

3rd March 1938

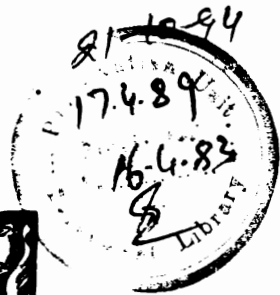
THE LEGISLATIVE ASSEMBLY DEBATES

(Official Report)

Volume II, 1938

(23rd February to 23rd March, 1938)

SEVENTH SESSION OF THE FIFTH LEGISLATIVE ASSEMBLY, 1938



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

M77LAD

Legislative Assembly.

President :

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

Deputy President :

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

Panel of Chairmen :

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

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

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

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

Secretary :

MIAN MUHAMMAD RAFI, BAR.-AT-LAW.

Assistants of the Secretary :

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

RAI BAHADUR D. DUTT.

Marshal :

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

Committee on Petitions :

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

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

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

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

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

CONTENTS.

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

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

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

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

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

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

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

	PAGES.		PAGES.
WEDNESDAY, 9TH MARCH, 1938—<i>contd.</i>		THURSDAY, 17TH MARCH, 1938—	
The Commercial Docu- ments Evidence Bill— Appointment of certain Members to the Select Committee	1644	Members Sworn	1689
The Indian Oaths (Amend- ment) Bill—Appoint- ment of certain Members to the Select Committee	1645	Starred Questions and Ans- wers	1689—1718
The Indian Finance Bill— Motion to consider ne- gated	1645—59	Unstarred Questions and Answers	1719—20
The Hindu Women's Rights to Property (Amendment) Bill—Mo- tion to consider not moved	1659	Statements laid on the Table	1720—21
The Sind Salt Law Amend- ment Bill—Referred to Select Committee . .	1659—63	The Trade Disputes (Amend- ment) Bill—Discussion on the consideration of clauses not concluded .	1721—63
THURSDAY, 10TH MARCH, 1938—		FRIDAY, 18TH MARCH, 1938—	
Member Sworn	1665	Starred Questions and Ans- wers	1787—95
Starred Questions and Answers	1665—82	Short Notice Questions and Answers	1795—97
Statements laid on the Table	1682—84	Unstarred Questions and Answers	1797—1805
Election of Members to the Standing Committee on Emigration	1684	Election of a Member to the Central Advisory Board of Health	1805
The Trade Disputes (Amendment) Bill—Pre- sentation of the Report of the Select Commit- tee	1685	The Motor Vehicles Bill— Introduced	1805
The Child Marriage Rest- raint (Amendment) Bill —Presentation of the Report of the Select Committee	1685	The Trade Disputes (Amend- ment) Bill—Passed as amended	1805—45
The Indian Finance Bill (As recommended)— Motion for leave to in- troduce—negated . .	1685—86	The Hindu Women's Rights to Property (Amendment) Bill—Passed as amended .	1845—49
Statement of Business . .	1687	Statement of Business . .	1849
		MONDAY, 21ST MARCH, 1938—	
		Member Sworn	1851
		Starred Questions and Ans- wers	1851—91
		Unstarred Questions and Answers	1891—95
		Election of the Standing Finance Committee for Railways	1895—96
		Election of the Central Ad- visory Council for Rail- ways	1896—97

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

LEGISLATIVE ASSEMBLY.

Thursday, 3rd March, 1938.

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

STARRED QUESTIONS AND ANSWERS.

(a) ORAL ANSWERS.

INDIAN RESEARCH FUND ASSOCIATION.

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

- (a) for how many years the Indian Research Fund Association has been working and how much money has been spent over it till now;
- (b) what has been the record of research;
- (c) whether it is confined only to those in the Indian Medical Service; and
- (d) whether distinguished non-Indian Medical Service men devoted to research work are or can be helped out of this fund?

Sir Girja Shankar Bajpai: (a) The Association was established in 1911. A statement showing the expenditure from Government sources as grants-in-aid to the Association is laid on the table of the House.

(b) The results of researches carried out have been and are being published in the annual reports of the Scientific Advisory Board of the Association, in the Indian Journal of Medical Research and its Memoirs and in the Records of the Malaria Survey of India. All these publications, which are issued under the authority of the Association, are priced publications.

(c) No.

(d) A considerable number of non-Indian Medical Service medical men have received and are receiving grants-in-aid to carry out researches approved by the Governing Body of the Association.

Statement showing grants made to the Indian Research Fund Association.

Year.	Grant made by the Government of India.	Contributions made by Provincial Governments towards maintenance of certain enquiries.	Total.
	Rs.	Rs.	Rs.
1911-12	5,00,000	..	5,00,000
1912-13	6,00,000	..	6,00,000
1913-14	5,00,000	..	5,00,000
1914-15	5,00,000	..	5,00,000
1915-16	5,00,000	..	5,00,000
1916-17	3,00,000	..	3,00,000
1917-18	1,50,000	..	1,50,000
1918-19	5,00,000	..	5,00,000
1919-20	11,92,700	..	11,92,700
1920-21	16,22,600	..	16,22,600
1921-22	5,00,000	..	5,00,000
1922-23	5,00,000	..	5,00,000
1923-24
1924-25	46,000	46,000
1925-26	3,00,000	28,000	3,28,000
1926-27	6,75,000	38,000	7,13,000
1927-28	7,05,071	44,000	7,49,071
1928-29	7,50,000	30,494	7,80,494
1929-30	7,50,000	68,500	8,18,500
1930-31	7,50,000	43,000	7,93,000
1931-32	7,50,000	25,500	7,75,500
1932-33	1,50,000	19,500	1,69,500
1933-34	1,50,000	19,500	1,69,500
1934-35	1,50,000	11,600	1,61,600
1935-36	1,50,000	8,000	1,58,000
1936-37	1,50,000	4,000	1,54,000
1937-38	1,50,000	(Figures not available.)	1,50,000
Total	1,29,45,371	3,86,094	1,33,31,465

NOTE 1.—In addition to the above, a special grant of Rs. 10 lakhs was made to the Association during 1936-37 to be devoted mainly to schemes connected with the prevention or cure of malaria in India.

NOTE 2.—The savings from the above grants were invested by the Association from time to time in securities, which amount at present to Rs. 31.05 lakhs (face value), excluding the share of Government of Burma (Rs. 1,58,298).

Mr. T. S. Avinashilingam Chettiar: What are the other sources of income?

Sir Girja Shankar Bajpai: The sources of income are the grants-in-aid made by the Government of India and the interest accruing to the Association from its own investments. These are the two sources.

Mr. T. S. Avinashilingam Chettiar: May I know whether the Government are satisfied that the money they are spending over the Association is giving enough return by way of research results?

Sir Girja Shankar Bajpai: Government are satisfied.

Mr. Abdul Qaiyum: Do these non-Indian medical men include non-Britishers?

Sir Girja Shankar Bajpai: As a matter of fact these grants-in-aid are made primarily to Universities, where, as far as I know, all the research work is done by Indians.

Mr. T. S. Avinashilingam Chettiar: What is the ratio of I. M. S., and non-I. M. S. men in this Association who are doing research work?

Sir Girja Shankar Bajpai: I submit that that question does not arise.

Mr. Badri Dutt Pande: Are the researches of any use to the public, or is the money a sheer waste of public funds on lotus-eaters?

Sir Girja Shankar Bajpai: As far as I know the researches are of great value to the public.

Mr. T. S. Avinashilingam Chettiar: Will the Honourable Member tell me the number of Indians as well as Europeans in this Association?

Sir Girja Shankar Bajpai: Does my Honourable friend mean the Governing Body of the Association?

Mr. T. S. Avinashilingam Chettiar: The number of people who are doing research work?

Sir Girja Shankar Bajpai: I want notice.

Mr. T. S. Avinashilingam Chettiar: In the Governing Body are there non-Indian medical service men?

Sir Girja Shankar Bajpai: There are two Members of this very House.

Mr. T. S. Avinashilingam Chettiar: Besides those elected by this House, among the research workers are there non-Indian medical men?

Sir Girja Shankar Bajpai: Three members elected by the Universities in India.

IMPORTS FROM AND EXPORTS TO JAPAN AND BALANCE OF TRADE WITH JAPAN.

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

- (a) the latest figures of imports from and exports to Japan as compared with corresponding periods in two previous years;
- (b) whether in recent months our balance of trade with Japan has been going seriously against India;
- (c) the reasons for this sudden change in the direction of trade; and
- (d) whether Government have taken any steps in the matter?

Mr. H. Dow: The Honourable Member is referred to the Annual Statement of the Seaborne Trade of British India for the year ending 31st March, 1936, and the Monthly Accounts for December, 1937, copies of which are in the Library.

(b) During the nine months ending December, 1937, the balance of trade was adverse to India by about Rs. 2,93 lakhs.

(c) This adverse balance is mainly due to a heavy fall in India's exports of raw cotton to Japan.

(d) No.

Mr. T. S. Avinashilingam Chettiar: May I know if the Government have no other latest figures than what are already published?

Mr. H. Dow: I have no figures later than those for December 1937.

Mr. Manu Subedar: What steps are Government taking to restore normality in the export of cotton from India to Japan?

Mr. H. Dow: Sir, Government cannot take any steps to compel Japan to buy cotton. The steps which Government might take to help her to do so would be by assisting to bring about a fall in the price of cotton or by extending credit facilities to Japan. From earlier questions which the Honourable Member has asked in this House, I gather that he would be bitterly opposed to either of those steps being taken.

Prof. N. G. Ranga: What about the Indo-Japanese trade pact according to which Japan has to take an agreed amount of cotton in return for the import of manufactured cotton goods?

Mr. H. Dow: I should recommend the Honourable Member to read the pact again; there is no such obligation to purchase cotton under that pact.

Mr. T. S. Avinashilingam Chettiar: Are the Government satisfied that under the present circumstances the Indo-Japanese pact is being worked properly from the point of view of the interest of India?

Mr. H. Dow: I have stated before in this House that as far as Government are aware there has been no breach of the conditions of the pact.

Mr. Manu Subedar: Sir, I object to the assumption contained in the reply that I will object to assistance being given.

Mr. President (The Honourable Sir Abdur Rahim): That was his inference. If the Honourable Member does not object, that is another matter.

Mr. Manu Subedar: Are Government aware that I asked a question as to what steps Government were taking in order to counteract the effect of the subsidy being given by the United States Government and whether the purchasers of Indian cotton were being diverted to the artificially cheaper United States cotton?

Mr. H. Dow: I remember that the Honourable Member asked some such question, but I suggest that it is a far cry and a remote inference from that to the question which we are now considering.

Mr. Sami Vencatachalam Chetty: Are there any chances in the immediate future of correcting this adverse balance of trade?

Mr. H. Dow: I must refer the Honourable Member to the Honourable the Law Member's astrologer.

Prof. N. G. Ranga: Are Government satisfied that Japan is taking as much cotton as prescribed in the Indo-Japanese pact in return to her exports of cotton yarn and cotton cloth into this country?

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has already said that it is not in violation of the pact at all.

Mr. K. Santhanam: Are we to understand that the Government of India are helpless in this matter?

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

TRADE CARRIED ON UNDER THE DISABILITY OF LIMITED EXCHANGE.

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

- (a) with how many countries with which India is trading, our trade has to be carried on under the disability of limited exchange;
- (b) whether Government of India have received any complaints from exporters regarding loss or delay of payments; and
- (c) if so, whether they have taken any action in the matter, and whether exporters have been sufficiently warned about the situation in those countries?

Mr. H. Dow: (a) Most European countries (except the United Kingdom and France), several South American countries and some Asiatic countries, e.g., Iran and Japan, have imposed exchange restrictions in some form or other but it is chiefly in Italy and Germany that difficulties arising from Exchange control have been seriously felt by Indian exporters.

(b) Yes.

(c) All possible efforts have been and are being made through the Indian Trade Commissioners abroad for the recovery of the amounts due in individual cases. As regards the latter portion of the question, the matter has been given due publicity through notices issued in the *Indian Trade Journal* and the Reports of the Indian Trade Commissioners published from time to time.

Mr. Manu Subedar: With reference to part (a) may I know if any reply has been received to the communication sent to His Majesty's Government about the difficulties of cotton exporters in the matter of exchange with Japan?

Mr. H. Dow: No, Sir.

Mr. T. S. Avinashilingam Chettiar: May I know whether the Government are satisfied that the cotton exporters are not suffering loss in any of these matters?

Mr. H. Dow: No, Sir.

Mr. T. S. Avinashilingam Chettiar: May I know what exactly are the steps that they have taken with reference to part (c) of the question?

Mr. H. Dow: I have answered that in clause (c). All possible efforts have been made and are being made through the Indian Trade Commissioners abroad for the recovery of amounts in individual cases.

Mr. Manu Subedar: Where Indian money has been retained wrongfully through exchange restrictions, are Government contemplating any steps for restricting import into India the goods of those countries?

Mr. H. Dow: I cannot accept the inference which was conveyed in the first part of the Honourable Member's question.

Mr. Manu Subedar: It is not an inference. My question was with regard to countries where Indian money has been retained through exchange restrictions.

Mr. H. Dow: In his original question the Honourable Member said "wrongfully retained".

Mr. Manu Subedar: I will withdraw that word and repeat the question. With regard to those countries in which the payment of Indian money has been interfered with by exchange restrictions, are Government considering any steps for restricting imports into India from those countries?

Mr. H. Dow: It does not follow that that would be a proper remedy for meeting the exchange difficulties which other countries feel.

Prof. N. G. Ranga: What is the nature and the extent of the response which the Government of India have so far received in reply to their representations to the Governments of Italy and Germany about this matter?

Mr. H. Dow: In a large number of individual cases the Indian Trade Commissioners abroad have been able to give very material assistance to Indian exporters in recovering the sums due to them. That is the response.

Prof. N. G. Ranga: Have Government represented to those Governments to see that the total import quota granted to India is increased?

Mr. H. Dow: I am afraid I do not understand the Honourable Member's question. We are not discussing the matter of import quotas.

Prof. N. G. Ranga: I am talking of import into Germany and Italy. Is it not a fact that the Governments of Germany and Italy have allotted certain quotas for importing Indian goods into those countries? If so, what have Government done to see that those quotas are increased?

Mr. H. Dow: I am afraid that does not arise out of this question at all.

Mr. T. S. Avinashilingam Chettiar: May I know what are the countries with reference to which there is the greatest difficulty and inconvenience to Indian exporters?

Mr. H. Dow: I mentioned in my answer to part (a) of the question that it was chiefly in Italy and Germany that difficulties arising from the exchange control have been felt by Indian exporters. There have been difficulties to a less extent in Spain, Turkey, Hungary and Iran.

TERMS OF THE NEW OFFER OF SETTLEMENT FROM THE ZANZIBAR GOVERNMENT.

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

- (a) whether they have received the terms of the new offer of settlement from the Government of Zanzibar;
- (b) if so, what are the terms; and

- (c) whether Government are in close touch with the Indians in Zanzibar, and when they hope to come to a conclusion in this matter?

Sir Girja Shankar Bajpai: (a) and (b). The Honourable Member presumably refers to the proposals of the Resident in Zanzibar regarding the clove trade. Copies of a memorandum containing these proposals which has been published today, have been placed in the Library of the House.

(c) Government have consulted the Standing Emigration Committee of the Central Legislature on these proposals and are in correspondence with the Zanzibar Government.

Mr. T. S. Avinashilingam Chettiar: Have they come to any conclusions about the attitude that they have to adopt towards these proposals?

Sir Girja Shankar Bajpai: Government have at the moment communicated to the Government of Zanzibar the attitude of the Standing Emigration Committee in regard to these proposals.

Mr. T. S. Avinashilingam Chettiar: May I know what that attitude is?

Sir Girja Shankar Bajpai: That is confidential, Sir.

Mr. C. N. Muthuranga Mudaliar: Are the Government of India merely acting as a post office to communicate the attitude of the Standing Emigration Committee to the Government of Zanzibar?

Sir Girja Shankar Bajpai: They have been an extremely sympathetic and active post office.

Mr. Abdul Qaiyum: Has there been any change in the attitude of the Zanzibar Government recently?

Sir Girja Shankar Bajpai: Such change as there has been is reflected in the memorandum of which I have placed copies in the Library.

Mr. C. N. Muthuranga Mudaliar: Are Government aware that the memorandum is no better than the original decree?

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

Mr. T. S. Avinashilingam Chettiar: May I take it that Government are in complete agreement with the views of the Standing Emigration Committee in this matter?

Sir Girja Shankar Bajpai: Yes, Sir; they are in complete agreement.

Mr. Abdul Qaiyum: Can Government give us an idea as to the change that has taken place, about which the memorandum is absolutely silent?

Sir Girja Shankar Bajpai: If my Honourable friend will take the trouble to compare the memorandum with the position as it was before the memorandum was issued, he will be able to find out the change for himself.

Mr. Badri Dutt Pande: What is the exact position now in the matter of Zanzibar cloves?

Sir Girja Shankar Bajpai: The exact position is stated in the memorandum which my Honourable friend had better read.

Prof. N. G. Ranga: Have Government consulted the East African Indian delegation which is now in India, with regard to this memorandum?

Sir Girja Shankar Bajpai: The East African delegation came with a special mandate with regard to the Kenya Highlands. It has nothing to do with the clove trade in Zanzibar.

Prof. N. G. Ranga: Why is it that the Government of India have not taken advantage of the presence of this delegation and consulted them as to the view of the East African Indians in regard to this memorandum?

Sir Girja Shankar Bajpai: For the reason which I have already stated in answer to a previous supplementary question.

Mr. C. N. Muthuranga Mudaliar: Will Government declare an embargo on cloves if the Zanzibar Government does not take the advice of the Government of India?

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member can put forward these suggestions at the proper time. Next question.

SALE OF TODDY IN MALAYA.

606. ***Mr. K. Santhanam:** Will the Secretary for Education, Health and Lands please state:

- (a) whether Government have received a copy of the memorandum submitted by the Central Indian Association of Malaya entitled 'toddy in Malaya'; and
- (b) whether it is a fact that the bulk of the labourers in Malaya are from Madras whether Government are aware that prohibition is the accepted policy in Madras, and whether the Government of India are prepared to urge upon the Government of Malaya the need to prohibit the sale of toddy in the estates?

Sir Girja Shankar Bajpai: (a) Yes.

(b) The reply to the first two parts is in the affirmative. As regards the last part, Government are in correspondence with the Malayan Governments on the subject.

Mr. K. Santhanam: May I know when they expect to get a reply?

Sir Girja Shankar Bajpai: We have had a reply recently, and we are returning to the charge.

Mr. K. Santhanam: May I have the substance of the reply?

Sir Girja Shankar Bajpai: Yes, Sir. The substance of the reply is that they do not consider conditions in Malaya to be ripe even for the

introduction of this kind of prohibition on an experimental footing. But we are contesting that.

Mr. K. Santhanam: Am I to understand that the Government of India are pressing for the introduction of prohibition there?

Sir Girja Shankar Bajpai: I have already said that we are contesting the Malayan Government's view.

INCONVENIENCE AND HARDSHIP CAUSED TO INDIAN PASSENGERS GOING TO CEYLON.

607. ***Mr. Manu Subedar:** Will the Education Secretary state:

- (a) whether the Government of India have permitted the Government of Ceylon to appoint officials on the Indian Continent for inspecting and fumigating the cloths and luggage of all the intending passengers from India to Ceylon;
- (b) whether Government are aware that very serious inconvenience and hardship is caused to Indian passengers, who want to go to Ceylon, and that many of them are treated harshly by the Ceylon officials;
- (c) whether Government have made any enquiry into this matter; and
- (d) whether Government are satisfied that the complaint referred to above is not substantial?

