of his question No. 269.

Prof. N. G. Ranga: Has there been no progress since then?

Sir Girja Shankar Bajpai: There has been further correspondence.

Mr. N. M. Joshi: May I ask whether the Government of India have considered the question of appointing their Agents in Fiji, British Guiana and Trinidad?

Sir Girja Shankar Bajpai: Those are the territories which form part of the subject of negotiation.

Mr. Badri Dutt Pande: What is the cost of one agency?

Sir Girja Shankar Bajpai: There is no general or uniform cost of agencies.

NOMINATION OF OFFICIALS OF THE PROVINCIAL GOVERNMENTS TO THE CENTRAL LEGISLATIVE ASSEMBLY.

236. *Sardar Mangal Singh: Will the Honourable the Law Member please state :

- (a) which Provincial Governments have nominated their officials to the Central Assembly and which Governments have refused to do so;
- (b) what their grounds are for not nominating their officials to this House; and
- (c) whether Government have reconsidered the position and propose to make it possible for them to send their officials to this Assembly?

The Honourable Sir Nripendra Sircar: (a) The Governments of Bengal, the Punjab and Assam have made officers available for nomination. The Governments of Madras, Bombay, the United Provinces, Bihar, the Central Provinces and Berar, and Sind have, in the exercise of the free option open to them, elected not to do so.

(b) Different reasons have been given by different provinces.

(c) If the Honourable Member means to inquire whether the Government of India propose to reconsider the basis on which alone they are prepared to receive officers for nomination to the Assembly, the answer is in the negative.

Mr. Lalchand Navalrai: May I know what is the ground the Sind Government have given for not sending a Member?

The Honourable Sir Nripendra Sircar: Their answer is: The usefulness of the work is not so great as it was, nor commensurate with the expenditure involved.

Mr. Lalchand Navalrai: Does the Honourable Member share that opinion?

The Honourable Sir Nripendra Sircar: I do not venture to express an opinion on such a delicate subject.

Sardar Mangal Singh: What is the reason given by the U. P. Government?

The Honourable Sir Nripendra Sircar: The U. P. Government have decided not to make officers available. They would have less objection if these Members are allowed to speak and vote in accordance with the directions of the Provincial Government.

Mr. M. S. Aney: Will the Honourable Member read the opinions of the Madras and the Central Provinces Governments also?

The Honourable Sir Nripendra Sircar: To take them in order of importance. The view of the Madras Government is that if their officers are nominated they should be allowed to vote or speak as representing the views of the Madras Government. The Central Provinces say that such a system would be inconsistent with the spirit of the new Constitution.

Mr. Lalchand Navalrai: May I know from the Honourable Member whether the Central Government have decided that they would not allow these Members to speak or vote according to the mandates of their own Governments?

The Honourable Sir Nripendra Sircar: I have answered that question for the third time today.

Sardar Mangal Singh: May I know whether the Punjab Government have laid down any condition for nominating their officials?

The Honourable Sir Nripendra Sircar: No, Sir.

Sardar Mangal Singh: Is it not a fact that the interests of Provincial Governments here suffer on account of their officials not being nominated?

The Honourable Sir Nripendra Sircar: I can give no opinion on that point.

Mr. Ram Narayan Singh: May I know what is the opinion of the Bihar Government?

The Honourable Sir Nripendra Sircar: They say: In view of the fact that an officer nominated would be required to speak and vote under the control of the Government of India, they are no longer willing to depute officers for this purpose.

FACILITIES FOR THE PASSAGE OF THE *PHOOKA* BILL IN THE CURRENT SESSION OF THE CENTRAL LEGISLATURE.

237. ***Sardar Mangal Singh:** Will the Honourable the Leader of the House please state:

- (a) whether Government are prepared to provide special facilities for the passage of the *Phooka* Bill during this Session of the Central Legislature; and
- (b) if the answer to part (a) be in the affirmative when Government propose to give time for its consideration?

The Honourable Sir Nripendra Sircar: (a) and (b) Government hope to introduce in the course of the current Session a more comprehensive Bill dealing *inter alia* with the question of *phooka*. If this hope is realised, the question of providing facilities for the private Bill on the subject will not arise.

**FREEDOM FOR ENGLISH-KNOWING MEMBERS TO MAKE SPEECHES IN
VERNACULAR IN LEGISLATURES.**

238. *Sardar Mangal Singh: Will the Honourable the Leader of the House please state :

- (a) whether the rulings of the Speakers of the several Provincial Assemblies about the question whether an English knowing member can address the House in vernacular, have been brought to the notice of Government;
- (b) whether Government have considered or propose to consider their difficulties;
- (c) whether Government have already moved or propose to move the British Government to amend section 85 of the Government of India Act, 1935, to enable the English knowing members to address the House in vernacular, if and when they so desire?

The Honourable Sir Nripendra Sircar: (a) The Government have seen the reports in newspapers regarding the interpretation placed by the various Speakers on section 85 of the Government of India Act, 1935. The question has also been raised by certain Provincial Governments.

(b) and (c). The Government of India have forwarded the letters of Provincial Governments for the consideration of the Secretary of State.

Mr. Sri Prakasa: Is it a fact that the Government intend to take the case to the Federal Court to make sure whether the ruling of the United Provinces Speaker is in conformity with the provisions of the Government of India Act?

The Honourable Sir Nripendra Sircar: I am not aware of it, Sir.

Sardar Mangal Singh: May I know whether the Government of India have made any comments regarding the amendment of section 85 on the letters of the Provincial Governments forwarded to them?

The Honourable Sir Nripendra Sircar: My answer was that the Government of India had forwarded the letters of the Provincial Governments for the consideration of the Secretary of State. If my Honourable friend really wants to know what is the opinion of the Government on the construction of the section, I do not want to express any opinion on a question of law here which may be dealt with by the Federal Court, if necessary.

MEASURES FOR PROHIBITION OF SLAUGHTER OF MILCH COWS.

239. *Mr. Amarendra Nath Chattopadhyaya: (a) Will the Secretary for Education, Health and Lands be pleased to state if a petition signed by 1,000 people of Poona City has been submitted to His Excellency the Viceroy asking for immediate prohibition of cow-slaughter in India with a view to increasing the supply of milk for the children of the soil in the interest of health and child-welfare?

(b) Will the Honourable Member be pleased to state the total quantity of milk supplied in India for the consumption of Indian people, if there are any statistics kept by Government?

(c) Will the Honourable Member be pleased to state if the Government of India have in contemplation any such Bill to be introduced in this House with a view to saving milch-cows from being slaughtered for any purpose during this Session or in autumn Session?

(d) Have Government received any opinion about any such steps for saving milch-cows for being slaughtered for any purpose? If so, what opinions were received and what reply to such opinions was given by Government?

(e) Will the Honourable Member be pleased to state if Government contemplate from the health and economic points of view the stoppage by legislation of the slaughter of milch-cows?

Sir Girja Shankar Bajpai: (a) Petitions signed by a large number of persons were received from the Secretary, Shri Gowardhan Sanstha, Poona, Wai and Bombay.

(b) No statistics are maintained by Government.

(c) and (e). Such legislation can be undertaken only by Provincial Governments.

(d) Suggestions have been made for the enactment of legislation which, however, as already stated, is a matter for Provincial Governments.

MEASURES FOR PROHIBITION OF SLAUGHTER OF MILCH COWS.

240. ***Mr. C. N. Muthuranga Mudaliar:** (a) Will the Secretary for Education, Health and Lands please state whether his attention has been drawn to the recent public utterances of His Excellency the Viceroy deprecating the indiscriminate slaughter of cows in cities and urging the desirability of stopping it even by legislative measures?

(b) Have Government formulated any legislative measures to give effect to those utterances of His Excellency the Viceroy?

(c) If so, when do Government propose to introduce the measure in the Assembly?

Sir Girja Shankar Bajpai: (a) I should be glad if the Honourable Member would specify the utterances of His Excellency the Viceroy to which he refers.

(b) and (c). Legislative measures in this connection can be undertaken only by Provincial Governments.

Babu Baijnath Bajoria: Sir, may I ask if the Government of India have no responsibility about this indiscriminate cow-slaughter in India?

Sir Girja Shankar Bajpai: Does not my Honourable friend think that the shoulders of the Provincial Governments are broad enough to carry that responsibility?

Sardar Sant Singh: May I know if the Government of India are willing to take up legislation on these lines in respect of the centrally administered areas?

Sir Girja Shankar Bajpai: The question as regards the centrally administered areas is not, from the economic point of view, of sufficient importance.

Babu Baijnath Bajoria: Are not the Government of India primarily responsible for a very great deal of this slaughter

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

PROTECTION OF THE HANDLOOM WEAVERS.

241. ***Prof. N. G. Ranga:** Will the Commerce Secretary be pleased to state :

- (a) the conclusions reached by the last Industrial Conference in regard to the handloom industry?
- (b) whether it is not a fact that several representatives of Provincial Governments had pressed for action to be taken by the Government of India for the protection of the handloom weavers from the competition of the Indian textile mill industry; and
- (c) whether Government are prepared to examine measures to protect them from the competition of the Indian mill industry?

Mr. H. Dow: (a) I would invite the attention of the Honourable Member to the reply given by me on the 4th February, 1938, to Mr. T. S. Avinashilingam Chettiar's starred question No. 132.

(b) Yes, Sir.

(c) The views expressed at the Conference are being examined by the Government of India.

NEGOTIATIONS REGARDING THE TUNGABHADRA PROJECT.

242. ***Prof. N. G. Ranga:** Will the Honourable the Leader of the House be pleased to state :

- (a) the stage at which the negotiations between the Madras Government and the Governments of Mysore and the Nizam are in regard to the Tungabhadra Project;
- (b) whether it is not a fact that an agreement was reached between the Governments of Madras and Mysore;
- (c) if so, what are the terms of the agreement;
- (d) what are the further points of conflict which are being negotiated upon;
- (e) when Government expect to reach a final stage in these negotiations;
- (f) whether Government are aware that while these negotiations are pursued over so many years, two famines, one in 1935 and in 1937, have already blighted the fortunes of millions of peasants in the ceded districts; and

- (g) whether the Government of India is prepared to use their good offices to bring about an agreement between the Governments of the Nizam and Madras?

Mr. A. G. Glow: (a), (b) and (c). The Honourable Member is referred to the reply given by Sir Frank Noyce to part (a) of his starred question No. 384 on 10th February, 1937. The negotiations are still in progress.

(d) The main point for decision is the respective shares of the Governments of Madras, Bombay, Hyderabad and Mysore in the water that is estimated to be available.

(e) It is hoped that the negotiations will reach a final stage during the ensuing summer.

(f) No. Famine was declared in the Bellary and Anantapur districts in 1935 and not in all the Ceded Districts. Towards the end of 1937, famine was declared in the district of Bellary only.

(g) Yes, if their further assistance is desired by the parties.

Prof. N. G. Ranga: Is it not a fact that in spite of several conferences between the representatives of the Governments of Madras and of Mysore and of the Nizam no agreement has been reached up till now?

Mr. A. G. Glow: Yes; no agreement has yet been reached.

Prof. N. G. Ranga: Is it not a fact that the Madras Government have applied for the good offices of the Government of India in bringing about an agreement between these Governments?

Mr. A. G. Glow: Not since the last discussions took place with the Government of the Nizam.

Prof. N. G. Ranga: Do the Government of India intend to wait until one of these Governments applies for their good offices, or will they take the initiative themselves?

Mr. A. G. Glow: They propose to wait, Sir.

EFFECT OF THE SINO-JAPANESE WAR ON INDIAN EXPORTS AND IMPORTS.

243. ***Prof. N. G. Ranga:** Will the Commerce Secretary be pleased to state:

- (a) what has been the effect of the Sino-Japanese War on (i) Indian exports to those countries and (ii) imports from those belligerent countries;
- (b) whether there has been a slump in the prices of cotton, tobacco and other Indian exports because of the fall in their exports to these belligerent countries;
- (c) if so, to what extent and in what commodities; and

- (d) what steps have been taken or are proposed to be taken to help Indian peasants to export their stocks of these commodities to some other countries?

Mr. H. Dow: (a) I lay on the table statements showing the monthly course of India's trade with China and Japan for the year 1937. It is not possible to state the precise extent to which these variations are due to the Sino-Japanese hostilities, though it is obvious they are affected by them.

(b) There has been a fall in the prices of cotton, tobacco and of certain other commodities, but this fall would not appear to be due entirely, or even principally, to the Sino-Japanese hostilities.

- (c) and (d). Do not arise.

Statement showing India's trade with Japan.

	Imports from Japan into British India.	Exports to Japan from British India.
	Rs. (lakhs).	Rs. (lakhs).
1937—		
January . . .	2,02	4,25
February . . .	1,37	2,49
March . . .	1,49	3,01
April . . .	1,80	2,86
May . . .	1,78	3,03
June . . .	1,32	2,80
July . . .	1,75	2,51
August . . .	1,67	1,32
September . . .	1,71	46
October . . .	2,79	47
November . . .	2,97	39
December . . .	1,73	43

Statement showing India's trade with China.

	Imports from China into British India.	Exports to China from British India.
	Rs. (lakhs).	Rs. (lakhs).
1937—		
January . . .	15	5
February . . .	13	6
March . . .	8	3
April . . .	7	6
May . . .	8	5
June . . .	12	17
July . . .	10	17
August . . .	11	22
September . . .	7	29
October . . .	8	19
November . . .	7	22
December . . .	10	15

REPORT ON THE PROBLEM OF AGRICULTURAL RESEARCH IN INDIA.