Sir Girja Shankar Bajpai: I have asked for some information and shall furnish a reply as soon as possible.

Mr. Manu Subedar: Will Government also inquire whether restrictive conditions of quarantine on Indian passengers exist on the mainland of Ceylon itself as well as what is mentioned in part (a) of the question?

Sir Girja Shankar Bajpai: My Honourable friend's question related to quarantine arrangements at this end. But if he wishes me to pursue inquiries regarding quarantine arrangements in Ceylon also, I shall be happy to do so.

GRIEVANCES OF INDIAN EXPORTERS OF COTTON TO JAPAN.

608. ***Mr. Manu Subedar:** Will the Commerce Secretary state:

- (a) whether Government have received a representation from the East India Cotton Association, dated the 11th February, 1938, in which it is stated that the Government of Japan are permitting Japanese buyers to press unduly the exporters and take unjustified concessions;
- (b) whether Government are aware that certain banks refuse to accept drafts against exchange commitments without permit and credit from Japan, and that this is due to lack of confidence on the part of the banks in the ability of the Japanese to pay for their commitments;

(c) whether in the said representation, the figures are given as follows :

	January.	
	1937.	1938.
	Bales.	Bales.
Taking of all Japanese Mills :		
Indian cotton	206,513	37,984
American cotton	126,355	42,015
Stocks of Raw Cotton in warehouses and sheds in Osaka and Kobe at the end of the month :		
Indian cotton	267,956	14,704
American cotton	338,730	14,597

(d) whether Government have any figures differing from those that are given above;

(e) whether Government have made any efforts to enquire into the seriousness of the grievance of Indian exporters of cotton; and

(f) whether Government have taken any steps to alleviate the trouble and, if so, what steps?

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

(b) This statement and inference are made in the letter from the East India Cotton Association, from which the Honourable Member's question is presumably compiled.

(d) No, Sir.

(e) and (f). The Honourable Member is referred to the answers given to part (c) of his question No. 845 and to its supplementaries during the current Session.

Mr. Manu Subedar: With regard to part (e) of the question, can the Honourable Member give the House a connected account of how the difficulties arose?

Mr. H. Dow: Sir, I had anticipated that such a question might be asked, and I have prepared a statement which, with your permission, I will lay on the table of the House.

Mr. Manu Subedar: With regard to the answer to part (b), are Government satisfied that the refusal of the banks to take up the drafts as they used to do before has nothing whatsoever to do with lack of confidence?

Mr. H. Dow: That is asking for a statement of opinion which I am not prepared to give.

Mr. Manu Subedar: Will Government inquire into the reasons. . . .

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

Statement.

In January last year under the exchange control law the quantum of imports of raw cotton into Japan was fixed on the basis of the average of the preceding three years. Of the quantity so determined importers were allotted quotas equivalent roughly to the average of their imports during the same period. In accordance with this allotment importers applied to the Japanese Finance Department for exchange permit indicating in the application the month of shipment and the month of settlement of the exchange. After scrutiny of the application the Finance Department issued the exchange permit. This system was in force up to the end of May 1937 when it broke down on account of general unsatisfactory working. Early in June the issue of exchange permits was suspended. Sales of cotton, however, continued as it was anticipated that exchange control will be discontinued on or after July 31. Applications for exchange permits for all these transactions were sent up as usual, but were kept pending in the Finance Department. Anticipations as regards removal of exchange control were not fulfilled. On the contrary, the measures hitherto in force were further strengthened early in July. Applications for permits pending in the Finance Department were however left undisposed of. The cotton covered by the undisposed of permits is described as "cotton under the old contracts of 1937". The issue of exchange permits remained suspended up to October, 1937, when an announcement was made that exchange permits would be issued for ¥50 million for the months of October, November and December. Out of this amount 1/3rd was directed to be utilised towards the liquidation of old contracts of 1937. Actually only ¥40 million was sanctioned last month. In the settlement of old contracts no difficulty was experienced up to the middle of January, as contracts rates were accepted and shipment before issue of exchange permit was not insisted on.

In the beginning of January a new body called the Cotton Imports Control Association (Menka Yunyu Tosei Kyokai) was formed. It is composed of eight members, four drawn from the Cotton Spinners Association (Boseki Rengokai) and four from the cotton Merchants Union (Nippon Menka Degyokai). The Cotton Imports Control Association offered certain terms to the Cotton Merchants Union for settlement of old contracts about the middle of last month and these were communicated to Agents for Indian exporters in Osaka for compliance. The latter objected strongly to the terms offered on the following grounds:—

1. that the exchange permit would be issued for only a part of the quantity covered by the contract,
2. that the exchange permit would allow payment only at current market rates which were 10 per cent. to 30 per cent. below contract prices.
3. that shipment was required to be made before receipt of the exchange permit.
4. that no guarantee was given, though payment in Yen was promised, as to when the difference between current market rates and contract prices will be allowed to be remitted.

Negotiations in regard to the settlement of the question were opened with the Cotton Control Association. The latter alleged that the terms offered were dictated by the Finance authorities in Tokyo, and could not be altered without their approval. A deputation from the Indian Cotton exporters accompanied by two representatives of the Cotton Control Association thereupon proceeded to Tokyo and interviewed the officials in charge of exchange control in the Finance Department on Tuesday, January 25. The latter explained that their decision was based on the fact that they were not satisfied as to the *bona fides* of the contracts and apprehended that higher prices may be used as a device for transference of funds to India in contravention of the exchange control law. When the implications of the offer were fully explained to them, they agreed that the Indian shippers may not ship before issue of the exchange permit and even then may ship not the entire quantity shown in the permit but only so much as would be covered by the value shown in the permit if calculations were made according to contract prices. A simple example would perhaps make this clearer. If the market rate is ¥40 per picul and the contract price was ¥50 per picul, the permit would actually show, say, 100 piculs for ¥4000. Calculated at the rate of ¥0 per picul ¥4000 gives only 80 piculs. It would be open to the Indian shippers in this case to

ship not 100 piculs but only 80 piculs. The officials also agreed to examine the evidence proving *bona fides* of the contract, and in the event of their being satisfied to issue exchange permit for the difference between market rates and contract prices so as to facilitate shipment of the cotton withheld under the original permit. All the points raised by the Indian exporters were thus settled to their satisfaction and the deputations returned to Osaka on Wednesday, January, 26, satisfied with the result of the interview. Their only fear was that the Japanese Finance Department might reject as inadequate such evidence as they were able to produce.

The Bank of Japan objected to the settlement made by the Finance Department on the ground that if a lesser quantity was shipped they had nothing to show that the exchange control law was not being infringed. They promised, however, to refer their difficulties to the Finance Department. On 31st January last the Indian exporters were informed by their buyers that in disregard of the directions of the Finance Department, the Cotton Spinners Association had decided that cotton in settlement of the old contracts must be shipped immediately without the exchange permit. This was totally unexpected, as it was believed that the trade associations would abide by the decision of the Finance Department. The difficulties in the way of compliance were the following:

(1) the foreign banks refused to finance export transactions with Japan unless they were covered by exchange permits. Shipment therefore could only be arranged if the shipper himself were able to raise sufficient money for the purpose. A number of Indian shippers has had their funds tied up in Japan lately and were not financially in a position to dispense with bank assistance.

(2) the Japanese banks operating in India, it was reported, had agreed to furnish accommodation to the Japanese exporters consisting principally of—

1. Toyo Menka Kabushi Kaisha,
2. Goshō Kabushi Kaisha,
3. Nippon Menka Kabushi Co.
4. Nishō Co. Ltd.

The Japanese exporters were thus in a position of advantage. They had less difficulty in arranging for shipments in fulfilment of their old contracts, and were in a position to appropriate the allotment given to Indian exporters. The Indian exporters had refused to sell cotton since the 18th January when the dispute arose, and some of the business had undoubtedly been transferred to them.

(3) The Indian exporter, if he had to ship before issue of permit, was not in a position to calculate exactly the number of bales he should ship so as to cover the permit amount and no more.

On the 1st February, the Indian Trade Commissioner met the President of the Cotton Spinners Association, along with two representatives of the Indian exporters on Tuesday afternoon and was informed that the position of the Japanese Cotton mills on account of the shortage of raw cotton was so desperate that they had no alternative but to apply pressure on their suppliers and to insist on the shipment of cotton before issue of permit. The President regretted his inability to help the Indian shipper and intimated that if cotton under the old contracts was not immediately shipped by Indian exporters they would buy elsewhere and the fulfilment of the contract would be postponed for at least another six months. The Indian representatives assured the President of their willingness to oblige as far as possible but requested that he should arrange with the Japanese banks to give them the same accommodation as was being given to the Japanese customers. The President could not accept this suggestion, but ultimately agreed that if the Indian exporters would prepare a statement to show how much they could ship without outside assistance and if this quantity was found to be a substantial proportion of the total he would consider if for the balance shipment could be postponed till the permits were issued.

BIOCHEMISTRY DEPARTMENT OF THE INDIAN INSTITUTE OF SCIENCE.

609. *Mr. C. N. Muthuranga Mudaliar: With reference, to starred questions Nos. 74 (c), 846, 965—967, 1039 and 1040, asked during the

September Session of the Legislative Assembly, will the Secretary for Education, Health and Lands please state :

- (a) whether Government are aware of the adverse remarks on the Professor made by the Sewell Committee; and
- (b) whether it is not a fact that the Irvine Committee stated that the Department of Biochemistry would be greatly benefitted by the presence of an Organic Chemist of the first rank at the Institute?

Sir Girja Shankar Bajpai: (a) I have been unable to trace any such remarks in the Report.

(b) Yes.

WORK DONE BY THE PROFESSOR OF BIOCHEMISTRY AT THE INDIAN INSTITUTE OF SCIENCE.

610. ***Mr. C. N. Muthuranga Mudaliar:** Will the Secretary for Education, Health and Lands please state:

- (a) whether Government are aware that references to Biochemical works in the six volumes of the Annual Review of Biochemistry number 20700;
- (b) how many of these are to the work of the present Professor of Biochemistry at the Indian Institute of Science; and
- (c) whether it is not a fact that there is only one such reference?

Sir Girja Shankar Bajpai: (a) to (c). Government have no information.

WORK DONE BY THE PROFESSOR OF BIOCHEMISTRY AT THE INDIAN INSTITUTE OF SCIENCE.

611. ***Mr. C. N. Muthuranga Mudaliar:** (a) With reference to question No. 1040 (a), dated the 6th October, 1937, will the Secretary for Education, Health and Lands please state whether it is not a fact that the type of work referred to is nothing more than what is contained in the Encyclopædia of formulas and trade recipes?

(b) Is it not a fact that Sir Gowland Hopkins, Professor of Biochemistry in the Cambridge University and Nobel prize winner, to whom his papers were referred, declared his work crude, trivial, diffuse, not Biochemical and that it was regrettable that the Professor did not represent Biochemistry?

(c) Is it not a fact that Sir John Russel, under whom, the "Professor of Biochemistry" studied, was himself not inclined to think well of his work?

(d) Is it a fact that this 'Professor' is to be given extension of his term of office for another four years, two of which are to be spent abroad?

(e) Is it a fact that the 'Professor' has already been abroad and studied under English Professors? If so, why is he being sent out again?

(f) With reference to the answer to question No. 1037 (c), dated the 6th October, 1937, why is he not confirmed if fit or discharged if not fit?

Sir Girja Shankar Bajpai: (a) This is a matter of opinion.

(b) and (c). Government have no information.

(d) Government have no information but will make enquiries.

(e) The reply to the first part is in the affirmative. As regards the second part, Government have no information.

(f) The matter is one for consideration by the Council of the Institute to whom an inquiry will be addressed.

Mr. C. N. Muthuranga Mudaliar: Will Government collect information which they have not got at present?

Sir Girja Shankar Bajpai: I have already stated the points with regard to which we are asking the Council for information.

ASSISTANT PROFESSOR IN CHARGE OF COMMUNICATION ENGINEERING AT THE INDIAN INSTITUTE OF SCIENCE.

612. ***Mr. C. N. Muthuranga Mudaliar:** (a) With reference to the assurance given by Government in answer to question No. 1038, dated the 6th October, 1937, will the Secretary for Education, Health and Lands please state whether Government will please place on the table of the House copies of papers published in recognised scientific journals by the Assistant Professor in charge of Communication Engineering?

(b) Is it not a fact that he has neither qualified for a Doctorate through research, nor has he published a single paper of merit during the ten years he has been at the Indian Institute of Science?

(c) Is it a fact that his term of office is to be extended for another five years? If so, did the Council refer his papers to competent authorities for opinion? If not, what was the material on which they reached a decision as to his fitness to be continued in the Institute?

(d) Is it a fact that he was at one time Secretary of one of the Members of the Governing Council of the Institute?

(e) Is it not a fact that the Irvine Committee laid great emphasis on research in Communication Engineering? If so, have Government considered whether or not of this gentleman would be prejudicial to the interests of the Institute?

Sir Girja Shankar Bajpai: (a) If the Honourable Member will refer to the answer, he will find that I gave no assurance.

(b) The reply to the first part of the question is in the affirmative. As regards the second part, Government have no information.

(c) Government have no information but will make enquiries.

(d) Government have no information.

(e) The reply to the first part of the question is in the affirmative. The point raised in the second part does not arise as Government have not so far been approached by the Council of the Institute for the extension of the term of the Assistant Professor.

OVERWORK TAKEN FROM CLERKS IN THE OFFICE OF THE CONTROLLER OF PURCHASE, CALCUTTA.

613. ***Mr. Amarendra Nath Chattopadhyaya:** (a) Will the Commerce Secretary please state whether he is aware that the present staff in the Calcutta office is insufficient to meet the amount of work, and that the

Controller of Purchase in Calcutta compels the ministerial officers to work systematically long beyond the appointed office hours?

(b) Is it a fact that the Controller even objects to the Muhammadan clerks leaving their work for saying their prayers, and that some of the Muhammadan clerks have actually been warned for thus leaving the office?

Mr. H. Dow: (a) The work in the Calcutta Purchase Circle has been increasing of late and it has often been necessary for the staff to work after the normal hours to cope with it. But certain additional staff has just been sanctioned for that office.

(b) The usual facilities are allowed to the Muhammadan members of the staff on Fridays. Permission was, however, refused by the Controller of Purchase to one Muhammadan clerk who asked for leave every day for prayers.

Maulvi Syed Murtuza Sahib Bahadur: Are Government aware of the fact that five times prayer in a day is as incumbent on every Muslim as Fridays?

Mr. H. Dow: Yes, I am aware of the fact, and I am also aware of the fact that only one of these prayer times, the *Zuhar*, occurs during the working day, and that that occurs during the lunch interval; and it seems to me that if this Muhammadan clerk is as devout and pious as he appears to be, he should be quite willing to give up ten minutes of his lunch time in order to offer that prayer.

Sir Muhammad Yamin Khan: Does he get lunch time?

Mr. H. Dow: Yes.

Mr. Abdul Qaiyum: What is the time allowed for lunch? Some of these Government officials are very hard on Muhammadans.

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

REPORT OF MR. WRIGHT ON THE DAIRY TRADE OF INDIA.

614. ***Mr. Manu Subedar:** Will the Secretary for Education, Health and Lands state:

- (a) whether Government have invited the views of persons and associations engaged in the dairy trade of India on the report submitted by Mr. Wright;
- (b) whether Government have received any representations from any such persons or associations on the subject dealt with;
- (c) whether Government will consult this House before taking any action involving financial outlay as the result of these recommendations;
- (d) with regard to the post of Director of the Imperial Dairy Institute, the creation of which is suggested by Mr. Wright, whether Government will give an assurance to this House that an Indian will be appointed; and

- (e) if the reply to part (d) be in the negative, whether Government will give their reasons why they have pre-judged the issue and whether they have made an enquiry whether a suitable Indian is available?

Sir Girja Shankar Bajpai: (a) No.

(b) Yes.

(c) Government can give no such undertaking. The normal procedure for obtaining appropriate financial sanction to any expenditure that Government consider desirable will be followed.

(d) and (e). No decision regarding the establishment of an Imperial Dairy Research Institute has yet been taken. The Honourable Member may rest assured that if any new posts are created, Government will not go outside India to secure recruits for these unless they are satisfied that qualified candidates are not available in this country.

Mr. Manu Subedar: What is the method adopted by the Government of India to satisfy themselves that qualified Indians are not available?

Sir Girja Shankar Bajpai: Generally it is advertised through the Public Service Commission.

Prof. N. G. Ranga: In view of the fact that the Standing Finance Committee has not yet come into existence again, will Government consider the advisability of consulting this House before any further financial commitments are agreed to?

Sir Girja Shankar Bajpai: I cannot say anything about the Standing Finance Committee, but we shall do exactly as other departments do in this matter.

Mr. Manu Subedar: With regard to clause (c) of the question, will the Honourable Member say whether a grant has been asked already by the department from the Finance Department for the purpose of the post of a director?

Sir Girja Shankar Bajpai: Any financial provision that may have been made with regard to this occurs in the Budget.

Mr. Mohan Lal Saksena: Is any correspondence going on with Mr. Wright himself as to his becoming a director?

Sir Girja Shankar Bajpai: No.

CONSTITUTIONS OF THE INDUSTRIAL RESEARCH BUREAU AND ADVISORY RESEARCH COUNCIL.

615. ***Mr. Mohan Lal Saksena:** (a) Will the Commerce Secretary be pleased to state what is the constitution of the Industrial Merchant Bureau of the Government of India, and what are its relations with the Government Test House at Alipore?

(b) What are the functions of the two?

(c) What is the staff in the Industrial Research Bureau, and what are their respective salaries?

(d) How long has the Bureau been in existence? Will Government be pleased to make a statement regarding its work during the last two years?

(e) What is the constitution of the Advisory Research Council under the supervision of which the Bureau is supposed to work?

(f) Are any industries or faculties of science represented on the Council? If not, why not?

(g) Do Government propose to consider the advisability of reconstituting the Advisory Council on the lines of the Council Scientific and Industrial Research in England? If not, why not?

Mr. H. Dow: (a) and (b). The Honourable Member is presumably referring to the Industrial Research Bureau and the Research Branch of the Government Test House, Alipore. His attention is invited to pages 15—22 and 32 of the Bulletin of Indian Industries and Labour, No. 52, containing the proposals for the constitution of the Industrial Research Bureau which were accepted by the Industries Conference and approved by the Government of India. The functions of the Bureau are described on page 8 of this Bulletin, while the functions of the Research Branch are described in the introduction to the Report of the Bureau for the year 1936-37. Copies of both the Bulletin and the Report are available in the Library of the House.

(c) A statement showing the sanctioned staff of the Industrial Research Bureau, with their scales of pay, is placed on the table.

(d) The Bureau commenced operations from April 1935. An Account of its activities during the two completed financial years will be found in the Annual Reports for 1935-36 and 1936-37 copies of which are available in the Library of the House.

(e) The general constitution of the Industrial Research Council is described on page 32 of the Bulletin referred to in my answer to part (a) of this question.