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

- (a) if Government have completed their consideration of the report submitted by Sir John Russell on the problem of Agricultural Research in India;
- (b) if so, what conclusions they have arrived at;
- (c) if only a partial examination of the report is done till now, what are the provisional conclusions arrived at by Government;
- (d) whether they have arrived at any decision regarding the recommendation in the report for establishing a crop-planning and Soils Committee; and
- (e) if they have thought it advisable to establish such a Committee, when they will establish it?

Sir Girja Shankar Bajpai: (a), (b) and (c) The examination of the Report is not yet complete, and Government do not think it desirable to publish any provisional conclusions.

(d) and (e). The recommendation was made to the Imperial Council of Agricultural Research which has it under consideration.

Prof. N. G. Ranga: When their consideration is over, do Government intend to place the results of their examination on the table of the House?

Sir Girja Shankar Bajpai: If my Honourable friend refers to the suggestion for the formation of a Crop Planning and Soil Committee, I should say that the decision of the Imperial Council of Agricultural Research will be made public in due course.

Prof. N. G. Ranga: Is it not a fact that this report has been under preparation for more than one year?

Sir Girja Shankar Bajpai: Sir, the data which have to be examined are fairly voluminous and complicated, and that is why there has been a delay.

Prof. N. G. Ranga: May I ask why more than two years has been taken for the mere examination of these data, after they have been received by the Imperial Council of Agricultural Research?

Sir Garja Shankar Bajpai: I have answered that question already,—it has been due to the complexity of the data which have to be examined.

Prof. N. G. Ranga: May I ask how much longer the Imperial Council of Agricultural Research propose to take to examine these reports and make available to the Government of India their conclusions thereon.

Sir Girja Shankar Bajpai: I gather one of the reports is already in the press.

STATISTICS OF THE COST OF CULTIVATION OF CROPS.

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

- (a) for which crops the statistics of the cost of cultivation are collected by the Imperial Council of Agricultural Research;
- (b) when they will be published; and
- (c) whether the reports containing such statistics will be made available at reasonable prices to the public?

Sir Girja Shankar Bajpai: (a) Attention of the Honourable Member is invited to the answer given to part (b) of the starred question No. 970 asked by Mr. H. M. Abdullah during the 1936 Simla Session of the Assembly.

(b) The report is under preparation and is expected to be published this year.

(c) Yes.

MESSAGE FROM HIS EXCELLENCY THE GOVERNOR GENERAL.

HEADS OF EXPENDITURE IN THE BUDGET OPEN TO DISCUSSION BY THE LEGISLATIVE ASSEMBLY.

Mr. President (The Honourable Sir Abdur Rahim): I have received a message from His Excellency the Governor General. It is as follows:

"In pursuance of the provisions of sub-section (3) of section 67A as set out in the Ninth Schedule to the Government of India Act, 1935, I hereby direct that the heads of expenditure specified in that sub-section, other than those specified in clause (v) thereof, shall be open to discussion by the Legislative Assembly when the Budget for the year 1938-39 is under consideration."

NEW DELHI;

(SD.) LINLITHGOW.

The 2nd February, 1938.

Governor General."

THE WORKMEN'S COMPENSATION (AMENDMENT) BILL.

PRESENTATION OF THE REPORT OF THE SELECT COMMITTEE.

Mr. A. G. Clow (Labour Secretary): Sir, I beg to present the Report of the Select Committee on the Bill further to amend the Workmen's Compensation Act, 1923, for certain purposes.

RAILWAY BUDGET FOR 1938-39.

The Honourable Sir Thomas Stewart (Member for Railways and Communications): Sir, I rise to present to the House the Railway Budget for the year 1938-39. I confess that I am more fortunate than some of my predecessors in that the picture I have to show is somewhat happier than it fell to them to exhibit, although in the light of our more recent traffic returns it would be rash to indulge in too high a degree of optimism.

[Sir Thomas Stewart.]

As a preliminary, and in conformity with practice in the past, I would draw the attention of the House to an important change which, with the approval of the Standing Finance Committee for Railways, has been made in the form of one of the Demands, *viz.*, No. 6-H, which relates to the expenditure on the Electric Service Department. This demand has hitherto related almost entirely to the expenditure on the traction services of the Great Indian Peninsula, Bombay, Baroda and Central India and South Indian Railways. In order to secure a more efficient control of all the expenditure for which the electrical departments of the railways are initially responsible, it has been decided, with effect from 1938-39, to collect in one place under this demand all electrical expenses, whether they relate to traction services, general electric services or to communications and train control. It would be no improvement, however, if the effect of this change was merely to obscure the results of our very important traction systems. We have, therefore, shown in the relevant annexure separate figures under the three main heads—traction, general services and communication services.

2. An examination of the effect of the new allocation rules introduced last year to which reference was made in my predecessor's budget speech has shown that in practice they have tended unduly to burden the Depreciation Fund with many items of expenditure which, though they may involve the renewal of a part, are more correctly debitable to repairs. It was not contemplated that minor replacements would properly be a charge upon the Depreciation Fund, and the rules have been suitably amended to make this intention clear.

3. When my predecessor presented the current year's budget to the House, he expected that the surplus for the year 1936-37 would be of the order of 15 lakhs only. His conclusions were necessarily based on the figures of receipts and expenditure for the first nine months of the year, and in the event, it proved that his estimates had been on the conservative side. The result was a surplus of about $1\frac{1}{2}$ crores. An unexpected, but none the less welcome, improvement was experienced both on the receipts and on the expenditure side, the former going up by about $\frac{1}{2}$ crore, and the latter going down by approximately the same amount. Goods earnings mainly accounted for the improvement, cotton, sugar, oil-seeds, gram, pulses and other grains, wheat, jute and rice being the principal commodities which showed increased earnings. It is unnecessary for me to make further reference to last year's results since they are set out in great detail in the Railway Board's annual report which issued a few weeks ago. Let us, therefore, turn to our revised estimates for 1937-38. Sir Muhammad Zafrullah Khan budgeted for a total income of 92 crores from all sources and a total expenditure of $62\frac{1}{2}$ crores, including depreciation. The net revenue was thus expected to be $29\frac{1}{2}$ crores. Interest charges were placed at a little over $29\frac{1}{2}$ crores, leaving a surplus of something under a quarter of a crore—15 lakhs to be exact. We now anticipate that our total receipts will be about $95\frac{1}{2}$ crores, and the total expenditure including depreciation $63\frac{1}{2}$ crores, leaving a net revenue of 32 crores. After meeting interest charges expected to be $29\frac{1}{2}$ crores, we look, therefore, for a surplus of $2\frac{1}{2}$ crores. We may be accused of having been unduly pessimistic, but it must be remembered that the real nature and extent of the improvement in our earnings was not

apparent at the time the estimates were made. My predecessor felt that it would be unsafe to assume that even that measure of prosperity which was reflected in our gross earnings last year would continue in the present year. His expectations were that there would be some improvement in passenger earnings the movements of which generally lag behind goods earnings. Not only, however, have his expectations with regard to passenger earnings been fulfilled, but the momentum of the upward movement in goods earnings was not checked until the eighth month of the year. Except in the case of oil-seeds and cotton, the figure for each of the principal commodities carried on our railways showed a large increase. The number of tons of merchandise, carried in the first seven months showed an increase of about 9 per cent. and the ton mileage—which is more important—about 14 per cent. as compared with last year. The average lead per ton was 204 miles. The improvement in passenger earnings justified our anticipations. In the first seven months of the year the number of passengers on all class I railways increased by about 9 per cent. and passenger miles increased by about 10 per cent. But, whereas the improvement in passenger earnings has been well maintained and shows little sign of falling off, there has been a marked deterioration in goods earnings since November, and this is mainly attributable to the conditions subsisting in the cotton market. We now anticipate that our total traffic receipts for the current year will be 94½ crores against 91½ crores in 1936-37 and against our original estimate of 90½ crores. On the other hand, working expenses, including depreciation, are expected to show an increase as against both the actual expenditure in 1936-37 and our original estimate for the current year. They will probably be about 1½ crores more than last year and about ½ crore in excess of our original estimate. The main portion of this increase is due to the increase in the price of coal and in the consumption of stocks necessitated by the increased traffic, and also, in part, to the reconditioning of wagons and increased repairs to rolling stock. In addition, the accounts adjustment in connection with petty renewals means an addition of 10 lakhs to our working expenses as compared with last year.

4. Looking forward to 1938-39, we again hesitate to assume that the betterment enjoyed in the first half of this year will be maintained and the experience of the past two months gives us good reasons to pause. The realisations for December and January show a deterioration of 1½ crores in comparison with the corresponding period in the last financial year. We have endeavoured not to be too pessimistic, but our recent experiences illustrate how rapidly trading conditions may change and how difficult it is at the present time to estimate forward with any certainty. We expect that our passenger earnings will not fall below the level at which they now stand. and we also hope that a certain amount of traffic, in cotton for instance, held back this year in the absence of favourable prices, may be carried over to next year. We have, therefore, taken 94½ crores as our traffic receipts, the same as for the current year, and, since we expect an increase of ½ crore in miscellaneous receipts, the total will be ½ crore more than in the year now drawing to a close. An increase of about ½ crore in working expenses appears inevitable. There will be no variation in the amount under depreciation, but we shall require additional money for the rise which we anticipate in the price of coal and other materials. Taking therefore our interest charges at 29½ crores, we look for a surplus of 2½ crores.

[Sir Thomas Stewart.]

5. So far as our capital programme is concerned, we propose to be as modest this year as we were last. In these circumstances, a budget speech can hardly achieve the spectacular, but I would refer to the recent completion of the King George the VI Bridge on the Assam Bengal Railway which spans the Meghna river between Bhairab Bazar and Ashuganj. This bridge provides a much improved means of communication between Dacca and Mymensingh on the west, and Chittagong and South Assam on the east, and as it replaces an expensive ferry and will thus make possible more economical use of engines and rolling stock, we hope that, apart from the increased convenience to the travelling public, the bridge will justify itself financially by yielding a return on our investment. Honourable Members will, I am sure, be glad to know that the structure has been built of Indian steel, fabricated in India to standards of accuracy comparable with those in any other part of the world. The project has been completed within the estimated cost of 56 lakhs, and we are now investigating the possibilities of a similar enterprise to cross the Brahmaputra from Pandu to Amingaon. But that is not for the immediate future. In the coming year we propose to take up the two Sind projects which it had been intended to commence in the present year. These are the Sind Right Bank Feeder lines and the Pithoro-Tando-Mithakhan railway alluded to last year by my predecessor. We are also making provision for an extension to link up Khadro on the Mirpurkhas-Khadro branch of the Jodhpur Railway with Nawabshah on the main line of the North Western Railway. These schemes are urgently required to serve the new and fertile areas which have recently been developed by the Lloyd Barrage and they will provide, we trust, a welcome addition to the communication system of the province of Sind. Provision has been made under these items for an expenditure of 55 lakhs.

6. Of our proposed expenditure on open lines not chargeable to revenue, the largest item is $4\frac{1}{2}$ crores for rolling stock. The rise in the price of iron and steel due largely to the demand for these materials in connection with rearmament programmes in other parts of the world has inevitably affected our outlay on this account. We have, however, kept down our proposals to the minimum consistent with the requirements of prospective traffic. It will be remembered that my predecessor mentioned last year the proposed purchase of 2,000 general service wagons in 1937-38. When the question of calling for tenders for these wagons came under consideration, market conditions were rapidly moving against us, the price of steel was rising and the prospects of early and certain delivery were deteriorating. We, therefore, decided as a measure of prudence and of economy to enter into contracts with Indian wagon building firms for the supply of 6,095 broad gauge general service wagons, delivery to be spread over three years. Of this number, 2,095 are due to be delivered in 1938-39 and will account for a sum of 104 lakhs out of the $4\frac{1}{2}$ crores to which I have just made reference. For expenditure on track renewals we have provided 4 crores and for bridges and other structural works $3\frac{1}{2}$ crores. It will be seen, therefore, that our gross figure of expenditure under this head of account, after allowing for various credits, amounts to over $10\frac{1}{2}$ crores. It has, however, been our experience that the gross provision has on many occasions not been utilised in full and, in view of the

unsettled conditions of the metal market and of the uncertainty of deliveries, we propose to follow our usual procedure and to reduce the total demand to something less than 9 crores, of which sum 2½ crores will be chargeable to capital and the balance to the Depreciation Fund.

7. I have already alluded, in connection with the revised and budget estimate of working expenses, to the increase in the price of coal. Apart from its cost, however, the question of the adequacy of the supply of that essential commodity has been a source of no small anxiety throughout the year. Before its commencement an acute shortage of labour, especially in the Raniganj and Jharia coalfields had caused a serious drop in raisings from market collieries and we experienced considerable difficulty in maintaining normal services. Consequently, railways had to face, at the beginning of 1937-38, a serious depletion of stocks, deliveries from market collieries being then three lakhs of tons in arrears. The labour problem continued to be difficult and the general position in regard to supplies threatened to be critical not only for the railways, but also for industry in general. To meet that emergency we decided substantially to increase the output from State-owned collieries with the result that for the eleven months of 1937—January to November—the total output from these collieries was almost 21 lakhs of tons against 14½ lakhs for the previous calendar year. We were thus enabled to relieve our own embarrassments and at the same time to release sorely wanted market supplies for the industrial user. That our action was justified may be judged from the fact that at the end of November 1937 contract deliveries from market collieries were over five lakhs of tons in arrears. I understand that recently market supplies have been more satisfactory, but unfortunately this coincides with our busy season when the requirements of other traffic must necessarily restrict the supply of wagons available for the transport of locomotive coal. The difficulties which we have experienced this year in discharging our responsibility to the interests of commerce and industry and to the public generally for the maintenance of our services make it incumbent on us to endeavour to place our coal supplies on a less precarious basis. Nor can we be indifferent to the implications, administrative and financial, of violent fluctuations from year to year in the output of our own collieries. This problem is engaging our urgent attention, but it is highly probable that with due regard to the interests I have already indicated, it will be necessary to maintain the raisings of coal from State-owned collieries at least the same level as in the current year.