(f) No particular Industries or Faculties of Science are represented, as such, on the Industrial Research Council, which is constituted in the manner recommended by the Industries Conference. The Government of India nominate four non-officials interested in Industries and a seat is also allotted to each Provincial Government on the Council, for non-officials directly connected with Industries. The Council can also co-opt, under the constitution, additional members and it is permissible for Provincial Governments to depute to a particular session one or more non-official advisers with special knowledge of the questions before that session.

(g) Government do not consider that it is at present a practicable proposition to endeavour to set up in India an organisation on the lines of the Committee of the Privy Council for Scientific and Industrial Research in England or other great research organisations which exist in some of the more advanced industrial countries. The Industrial Research Council and the Bureau represent a beginning in that direction from which a research organisation suitable for the needs of the country may in due course be developed.

Statement showing the existing sanctioned strength of the Industrial Research Bureau.

Posts.	Scales of pay.	
	Old scale.	New scale.
	Rs.	Rs.
<i>Headquarters Office.</i>		
1. One Director*	2,250 plus overseas pay £13-6-8 per mensem.	..
2. One Assistant Director†	950—50—1,200	740—35—950.
3. One Superintendent	350—25—600	400—20—500.
4. One Librarian	150—10—300	150—10—300.
5. Two Technical Assistants‡	150—10—300	150—10—300.
6. Four I Division Assistants	120—8—160—10—350. (E. B. at Rs. 200 and Rs. 300).	140—10—280 (E. B.). 10—310—15—400.
7. Four II Division Clerks	75—4—155—160—5— 175 (160—5—175 for 15 per cent. of perman- ent clerks). (E. B. at Rs. 115 and Rs. 155.)	80—4—120—5—200 (E. B. after 125.)
8. Five III Division Clerks	60—2—80—3—125 (E.B. after 95.)
9. Two Stenographers	150—10—300—12½—400 (E. B. at Rs. 250.)	125—5—180—10—300.
10. One Draughtsman‡	120—8—200	100—5—150.
11. One Tracer†	45—3—75	40—2—70.
12. One Record Sorter	20—1—40	20—1—40.
13. Two Duftries	15—1—35	15—½—20—1—30.
14. One Duffadar	17—1—22	19.
15. Five Peons	14—1/5—16	1st Grade. 16 2nd Grade 15, 3rd Grade 14. Do.
16. One Farash	14—1/5—16	Do.
<i>Research Branch, Alipore.</i>		
17. One Research Officer‡	950—50—1,200	740—35—950.
18. One Assistant Research Officer†	500—50—750	350—25—550—30—700.
19. Seven Physical Assistants‡	150—15—300—20—500.	150—10—300—(E. B.) —20—400.
20. Eight Chemical Assistants‡	150—15—300—20—500.	150—10—300 (75 per cent. of posts.) 300—20—400 (25 per cent. of posts.)
21. One Instrument Maker‡	70—3—85	70—3—85.
22. Four Mistries†	40—2—60	40—40—4/2—60.
23. One Senior Clerk	75—5—150	80—5—150.
24. Four Junior Clerks	50—3—125	45—45—5/2—90—3— 105.
25. One Draughtsman‡	120—8—200	100—5—150.
26. Six Laboratory Bearers	18—½—30	18—½—30.
27. Two Khalasis	15—1/5—19	13—1/5—17 plus L. C. A. Rs. 2.
28. Three peons	15—1/5—19	13—1/5—17 plus L. C. A. Rs. 2.

N.B.—*The substantive incumbent will continue to be governed by the State Railway Provident Fund and Gratuity Rules.

†The present is already admitted to the benefit of the Contributory Provident Fund.

‡The incumbents will be admitted to the benefits of the Contributory Provident Fund.

Prof. N. G. Ranga: Have any members been co-opted by this advisory Council itself?

Mr. H. Dow: From time to time, I believe, they have.

Prof. N. G. Ranga: Has anybody been co-opted from any of these faculties of science?

Mr. H. Dow: I am afraid I must ask for notice of that question.

INQUIRIES FROM INDUSTRIES FOR RESEARCH WORK.

616. ***Mr. Mohan Lal Saksena:** (a) Will the Commerce Secretary be pleased to state how inquiries from industries for research are dealt with?

(b) Is it a fact that the research is generally done by the assistants employed in the Government Test House at Alipore?

(c) Have Government considered that full benefit of the research work is not derived by Government and the industries in India because of so many intermediary links between the industries and the research assistants?

Mr. H. Dow: (a) Enquiries addressed to the Bureau are normally required to be forwarded through the Director of Industries of the Province or State from which the enquiry is made. In certain special cases an enquiry is received and dealt with direct by the Bureau and a reply is issued direct to the party making the enquiry, a copy being simultaneously issued to the Director of Industries concerned.

Any proposal that requires research of a major character is submitted to the Industrial Research Council for consideration, but if the investigation required is of a minor character, the problem is passed direct to the Research Branch of the Government Test House by the Bureau. On completion of the work the report is published in the form of a bulletin in the series of Bulletins of Indian Industrial Research, or a copy is forwarded to the party concerned through the Director of Industries of their province or State: depends upon the character of the work.

(b) The research work of the Bureau involving laboratory work is carried out by the staff of the Research Branch of the Government Test House, Alipore, under the direct guidance and supervision of the officers of that Branch, and the Superintendent of the Government Test House.

(c) Government have no reason to think so.

Mr. T. S. Avinashilingam Chettiar: May I know whether any fee is charged for this inquiry?

Mr. H. Dow: I must ask for notice of that question.

PROHIBITION OF THE EXPORT OF JAGGERY TO CEYLON.

617. ***Mr. Sami Vencatachalam Chetty:** Will the Commerce Secretary be pleased to state:

(a) if he is aware that the customs authorities at Tuticorin and Kulasekarnpatanam of the Madras Presidency prohibited the export of palmyra-jaggery to ports in Ceylon;

- (b) If so, whether such action was taken under the International Sugar Agreement;
- (c) whether there is any, and if so, what clause in the said Agreement by which jaggery should not be exported to Ceylon by India;
- (d) if he is aware that jaggery is used by the estate labourers in Ceylon for medicinal purposes; and
- (e) if he is prepared to cancel the orders prohibiting the export of jaggery to Ceylon?

Mr. H. Dow: The question should have been addressed to the Honourable the Finance Member.

MEASURES FOR PROHIBITION OF COW-SLAUGHTER.

618. ***Mr. Lalchand Navalrai:** Will the Secretary for Education, Health and Lands be pleased to state:

- (a) whether in view of the recent public utterances by His Excellency the Viceroy deprecating the indiscriminate cow-slaughter in cities and the desirability to stop it immediately, even by legislative measures, the Imperial Government have formulated any Bill to that effect;
- (b) if not, when such a Bill should be expected to appear before this Assembly;
- (c) whether the Provincial Governments have sent in their opinions as regards such a Bill: whether they were asked for in the month of December, 1936;
- (d) whether such opinions of the Provincial Governments, if arrived will be published; and
- (e) whether Government have in view any other schemes to bring about this cow-slaughter prohibition?

Sir Girja Shankar Bajpai: (a)—(e). I would refer the Honourable Member to the answer given by me to Mr. Muthuranga Mudaliar's starred question No. 240 on the 14th February.

Mr. Lalchand Navalrai: With regard to clause (d) will the Honourable Member be pleased to say if the Central Government will introduce any Bill with regard to the centrally administered areas?

Sir Girja Shankar Bajpai: The Government of India have not considered the question with regard to the centrally administered areas.

Mr. Lalchand Navalrai: Will the Government of India consider it?

Sir Girja Shankar Bajpai: Yes, we will consider it.

MAINTENANCE AND PUBLICATION OF STATISTICS FOR COW-SLAUGHTER.

619. ***Mr. Lalchand Navalrai:** Will the Secretary for Education, Health and Lands be pleased to state whether Government are prepared to ask all Provincial Governments to maintain accurate statistics of cows and other

cattle slaughtered in municipal areas, notified areas, cantonment areas, and all other rural areas within their jurisdiction, and to publish these statistics regularly and annually for the information of the public?

Sir Girja Shankar Bajpai: The Government of India are already in correspondence with Provincial Governments regarding the inclusion in the reports of their Veterinary Departments of statistics regarding the slaughter of animals in recognised slaughter houses.

UNSTARRED QUESTIONS AND ANSWERS.

NON-OFFICIAL NOMINATED MEMBERS OF THE CENTRAL LEGISLATIVE ASSEMBLY AND THE COUNCIL OF STATE.

56. Pandit Sri Krishna Dutta Paliwal: Will the Honourable the Law Member kindly state:

- (a) the information about the interest or professions or communities that the nominated Members (non-official) represent in the existing Assembly and the Council of State; and
- (b) the same information regarding the previous Assemblies and Councils of State?

The Honourable Sir Nripendra Sircar: A minority only of Non-Official Nominated Members of the Council of State and Legislative Assembly are nominated with a view to their representing specific areas, interests or communities. Details of such representation are contained in the annexed statements.

COUNCIL OF STATE.

Area, interest or community represented by one nominated Member each.	Councils of State on which so represented.
Indian Christians	All.
North-West Frontier Province	All.

LEGISLATIVE ASSEMBLY.

Area, interest or community represented by one nominated Member.	Legislative Assemblies on which so represented.
Indian Christians.	All.
Anglo-Indians.	All.
Labour.	All.
Indian Army.	All except the First Assembly.
Associated Chambers of Commerce	All except the First Assembly.
Depressed Classes.	Third, Fourth and Fifth Assemblies.
North-West Frontier Province	All except the present (Fifth) Assembly.

TRANSFER OF THE ADMINISTRATION OF CERTAIN VILLAGES TO THE JODHPUR AND UDAIPUR DURBARS.

57. **Mr. Badri Dutt Pande:** (a) With reference to the Government of India's press *communiqué*, of the 3rd February, 1938 (published in the *Hindustan Times* of the 4th February, 1938), will the Honourable the Leader of the House be pleased to state the population and the income that was hitherto realised by the British Government and the number of villages in the district of Merwara, which is being transferred to the Durbars of Jodhpur and Udaipur?

(b) How many villages will go to Jodhpur and how many to Udaipur?

(c) Were the people of these tracts in any way consulted before this transfer was sanctioned?

(d) Will the Honourable Member be pleased to state the reasons that led Government to transfer these areas to the Indian States after a period of more than a century?

The Honourable Sir Nripendra Sircar:

(a) Population—53,386.
Income—Rs. 77,000 per annum.
No. of villages—118.

(b) 24 and 94 respectively.

(c) As the inhabitants of the villages are mostly State subjects, the question of consultation did not arise.

(d) I would refer the Honourable Member to the Press Communiqué referred to in part (a) of his question.

Mr. Sami Vencatachelam Chetty (Madras: Indian Commerce): I want to make a submission.

Mr. President (The Honourable Sir Abdur Rahim): No statement can be made now, except in connection with any item on the Agenda. The Honourable Member will then be free to make it in due course.

ELECTION OF MEMBERS TO THE COURT OF THE DELHI UNIVERSITY.

Mr. President (The Honourable Sir Abdur Rahim): I have to inform the Assembly that upto 12 Noon, on Tuesday, the 1st March, 1938, the time fixed for receiving nominations for the Court of the University of Delhi, six candidates were nominated, since when the candidature of two Members has been withdrawn. As the number of candidates is now equal to the number of vacancies, I declare Mr. Muhammad Azhar Ali, Mr. N. C. Chunder, Pandit Lakshmi Kanta Maitra and Mr. Ghulam Kadir Muhammad Shahban to be duly elected.

MESSAGE FROM THE COUNCIL OF STATE.

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

"I am directed to inform you that the Council of State at its meeting held on the 2nd March, 1938, agreed without any amendment to the following Bills, which were passed by the Legislative Assembly at its meetings held on the 1st and 7th February, 1938, namely:

(1) A Bill to provide facilities for military manœuvres and for field firing and artillery practice, and

(2) A Bill further to amend the Destructive Insects and Pests Act, 1914, for certain purposes."

ELECTION OF MEMBERS TO THE STANDING COMMITTEE ON EMIGRATION.

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

"That this Assembly do proceed to elect, in such manner as the Honourable the President may direct, eight non-official Members to serve on the Standing Committee on Emigration."

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, eight non-official Members to serve on the Standing Committee on Emigration."

Mr. C. N. Muthuranga Mudaliar (South Arcot *cum* Chingleput: Non-Muhammadan Rural): I rise to oppose this motion, though I have no wish to prevent the re-constitution of the Standing Emigration Committee. I would like to bring to the notice of the House certain undesirable features in the functioning of this Committee. In the first place, it does not meet except once during the Sessions of this Assembly. Even then, the meetings which are held twice a year are not called immediately after the Members find themselves in Delhi or Simla. Then all urgent business left over is consigned to the next Session, irrespective of the importance of the matter. As an instance, we met last week and discussed matters relating to the Kenya Highlands and the Zanzibar clove boycott and then adjourned. There is the other important question of Ceylon, not to speak of other colonies. There the Indian labourers are being deprived of their franchise by the Village Communities Ordinance. They are asked to relinquish the lands which they have been cultivating for a long time making them into remunerative vegetable gardens. In the name of retrenchment the Indians employed in the Ceylon Railways are being asked to quit, and then there is the educated unemployment, mostly among medical men and others who have been for a long time employed in these estates. Now they are deprived of their jobs.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member is simply relating the grievances. The motion before the House is for the constitution of the Committee.

Mr. C. N. Muthuranga Mudaliar: I raised the point at the previous meeting of the Emigration Committee and the Honourable Member promised to get the information from the Agent there, but at this meeting I did not get any information at all.

Mr. President (The Honourable Sir Abdur Rahim): The House is now concerned with the constitution of the Committee,—whether a Committee like that should be constituted or not.

Mr. C. N. Muthuranga Mudaliar: Many matters that are discussed there are marked confidential and we are not allowed to have the papers. As soon as the meeting is over we are asked to return the papers. For instance, I may mention this memorandum of the Zanzibar Government with regard to the purchase and export of cloves was handed in to us last week just at the beginning of the meeting and within half an hour it was taken away from us. We were not allowed to know what there was in it, and yet this morning I find this memorandum published in the press. It looks as if Members are not trusted with regard to these papers. And why this secrecy, this hush-hush policy, I do not understand. Publicity is essential. The present Assembly has not been dissolved; its term has been extended, and why should not this Committee also be extended? Why should we be put to the necessity of having fresh elections this time? All these matters I wanted to bring to the notice of the House before this Committee is allowed to be re-constituted. That is my serious objection.

Prof. N. G. Ranga (Guntur *cum* Nellore: Non-Muhammadan Rural): A rumour goes that the Standing Committee on Emigration had recommended at its Simla Session that an embargo should be placed on the imports of cloves into this country.

Mr. President (The Honourable Sir Abdur Rahim): That cannot be gone into. That has already been discussed.

Prof. N. G. Ranga: I want to know whether the Government had agreed with the recommendations made by the Standing Committee on Emigration at its Simla Session in regard to the various questions and especially with regard to the clove trade boycott that was going on in this country as well as the *satyagraha* that was being carried on by Indians in East Africa. We would like to have information on that. Secondly, I also take objection to marking everything that is submitted to the members of the Standing Committee on Emigration confidential and thus making it impossible for them when necessary, not always but when necessary to take the public or even their own parties into their confidence and thus try to create the necessary enlightened public opinion in regard to some of the most important points that are brought for discussion before this particular Committee. On these points I would like to have a satisfactory answer from the Honourable Member in charge of this motion.

Sir Girja Shankar Bajpai: I do not think I need detain the House very long. As regards my Honourable friend Mr. Muthuranga Mudaliar's complaint about the fewness of the meetings, I wish to submit to the House that there is no use calling a meeting when there is no business to be submitted to it. We convene meetings of the Standing Emigration Committee whenever there is any business of importance to be considered,

and I am confident that other members of the Committee, if they have an opportunity of expressing their opinion on this matter, will bear me out in my statement that the Government of India make the fullest and the most frequent possible use of the Committee, consistent with the exigencies of the problems concerned.

My Honourable friend's second complaint was that nothing had been said on the subject of Ceylon. The members of the Standing Emigration Committee are aware of the fact that, when we met at the end of last month to consider the question of Zanzibar and Kenya, we assembled at a quarter past five and adjourned at half past seven, and there was no time left then to take up the question of Ceylon. And we could not convene a meeting thereafter since the term of office of the members of the Committee expired on the 1st March. As soon as the Committee is constituted again we shall take up the question of Ceylon and bring it to the notice of Honourable Members. Then my Honourable friend, Prof. Ranga, said something about the advice given by the Standing Emigration Committee, I believe at its meeting last May, on the question of laying an embargo on cloves. As you are aware, Sir, the question of embargo on cloves was discussed on an adjournment motion on the opening day of the last August Session of the Assembly and there is nothing further for me to say on that point. Lastly, there are the points raised by my Honourable friend, Prof. Ranga. As regards the confidential character of the documents submitted before the Standing Emigration Committee, that has been the convention of the Committee ever since it was first established. The papers which are submitted to the Committee are marked confidential, but the Committee is also competent to decide for itself to what extent its proceedings should be given publicity, and, where the Committee has decided upon a certain measure of publicity, Government have faithfully and loyally carried out the instructions of the Committee in regard to that matter. That is all I have to say.

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, eight non-official Members to serve on the Standing Committee on Emigration."

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim): I may inform Honourable Members that for the purpose of election of Members to the Standing Committee on Emigration the Notice Office will be open to receive nominations up to 12 Noon on Monday, the 7th March, and that the election, if necessary, will be held on Thursday the 10th March, 1938, between the hours of 10-30 A.M. and 1 P.M. in the Assistant Secretary's room in the Council House, New Delhi. The election will be conducted in accordance with the principle of proportional representation by means of the single transferable vote.

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

The Honourable Sir Nripendra Sircar (Law Member): Sir, I beg to move for leave to introduce a Bill to amend the Hindu Women's Rights to Property Act, 1937.

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

"That leave be granted to introduce a Bill to amend the Hindu Women's Rights to Property Act, 1937."

The motion was adopted.

The Honourable Sir Nripendra Sircar: Sir, I introduce the Bill.

DEMANDS FOR SUPPLEMENTARY GRANTS IN RESPECT OF RAILWAYS.

MISCELLANEOUS EXPENSES.

Mr. B. M. Staig (Financial Commissioner, Railways): Sir, I beg to move:

"That a supplementary sum not exceeding Rs. 3,60,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending 31st March, 1938, in respect of 'Miscellaneous Expenses'."

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

"That a supplementary sum not exceeding Rs. 3,60,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending 31st March, 1938, in respect of 'Miscellaneous Expenses'."

Barachakia-Musrakh Railway Project.

Babu Kailash Behari Lal (Bhagalpur, Purnea and Sonthal Parganas: Non-Muhammadan): Sir, I move:

"That the demand for a supplementary grant of a sum not exceeding Rs. 3,60,000 in respect of 'Miscellaneous Expenses' be reduced by Re. 1."

Mr. President (The Honourable Sir Abdur Rahim): This is a supplementary demand and I don't know whether the Honourable Member is aware that the question of grievance, even of the Bihar public, cannot be ventilated on supplementary grants. The amendment is out of order.

Babu Kailash Behari Lal: I am speaking on this particular demand.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member cannot do that. I find that the Honourable Member wants to ventilate the grievances of Bihar public for not providing money for the project called Barachakia-Musrakh over the Bengal and North Western Railway. This is clearly out of order. The Honourable Member can oppose the whole grant. That is a different matter. Anyhow, this amendment is out of order.

The next amendment in the name of Mr. Thirumala Rao is also out of order for the same reason. This is not the occasion to discuss the grievances of lower class railway passengers.

The third one in the name of Mr. Chettiar is also out of order.

Mr. Mohan Lal Saksena (Lucknow Division: Non-Muhammadan Rural): This is in order. This is to discuss the question of high fees paid to consulting engineers. This item is found in the demand. I want some information about it.

Mr. M. Ananthasayanam Ayyangar (Madras Ceded Districts and Chittoor: Non-Muhammadan Rural): You will see that this motion wants this demand to be reduced by Rs. 100.

Mr. President (The Honourable Sir Abdur Rahim): This is to discuss the question of high fees paid to Consulting Engineers. I rule this out of order.

(Mr. T. S. Avinashilingam Chettiar rose to speak.)

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member will let me give my ruling. I do not want the discussion to be stifled in any way. All I have got to see is whether a particular motion is in order or not. The Honourable Member can make any speech he likes so long as it is relevant. He can throw out the demand. Then we come to No. 4.

Mr. T. S. Avinashilingam Chettiar (Salem and Coimbatore *cum* North Arcot: Non-Muhammadan Rural): I want to raise a point of order in regard to this. The point of order is this: If you will look at the small blue book supplied, on page 2, in foot-note (b) you will find this:

"write back from capital to this head, of survey expenses in connection with the proposed Dacca-Aricha Railway which had been debited to capital", etc.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member is perfectly entitled to say that that writing back is not correct.

Mr. T. S. Avinashilingam Chettiar: I want to discuss that writing back.

Mr. President (The Honourable Sir Abdur Rahim): But the policy cannot be discussed on this occasion. The next one is in the name of Mr. Brojendra Narayan Chaudhury. That is refusal of supplies and is in order.

Refusal of Supplies.

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

"That the demand for a supplementary grant in respect of 'Miscellaneous Expenses—II-Surveys' be reduced to Re. 1."

This means that the demand is to be reduced by 2,59,999 Rupees. You will find that this demand is required for write-back from capital to this head, of survey expenses in connection with the proposed Dacca-Aricha Railway project.

The Government have come before the House with this demand simply for an adjustment of account. They say that they have now abandoned the project of the Dacca-Aricha Railway; and therefore, this item, as an item of expenditure put down under Surveys, should now be debited to some other account. I want this House to agree with me that the Dacca-Aricha Railway should not be abandoned, and, therefore, this adjustment of account is quite unnecessary. This sum of Rs. 3,60,000 should continue to appear in the accounts for Surveys, which means that I ask the Government by this vote, if my motion is carried, to proceed with the Dacca-Aricha project. Sir, probably the Honourable House is aware that the

[Mr. Brojendra Narayan Chaudhury.]

Dacca-Aricha project is older than probably anyone of us here; it is as old as the eighties of the last century. Now the matter has been hanging on for years and the matter came to a head in the year 1927-28. I have now before me a book—an abstract estimate of the cost of the Dacca-Aricha Railway. We had almost gone up to the point of beginning the construction work on this project. Sir, at page 170 of the Report I find that:

"Mr. Edwards, Engineer-in-Chief, Surveys and Construction of the Eastern Bengal Railway, recommended strongly to the Railway Board that the additional land required for the B. G. Siding at Postgola Ghat be acquired *at once*."

Now, I cannot understand why this project, after having gone to such a length, should be abandoned. I tried to find out whether this project has been abandoned as being one which is not likely to be paying, but what do we find in the report? I find that this project is expected to earn within six years—the initial period of calculation of the Railway Board—and Honourable Members will please note it—as high as 7.6 per cent. on the capital. Now what are our Railways earning now? We have seen in the Railway Budget that all the Railways together are hardly earning more than 5.1 per cent. So this project, considered from the standpoint of investment, is a lucrative project. Then, about the needs of the Railway. Anyone coming from Assam and Bengal knows that this railway is required to shorten the route and to find a direct route from the other side of the Padma estuary

Mr. President (The Honourable Sir Abdur Rahim): Is this Rs. 3,60,000 required for this very project? Does the Honourable Member want that the amount should be reduced to one rupee?

Mr. Brojendra Narayan Chaudhury: This amount is not required to be expended in the future; the amount has already been spent.

Mr. President (The Honourable Sir Abdur Rahim): You say that this amount ought not to have been spent?

Mr. Brojendra Narayan Chaudhury: I say it ought not to be debited to another account. The money has already been spent long ago.

Mr. President (The Honourable Sir Abdur Rahim): You say it ought to have been debited to some other account?

Mr. Brojendra Narayan Chaudhury: Yes, Sir, they are going to abandon the project. We are against that abandonment and I want to press our view upon Government by some such motion as this.

Mr. President (The Honourable Sir Abdur Rahim): If that is the object, I must rule the motion out of order. I thought this was a sort of economy cut—that this amount was not needed; that is the Honourable Member practically wanted to oppose the whole grant. I took it as a sort of refusal of supplies, and that this demand is not needed for that particular object. But if he wants to discuss the policy of a certain project whether that was a good project or not, that is a different matter, and such discussion cannot be allowed now.

Mr. K. Santhanam (Tanjore *cum* Trichinopoly: Non-Muhammadan Rural): I wish to submit that what the Honourable Member means is . . .

Mr. President (The Honourable Sir Abdur Rahim): Let the Honourable Member put his own point.

Mr. Brojendra Narayan Chaudhury: This item is required only for the purpose of adjusting the account; they want to take this amount from one item to another. By refusing this demand now, the account will not be re-adjusted so that they will be compelled to go on with the project.

Mr. President (The Honourable Sir Abdur Rahim): So it ought not really to be reduced to one rupee which I take it means a refusal of supplies.

Mr. Brojendra Narayan Chaudhury: Sir, this project is a very important one and an urgent one; it has been urgent for the last sixty years; it will shorten the route from the Surma Valley, Silchar and Cachar . . .

Mr. President (The Honourable Sir Abdur Rahim): Is it the Honourable Member's point that the project is necessary but this amount ought not to be debited to that project?

Mr. Brojendra Narayan Chaudhury: Sir, that project will provide a short and direct route from Sylhet and the Surma Valley and East Bengal to Calcutta. The Railway is only about forty miles long, but now we have to travel by river a distance of about one hundred and fifty miles, and it takes about nine hours. This project will shorten the route and will substitute a direct railway journey for a steamer journey of nine hours. I want to know why, under these circumstances, the Government are going to abandon the project; and, unless they can satisfy the House, I urge that the House should support my cut.

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

"That the demand for a supplementary grant in respect of 'Miscellaneous Expenses—II—Surveys' be reduced to Re. 1."

Mr. B. M. Staig: Sir, the Honourable Member has given a brief outline of the history of this Dacca-Aricha Project. Briefly, the facts are as he says; it is an old project that was resuscitated in 1926 at the instance of the Bengal Government. In 1928-29 an abstract estimate was framed for a construction project which was sanctioned by the Secretary of State. Actually at that time, four lakhs were provided in the Budget estimates. After that, a reference had to be made to the Bengal Government in connection with the preparation of the detailed estimates. They began to re-examine the soundness of the project and ultimately had it investigated again by a Committee. That occupied about three or four years. The Bengal Government then intimated to the Government of India that it was not in the best interests of the province that this project should proceed. Perhaps I may read to the House what they said. It is as follows:

"The weight of opinion, therefore, of those most competent to form a decision on the matter is opposed to the construction of the railway. The danger to public health and agriculture arising from interference by embankments of any kind with the flow of silt-laden water over the country side and the danger of interfering with the natural development of a river in an active area of the delta by embankments or training works designed to hold it in its course are now more fully realised than

[Mr. B. M. Staig.]

they were even in 1920, and the local Government, although they fully recognise that this involves a reversal of the view they formerly held, are convinced that an embankment across the spill of the Dhaleswari would be a serious menace to the public health and agricultural prosperity of a large area and that as stated in an earlier paragraph of this letter, the danger to public health and agriculture far outweighs the benefit to communications which would accrue from the construction of the Railway. The conclusion which they have reached after the most careful consideration is that the construction of the Railway is altogether undesirable and should not be proceeded with."

Mr. Brojendra Narayan Chaudhury: What is the date of the letter please?

Mr. B. M. Staig: 1933. On receipt of that letter the Government of India had no alternative but to abandon this project. I may also mention that subsequent to this letter a dispute ensued as to who should be liable for the cost which had already been incurred. Finally, in the early part of this financial year the Government of India accepted that liability and as the charge of these surveys had already been made against capital and as no asset at all exists in respect of the expenditure that has been incurred, it is proper now to write off that expenditure to revenue: hence this Demand.

Mr. President (The Honourable Sir Abdur Rahim): Now that the matter has been made clear, it is evident that the cut motion is intended to discuss the question of policy whether the certain railway project ought to have been abandoned or not. I, therefore, rule it out of order.

Mr. K. Santhanam: Sir, I wish to speak.

Mr. President (The Honourable Sir Abdur Rahim): I have ruled the motion out of order, but you can speak on the demand itself.

Mr. K. Santhanam: Sir, the House has heard the explanation of the Honourable Mr. Staig. I do not oppose this expenditure of Rs. 3,60,000 because it was done at the instance of the Bengal Government nor do I think that the project should have been continued against the wishes of the Bengal Government but I wish to make a strong protest against the way in which the Railway Board have yielded to the Bengal Government. As the expenditure was incurred at the request of the Bengal Government, this amount ought to have been recovered from the Bengal Government. I am afraid the Government of India have shown very great tenderness to the Bengal Government in this matter. They should have insisted on the Bengal Government to pay this amount because it was at their instance that this expenditure was incurred and it was at their instance that the project was abandoned. Therefore, the Government of India ought to have insisted upon this payment being made by the Bengal Government. It should have been a lesson to that Government. When another project from Sind came, it was insisted upon it by the Railway Standing Finance Committee and the Railway Board that they should guarantee a certain return. The Sind Government have agreed to a return of four per cent. In this case not only was there no guarantee but the Railway Board have incurred a positive loss. I, therefore, suggest that the Government of India should re-consider the matter and see whether the Bengal Government should not be asked to refund this amount to the Railway Board.

Mr. M. S. Aney (Berar: Non-Muhammadan): Sir, I submit that it is difficult for me to subscribe to the opinion expressed by my Honourable friend, Mr. Santhanam. It is true that whenever the Provincial Governments urged upon the construction of any railway lines, the Railway Board used to insist upon certain conditions and one of the conditions that was usually insisted upon was that they should at least guarantee a certain minimum percentage of interest on the capital to be sunk. If the project will fail to give that much profit, they were to be responsible for making up the deficit. That is one of the conditions that was generally insisted upon on provinces whenever any project was undertaken at their instance. But, so far as my experience of the working of the Railway Finance Committee goes, I never knew of any condition to this effect that if a project was begun and if for certain unavoidable reasons or for certain unforeseen causes it had to be abandoned, the Provincial Government was to bear all the cost incurred and that that money had to be recovered from them. That sort of condition was never insisted upon, at any time, before. I do not know what has been the practice during the last four or five years when I have not been sitting on that Committee. But for a period of seven years when I was a member of that Committee, that was the only condition that was insisted upon. Although this project was undertaken by the Railway Board at the instance of the Provincial Government, it will be unreasonable to ask the Bengal Government to make up the loss which is due to the fact that the project could not be proceeded with. I think we have to thank the Bengal Government for having given a timely warning to the Railway Board to abandon the project at this stage. Supposing it had been proceeded with further, probably it would have cost us more lakhs, perhaps even a crore. So, we have to thank the Bengal Government for having saved us from a greater loss than we are incurring today. Although there is some logic in what my Honourable friend has said, it is entirely inconsistent with the practice which has been observed in this connection by the Railway Board and I think the practice that has been observed is a salutary one. I, therefore, think that the demand should be passed.

Babu Kailash Behari Lal: Sir, I rise to oppose this Demand, particularly the amount of Rs. 45,000 which is meant for more payments than originally anticipated for land supplied to the Bengal and North Western Railway Company for the shifting of the railway line caused by unexpected alteration in the course of the Ganges. In opposing this I wish to bring to the notice of the Government that this expenditure would not have been at all necessary if the Government had agreed to give proper attention to the request of the Government of Bihar for having a line between Barachakia and Musrukh. This line was simply a sort of an alternative for the expenditure which the Government now propose to spend over this item. The necessity of it was discussed in the Local Council of Bihar and it was forwarded to the Government. But the Government of India out of their own whim said that if the Government of Bihar were to guarantee the loss, if any, entailed in the project, then they would take it up. The Government of Bihar would not agree to guarantee anything like that, because if there had been any profit, it would go either to the pocket of the Government of India or to the railway company and in case of any loss the Bihar Government would suffer. I want to point out that even now the matter does not rest there. I find in the report

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member is now again trying to discuss the grievances of the Bihar Government.

Babu Kailash Behari Lal: I submit that this expenditure of Rs. 45,000 does not end there. They propose to spend more in future over this project.

Mr. President (The Honourable Sir Abdur Rahim): That is also a question of policy which the Honourable Member cannot discuss now.

Babu Kailash Behari Lal: The expenditure does not end there. It will entail more expenditure if the Government proceed with this work. I find in the report of the Standing Finance Committee for Railways:

"That payment on account of the cost of land supplied to branch line companies are expected to be more than in the current year by about 4 lakhs due to the provision for land required for the doubling of a portion of the line on the company's section of the Bengal and North Western Railway."

This shows and I apprehend that in future also perhaps the Government will have to spend more money like this. Even if the Government take that step and listen to the suggestion of the Local Government to have the line, that will solve a great deal of the inconvenience to the public and at the same time bring some return to the Government.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member is again really going into the question of policy.

Babu Kailash Behari Lal: I must point out, Sir, that I am not discussing any matters of policy. My submission is that this expenditure is useless and Government should abandon this project and should have some other project in the alternative.

Mr. President (The Honourable Sir Abdur Rahim): The question whether the project is the right one or not is again a question of policy and it cannot be discussed.

Babu Kailash Behari Lal: If it is a matter of policy, then I will vote against this demand.

Sir Abdul Halim Ghuznavi (Dacca cum Mymensingh: Muhammadan Rural): Sir, I must also enter my protest. This railway project—Dacca-Aricha railway—was undertaken at the distinct request of the Bengal Government. The survey was taken in hand and the whole project was considered and my information is—I knew very well as I was very much interested in this project—that a return of 7½ per cent. was available on that project. That is a very important line which would have facilitated and saved the trouble of people travelling from Calcutta to Dacca and Mymensingh and elsewhere.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member is again raising the question of the project being abandoned. The Honourable Member cannot discuss any such grievance.

Sir Abdul Halim Ghuznavi: I will restrict myself to the demand, I will not go into policy. I want that this project should continue and this should not be written off.

Mr. President (The Honourable Sir Abdur Rahim): You want the construction to go on. The Honourable Member cannot discuss that.

Mr. M. Ananthasayanam Ayyangar: Sir, I do not want that the construction of the bridge should go on. I say that this item ought not to be passed by the House. I quarrel with the Government that they ought not to have spent so much money without considering all aspects of the question. If they did not consider the utility of this line, then they should not have undertaken the project at all. It is not right that you should spend two lakhs of the taxpayers' precious money and then come to the House and say, "we have spent it under one head and now we want to move it to another head". The whole thing comes to waste. Whoever is responsible for this muddle, I appeal to the House not to pass this demand.

There is also another ground on which I oppose this demand. So early as 1933, the intention of the Bengal Government was communicated to this Government, that is that the project should be abandoned. This information was given to the House in the letter which the Honourable the Financial Commissioner himself read out to the House. That was as early as 1933. The Government were in full possession of the facts so early as 1933. If this amount was spent out of capital, then why did they wait all these five years to convert it as a demand under the head revenue. It is not in one year alone. If originally the project had continued and capital expenditure has been incurred, then very possibly it would have yielded a return. Now capital is sought to be written off under revenue account. This year a sum of 3 lakhs is taken away from revenue account. Why have the Government waited all these years for the purpose of taking to revenue account the amount spent under capital expenditure. They ought not to have done that. Even if they wanted to write off from capital to this head, they ought not to have done so in one and the same year. They should have distributed the writing off over a number of years. This year particularly, owing to the surplus that is available under railway receipts, a portion will go to the provinces. To this extent, however small the amount may be, the amount that is to be distributed to the provinces will be reduced. I would say that the transfer of the amount from capital to revenue is improper and in any case not so much money should have been written off so as to affect the share to be distributed to the provinces in this year. Whatever be the mistake that has been committed, let it be set right now and let the amount be distributed over a larger number of years and not put into the revenue account of one year.

Maulvi Muhammad Abdul Ghani (Tirhut Division: Muhammadan): Sir*, I oppose the demand on the ground that if all the items in this were analysed, it would appear that money on them has either been spent or is going to be spent needlessly. The very first item relates to the Bengal Railway Company. This expenditure is unnecessary because the amount shown is not limited to Rs. 45,000 only. If this is sanctioned today it would be like giving sanction at the same time to that heavy expenditure which is going to be incurred on this project in the near future; and the House would then be in a difficult position. The flow of the Ganges is not restricted; it is this way and that way every time. The river has for some years past shown a tendency to flow towards the east,

*Translation of the Honourable Member's speech delivered in vernacular.

[Maulvi Muhammad Abdul Ghani.]

and if this goes on for some time more, all the money that would be spent on the construction of this railway line would, I am sure, be wasted. Already a few days ago a sanction of several lakhs of rupees has been given to the Railway Board to consider the problem of constructing a bridge over the Brahmaputra and to undertake the survey of a railway line so that people living on the other side of the Brahmaputra may be able to travel and transmit their goods to the western parts of India without going through the trouble of having to cross the river. But, Sir, I assure the Railway Board that it won't do to construct this particular railway line piece by piece. They will have to give up their *sid* (obstinacy) one day and be forced to build the same old Bara-Chakia-Masrah project which they had surveyed and for which estimates had been prepared at so much cost.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member cannot discuss that.

Maulvi Muhammad Abdul Ghani: All right, Sir, I leave it at that, but I must say that the Railway Board have started a new joke. An estimate of the Dacca-Aricha Railway is prepared with the consultation of expert engineers at a cost of Rs. 2,83,000. Suddenly it is realised that the scheme is detrimental to public interest and is dropped. Is this fair on the part of the Railway Board?

Then, Sir, this very item includes Rs. 14,000 as fees required for the consultation of expert engineers in London; but if even their advice was found to be unworkable, why, I wonder, this expenditure of Rs. 14,000 should have been incurred at all on consulting expert engineers in London. The demand is not, therefore, legitimate. If even after the advice of the Consulting Engineer in London the Railway Department is to suffer and go back upon its decisions, where is the need for taking advice from him. It would, in my opinion, be best to consult local engineers in such cases and save public money from being wasted. I oppose the demand *in toto*.

Mr. B. M. Staig: Sir, I have already explained at some length the circumstances in which the construction of this railway was abandoned. One Honourable Member took the point that we should have pressed the Bengal Government to meet this charge instead of transferring it from the capital account to our revenue account. I may assure him that we pressed the Bengal Government very hard but no condition was laid down at the time this survey expenditure was incurred which imposed on the Bengal Government any liability to refund the amount should the construction not proceed. Therefore, the Government of India finally felt that they must bear this charge. This dispute as to which Government should bear the cost is the explanation for the delay, to which, an Honourable Member referred, in the settlement of this question. One Honourable Member suggested that the write-off to revenue should be spread over a number of years. The sum at stake is about 2½ lakhs and is not of sufficient magnitude, in my opinion, to justify the spreading over of the charge to revenue over a period of years.