8. It is appropriate that in the course of this budget speech I should take an opportunity to make reference to the report of the Railway Enquiry Committee which under the Chairmanship of Sir Ralph Wedgwood carried out an examination of our Indian railways and their organisation during last cold weather. But first, I would remind Honourable Members that the appointment of this Committee did not mark the first realisation of the necessity for keeping the organisation of our railways abreast of time and at the highest possible level of efficiency. Besides action taken by railway administrations on their own initiative, the recommendations of the Pope Committee of 1933 have received the earnest consideration of the various Railway Administrations and this House has been kept informed from time to time of the progress which has been made in following out these recommendations. The establishment of organisation branches on the Railways has been a good

[Sir Thomas Stewart.]

investment. Against an outlay of 11½ lakhs, the savings, as a result of their investigations, has been certified as 1½ crores up to the end of the last financial year. Amongst the lines of investigation which have proved particularly valuable are the following: the improved utilisation of rolling stock; the reconditioning and extension of life of locomotives and wagons; reduction in the number of locomotives and carriages; concentration of repairs and closing of repair shops; job analysis; and speeding up of traffic in transit. The Wedgwood Committee have reaffirmed the majority of the recommendations of the Pope Committee and have added others which appear to offer fruitful avenues of investigation. The Railway Board has, therefore, undertaken, in the light of the Report, a fresh scrutiny of the results already achieved and have embarked upon a detailed examination of the many new suggestions which have been offered. A senior Mechanical Engineer has been placed on special duty to co-ordinate the research being carried out under the various railway administrations, and already there are indications that substantial economies will result. On the commercial side, the first step had already been taken before the Wedgwood Report was received, and in July last a proposal to strengthen the commercial department of the Madras and Southern Mahratta Railway was approved in the Standing Finance Committee for Railways. The Assam Bengal Railway have now put forward a plan for the re-organisation of their commercial activities, and other railways, I understand, have similar schemes under preparation. We have accepted the recommendations of the Wedgwood Committee in regard to our publicity campaigns and we realise that there is probably more to be achieved by concentrating on internal rather than on external advertising and by making a greater and more direct appeal to the third class passenger who after all is our best customer. In pursuance of this policy we have decided to close down our American Publicity Bureau at New York. It is, of course, impossible in the time I have at my disposal to embark on any detailed consideration of this valuable report and the action which has been taken thereon, but as I have already indicated in the House, I am taking steps to place Honourable Members in possession of complete information as to the decisions and action which have so far been taken on the various recommendations of the Committee.

I would, however, make special mention of one activity upon which we have entered with a view to creating additional traffic and winning back some of the passenger traffic which in recent years has been lost by railways to the roads. After satisfying ourselves of the reasonable successes of some modest experiments with rail cars on the Great Indian Peninsula and the Madras and Southern Mahratta Railways, we have decided to give this mode of transport a fuller trial on the North Western Railway where conditions appear particularly favourable, and on a lesser scale on the Bombay, Baroda and Central India Railway. The total initial outlay involved in these two projects will be 18 lakhs. The rail car is by its nature most suitable for short fast services with small payload on branch lines or on sections where only limited traffic offers and where only infrequent steam services can be justified and is, I believe, being operated profitably in many other countries under these conditions. Its principal advantages over steam stock are lower operating cost, avoidance of halts for fuelling or watering, improved acceleration and quicker turn-round at terminal stations, thus making it

possible to provide more frequent and more rapid services. We realise, however, that motor transport has come to stay and that it can in certain circumstances offer to the travelling public facilities and amenities which the railways do not. We have, therefore, decided ourselves to make the experiment of offering road services complementary to the railway. A new road has recently been opened between the headquarter towns of the Lyallpur and Jhang districts in the Punjab. The distance between those two towns by road and by rail is 48 and 101 miles respectively, the time taken for the respective journeys being approximately 2 and 4½ hours. The advantages of travelling by road are obvious. The Provincial Government, we understand, propose to limit the number of motor buses operating on this route and the railway has been given the option of taking up half of the permissible licences. We believe that this constitutes a very favourable opportunity for carrying out an experiment in road transport and we are, therefore, making arrangements to provide the service desired. The initial outlay will be something under one lakh of rupees and we shall watch with great care the results of what I frankly admit is a purely experimental venture.

9. Parallel with the problem of attracting the public to our traffic services is that of improving the amenities for the travelling public. The budget papers contain as usual a financial statement showing the expenditure in this behalf. As Honourable Members are aware, early in 1936, the Railway Central Advisory Council inspected a specimen third class carriage of an improved design. During 1937-38, 33 broad gauge and 115 metre gauge lower class bogie carriages have either been constructed or are in course of construction embodying most of the improvements in that model. The programme for 1938-39 includes 197 broad gauge and 109 metre gauge bogie coaches on the same general lines. It may be felt that the progress indicated by these figures is slow, but it has to be remembered that the life of a coaching vehicle is 30 years, and it would be wasteful to discard existing stock before it has reached the limit of its usefulness. It may be said that the process might be accelerated by converting existing carriages; the cost of such conversion, however, is prohibitive.

Of civil engineering works providing greater amenities for the third class passenger, the most important is that recently undertaken at Hardwar. Here an entirely new station building with an approach road has been provided, platforms have been widened, a waiting shed erected and sanitary arrangements improved. The benefit of these changes will be available to the pilgrims attending the approaching Kumbh Mela. Next year, of the 21 lakhs included in the budget for general improvements of the nature I now refer to, a sum of over 10 lakhs in all is to be devoted to lower class waiting rooms and halls and to the covering and raising of platforms.

10. I believe that all Honourable Members will agree with me that in the sphere of labour the maintenance of harmonious industrial relations is of cardinal importance, and we, the largest individual employer of labour in India, have had under consideration for some time past the question of improving the machinery for the prevention and settlement of disputes on railways. This is a problem which was given prominence by the Whitley Commission, and it has been examined in the light of their views and in the light of discussions between the Railway Board

[Sir Thomas Stewart.]

and the All-India Railwaymen's Federation. The Government of India have now appointed, as an experimental measure, a Conciliation Officer who has been stationed at Calcutta and who will be concerned with railways having their headquarters at that place. His more important duties will be, firstly, to establish and maintain contact with the Railway Administrations and with recognised trade unions and other bodies directly concerned in the relations between the Administrations and their employees; and, secondly, in the event of any actual or threatened dispute between these parties, to endeavour to maintain or restore harmonious relations. We have secured in Colonel Wagstaff an officer with wide experience of labour questions on our railways and, as he is now attached to the Labour Department, he will be in a position to take an independent view and will act as a friend both to the employers and to the employed. It is the intention, after he has completed his organisation, to establish an Industrial Advisory Board under the Chairmanship of Sir Zahid Suhrawardy, to which the Conciliation Officer can refer important disputes which he has been unable himself to resolve and which will be charged with the duty of advising the Railway Board on the issues involved.