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

"That a supplementary sum not exceeding Rs. 3,60,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending 31st March, 1938, in respect of 'Miscellaneous Expenses'."

The motion was adopted.

PAYMENTS TO INDIAN STATES AND COMPANIES.

Mr. B. M. Staig: Sir, I move:

"That a supplementary sum not exceeding Rs. 25,68,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending 31st March, 1938, in respect of 'Payments to Indian States and Companies'."

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

"That a supplementary sum not exceeding Rs. 25,68,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending 31st March, 1938, in respect of 'Payments to Indian States and Companies'."

There is a cut motion in the name of Mr. Chettiar which is out of order.

Babu Baijnath Bajoria (Marwari Association: Indian Commerce): Sir, I should like to have some information from the Financial Commissioner of Railways about this demand. In the first place, I should like to know what is the percentage on which surplus profits are payable to the railway companies and to the Indian States. I should also like to know what amount out of these 13 lakhs has been paid to the Indian States and, to which States. Then I should also like to know what has been the cost of the abandonment of the line from Church Gate to Colaba and why it has been abandoned. I should like to have all this information so that we may be in a better position to discuss this demand.

Mr. B. M. Staig: Sir, I may explain that the 13 lakhs under this Demand relates to the earnings of the Companies and Indian States in the year 1936-37. In that year, as Honourable Members are aware, we ended up with a much more substantial surplus, namely, $1\frac{1}{4}$ crores roughly, than we expected at the time the revised estimates for 1936-37 were framed. The Companies and Indian States are entitled to their corresponding share of profits according to their contracts, and this provision of 13 lakhs merely contemplates the payment to them of the amounts due to them in their agreements with Government. The item net earnings payable to worked lines—Rs. 12,68,000,—arises in respect of revenues of the present year on worked lines. As Honourable Members are aware, the Budget contemplated a surplus of 15 lakhs and the revised estimate contemplates a surplus of $2\frac{3}{4}$ crores. The lines worked by us have participated in that prosperity, and naturally the payments to them must also go up. This amount too contemplates only the payment of legal dues.

The Honourable Member referred to the abandonment of the line between Church Gate and Colaba. That abandonment has been made in accordance with the terms of the contract with the Bombay, Baroda and Central India Railway. Under their contract they are liable to abandon certain land when called on in order to permit of the development of Bombay. They were called upon to do so about 1930 and responded; and the land, the value of which was included in the Secretary of State's share of the capital, has been made over to the Government of Bombay for disposal. Under the terms of their contract the Company are entitled to a

[Mr. B. M. Staig.]

revision of the figures representing the profit sharing capital of the Company and the Secretary of State, and this revision involves that the surplus profits payable to the Company since the land was handed over in 1930 have to be recalculated. This has been done and the amount at stake, if I remember correctly, is about half a lakh of rupees.

Babu Baijnath Bajoria: I wanted to know what is the percentage on which the Railway Companies and Indian States are paid surplus profits.

Mr. B. M. Staig: I think I must ask the Honourable Member to read the terms of the contracts which will be found in the Library.

Mr. T. S. Avinashilingam Chettiar: May I know if there was a fresh contract coming into existence from the 1st January, 1938? If so, in what respects is it more advantageous as compared to the previous contract?

Mr. B. M. Staig: So far as I am aware, the only fresh contract which comes into effect from the 1st January, 1938, and is actually not relevant to this particular Demand, is that of the Madras and Southern Mahratta Railway. A copy of that has recently been placed in the Library and the Honourable Member may see it there.

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

“That a supplementary sum not exceeding Rs. 25,68,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending 31st March, 1938, in respect of ‘Payments to Indian States and Companies’.”

The motion was adopted.

WORKING EXPENSES—MAINTENANCE AND SUPPLY OF LOCOMOTIVE POWER.

Mr. B. M. Staig: Sir, I move:

“That a supplementary sum not exceeding Rs. 74,15,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending 31st March, 1938, in respect of ‘Working Expenses—Maintenance and Supply of Locomotive Power’.”

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

“That a supplementary sum not exceeding Rs. 74,15,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending 31st March, 1938, in respect of ‘Working Expenses—Maintenance and Supply of Locomotive Power’.”

There are amendments standing in the names of Mr. Pande and Mr. Chattopadhyaya which are both out of order.

Mr. M. Ananthasayanam Ayyangar: Sir, I want information on three points. Firstly, it is stated in the explanatory memorandum that a portion of this sum of 74 lakhs is due to the rise in the price of materials. I find from the annual statement and from the other papers that a sum of nearly 10 crores or 10 to 12 crores is lying in the various sheds by way of stores kept in store and reserve to be utilised as occasion arose. If there are stores of that value how does the rise in prices in a particular month or a particular quarter of a year affect the position so

as to increase the costs? Is it not possible to tide over the rise in prices by taking from the stores that are already in reserve and replenishing the stores after the prices fall? Enormous stores of the value of 10 crores might be sufficient to supplement whatever needs there might arise and which might not have been anticipated originally, and which might be replenished later on. On this head I should like to have some information.

As regards the additional stocking of coal that was purchased, what is the quantity that was needed which was not anticipated and for the utilisation of which the mines were worked? What is going to be the attitude of the Government regarding supply of coal for locomotives for the coming year? Are they going to work the coal mines or are they going to purchase coal from the local market?

Thirdly, I would like to get information as to whether this additional expenditure that has been incurred has been remunerative: nearly three-fourths of a crore has been incurred by way of additional expenditure. What is the return? Or has it been incurred without any return and without considering whether there will be a return, merely to suit the convenience of this or that class and without an eye to business? These are the three points on which I would like to have information from the Honourable Member.

Mr. Lalchand Navaijai (Sind: Non-Muhammadan Rural): Sir, I find that this additional Demand is shown to have arisen owing to money having been spent on heavier repairs to locomotives than anticipated, and to the rise in price of materials. It seems to me that it is useless to have done this. It can be said that this heavier expense is due to overhauling these locomotives: and sending for materials from foreign countries. When I went to see the Moghalpura Railway workshops the other day, I found there gigantic and heavy works being carried out and some parts were also being made there. I also found that Indian engineers and Indian experts doing all that work. I inquired what was being done with regard to locomotives: they first showed me that wagons were being completely built there, but as regards locomotives they said that even small parts had to be sent for and imported from outside. I think this heavier expense referred to here is on this account. I say nothing should be imported and they should start manufacturing these locomotives and their parts in India. Locomotives themselves should be made in India and not only repaired. I submit they must make a beginning and prepare all these parts in India. I condemn this system of sending for these parts from outside India instead of making an attempt to make modern locomotives in India itself, which is very much needed.

Mr. B. M. Staig: Sir, the details of this Demand will be found at page 69 of the Proceedings of the Meeting of the Standing Finance Committee for Railways of the 27th and 28th January. In brief, the Demand is necessitated by the fact that traffic has been much greater than we expected and we now hope to be able to earn a net surplus of Rs. 2½ crores—Rs. 2½ crores in excess of the surplus anticipated in the Budget. That must automatically involve greater expenditure on coal and freight of coal. I may explain also that the greater part of this excess demand represents freight of coal (over Rs. 50 lakhs) which comes back to us on the revenue side of the Budget. In regard to the particular points made, referring to coal policy, I can add nothing to what the Honourable Member said in the course of his speech in presenting the Railway Budget and

[Mr. B. M. Staig.]

in subsequent debate a few days ago on this subject. He dealt during the Budget debates also with the question of manufacture of locomotives and the stores policy. I can only refer my Honourable friend, Mr. Lalchand Navalrai, to what was said on that occasion.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member need not go into that question now.

The question is.

"That a supplementary sum not exceeding Rs. 74,15,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending 31st March, 1938, in respect of 'Working Expenses—Maintenance and Supply of Locomotive Power'."

The motion was adopted.

WORKING EXPENSES—MAINTENANCE OF CARRIAGE AND WAGON STOCK.

Mr. B. M. Staig: Sir, I move:

"That a supplementary sum not exceeding Rs. 6,00,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending 31st March, 1938, in respect of 'Working Expenses—Maintenance of Carriage and Wagon Stock'."

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

"That a supplementary sum not exceeding Rs. 6,00,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending 31st March, 1938, in respect of 'Working Expenses—Maintenance of Carriage and Wagon Stock'."

The motion was adopted.

WORKING EXPENSES—MAINTENANCE OF FERRY STEAMERS AND HARBOURS.

Mr. B. M. Staig: Sir, I move:

"That a supplementary sum not exceeding Rs. 98,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending 31st March, 1938, in respect of 'Working Expenses—Maintenance of Ferry Steamers and Harbours'."

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

"That a supplementary sum not exceeding Rs. 98,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending 31st March, 1938, in respect of 'Working Expenses—Maintenance of Ferry Steamers and Harbours'."

The motion was adopted.

WORKING EXPENSES—EXPENSES OF TRAFFIC DEPARTMENT.

Mr. B. M. Staig: Sir, I move:

"That a supplementary sum not exceeding Rs. 2,90,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending 31st March, 1938, in respect of 'Working Expenses—Expenses of Traffic Department'."

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

"That a supplementary sum not exceeding Rs. 2,90,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending 31st March, 1938, in respect of 'Working Expenses—Expenses of Traffic Department'."

There is an amendment in the name of Prof. Ranga—to discuss the Hours of Employment Regulations. I think it is out of order. . . .

Prof. N. G. Ranga (Guntur *cum* Nellore: Non-Muhammadian Rural): Sir, I wish to move it. . . .

Mr. President (The Honourable Sir Abdur Rahim): I have held that it is out of order.

Mr. M. Ananthasayanam Ayyangar: I would submit this, Sir. The Hours of Employment Regulations were introduced, so far as this Demand is concerned, on the 1st of October, 1937—the note at the bottom of page 6 relating to this Demand says:

"This is required to meet excess expenditure due to:

(a) the introduction of the Hours of Employment Regulations from the 1st October 1937"

This is the first time that it comes up—the introduction of the Hours of Employment Regulations.

Mr. President (The Honourable Sir Abdur Rahim): Does the Honourable Member mean that the law relating to hours of employment has come up for the first time now?

Mr. M. Ananthasayanam Ayyangar: This is the first time that it comes up and it has also affected adversely the amount that has to be paid, and this is the only occasion that any submission can be made on that.

Mr. President (The Honourable Sir Abdur Rahim): Is it that the Hours of Employment Regulations came into force on the 1st October, 1937?

Mr. B. M. Staig: It came on this particular railway on the 1st October, 1937. Actually, in regard to other railways the regulations were given statutory effect—on the North Western Railway and the East Indian Railway with effect from the 1st April, 1931, and on the Eastern Bengal Railway and the Great Indian Peninsula Railway with effect from the 1st April, 1932. The regulations were extended to the Bombay, Baroda and Central India and Madras and Southern Mahratta Railways on the 1st November, 1935, and to the Bengal and North Western Railway with effect from the 1st October, 1937.

Mr. President (The Honourable Sir Abdur Rahim): That is only one railway in which it came into force on the 1st October, 1937.

Mr. M. Ananthasayanam Ayyangar: Bengal and North-Western Railway and the East Indian Railway—two big concerns.

Mr. President (The Honourable Sir Abdur Rahim): But supposing that it came into force, then, that was under a Statute or a law passed by this House?

Mr. A. G. Clow (Labour Secretary): It is under an amending Bill to the Railways Act.

[Mr. A. G. Clow.]

The amending Bill was passed, speaking from memory, in 1929 or 1930.

Mr. President (The Honourable Sir Abdur Rahim): Then it cannot be discussed.

Mr. M. Ananthasayanam Ayyangar: The Bill was passed empowering Government to frame certain regulations. So far as those regulations are concerned, the Honourable Member has said that they have given effect to them in the various administrations from time to time. In 1931 they applied them to one system, in 1933 to another system and so on, and it was not until the 1st October, 1937, that certain regulations were applied under the Act to the Bengal and North Western Railway. It is no doubt true that the executive authority cannot exercise any authority except under a Statute, but we are now concerned with the manner in which the regulations were applied, the kind of regulations that were introduced, and the effect thereof. If the Statute had framed those regulations and incorporated them, we cannot question them now, and it is open to the administrations to introduce or not to introduce them.

Mr. President (The Honourable Sir Abdur Rahim): What the Honourable Member says is that those regulations should not have been applied to these railways?

Mr. M. Ananthasayanam Ayyangar: Not to have been applied now.

The Honourable Sir Thomas Stewart (Member for Railways and Communications): As I understand it, the position is this. In 1930 there was passed by this House an Act which enabled the Government of India to extend, by notification, as they thought fit, these Hours of Employment Regulations to the various railway administrations. The power conferred on the Government of India, by that Act, has been exercised from time to time and I take it that the intention of the Honourable Member is to discuss the principle on which the Government of India have been acting, not the financial effect of this particular instance of their exercising their powers. As such, I suggest to you, Sir, that this motion is out of order.

Mr. President (The Honourable Sir Abdur Rahim): I have come to the conclusion, having heard what the facts are that are sought to be discussed under this motion, that the object is to discuss a question which is clearly one of principle, namely, whether the regulations regarding the hours of work which the Government are entitled to enforce if in their judgment such enforcement is required in respect of certain railways—whether the Government were justified in imposing those regulations in respect of the East Indian and the Bengal and North-Western Railways. I think that is a question of policy or principle which cannot be discussed on a supplementary demand like this.

Mr. M. Ananthasayanam Ayyangar: This is a new demand; this is in the nature of a new service.

Mr. President (The Honourable Sir Abdur Rahim): I have given my ruling.

Mr. Badri Dutt Pande (Rohilkund and Kumaon Divisions: Non-Muhammadan Rural): May I ask some information on this Demand? I want to know when the Bengal and North-Western Railway and the Rohilkund and Kumaon Railway are being taken over by the State.

Mr. President (The Honourable Sir Abdur Rahim): That is not a question that can be asked now.

Mr. Mohan Lal Saksena: May I know when these Hours of Employment Regulations are going to be introduced in the Rohilkund and Kumaon Railway?

Mr. President (The Honourable Sir Abdur Rahim): Any information can be obtained as regards this Demand, if it is not clear, but the Honourable Member cannot go on putting that sort of questions.

Prof. N. G. Ranga: Sir, it was in 1930 that that particular Act was passed. At that time it was intended to benefit the workers. It was for that purpose that certain concessions were then incorporated into that Act and they were to be extended to workers employed in all the railways. I do not know why the Government have taken so many years, as many as seven years, before they could make up their minds to extend these regulations to the workers employed on the Bengal and North Western Railway. I also wish to know whether they have extended all the regulations and the benefits therefrom to these workers or only certain sections of them. I would also like to know what would be the effect of the introduction of these regulations upon the total number of the workers there employed and also upon the salaries that will be paid to these people, and if there are any piece-work rates being payable to some of those employed in the workshops, whether there is any reduction or increase in the wages paid to these people. It is an extraordinary thing that the Government come to the House with Bills asking for powers to be given to them to frame regulations from time to time and extend them to the various interests concerned. Then, thereafter, they want to utilise this discretionary power in whatever way they like and in the best possible manner that is most convenient for themselves and not considering the interests involved and their welfare. This is the best instance of that kind. They have taken seven years to make up their minds whether or not to extend these regulations to these people. And all this time, again and again, their representatives had to get up in this House and ask the Government when they were going to extend them.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member knows very well that he can discuss on a Demand like this only questions of economy. He can point out that the Demand was based on a mistaken calculation or anything like that. He cannot discuss a question like the one he is raising.

Prof. N. G. Ranga: Therefore, I want the Government to explain what would be the effect of these regulations on these workers.

Mr. M. S. Aney: I would like to know what was the number of workers before the 1st October, 1937, and what is the number of workers now. The introduction of Hours of Employment Regulations has added to the cost to the extent mentioned in the Demand.

Mr. B. M. Staig: I am afraid I cannot give the numbers which the Honourable Member desires. I have not got them here.

Mr. M. S. Aney: Was this Demand discussed in the Railway Finance Committee and were detailed figures given then? I do not know how the Committee passed that, without having the information.

Mr. A. G. Glow: I shall give the House such information as I can. The Honourable Member asked what the effect was on the railway to which it had been extended. The effect of course is that, within the categories specified, not only are hours subject to statutory limitation but a weekly holiday is also secured. That is done by a system of inter-changing hours. As I said, it does not apply to all grades. It only applies to certain specified categories and in that respect it follows the Convention or rather the two Conventions on which the legislation was based. He also asked what effect it had on workshops. I think the answer is that it has no practical effect, because the workshop hours and holidays are regulated by the Factories Act, which applies to railway factories as well as other factories. I cannot give the numbers of the extra men engaged and I would merely in conclusion say that it is not a question of taking seven years to make up one's mind. What we are trying to do is to extend it gradually to cover all the railways of India and we are at the moment considering possible further extension to other railways one by one. As I said in dealing with this matter earlier, charity begins at home and we began with the big State Railways.

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

"That a supplementary sum not exceeding Rs. 2,90,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending 31st March, 1938, in respect of 'Working Expenses—Expenses of Traffic Department'."

The motion was adopted.

WORKING EXPENSES—EXPENSES OF GENERAL DEPARTMENTS.

Mr. B. M. Staig: Sir, I beg to move:

"That a supplementary sum not exceeding Rs. 3,95,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending 31st March, 1938, in respect of 'Working Expenses—Expenses of General Departments'."

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

"That a supplementary sum not exceeding Rs. 3,95,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending 31st March, 1938, in respect of 'Working Expenses—Expenses of General Departments'."

Handling of the Bengal Nagpur Railway Strike and the Employment of Police.

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

"That the Demand for a supplementary grant of a sum not exceeding Rs. 3,95,000, in respect of 'Working Expenses—Expenses of General Departments' be reduced by Rs. 1,50,000."

If you look at the footnote on page 7 you will find that this sum of Rs. 1,50,000 has been spent in payment for special police employed during the strike in 1936-37. I do not want to go into the history of the strike which lasted for over three months, but I would like to remind Honourable Members that when this question was raised in this House and the Government was asked to intervene the Government always came forward with the parrot-like reply that they did not want to interfere in the internal management of the Bengal Nagpur Railway and that they would like the dispute to be settled by the contending parties, but

from this we find that the Government have lent the use of special police on which they have spent 1,50,000. Also from the proceedings of the Committee I have found out that there was a saving of seven lakhs because of the strike. So, I would like this House to refuse payment of this amount which was spent on the use of the special police in handling the Bengal Nagpur Railway strike. Sir, I move.

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

"That the Demand for a supplementary grant of a sum not exceeding Rs. 3,95,000, in respect of 'Working Expenses—Expenses of General Departments' be reduced by Rs. 1,50,000."