11. Before I conclude, I would take this opportunity to correct what I believe to be a fairly widespread popular error. There is a considerable section of the public which regards our railways as the relentless enemies of the development of other forms of transport and which condemns their claim for the establishment of equality of competitive conditions as merely blind and stubborn opposition to natural economic progress. Both the railways and the Government of India are no less alive than others to the economic advantages to themselves as to the community as a whole of a sane and orderly development of road systems and road transport. They cannot for obvious reasons stand aside and watch the destruction through uneconomic competition of a national asset valued at over 750 crores; but they are at all times ready to co-operate in any scheme for the co-ordination of transport facilities which is to the ultimate economic advantage of the community. It was with a view to promote such co-ordination that the portfolio of Railways and Communications was created and as first Member in charge of that portfolio I wish to give the assurance that the endeavours of the departments within my charge will be directed towards that end.

12. There only remains for me to express on behalf of the Government of India our appreciation of the services of those, in the Railway Board and elsewhere, who are charged with the administration of our great railway systems in India. I would have Honourable Members believe that this is no mere formal duty repeated from year to year but that we here have the liveliest sense of gratitude to these officers for their loyalty and co-operation. Theirs is so often a thankless task. Charged with the operation of a widespread public utility service, they are only too open to public criticism, while their more solid achievements pass unnoticed. They may, I venture to think, pride themselves that they have brought our Indian railways, with no small success, through a period of unexampled difficulty. For some years past retrenchment and economy,—which they have willingly and cheerfully faced,—have inevitably meant frustration. Let me wish them in the future a more ample opportunity to make their contribution to the common weal.

ELECTION OF THE STANDING COMMITTEE FOR THE DEPARTMENT OF COMMERCE.

Mr. H. Dow (Commerce Secretary): Sir, I move:

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

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

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

Mr. T. S. Avinashilingam Chettiar (Salem and Coimbatore *cum* North Arcot: Non-Muhammadan Rural): Sir, this House will remember that the year before last, when a like motion was moved in the House, this House threw it out for the reason that the Standing Committee for Commerce never met and was there only in name. Last year we put questions, and the Honourable Sir Sultan Ahmad, who was then Commerce Member, told us that it would be utilised more. We have met, if I remember right, once, and in these days when things of great importance and magnitude are being discussed, it is rather funny that the Standing Committee of the House is not made use of to any extent which any ordinarily reasonable man will expect.

Mr. N. M. Joshi (Nominated Non-official): What did that Committee discuss at that one meeting?

Mr. T. S. Avinashilingam Chettiar: As a rather innocent member of that innocent Committee let me tell the House what we discussed at that meeting. We must be thankful to the Honourable Sir Ghuznavi for his Bill which provided the subject of discussion for the Committee.

Mr. N. M. Joshi: We could have discussed it here.

Mr. T. S. Avinashilingam Chettiar: We discussed also a few innocent resolutions of the League of Nations which will never apply to this country and some resolutions about seamen. Questions of first rate importance, like trade agreements which are being negotiated today and others of equally great importance which are engaging the attention of the Government of India today and which are engaging the attention of people outside—these were not referred to the Committee, and if this is the way in which the Committee is to do its work, I would rather think that this Committee need not exist, and I would suggest to Government, before the House decides on its attitude on the motion before it, to say how they propose to make use of this Committee.

Mr. M. Ananthasayanam Ayyangar (Madras Ceded Districts and Chittoor: Non-Muhammadan Rural): I wish to add that as there are ten to fifteen Members on other Committees, I would like the membership of this Committee to be enlarged to at least seven, so as to give adequate representation to all sections of the House.

Mr. H. Dow: It was two years ago that this House declined to elect Members to this Committee. The Committee was again re-elected last year. It met once during the Simla season. I am afraid I cannot agree with the Honourable Mr. Chettiar that it dealt with matters of no importance. He said, I think, that one subject of discussion was the Honourable Sir A. H. Ghuznavi's Bill. I do not think that the Honourable Sir A. H. Ghuznavi will agree that his Bill is of no importance, but the question hardly arises, because as a matter of fact the Committee did not discuss that Bill at all. The Honourable Member, Mr. Chettiar, who was present, should have known that that was not one of the matters discussed by the Committee.

Mr. T. S. Avinashilingam Chettiar: It was Mr. Sapru's Bill.

Mr. H. Dow: The Bill that was discussed was the Honourable Mr. Sapru's Bill which was introduced in the Council of State. The reason why Sir Ghuznavi's Bill was not discussed was that, owing to the refusal of this House to elect a Committee in the preceding year, that Bill had already progressed to a stage at which it was no longer necessary for the Commerce Department to take the advice of the Committee. The reason why I have brought forward this motion a little in advance of the usual time is that there may be no lacuna between the present Committee and the Committee to be elected. It is not intended that this Committee should come into operation until the present Committee has completed its year of office.

Mr. M. S. Aney (Berar: Non-Muhammadian): What use is going to be made of this Committee—that is the point.

Mr. H. Dow: One other point that I should have made is this. The most important matter with which the Commerce Department was dealing during the year was, of course, the Indo-British Trade Negotiations and for that matter, we have an *ad hoc* Advisory Committee already in existence; and I do not think that it is necessary in such a case to bring these matters up before a Committee appointed by this House.

Mr. T. S. Avinashilingam Chettiar: May I know what was the important matter, if any, which was brought up before this Standing Commerce Committee?

Mr. H. Dow: I have already referred to one such matter. There were at the same meeting three other matters brought forward. The Honourable Member was himself present and should know.

Mr. T. S. Avinashilingam Chettiar: That is why I say there was no important matter brought up before the Committee.

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

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

The motion was adopted.

ELECTION OF THE STANDING COMMITTEE FOR THE DEPARTMENT OF EDUCATION, HEALTH AND LANDS.

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

"That this Assembly do proceed to elect, in such manner as the Honourable the President may direct, three non-official Members to serve on the Standing Committee to advise on subjects, other than 'Indians Overseas—Emigration' and 'Haj Pilgrimage', dealt with in the Department of Education, Health and Lands."

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

"That this Assembly do proceed to elect, in such manner as the Honourable the President may direct, three non-official Members to serve on the Standing Committee to advise on subjects, other than 'Indians Overseas—Emigration' and 'Haj Pilgrimage', dealt with in the Department of Education, Health and Lands."

Mr. N. M. Joshi (Nominated Non-Official): May I, Sir, ask the Honourable Member in charge of the Department whether this Committee met at all during the course of the year and if it did meet, what subjects were considered by this committee?

Sir Girja Shankar Bajpai: Sir, the Committee did not meet during the previous or the current year, but the reason for that is that the more important questions which are dealt with in my Department really come within the purview of the other two Committees which I have mentioned.