Prof. N. G. Ranga: I claim that this grant of Rs. 1,50,000 ought not to be made at all, because the Bengal Nagpur Railway was not entitled and could not be expected to employ special police during that strike. It might be claimed that property was in danger. It might be said that the railway apprehended some violence on the part of the strikers against the trains, the passengers or the blacklegs. In such a crisis in the life of the ordinary citizen, it is the duty of the Provincial Government, which is in charge of the Police, to provide the necessary police force to safeguard life and property. I do not know why, instead of following that procedure, the Government thought it fit to allow the railway to engage special police and incur such enormous expenditure. Evidently the railway authorities were not satisfied with the special protection that would be provided by the Local Government. We know only too well how employers try to make use of special police in order to bring down the resistance of the workers, to put down the strike and to gain their own ends. We have an instance under our very nose. Here, the employer has not employed special police. The ordinary police are placed at his disposal with the result that every day a number of workers have been sent to jail or *lathi*-charged. What is more, in spite of their protests, the police have dragged men from their lines and produced blacklegs, brushing aside their women and children and throwing them into lorries and then taking them to the Birla Mills. When we know how employers are likely to make use of the special police, we are in a better position to condemn this particular practice that was resorted to by the Bengal Nagpur Railway. It is not as if they had not the usual police protection. They had the railway police. In addition to that, they have made this extra Demand for expenditure of Rs. 1,50,000 to put down that strike. Why did they engage the special police at all? Their apprehensions and fears did not come true. There was not a single prosecution of any worker or any body of workers, either for damaging railway property or attacking the passengers. There was no necessity

I P. M. at all for this special protection and there was no necessity for this special police and if it was engaged it must have been engaged only for one and one purpose only and that was to bring down the resistance of the workers. Therefore, I very strongly and vehemently oppose this.

Then there is a very great principle involved in this. Who is this Bengal Nagpur Railway? Is it a State Railway? It is not. It is only a private company managing this particular railway, over which the Government itself has come here and again and again said that they had no direct control; they could not even interfere with the affairs of this railway to the extent of persuading the Railway Agent to re-instate the recognition of the Bengal Nagpur Railway Union which was withdrawn by the late Agent so arbitrarily. Sir, when Government was so very imbecile in regard to

[Prof. N. G. Ranga.]

this railway, where was the need for Government to have lent the services of the police? Where was the need for the Railway Board to have agreed to this special expenditure and come here for this supplementary demand? Secondly, was it a public utility? It was not. I admit that a railway can be a public utility and ought to be considered as a public utility and it is because it ought to be considered a public utility that I claim, on behalf of the workers, that Government should have interfered in time in order to protect the workers and their rights and get the recognition of their union re-instated. But they have not done so. They have failed in their duty when the workers' interests were involved, but they have gone out of their way to provide special police for this railway when the railway Agent was interested and anxious to have the special protection of the police. Sir, if it was not considered to be a public utility by the Government, there was absolutely no justification, whatsoever, for the engagement of this special police. Then, in that case the railway is on a par with any other employer. In those circumstances, are private employers to be allowed to hire out the services of the police as if they are mercenaries, to use them against workers against whom such employers are fighting? That is exactly what it amounts to, if we are to agree to this particular motion. Sir, here is an employer that has engaged hundreds of these police,—police that is in the pay of the Government, police that is supposed to protect the interests of the citizens, police that is supposed to be the custodian of law and order, and it is this police which was utilized, not for any impartial purpose of keeping law, between these two contending parties, but for assisting and abetting one of these contending parties? Is that fair—I want to know? Can any Honourable Member representing employers come forward and say that he should be allowed the right to engage police for the protection of his special interests? I can very well understand even a Congress Minister providing special police in order to see that there is law and order and peace maintained as between these two contending parties, but I cannot understand any irresponsible as well as un-responsive Government to allow police to be hired out by a particular party provided that particular party is prepared to pay the necessary cost. Are they prepared to come and give us an assurance, on the floor of this House, that they would be prepared to allow police to be hired out for the benefit of workers provided they are able to pay for this police? I am sure they won't agree; but, in any case, the workers are not in a position to hire out the services of this police. That may be the only reason why they may come here and say, "we are prepared to allow the workers also to engage police". Take the case of the workers employed at the Birla Mills here at Delhi. Are they prepared to come forward and say that they are prepared to place the police at Delhi at the disposal of the workers employed in the Birla mills.—workers whose women are being molested, insulted and treated very badly by the police of this place?

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member had better now confine himself to the subject now under discussion.

Prof. N. G. Ranga: They were not absolutely right when they agreed to hire out this police for the benefit of this particular employer. My Honourable friend, Mr. Giri, had the task of his life in order to bring about some sort of settlement with the help of the Central Government. Yet the moment that this agreement was reached, the company tried to wriggle

itself out of that agreement, with the result that Government was compelled to appoint a special officer. Now that officer also disappointed the workers. We know the circumstances under which he behaved himself as he did and the manner in which he submitted his report and made his recommendations

Mr. President (The Honourable Sir Abdur Rahim): Was it in connection with this very strike?

Prof. N. G. Ranga: Yes. Take the Mudie report. We wanted the Government at least to agree to re-instate the recognition of these unions, we were negotiating with them

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member cannot go into that.

Prof. N. G. Ranga: Sir, I do not see any reason why this Government should have provided for this, and this grant ought not to have appeared here at all, but partly in the Orissa Budget, and partly in the Bengal Budget and not in the Central Budget, because if there was to be any need for special police, that ought to be engaged by the Local Governments concerned through whose jurisdiction the railway passes.

What is the *locus standi* of the Railway Board? Is it a spokesman of these railway Agents, doing whatever they like and simply being bullied by these people as they wished? Sir, the Railway Board ought not to have had anything to do with this if they were to be guided by their own professions.—*viz.*, that they had no direct control over the internal administration of these railways? Why have they come here with this Demand? Sir, in all fairness, it is absolutely unfair to ask the consent of this House to this particular Demand.

Lastly, Government ought to be prepared to pay a compliment to the marvellous manner in which my Honourable friend, Mr. Giri, managed the strike and has helped them immensely. It is because of his excellent leadership that I claim, special police was not at all needed there. Special police protection, I submit, ought not to be provided at the dictation or request of a particular employer but of their own initiative. In this particular case it was not needed, because the Honourable Mr. Giri was in charge of the strike and there was not one case of violence or bad behaviour on the part of the workers. He was managing the strike so beautifully and in such a masterly and disciplined fashion that the workers gave no reason, whatsoever, for the Government or the railway Agent to have asked for special protection, and he must have asked for it only for one reason and that was to bring down the morale of the workers. The police if they are employed ought to show all humanity and impartiality and fair play as between the different sections of citizens, and I request the House to throw out this particular Demand and stand for the impartiality of the police and the independence of the Railway Board.

Mr. T. S. Avinashilingam Chettiar: Sir, I find that under the Government of India Act the railway police is maintained by the Local Governments and the railway administration pays contributions to the Local Governments. On page 58 (paragraph 3) it is said:

"Payment to Provincial Governments under the Government of India Act, for the Order police on State railways and for the special police engaged for the strike last on the Bengal Nagpur Railway. Accounts for 21 lakhs."

If it is the duty of the Provincial Governments to supply police and

[Mr. T. S. Avinashilingam Chettiar.]

if they are charged with the police arrangements, then what is the necessity for the Government to spend another Rs. 1,50,000? We are told that because of the strike and because of the non-payment of wages during the strike, there has been, as it were, a profit of seven lakhs of rupees because the amount was not spent. We do not know under what head that unspent money has been credited and we would like to know it. I don't know the arrangements by which moneys under these items are credited and debited in the railway accounts. Are these moneys, which were not spent on account of the non-payment of wages, credited to the credit of the companies and the extra amount paid for the police arrangements debited to the account of the Railway Board for which this Demand has been presented today?

Secondly, we would very strongly suggest that for the protection of the railway property and railway interests it is criminal to spend as much as a lakh and fifty thousand rupees, which is nearly Rs. 50,000 a month. We know that the Local Government has a reserve of police and for the protection of law and order there are what are called the internal security troops. So, I daresay the Local Government can and will protect the interests of the railways. I would like to know whether they applied to the Local Government for the protection of their interests and if the Local Government refused them the necessary assistance and asked them to arrange their own protection by their own special police. No information has been forthcoming on these points. We would strongly resent an amount to the tune of Rs. 1,50,000 being spent on a strike like this which has been conducted in a most peaceful manner. I would like to know the details why it was necessary to incur this expenditure, which, as far as I can see, is wholly unjustified.

Mr. M. Ananthasayanam Ayyangar: Sir, I wish to add only a few words to what has already been said. Under the head 'Bengal Nagpur Railway' in the supplementary demand there are two items, one of Rs. 1,50,000 and the other of Rs. 50,000. The cut relates to the demand for a grant of Rs. 1,50,000. The other Rs. 50,000 is also by way of more contributions to Provincial Governments towards the cost of the Order police employed in railway premises than originally anticipated. Now, Sir, from year to year contributions are made to the Provincial Governments for rendering police help in the railway premises for which a supplementary demand is also brought. Could not the strike have been more easily worked with the assistance of the local police? On this ground also it does not appear that there was any need for any special arrangement costing a sum of Rs. 1,50,000. As my friend Mr. Chettiar, has pointed out, a saving of seven lakhs of rupees by the non-payment of salaries was effected during this period of strike and it is not known why the amount of Rs. 1,50,000 was not charged to the company. Therefore, this cut motion ought to be supported.

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

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

Mr. N. M. Joshi (Nominated Non-official): Sir, I do not like that any Provincial Government should give the help of the police at their disposal

to those people who give money. The Provincial Government should maintain the police for the benefit of the public and should give the help of the police to those people who need their help. The expenses of the police should be found by public taxation. It is wrong for a Provincial Government to ask those people who are protected by the police to pay for the cost of the police. If once the Provincial Government begins to do that, then there is a likelihood of people with large purses getting the help of the police and people who have not got money not getting the help of the police. Although the police, which is maintained at the cost of the railways, are under the control of the Provincial Governments, still if the money is paid by the railways directly, the railways are bound to exercise some influence though I may not say they will exercise any power or control. But they are likely to exercise some influence over the actions of the Provincial Governments in this matter. It may be that under the Statute the railways are bound to pay, but the Statute is wrong. If the Statute has placed that responsibility for paying expenses of the police on the Indian railways, it is wrong. Sir, the great danger of this practice is that during strikes or in other emergencies railways may ask for a larger number of police than they really need in order to over-awe the workers who go on strike. The Provincial Governments will have very little responsibility and they may say that after all the railways are willing to pay for the 10,000 men they ask for and let us send them 10,000 men. But if the Provincial Governments have to find the money, then they will think twice before they send such a large number of people, a larger number than is needed for the purpose. I, therefore, feel that the Assembly should not approve of this Demand. The Statute may require the payment of the money but the Government of India should get the Statute changed because it is a wrong Statute.

Sir Abdul Halim Ghuznavi: Mr. Deputy President, we have been hearing a lot of speeches this morning and this afternoon wholly irrelevant to the point at issue. What is the point that we are discussing? This is a Supplementary Demand for 1½ lakhs of rupees which the Bengal Nagpur Railway spent for getting the help of the special police. We have heard this morning the complaint that this encourages the railways or private firms or companies to exploit labour and to keep them down and this does not allow them to agitate for their grievances of all sorts. Sir, the railways have spent this money and naturally they come to the Railway Board for the sanction of this money which they did not get the sanction previously because that contingency at that time did not arise.

Sir, this House elects a number of Members of this House to sit on the Standing Finance Committee on Railways. They examine every item of expenditure that is placed before them and if they are satisfied, I do hope and trust that the House will agree with that. The Standing Finance Committee Members have passed this item being fully alive to all the points that were discussed this morning relating to this Demand. They were satisfied that that item was necessary to be passed. If this House does not agree with their decision, it means that the House has no confidence in the Members elected to the Standing Finance Committee. (Interruption.) My Honourable friend, Mr. Joshi, will always interrupt me. My Honourable friends to my right have sent their own representatives to sit on the Standing Finance Committee and from the note which appears in the list of Demands for Grants, it appears that the Standing Finance Committee for Railways have agreed to this Supplementary Demand, *vide* proceedings

[Sir Abdul Halim Ghuznavi.]

of their meeting, Volume XIV—No. 3. This only implies that my Honourable friends to my right who are opposing this Demand have no confidence in the Members that they sent to the committee.

Some Honourable Members: No, no.

Sir Abdul Halim Ghuznavi: What do you mean by saying "no, no"? It tantamounts to no-confidence.

What is the position of the Bengal Nagpur Railway. I happen to travel several times by that railway and in that particular year, I was going up to Tatanagar and Bombay. My Honourable friend said this morning that if the special police was not there, the situation could have been solved very easily and that as the railways have saved seven lakhs by not paying the workers, the demand for 1½ lakhs which is now coming before the House for sanction need not be sanctioned. If the special police was not requisitioned by the Bengal Nagpur Railway the result would have been bloodshed, colossal loss of life in the shape of riots and danger to the safety of the travelling public. Sir, the safety of the travelling public was the first consideration of the railways. The train by which I was travelling was going at a very slow speed, but there was an apprehension that at each and every station there may be some sort of obstruction on the rail and it may derail the carriages.

Mr. N. M. Joshi: The real reason was that the driver was untrained.

Sir Abdul Halim Ghuznavi: Was my Honourable friend there on the train?

Mr. N. M. Joshi: I was all along the line.

Sir Abdul Halim Ghuznavi: Sir, the Bengal Nagpur Railway was complimented by my Honourable friend, Mr. Giri, the labour leader, for the manner in which they dealt with the situation; and Mr. Giri himself would have been in trouble in bringing about the solution that he did without the help of this special police which the Bengal Nagpur Railway requisitioned. They have spent the money; they came before the Standing Finance Committee; and that Committee consisting of some Honourable Members to my right sanctioned this Demand which is now before the House. Sir, I hope this Demand will be carried.

Mr. Muhammad Azhar Ali (Lucknow and Fyzabad Divisions: Muhammadan Rural): Sir, I had absolutely no idea of speaking on this Demand. But Sir Abdul Halim Ghuznavi has expounded a novel principle today that any action or any motion or any amendment decided by a Committee of this House cannot be discussed. My friend himself

Sir Abdul Halim Ghuznavi: My Honourable friend is only showing his colossal ignorance. I never said it cannot be discussed.

Mr. Muhammad Azhar Ali: My Honourable friend himself has been on several committees and I remember that he himself has on several occasions opposed these things which came out from these committees, and he has said that he could not agree to what such and such committee decided. Now, by pleading that anything which comes out of a committee cannot be discussed he has laid down a pernicious principle which cannot be accepted by this House.

Before we pass any judgment on this Demand I would ask the Honourable Member in charge to make a complete statement for the information of this House because we cannot be satisfied by what the Committee has done. We ourselves want to be satisfied as to the reasons for drafting the police in such large numbers, specially when the facts stated by my Honourable friend to my right show that there was not a single case brought by Government against anybody.

Sir Abdul Halim Ghuznavi: That was due to the special police.

Mr. Muhammad Azhar Ali: Whatever it may be, we ought to know the facts. Therefore, I would ask the Honourable Member to explain the situation properly, otherwise we may be forced to vote against the demand.

Mr. B. M. Staig: Sir, during the course of his speech Prof. Ranga reached a high emotional level. I will come down to the hard facts. There are, however, just one or two points in his remarks with which I should just like to deal. He alluded on the strength of wholly *ex-parte* allegations to police atrocities in the Delhi strike now in progress and then to possible tyrannies in the Bengal Nagpur Railway strike. I am glad to see, however, that he also observed that no atrocities or irregularities of any kind, either on the part of the police or on the part of the strikers, occurred in that strike. In the second place, he developed the argument that the police should not be called on to protect property during a strike. It seems to me that that is an extremely dangerous argument, and I do not think that as practical men we can very well endorse it.

To come down now to the hard facts of the Bengal Nagpur Railway strike, the circumstances of the strike are very well-known in general to the House, and I will allude to them only very briefly. Out of 50,000 employees on the Bengal Nagpur Railway, 28,000 participated in this strike. While, as observed by Prof. Ranga, the behaviour of the strikers was on the whole very orderly, still signs of intimidation were not lacking, nor was the situation generally such as to create any confidence in the authorities responsible for the preservation of law and order that there would be no breach of that law and order. It was, therefore, an ordinary precaution on their part to take steps to increase the police. The police were actually employed at various places on the railway system mainly for the protection of vital points, such as bridges and signal boxes. It needs very little imagination to suggest the possibilities arising from a single act of sabotage, should it take place. In the next place the police were required, in view of the signs of intimidation which I have already alluded to, to protect the persons and homes of loyal employees. Now, as to the authority responsible for appointing the police or determining their strength, that does not lie with the Bengal Nagpur Railway. The law, Sir, is as follows:

"Whenever any railway, canal or other public work, or any manufactory or commercial concern shall be carried on or be in operation in any part of the country, and it shall appear to the Inspector-General that the employment of an additional police-force in such place is rendered necessary by the behaviour or reasonable apprehension of the behaviour of the persons employed upon such work, manufactory or concern, it shall be lawful for the Inspector-General, with the consent of the Local Government, to depute such additional force to such place, and to employ the same so long as such necessity shall continue, and to make orders from time to time, upon the person having the control or custody of the funds used in carrying on such work, manufactory or concern, for the payment of the extra force so rendered necessary, and such person shall thereupon cause payment to be made accordingly."

[Mr. B. M. Staig.]

In this connection I would refer to the remarks of my Honourable friend Mr. Joshi. He criticised the law, but I have read the law to you, and there it is, and with it the Bengal Nagpur Railway has to comply. In these circumstances, the points for the consideration of the House are whether the employment of police by the authority competent to appoint them and to determine their number was justified, and whether the Bengal Nagpur Railway should meet the bill which is presented to them in accordance with the terms of section 14 of the Police Act.

I would just like to allude to a point raised about the Rs. 50,000 under this Demand by Mr. Ayyangar. This payment is for "order" police and is a liability which now devolves on railways. This year, for the first time they have taken upon themselves the responsibility of reimbursing Provincial Governments for the complete cost of "order" police. That responsibility does not constitutionally devolve upon them till the Federation comes in under Part III of the Act, but they have assumed it from the 1st April, 1937.

Mr. Deputy President (Mr. Akhil Chandra Datta): The question is:

"That the demand for a supplementary grant of a sum not exceeding Rs. 3,95,000, in respect of 'Working Expenses—Expenses of General Departments' be reduced by Rs. 1,50,000."

The motion was negatived.

Mr. M. S. Aney: One cut motion, Sir, has been disposed of, I see this Demand consists of some other items also; and I want to ask for some information from the Honourable Member

Mr. Deputy President (Mr. Akhil Chandra Datta): Before the Honourable Member proceeds further, I must inform him that there are other cut motions under this head.

Mr. M. S. Aney: May I know the proper procedure, Sir? Are we to make our general observations on the Demand or ask for any information we want after the cut motions are disposed of? Is that the procedure?

Mr. Deputy President (Mr. Akhil Chandra Datta): That will be more convenient.

Kumbh Mela Works.

Mr. Badri Dutt Pande: Sir, I move.

"That the Demand for a supplementary grant of a sum not exceeding Rs. 3,95,000, in respect of 'Working Expenses—Expenses of General Departments' be reduced by Rs. 100."

Sir Cowasji Jehangir (Bombay City: Non-Muhammadan Urban): Sir, this is out of order: several of these motions have been ruled out by the President when he was in the Chair before lunch. This is a token cut and no token cut can be moved on a supplementary Demand: that was the ruling given on all these amendments which were ruled out of order. The Honourable Member can speak on the Demand itself and bring forward his points, but I submit he cannot move a cut motion of this kind.

Mr. Badri Dutt Pande: If you rule it out of order, Sir, I will speak on the main motion.

Mr. Deputy President (Mr. Akhil Chandra Datta): The Honourable Member is out of order.