Mr. M. S. Aney (Berar: Non-Muhammadan): Sir, I want to make one suggestion. Whenever motions of this nature are passed by this House, I think it should be the duty of the Member in charge of the Department to publish an annual report of the proceedings of the meetings of these Committees and supply copies of the report to Members of the House.

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

"That this Assembly do proceed to elect, in such manner as the Honourable the President may direct, three non-official Members to serve on the Standing Committee to advise on subjects, other than 'Indians Overseas—Emigration' and 'Haj Pilgrimage', dealt with in the Department of Education, Health and Lands."

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim): I may inform Honourable Members that for the purpose of election of Members for the Standing Committees for the Department of Commerce and the Department of Education, Health and Lands, the Notice Office will be open to receive nominations upto 12 Noon on Thursday, the 17th February, 1938, and that the elections, if necessary, for both the Committees will take place, as usual, in the Assistant Secretary's Room in the Council House, New Delhi, between the hours of 10-30 A.M. and 1 P.M., on Tuesday, the 1st March, 1938. The elections will be conducted in accordance with the principle of proportional representation by means of the single transferable vote.

THE STAMP DUTIES UNIFICATION BILL.

The Honourable Sir James Grigg (Finance Member): Sir, with your permission, before, I actually move the motion, I would like to call the attention of the House to a misprint which unfortunately occurs in clause 8: and if Honourable Members will be good enough to correct that misprint now, it will be unnecessary at a later stage to move formal amendments. The Schedule attached to clause 8 has been miscopied from the Relevant Schedule in the Distribution of Revenues Order in Council: the proper percentages shown against the Central Provinces and Berar should be 5, and against Assam 2.

With that preliminary, Sir, I beg to move for leave to introduce a Bill to fix uniform rates for the levy of certain stamp duties throughout British India, to impose for a period of two years a stamp duty on cheques, and to formulate the principles in accordance with which the net proceeds of the said duties shall be distributed among the Provinces.

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

"That leave be granted to introduce a Bill to fix uniform rates for the levy of certain stamp duties throughout British India, to impose for a period of two years a stamp duty on cheques, and to formulate the principles in accordance with which the net proceeds of the said duties shall be distributed among the Provinces."

The motion was adopted.

The Honourable Sir James Grigg: Sir, I introduce the Bill.

THE INDIAN OATHS (AMENDMENT) BILL.

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

"That the Bill further to amend the Indian Oaths Act, 1873, for a certain purpose, be referred to a Select Committee consisting of Mr. Gauri Shankar Singh, Mr. Badri Dutt Pande, Babu Kailash Behari Lal, Mr. Lalchand Navarai, Syed Ghulam Bhik Nairang, Mr. Ghulam Kadir Muhammad Shahban, Mr. P. J. Griffiths, Mr. J. A. Thorne, Mr. E. Conran-Smith, Mr. G. D. Walker and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

I will first remind the House briefly of the object of this Bill. The subject with which we are dealing is the tendering of oaths to young children when they appear in Courts as witnesses; and when I use the word "oath" I would like to make it clear that that includes affirmation. In fact, since Hindu and Muhammadan witnesses are required under section 6 of the Indian Oaths Act to make affirmations instead of oaths, what we are concerned with in practice is for the most part the making of affirmations by young children. I mention this because in the previous debate there was some confusion on this point. The existing law is this, that every witness is bound by section 5 of the Indian Oaths Act to make an affirmation or an oath before he gives evidence. There are children who may be quite capable of understanding the questions put to them and who are therefore "competent to testify" under section 118 of the Evidence Act. But they may at the same time be incapable of understanding the meaning of an oath or affirmation. Then it may happen that the judge or magistrate will take the evidence of the child without requiring the child to make an oath or affirmation. This does in fact happen quite often and there is considerable danger of a superior or appellate Court

holding that because the child has not taken the oath or affirmation his evidence is inadmissible. It is quite true that section 13 of the Indian Oaths Act lays down that no omission to take the oath or affirmation can invalidate any proceeding. But the superior Courts, High Courts, have expressed grave doubts whether the word "omission" in that section covers an intentional omission on the part of a magistrate or judge to tender the oath or affirmation; and in any case it is undesirable that evidence should be given in a manner which is contrary to what is required by the substantive provision of the law. The law in England recognises this possibility, namely, that a child who may be a perfectly competent witness in the sense that he understands the questions put to him but may not understand the meaning of an oath or affirmation; and so the law in England specifically provides that such child need not be sworn but that its evidence will still be admissible. The Bill now under consideration seeks to bring about the same position in India. Circulation was agreed to when this Bill came up in March, 1937, and we have now collected the opinions of all the people to whom it was circulated. The people who gave us opinions had before them the proceedings of this House of March, 1937, when there was a considerable debate on the Bill, and they therefore were able to acquaint themselves with the objections raised to the Bill by certain Members of this House. I believe that those Members on studying the opinions received will recognise that their doubts and objections were in fact baseless, and I do not think it will be disputed that the great mass of opinion is in favour of the Bill. There are certain criticisms of detail, but it is enough for my present purpose to say that the general principle has been approved, and criticisms of detail can be considered and will be considered in the Select Committee.

Mr. Sri Prakasa (Allahabad and Jhansi Divisions: Non-Muhammadian Rural): Sir, I am sorry that I should intervene on a question that is one in which I may be supposed not to be very much interested, but I do think that the actual conditions in a law Court, as they affect the laymen in the town and the country, should be placed before the House before it finally decides on a measure of this nature. Personally, Sir, I am opposed to all oaths; and I do not think that the existence of a provision making the taking of an oath or the making of an affirmation obligatory, at all serves the purpose for which this provision has been made. I may say, Sir, from some considerable experience of the way witnesses are brought before law Courts, tutored and instructed, that there is more lying than the speaking of truth after an oath or an affirmation, before a law Court. Though I have had nothing to do with law Courts as such, I have had,—and I speak in all humility,—some experience of these matters. I have been called upon to decide many cases as an arbitrator, when parties thought that I might be useful to them; and it is within my knowledge that when witnesses had been put before me to give evidence, the men who put those witnesses forward said to them: "This is not a law Court, you can speak the truth". In other words, when persons are not under the obligation of taking an oath or making an affirmation as required by the law, they speak the truth; while the general feeling is that in a law Court, after taking the oath or making the affirmation, one can speak a lie and make false statements with impunity. In these circumstances, I am of the opinion that the whole provision about taking an oath or making an affirmation of this sort should be abolished; but if I were to say that, probably I would be regarded as going beyond the scope of the Bill.

[Mr. Sri Prakasa.]

In a way, I welcome the move of the Government in introducing the Bill, because I think, the move is in the right direction inasmuch as it seeks to save a small child from taking an oath to make false statements. But I do think, Sir, that the age should be increased from 12 to 16 in this provision; and it should not be necessary at all for a child like that to take an oath. The Bill says that if the Court or the person having authority to examine a witness is of opinion that a child does not understand the meaning of an oath, then alone that child is to be exempted. I cannot understand how a Court will be able to decide whether a child is or is not capable of understanding the nature of an oath. I fear it is putting too great a strain on human nature. Unless the Court knows the child beforehand, knows its character, and all about its upbringing, how can a Court decide on the spur of the moment, that a child is or is not capable of understanding an oath? Therefore, from a practical and moral standpoint, I feel that these words should be taken out of the Act, and all children up to the age of 16 should be exempted from the necessity of taking an oath at all.