Mr. M. S. Aney: Sir, I find that my Honourable friend, Mr. Pande, is also interested in the same item in which I am interested. I only want to get some information. I find that this amount of Rs. 80,000 which is included in this Demand is intended for Kumbh Mela Works and also more repairs and maintenance of block instruments and other equipment. The exact amount that is going to be spent on the Kumbh Mela Works is not shown here. Reference is made here to Vol. XIV—No. 3 of the Proceedings of the Standing Finance Committee for Railways and it is stated that that Committee agreed to this Demand. I tried to go into that volume to find out whether I could get any details of the improvements that are going to be made for the sake of the Kumbh Mela Works and the cost of those improvements, but all that I find in that volume is this:

"The approval of the Committee is requested to a supplementary demand for Rs. 3,95,000, being placed before the Legislative Assembly for expenditure under this head in 1937-38, and the Committee agreed to a supplementary demand for Rs. 3,95,000, being placed before the Legislative Assembly in respect of the voted expenditure under this head for 1937-38."

My point is this: the volume to which reference has been made does not contain any details at all. (Interruption.) I know what it is: it is only stated in this volume that the Supplementary Demand was agreed to by the Committee, but the proceedings do not show what are the various items of which this amount of Rs. 80,000 is made up, what are the improvements which they have in contemplation. Nothing of the kind is given there and I am really surprised that the members of the Committee should not have asked for the necessary details before they committed themselves to this Demand. That is what I feel. I have to make this observation with some regret, but the necessary details should have been called for; and when they are called for I know they used to be supplied, and when supplied they used to form part of these proceedings. That used to be the procedure when the proceedings of the Standing Finance Committee for Railways were reported at least five years ago

Sir Abdul Halim Ghuznavi: May I interrupt the Honourable Member for a minute? He assumes that the details were not discussed. That is not so.

Mr. M. S. Aney: I did not say that. I simply said that those details do not appear in the proceedings

Sir Abdul Halim Ghuznavi: The members must have discussed the details and then come to the conclusion that this sum of Rs. 80,000 was necessary.

Mr. M. S. Aney: I never said that they did not discuss the details of the Demand: I merely said what the procedure was before and I do not find the details here

Sir Abdul Halim Ghuznavi: The Honourable Member may suggest that and it will be done next time.

Mr. M. S. Aney: My difficulty is this: I do not know exactly what are the improvements which are contemplated. But I have to thank the Railway Board for taking into consideration an important matter like this because I know the arrangements that exist at the Hardwar station, where the Kumbh Mela is going to be, are not ordinarily sufficient to cope with the immense crowds that will go there and the large number of pilgrims:

[Mr. M. S. Aney.]

who will visit that station during the Kumbh Mela festival. I am told that considerable improvements have been made by broadening and lengthening the platforms; but one difficulty has been brought to my notice, which I wish the Honourable Member in charge to take note of: that there were passenger sheds formerly standing near the platform and they were about 20 feet wide: I am now told that while the platforms have been widened, these passenger sheds have been reduced from 20 feet to 10 feet! If that is so, it would cause very great inconvenience, and a very respectable Member of the other House who has visited Hardwar has given me this information. So, I wish the Honourable Member to take note of this fact and see that something is done to remove this inconvenience if it exists there at all, and also to go into other details because very large crowds are likely to visit that station and any amount of vigilance that the Railway Board can give to the convenience of the passengers will be necessary there, in my opinion. The persons who go there to visit are not men who ventilate their grievances in the press. They are mostly illiterate people of religious mentality who will meekly suffer but never complain. The people are of that type and hence there is greater necessity on the part of the railways to look after their convenience. I only wanted to bring this particular matter to the notice of the Railway Board.

Mr. Badri Dutt Pande: Sir, I had an item which has been disallowed on this very Kumbh Mela arrangements. I was recently at Hardwar, having been called by a Minister of the United Provinces in connection with Seva Samiti work. We have been pressing for a first class station there since 1927 and a resolution was passed in the other House in 1936, to that effect, but it was not followed. I am thankful still to the Railway

3 P.M.

Member and the railway administration for improvements in that station, as has been pointed out by my Honourable friend. It has not been stated how much has been the cost, and why the platforms have not been fully covered up. Formerly, it was 24 feet wide and now the station is more wide but there is a cement projection of only eight or nine feet and the rest of the platform is not covered. We want to know the reason why it has not been done, and is it the intention of the Government to cover it up now? When I speak of Hardwar I am not speaking for myself alone, but for twenty-eight crores of Hindus who hold Hardwar sacred and go there for pilgrimage. It is held sacred by the Hindus and that has been admitted by the Railway Board themselves. The actual number of passengers is 1,200 a day or 4,38,000 a year and during the Kumbh Mela of 1927 the railways have themselves said that the number of passengers carried to Hardwar including Rishikesh was 3,86,473, and Hardwar 3,35,728, and we expect about 20 lakhs of people this year at that station. We want that facilities should be given. There is the station of Dehra Dun further where only about 500 or 1,000 European passengers go every year yet it is a first class station, with a covered platform, neat, clean and tidy with refreshment rooms and everything else,—with all modern paraphernalia. But at Hardwar so many pilgrims come. Lakhs of third class passengers who are the best customers of the railways go to Hardwar and for them also there should be every amenity, and every facility should be afforded them. I think the platform precincts should be covered as well as the bridges. That is a deficiency which I hope the Railway Department will rectify.

Babu Baijnath Bajoria: I also should like to know what amount has been spent out of this Rs. 80,000 on Kumbh Mela Works, because there are other items which have been included, namely, "more repairs and maintenance of block instruments and other equipment". Even an amount of Rs. 80,000 seems to be small for Kumbh Mela Works, because, during that Mela, as my Honourable friend, Mr. Pande, has said, 20 lakhs of people are expected and the railway will reap a rich harvest and make lakhs and lakhs of rupees. Therefore, they should provide well for the convenience and comfort of third class passengers. I would like to be assured that all possible arrangements are being made for that purpose. Mere throwing of pamphlets inviting people to go to Hardwar will not suffice, but you must provide all necessary comforts. The railways should make arrangements not only for the transport of the pilgrims to and fro, but also for their halt of a few days there. Moreover, every arrangement should be made for sanitation, cleanliness within the railway premises and the neighbourhood, sufficient number of trains and other things which will go towards ameliorating the condition of the passengers. Sir, I am speaking from personal knowledge because I had been to the last Kumbh Mela of 1927 and I expect to attend this year's Mela also.

Mr. N. V. Gadgil (Bombay Central Division: Non-Muhammadan Rural): To wash off your sins in the Assembly!

Babu Baijnath Bajoria: But you commit so many sins and still you do not wash them off in the Ganges! I would request you to go there and get purified!

I request the Honourable the Railway Member and the Financial Commissioner to bear what I have brought to their notice in mind and make all possible arrangements for the comfort of the passengers, and give us information as to all that has been done.

Mr. B. M. Staig: With regard to this particular Demand of Rs. 80,000 I invite the attention of Honourable Members to page 88 of the Standing Finance Committee's Proceedings of the 27th and 28th January. The head of account is Expenses of General Departments, and it includes Medical, Telegraph and Watch and Ward Departments. This Rs. 80,000 relates mainly to medical, watch and ward and telegraphs. Of that Rs. 80,000, Rs. 19,000 relates to Kumbh Mela Works. With reference to the project which has recently been completed at Hardwar, the total expenditure on that was about Rs. 2,40,000. Honourable Members will remember that the Honourable the Railway Member in his Budget speech described what we have done there and I am glad to say that our efforts have not been without appreciation. We have received several letters showing that the improved amenities have been greatly appreciated. In regard to the particular complaint which my Honourable friend, Mr. Pande, has made, that has already been brought to the notice of the Railway Board and we shall, in due course, draw the attention of the East Indian Railway to it. But I believe they are not quite satisfied that improved facilities in regard to the verandahs and roofing are absolutely necessary, and as we have spent Rs. 2,40,000 already and are contemplating a little further expenditure on water supply, we may perhaps be justified in hesitating to add to the bill. As I said, however, this particular ground of complaint will be brought to the notice of the East Indian

[Mr. B. M. Staig.]

Railway, and in the near future if they have from their annual grant for improvement of amenities any money to allot to this object in its order of urgency and subject to their discretion, I have no doubt that they will be quite prepared to do so.

Dr. P. N. Banerjee (Calcutta Suburbs: Non-Muhammadian Urban): But the Mela will be held only a month hence.

Mr. B. M. Staig: I am afraid no work can be executed there now to meet this particular complaint in addition to what has been already done.

Dr. P. N. Banerjee: That would be most unfortunate.

Mr. Deputy President (Mr. Akhil Chandra Datta): The question is:

"That a supplementary sum not exceeding Rs. 3,95,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending 31st March, 1938, in respect of 'Working Expenses—Expenses of General Departments'."

The motion was adopted.

WORKING EXPENSES—MISCELLANEOUS EXPENSES.

Mr. B. M. Staig: Sir, I beg to move:

"That a supplementary sum not exceeding Rs. 4,40,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending 31st March, 1938, in respect of 'Working Expenses—Miscellaneous Expenses'."

Mr. Deputy President (Mr. Akhil Chandra Datta): The question is:

"That a supplementary sum not exceeding Rs. 4,40,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending 31st March, 1938, in respect of 'Working Expenses—Miscellaneous Expenses'."

The motion was adopted.

WORKING EXPENSES—ELECTRIC SERVICE DEPARTMENT.

Mr. B. M. Staig: Sir, I beg to move:

"That a supplementary sum not exceeding Rs. 1,05,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending 31st March, 1938, in respect of 'Working Expenses—Electric Service Department'."

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

"That a supplementary sum not exceeding Rs. 1,05,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending 31st March, 1938, in respect of 'Working Expenses—Electric Service Department'."

Mr. M. Ananthasayanam Ayyangar: Sir, I should like to know what is the cost of each electric coach, how many coaches were renewed and which countries they were imported from.

Mr. B. M. Staig: The Honourable Member must have seen these coaches on the South Indian Railway. As regards the information which he wants, I am afraid I do not carry all the details in my head.

Mr. Deputy President (Mr. Akhil Chandra Datta): The question is :

"That a supplementary sum not exceeding Rs. 1,05,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending 31st March, 1938, in respect of 'Working Expenses—Electric Service Department'."

The motion was adopted.

TEMPORARY WITHDRAWALS FROM DEPRECIATION FUND.

Mr. B. M. Staig: Sir, I move :

"That a supplementary sum not exceeding Rs. 8,00,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending 31st March, 1938, in respect of 'Temporary withdrawals from Depreciation Fund'."

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

"That a supplementary sum not exceeding Rs. 8,00,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending 31st March, 1938, in respect of 'Temporary withdrawals from Depreciation Fund'."

Mr. Brojendra Narayan Chaudhury: Sir, I understand that my amendment is out of order. So, I would like to oppose the whole grant. I think the House would like to know what will be the effect on these two small railway concerns and on the finances of the Government of India if this loan of eight lakhs is not granted. I believe these companies were started during the boom periods after the war. There are some managing agents in Calcutta who are very clever people and somehow or other they were able to get the Railway Board to agree to guarantee $3\frac{1}{2}$ per cent. dividend and to debentures being raised at $5\frac{1}{2}$ per cent. A railway with $5\frac{1}{2}$ per cent. debentures can never be paying. Now, they have come to such a position that they are unable to raise a loan in the open market now when the debentures require to be repaid. I wish to know what will be the effect of the refusal of this loan. Will these companies be compelled then to go into liquidation? In case of liquidation, will the Government of India be liable for any losses? If so, will the Government Member explain which of the two losses will be lesser. They are not expected ever to be able to repay this loan. Will he be prepared to pay the losses in the future or will he annually pay a subsidy to these companies, without their being able ever to repay out of surplus profits? I find that in the year 1936-37, surveys have been ordered for an expansion of these railways. I think it is throwing good money after bad. I hope the House will not support this Demand unless they are satisfied that we are not throwing away good money after bad.

Sir Cowasji Jehangir: May I know whether Government guaranteed the debenture loan for all time or only for a particular debenture loan? I understand from the facts given here that the debenture loan was raised and Government guaranteed it as they do with many other companies. Now, that that debenture loan had expired and has to be repaid, another debenture loan has to be raised in order to repay it. Does Government's guarantee continue with the new loan? Evidently it does according to these papers and, if so, for how long has Government guaranteed debenture loans of a company? There must be some limit. According to this statement, they are lending the money to the company themselves instead of allowing the company to borrow at very high rates, a very sensible thing to do, undoubtedly, but the point that has struck me is that this guarantee cannot go on for ever.

Babu Baijnath Bajoria: From the explanatory note, it seems that these two railways,—the Burdwan Damodar River and Burdwan Katwa Railways—are in a very perilous position. The companies had not been able to pay interest charges and Government had to meet the deficit and then again they were not able to raise debentures at $5\frac{1}{2}$ per cent. interest when the debentures fell due for repayment and even then Government had considered it prudent to advance the money temporarily from the Railway Depreciation Fund at four per cent. I am not so much mindful about the reduction in interest, one per cent. What I am more concerned with is the principal money—whether the position of these railways is such that Government will be able to get back the repayment of these eight lakhs in a reasonable time. What do they mean by “temporarily”? Is this money expected back in a few months? If that is so, I have got no objection, but if this money is to be lent for an unlimited period, then I would ask the Government to reconsider the position.

Mr. B. M. Staig: Realizing that this matter presents some difficulty, I endeavour to explain the position at some length in the note accompanying the Demand. In regard to Sir Cowasji Jehangir's point about the guarantee of debentures, Government does not guarantee the debentures. What Government guarantees is that, when the net receipts shall not be sufficient to pay interest at the rate of $3\frac{1}{2}$ per cent. on the paid up share capital, the Secretary of State shall pay the company a sum which together with the net receipts will make up an amount, which will be $3\frac{1}{2}$ per cent. That is the only guarantee.

Sir Cowasji Jehangir: For how many periods of the debenture? The debenture is being paid up, this loan is to be paid up now; the debenture for which Government may have this guarantee is now being paid up. Why is it being renewed?

Mr. B. M. Staig: Under the contract with the company the Secretary of State may, by giving twelve months' previous notice of purchase, determine the contract either on the 31st March, 1946, or on the 31st March in the last year of any subsequent period of ten years on certain terms. As I was saying, there is no guarantee on the debentures.

Sir H. P. Mody (Bombay Millowners' Association: Indian Commerce): How can you pay interest on the share capital without the debenture interest being provided for in some way? In other words, they are indirectly responsible for the debenture interest as well. Is not that the position?

Mr. B. M. Staig: The position is this, that after the working expenses are paid, the debenture interest is then to be met, and if the net receipts are not sufficient to cover this and to cover three and a half per cent. interest on the share capital, under the contract with the company, the Government has to make good

Sir H. P. Mody: Then you are responsible for both under certain circumstances?

Mr. B. M. Staig: Yes.

Babu Baijnath Bajoria: When do you expect to get it back?

Mr. B. M. Staig: The loan has been given for one year; the sole object of it is that the company should have an extended opportunity of raising money at more favourable rates than the rate at which they could borrow in May last, and I submit that the advance is justifiable.

Mr. Deputy President (Mr. Akhil Chandra Datta): The question is:

"That a supplementary sum not exceeding Rs. 8,00,000, be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending 31st March, 1938, in respect of 'Temporary withdrawals from Depreciation Fund'."

The motion was adopted.

OPEN LINE WORKS.

Mr. B. M. Staig: Sir, I beg to move:

"That a supplementary sum not exceeding Rs. 24,80,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending 31st March, 1938, in respect of 'Open Line Works'."

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

"That a supplementary sum not exceeding Rs. 24,80,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending 31st March, 1938, in respect of 'Open Line Works'."

Mr. Brojendra Narayan Ohaudhury: Sir, I shall be very brief. Year after year we are being asked to find money for maintenance from erosion of what is known as the Sara or Hardinge Bridge. I shall give a short history of it from the Railway Report for 1933-34. The Bridge was opened in 1915. They then say that the vagaries in the banks of the river developed in 1931. They then undertook protective works costing Rs. 30 lakhs which were completed in 1933. Immediately afterwards the vagaries manifested themselves again. The original architect Sir Robert Giles was called from England and he gave a scheme with an estimated cost of one crore and sixteen lakhs. The position of this bridge is so insecure, even now, that the Government is ready with a waggon ferry to take up work and the function of the bridge at once when the river outflanks the bridge. It is apprehended that at any moment the bridge will be isolated and be an island in midstream. Money was asked for and granted year after year and in this year's budget grants and they again want money by a supplementary vote. I want to know how long is this game to go on? We must have some assurance as to the exact amount finally required for this; we cannot go on indefinitely like this.

Dr. P. N. Banerjea: Sir, with regard to this Hardinge Bridge protective works I want to know what the total amount is which has so far been spent upon it. It is known that a very large sum has already been spent on it, but in what way? It appears to me that the method by which the Engineering Department of the Government have dealt with the river Ganges and the protective works is not the right one. All that they have done is to pile up stones at the foot of the bridge, but this is not the proper way of dealing with the matter. The proper way would be to adopt a scheme of river training. Have Government inquired why a larger volume of water is now carried by the Ganges down the Hardinge Bridge? The real reason is that all the old channels which used to branch out from this

[Dr. P. N. Banerjea.]

river have now dried up. But the Government have taken up a very short-sighted policy in this matter. They ought to have reopened these channels which have silted up. If they had done that, a smaller volume of water could have been carried by the Ganges and it would have saved a very large amount of recurring expenditure. As it is, we do not know when this recurring expenditure will stop. If Government had undertaken a proper method of river training, then both Eastern Bengal and Western Bengal would have benefited. There would have been less flood in Eastern Bengal, and there would have been a more plentiful supply of water to the Western Bengal areas. I hope Government will adopt a better and more far-sighted policy in the future and not come before us, year after year, for additional expenditure on these protective works.

Mr. M. Ananthasayanam Ayyangar: Sir, I would like to know what the number of boilers is that were ordered in the year 1936-37 and what was actually received during the current year. Year after year we have been suggesting that boilers and steam engines ought to be made here but the Honourable Member in charge, the other day very easily said something at the end of speech and contradicted the statement that nearly 150 engines are being brought into this country from year to year—150 engines and 200 boilers nearly. I have got here a statement made by the Honourable Sir Guthrie Russell in the other House which is reported on page 57, Part I, Vol. I of the Debates of the Council of State, dated the 14th February, 1938. The Honourable Member gave a list of the purchases of locomotives from 1924-25 right up to 1936-37. Thus in 1924-25, 188 were purchased; in 1925-26, 198 were purchased; in 1928-29, 222 were purchased; in 1929-30, 270 were purchased; in 1930-31, 276 were purchased; in 1935-36, 95 were purchased, and in 1936-37, 53 were purchased. I am really surprised that the Honourable Member said the other day that it was only 60. I find that as regards the boilers their number goes up to two hundred and fifty, sometimes to four hundred, and five hundred in a particular year; the average is two hundred.

The Honourable Sir Thomas Stewart: On the point of personal explanation, Sir, if the Honourable Member will refer to my speech, he will find that I was making an estimate of the number of boilers required as far ahead as 1955.