After all, what is the meaning of an oath to which the provision refers. It may be taken in two aspects. One is the moral necessity of speaking the truth; and the second is that if one does not speak the truth in particular circumstances, one is liable to be punished. I do not think that there is any third aspect to the subject. Now, the necessity of speaking the truth is always there, and it is no use introducing the name of God. Truth has to be spoken whether there is or there is not a God to see that one is speaking it; and therefore it should be obligatory on man to speak the truth without putting forward before him the bugbear of some supernatural power. Then, Sir, the second aspect is about the punishment; if one does not speak the truth when on oath, one is liable to be punished. In this House, for instance, if one makes an incorrect statement, one is not liable to be punished, and if there were a provision like that, probably many Members on the Opposite side will come under it. The simple fact is that if one makes a false statement in a law Court on oath, then alone one is punishable. I say, Sir, that there can be a provision for punishment for speaking a lie in a law Court without an oath at all. Surely that can be easily managed by making the necessary changes in the law. If we have a provision that a child speaking the untruth is liable to be punished, I believe the whole purpose will be served; and therefore it is no use requiring him to take an oath at all. I, therefore, think that these words can be easily taken out, and I hope later on a day may come when without taking away the provision about punishment a man may be called upon to give evidence in a Court of law without the necessity of taking an oath.

Sir, the curious thing is this, that the law exempts all lawyers from any punishment even if they were to tutor witnesses to say what is not a fact. The law says that all communications between the lawyer and his client are privileged. So a lawyer cannot be forced to disclose the nature of the communications that have taken place between him and his clients, and clients of course, as we all know, include witnesses. Even where there are provisions that the clients are not to go directly to barristers but are to go to barristers through solicitors, I know from my own knowledge of the subject that barristers and clients do meet directly on neutral ground. Therefore, Sir, the purpose which my Honourable friend, Sir Henry Craik,

seeks to serve by bringing this Bill is not going to be fulfilled. My own feeling is clearly that the worse gift of England to my country is the present judicial system of the land and while 50 years ago . . .

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member is launching into a very general discussion. The Honourable Member must confine himself to the provisions of the Bill. It is a very short Bill and easy of discussion:

Mr. Sri Prakasa: I was simply saying that 50 years ago it would have been difficult to find a man in the countryside who would speak a lie and today it is difficult to find a man who would speak the truth; and that is entirely due to the machinations of lawyers due particularly to the existence of the provisions about oath. I am referring to the word "oath" again and again to make my remarks relevant. The men in the countryside have been clearly taught that no harm is done by telling lies after taking the oath. They do not generally speak lies outside law Courts; and that is why they do not like to go to arbitrators. They try to take their chance in the law Courts where lies are permitted in the name of God.

I make these suggestions in all sincerity and seriousness; namely, that the age mentioned in the Bill should be raised from 12 to 16; and that all children up to that age should be exempted from the necessity of taking it at all. It should not be made compulsory for the presiding officer in a Court of law first to decide whether a child is or is not capable of understanding the nature of the oath before he exempts him. The later provisions regarding punishment should continue, namely, that if the person concerned does speak a lie he is liable to be punished as prescribed by the law. If the Honourable the Home Member and the Select Committee that is going to assist him in this work, would please keep these suggestions of mine in their mind, I think that we shall be enacting a really good law or at least making a start along right lines that would lead to a better moral and social condition in the country before very long.

Mr. M. S. Aney (Berar: Non-Muhammadian): Sir, I would never have spoken at all to this motion,—because it is a perfectly innocent motion before the House and there should be no difficulty for the House to accept it also,—but for certain observations which my Honourable friend, Mr. Sri Prakasa, has made during the course of his speech, which was somewhat unusual in my opinion. He has laid down the general proposition that people think no harm is done by telling lies in Court when on oath and that they speak the truth before arbitrators. I take it that he was trying to be humorous; and according to our canons, there are certain occasions on which falsehood is permissible and humour is one of those conditions. I, therefore, think that I should not take his observations very seriously and I have very high authority also to support me in that fact and to take a charitable view of what my Honourable friend has said. The great Kalidas has said:

"Parihasavijāpitam Sakhe Paramarthena naiva grihyatam vachas."—

which means "what has been spoken in joke or in humour or in satire ought not to be taken seriously". I want these observations of my friend not to be taken seriously, when he has in a sweeping way characterised all Indians as liars speaking falsehood in a Court of justice where they have to take the oath before making statements.

Mr. Sri Prakasa: All lies in a Court of law are not humour.

Mr. M. S. Aney: My point is this, so far as the present Bill is concerned, I think it was one of the things which was really wanted, and an amendment of the Indian Oaths Act on these lines will, in a way, remove an anomaly which has existed in the law; and I, therefore, support the motion to refer the Bill to a Select Committee.

Mr. Badri Dutt Pande (Rohilkund and Kumaon Divisions: Non-Muhammadan Rural): I support the principle of the Bill. I think it would have been better if a Bill were brought up to abolish all oaths. In our Dharma Shastras I find this:

*"Satyam hanti sutam hanti, hanti punyam purakritam,
Swargastha pitaram hanti yadi satyam na bhashate."*

"If I don't speak the truth, it will disgrace me, my sons and all my ancestors. It will affect their honour and mine."

God is not invoked here. Our ancestors swore on their honour. That was the form. We should also have an oath like that. When we have to take an oath here we are taunted outside

Mr. President (The Honourable Sir Abdur Rahim): That has nothing to do with this Bill.

Mr. Badri Dutt Pande: This Bill refers to oaths.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member wants all oaths to be abolished. The Bill only says that a magistrate should have the power not to administer oath in certain cases.

Mr. Badri Dutt Pande: I want that even bigger persons should be exempted from taking the oath and I support Mr. Sri Prakasa that the age of the boy be raised from 12 to 16.

Swearing in ceremony is a medieval affair and it should be stopped now. People should make an affirmation on their honour only.

Several Honourable Members: I move that the question be now put.

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

"That the Bill further to amend the Indian Oaths Act, 1873, for a certain purpose, be referred to a Select Committee consisting of Mr. Gauri Shankar Singh, Mr. Badri Dutt Pande, Babu Kailash Behari Lal, Mr. Lalchand Navalrai, Syed Ghulam Bhik Nairang, Mr. Ghulam Kadir Muhammad Shahban, Mr. P. J. Griffiths, Mr. J. A. Thorne, Mr. E. Conran-Smith, Mr. G. D. Walker 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 Assembly then adjourned till Eleven of the Clock on Tuesday, the 15th February, 1938.