Mr. M. Ananthasayanam Ayyangar: That is a long way off: When the Honourable Member and myself may not be in this House. If what has happened in the past is going to be our criterion, then I would certainly depend upon the figures that his Colleague representing the Railway Department in the other place gave. That statement has given the estimate of the number of boilers we want. All of us would like to see the number of boilers going up instead of going down. The number of boilers and the number of locomotives should come up to 350 per year and it is time that the Government seriously thought of starting their manufacture here and thus avoiding wastage under this head and making economy in the Railway Administration.

Mr. B. M. Staig: Sir, the position in regard to boilers so far as the present Demand is concerned is that we provided for 96 in the original Budget and we now expect to pay, this year, for an additional 30 which we had expected to pay for last year, but which were not delivered until

this year. In regard to the Hardinge Bridge expenditure, the position is that two or three years ago an expert Committee investigated the situation and decided that certain works would be necessary sooner or later. The extra expenditure in this Supplementary Demand on account of the Hardinge Bridge is about 3 lakhs of rupees. This is to be spent on extending the left guide bank apron at the bridge. This was one of those works which were recommended by the expert Committee, but it was not originally proposed to be undertaken this year. However, the river is now setting in the direction of the left guide bank and our technical advisers have recently said that this work should, in the interests of the protection of the bridge, be started now so that it may be completed before the flood season.

Dr. P. N. Banerjea: May I ask if there was any river training expert on that Inquiry Committee?

Mr. B. M. Staig: If I remember aright, there was an Irrigation Engineer from the Punjab who is now the Chief Engineer in Bengal.

Dr. P. N. Banerjea: Is he a river training expert?

The Honourable Sir Nripendra Sircar (Law Member): No one can train rivers except Dr. Banerjea.

Mr. B. M. Staig: I should also explain that we are spending a certain amount of money in having this whole matter investigated by experiments on a large scale model at Khadakvasla Research Institute in the province of Bombay.

Mr. Deputy President (Mr. Akhil Chandra Datta): The question is:

"That a supplementary sum not exceeding Rs. 24,80,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending 31st March, 1938, in respect of 'Open Line Works'."

The motion was adopted.

THE WORKMEN'S COMPENSATION (AMENDMENT) BILL.

Mr. A. G. Olow (Labour Secretary): Sir, I move:

"That the Bill further to amend the Workmen's Compensation Act, 1923, for certain purposes, as reported by the Select Committee, be taken into consideration."

This is a Bill consisting of a number of minor amendments of the Act most of which are unconnected with each other.

Mr. M. Ananthasayanam Ayyangar (Madras ceded Districts and Chittoor: Non-Muhammadan Rural): Sir, I rise on a point of order. Notice of this motion was given to us only last night and we have prepared certain amendments. If the other side is prepared to allow those amendments to be moved, then we have no objection to this Bill being taken up, otherwise it ought not to be taken up today.

Mr. A. G. Olow: We have not yet reached the stage when amendments can be moved. I am at present dealing with the consideration stage. This Bill has been on the paper for a considerable time

Mr. M. Ananthasayanam Ayyangar: I hope the Honourable Member will waive the objection as regards notice when the time comes.

Mr. Deputy President (Mr. Akhil Chandra Datta): That question will be considered when the amendments come before the House.

Mr. A. G. Glow: I can hardly waive the objection before the question is raised. But in case there is any apprehension in the minds of the Honourable Members opposite I may say that personally I have no intention of raising any objection on the ground of want of notice.

The Bill, as I was saying, consists of a large number of different amendments most of which are unconnected with each other. There is, therefore, hardly anything that I can say at this stage that could not be more appropriately said when we come to different clauses. My remarks, therefore, will be very brief. I would merely like to say that the Bill on the whole has come in an improved form from the Select Committee. I found myself there in a minority on one or two occasions and I cannot say that personally I am entirely convinced about the wisdom of some of the changes made, but I am prepared to stand by the report of the Select Committee generally. There is only one change that I would like to refer to, and that is the omission by the Select Committee of a clause that formerly stood at the end of clause 5 and was designed to overcome a difficulty that had arisen out of certain rulings of High Courts on the question of extended delay. I still think that the principle of the clause we proposed was sound but I recognised the force of the arguments used by the majority in the report for omitting this clause and I have not proposed any amendment. I would only like to make it clear that we are prepared to watch the working of the clause but must reserve the liberty of coming before the House at a later stage if the position should create difficulties.

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

"That the Bill further to amend the Workmen's Compensation Act, 1923, for certain purposes, as reported by the Select Committee, be taken into consideration."

Mr. N. M. Joshi (Nominated Non-Official): Mr. Deputy President, I rise to support this motion. This Bill, in the first place introduces two important changes by means of clause 5 in section 10 of the original Act. The first change is that the original Act, as interpreted by the Calcutta High Court, provides that a workman, who is injured, in order to be eligible for compensation must give notice regarding the injury and must make a claim for compensation either before the employer or before the Workmen's Compensation Commissioner within a period of six months from the occurrence of the injury. This Bill is intended to change that law and provide that the claim for compensation to be made should be made before the Workmen's Compensation Commissioner and not before the employer. The Select Committee extended the period of making a claim from six months to one year, but at the same time provided that instead of the claim being made either before the employer or the Workmen's Compensation Commissioner, the claim must be made before the Workmen's Compensation Commissioner and it will not be enough if the claim is made before the employer. I approved of the change for extending the period from six months to one year, but I was not in favour of making a change in the law as was interpreted by the Calcutta High Court and compelling the injured workman to make his

claim before the Workmen's Compensation Commissioner within a certain period. The Select Committee has obviously made a compromise and I accepted the compromise in the Select Committee, knowing full well that if I moved an amendment in the Assembly, I may not be sure of carrying that amendment.

The second change that the Bill has proposed in section 10 of the original Act is embodied in clause 5 of this Bill. Under the original Act if an injured workman was able to prove why he could not make his claim within a period of six months, then according to the decision of the Bombay High Court, it was not necessary for him to prove why a longer delay than six months was caused, if a longer delay was caused. Sir, the Select Committee did not approve of the proposal of the Bill. I am glad that the Select Committee took the view which I took along with some others.

The third change, which this Bill seeks to make and to which I would like to refer at this stage, is the change made by clause 6 of this Bill in section 11 of the original Act. If an injured workman is to be eligible for compensation, he has either to accept the doctor whom the employer offers or he has to prove that he has been attended by a doctor of his own selection. This Bill provides that it should be open to the employer to prove that although the injured workman may have been attended by his own doctor, he neglected the treatment which the doctor may have proposed and that neglect had aggravated his injury. Unfortunately, the Select Committee approved of this clause of this Bill. Sir, I do not agree with the view which the Select Committee took on this question. Taking into consideration the state of education of the working classes in this country and their general attitude towards medicines and treatment proposed by doctors, I have no doubt that it will not be very difficult for an employer to prove that although the injured workman was attended by a doctor the workman did not follow fully the treatment proposed by the doctor. Sir, I am generally blessed with good health, but there are many times when I went for treatment by a doctor and I know to what extent I followed the directions of the doctor. I feel certain that if I have to observe this condition and if I had to receive compensation most probably I shall lose my claim for compensation. Sir, if that is the case of a man like me who has got education and who has got some experience and who ought to know the reasons why he should follow the instructions of the doctor, I easily imagine the case of an illiterate and ignorant working-class man. In the first place, they have got prejudice against all modern kinds of treatment and in the second place, they do not understand the importance of the treatment which the doctor proposes. Therefore, if an employer calls the doctor who had treated an injured workman and puts him into the witness box and asks him whether the patient followed all the instructions which he gave, then the doctor is sure to say, "No". Any doctor is bound to say "No" and that the patient did not follow his treatment properly or that he followed it in an indifferent way. It is quite possible in some cases, the injury may have been aggravated. I feel that under the present circumstances it should be enough if a workman proves that he was attended by a qualified doctor. If he proves that, we should not expect anything more from the workman. I, therefore, hope that when I propose an amendment to this section the Assembly will accept my amendment. Sir, at this stage I do not wish to speak anything more.

Mr. Deputy President (Mr. Akhil Chandra Datta): The question is:

"That the Bill further to amend the Workmen's Compensation Act, 1923, for certain purposes, as reported by the Select Committee, be taken into consideration."

The motion was adopted:

Mr. Deputy President (Mr. Akhil Chandra Datta): Clause 2:

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

"That in clause 2 of the Bill the following new sub-clause be added:

'(c) in sub-clause (ii), after the words 'a minor child of a deceased son', the words and comma, 'a minor child of a deceased daughter where no parent of the child is alive,' be inserted'."

I was going through the existing provision and I found that there was a gap. As the House is aware, in India, whenever a daughter is widowed, she and her children come back to the father's house and the father and the mother of the widowed daughter have to look after them and support them. There is a provision for a widowed daughter, but there is no provision for her minor children at all. A minor child of a son or the widowed daughter only is provided. By the proposed amendment, I seek to give relief to the minor child of a deceased daughter. If the father of the minor child is alive, he will take care of the child, but when the father is not alive and the mother is not alive and the child is an orphan, then I suggest that the child should be included as one of the dependants of the workman. Sir, I move.

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

"That in clause 2 of the Bill the following new sub-clause be added:

'(c) in sub-clause (ii), after the words 'a minor child of a deceased son', the words and comma, 'a minor child of a deceased daughter where no parent of the child is alive,' be inserted'."

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

The Honourable Sir Nripendra Sircar (Law Member): Sir, I really see no objection in accepting this amendment. While on the one hand in law, the son of a married daughter may not belong to the same family, I should like to point out to the House that this amendment is to clause 2, and refers to a case where the person is really dependent so that the child must be in fact dependent on the worker. I see no objection to this amendment.

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

"That in clause 2 of the Bill the following new sub-clause be added:

'(c) in sub-clause (ii), after the words 'a minor child of a deceased son', the words and comma, 'a minor child of a deceased daughter where no parent of the child is alive,' be inserted'."

The motion was adopted.

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

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

The motion was adopted.

Clause 2, as amended, was added to the Bill

Mr. M. Ananthasayanam Ayyangar: Sir, I beg to move:

"That in clause 3 of the Bill the following new sub-clause be added:

'(c) at the end of the *Explanation*, the words 'in such employment' be added';"

The object of this is that if a workman continuously works for a period of six months and contracts any occupational disease, that disease is deemed to be an accident under section 3, clause (2). The *Explanation* says:

"For the purposes of this sub-section, a period of service shall be deemed to be continuous which has not included a period of service under any other employer."

I am now, by this amendment, seeking to add at the end of this the words "in such employment". The position is that if over a period of six continuous months a workman is employed and during that period he contracts an occupational disease he is entitled to the benefits within the period of six months but if that period is interrupted by an employment with any other employer, it is not considered a period of six months. Take a period of 12 months. If he is engaged for a period of five months within that period with one employer and for six months he is employed with another employer and for the rest of the year, that is, one month, he is employed with the original employer the period with the second employer would not be counted as continuous. This is not all. Even if he makes up six months of employment in some business with the original employer, because this employment is interrupted by a period of five months with the other employer, he is not entitled to the benefit of the section. Then, if he contracts a disease during the period of his employment during the original five months, that one interruption stands in the way of his getting the benefit of the disease coming within the definition of 'accident'. If he seeks any employment with any other employer in the same business, then it might not be possible for any Court of law to say or for anybody to say that he contracted the disease under the original employer and not when he was doing business under the second, and then that difficulty will arise. But if on the other hand he does one business which might lead to a particular disease, *viz.*, an occupational disease, it becomes an accident under the original employer and during the subsequent employment with the second employer there may be absolutely no chance of his contracting such disease, because the new employment which he takes up may have absolutely nothing in common with the original employment which alone might lead to such an occupational disease, in which case it is not known why he should not have the benefit of this clause. That is, if he contracts the disease it will all be due to the particular kind of employment and if the germs of the disease are already there within five months and they may take time to develop into a particular disease which could be contracted. That will take some time. It is normally expected that until a period of 12 months the matter may be in incubation and the disease may develop at the end of 12 months. That is what is provided for in the English Act. I am not trying to introduce by this amendment all the benefits which are conferred upon workmen under the English Act. The English Act does not impose restrictions of continuous employment for a period of six months. It might be that during the same kind of employment he gets employment under one employer for a period of three months. Then he seeks employment with another employer and does the same business for the other three months. During the other three months the disease might take a new turn. Is only the second employer to blame? And if the second employer alone is to blame, the first man goes out. There is also an inconvenience so far as the workman is

[Mr. M. Ananthasayanam Ayyangar.]

concerned. It might be that he contracts the disease while in the employment of one employer, even during the course of three months. But he would not be entitled to the benefit because he does not serve for a continuous period of six months either under one employer or under another employer. This Workmen's Compensation Act is intended to benefit the workman. For no fault he may be driven out by one employer at the end of three or four months. Even though he may have taken in his system a disease which might not have developed, he is not entitled to the benefit of the Act, because he seeks employment with some other man. Thus as between two employers he is let down and in a case where he serves the second employer for less than a period of six months, though the disease might not have started with him but in the employment of some other man, neither employer is liable to compensation. In both ways the present section is objectionable. The employer who did not contribute to the actual growth of this disease and the employee who contracts the disease and serves both the employers,—both the employee and the employer go to the wall. To avoid this inconvenience I have put down this amendment and I hope the House will accept it.

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

"That in clause 3 of the Bill the following new sub-clause be added:

'(c) at the end of the *Explanation*, the words 'in such employment' be added'."

Mr. A. G. Glow: Sir, I think my Honourable friend's "exploration" of the subject has been a reasonable one and in substance I agree with the amendment. I would just like to suggest to him that it will be an improvement if, instead of those words, the following words are added: "in the same kind of employment". I consulted a Draftsman and he said that the word "such" would be very vague and might be interpreted as that employment or any of the employments previously mentioned. In that form I would be prepared to accept it.

Mr. M. Ananthasayanam Ayyangar: Sir, I accept the change.

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

"That in clause 3 of the Bill the following new sub-clause be added:

'(c) at the end of the *Explanation*, the words 'in the same kind of employment' be added'."

The motion was adopted.

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

"That clause 3, as amended, stand part of the Bill."

The motion was adopted.

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

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

"That clause 4 stand part of the Bill."

The motion was adopted.

Clause 4 was added to the Bill.

Mr. Amarendra Nath Chattopadhyaya (Burdwan Division: Non-Muhammadan Rural): Sir, I move:

"That clause 5 of the Bill be omitted."

Sir, an amendment is made for the purpose of improving an Act and this clause 5 is no improvement on the original Act. The original section 10 of the Act is quite satisfactory to the needs of the workers as has been proved by two cases, one in the Calcutta High Court and the other in the Bombay High Court, in which the Honourable Judges gave their

interpretation in favour of the workers, and I do not understand what led the present Government to introduce this amendment which rather takes away a privilege which the workers enjoyed before and creates difficulties in the way of their getting compensation. I am surprised to find the Honourable Mr. Joshi supporting this amendment and compromising with the authors of the amendment in the Select Committee. The relevant portion of section 10 (1) of the original Act reads :

"No proceedings for the recovery of compensation shall be maintainable before a commissioner unless notice of the accident has been given in the manner hereinafter provided, as soon as practicable after the happening thereof and before the workman has voluntarily left the employment in which he was injured and unless the claim for compensation with respect to such accident has been instituted within six months of the occurrence of the accident or in the case of death, within six months from the date of death."

The present amendment wants to substitute this by something else. I do not find that the substitution is an improvement really on the original section. Under the old section the worker who has been injured creates a claim for maintenance of his right to compensation by giving a notice to the employer of his accident before he institutes a case before the Commissioner. But here the present amendment takes away that privilege because no claim for compensation can be entertained by a Commissioner unless notice of an accident has been given to him in the manner hereinafter provided. That is really taking away the right of the workman since he can institute a case before the Commissioner simply if he gives notice or information of injury to the employer within six months. Consequently, by giving him one year for preferring his claim to the Commissioner, it takes away that privilege which he is enjoying now.

Honourable Members: No, no.

Mr. Amarendra Nath Chattopadhyaya: This amendment goes further. There were two cases in relation to this section 10 of the original Act in Calcutta High Court and the Bombay High Court. The Honourable Judges of the High Court had declared that as in accordance with the English Workmen's Compensation Act this Indian Act VIII of 1923 was enacted and as this Act was quite in consonance with that English Act with the only difference contained in the words "instituted and made", used in the two respective Acts, the Honourable the Judges were of opinion that the words "instituted and made" meant the same thing. So when the workman had sought judgment of the Honourable High Court to get compensation, the Honourable the Judges gave their judgment in favour of the workman. Sir, the Honourable the Secretary for Labour said that this judgment has enabled the workman to get compensation even after eleven years. If that be the case, I believe the present authors of the amendment of section 10 might have come to a reasonable time limit in this amendment instead of simply saying that he will have to prefer his case before the Commissioner within one year from the date of his accident

Mr. A. G. Clow: That is what we did.

Mr. Amarendra Nath Chattopadhyaya: No, one year is not the proper time limit. Notice should be given to the employer: that will enable him to institute a case before the Commissioner within a certain time limit: that was the privilege he, a worker, was enjoying; but that has been taken away by this amendment. Further, I do not understand why small changes have been made in the second proviso and the third proviso. The second proviso says:

"if the claim is made in respect of the death of a workman resulting from an accident which occurred on the premises of the employer.....Provided further that the want of or any defect or irregularity in a notice shall not be a bar to the maintenance of proceedings."

Sir, I do not really understand the technique of this amendment. The present amendment wants to introduce the word 'preferred' for the word 'made'. I am not a lawyer and so I cannot exactly see the difference between the two

An Honourable Member: It is a better word.

Mr. Amarendra Nath Chattopadhyaya: . . . and yet I say that the word 'made' is quite sufficient for the purpose and there was no need to change it. The third proviso says:

"Provided, further, that the Commissioner may admit and decide any claim to compensation in any case notwithstanding that the notice has not been given, or the claim has not been instituted, in due time as provided in this sub-section, if he is satisfied that the failure so to give the notice or institute the claim, as the case may be, was due to sufficient cause."

The present amendment wants to substitute "entertain" for "admit", and "prefer" for "institute". That goes against the interests of the workers. Why should this failure to give notice or institute a claim be substituted by "delay in giving notice"

Mr. N. M. Joshi: If you read the Bill as amended by the Select Committee you will find that it has gone—disappeared.

Mr. Amarendra Nath Chattopadhyaya: No, it has not gone.

Mr. N. M. Joshi: Read the Bill as amended by the Select Committee.

Mr. Amarendra Nath Chattopadhyaya: Further there is another expression which has been taken away and that is "voluntarily left employment". Sir, a workman may be dismissed by the employer at any moment and it is necessary for the workman's advantage that he should give notice voluntarily for ceasing to work after accident. So, I believe that the section as amended is not to the benefit of the workers and I therefore request this House to go into this clause very attentively and see that my amendment is accepted by it. With these observations I move that clause (5) be omitted.

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

"That clause 5 of the Bill be omitted."

Mr. A. G. Glow: I am afraid that my Honourable friend has been misled by a pamphlet which has been circulated to some of us and which, in the course of his remarks, he himself somewhat confused. I propose to deal first with the amendment to which he devoted most attention, and that is the substitution of the word 'preferred' for the word 'instituted' in some places and the word 'made' in others. We were trying to use a uniform

word and we were trying to make it clear that the preferring of the claim must be before the Commissioner and not before the employer. Now, my Honourable friend suggested that we were going against the rulings in Calcutta and Bombay, but I think he was confusing two entirely different things. This pamphlet is to this extent correct that it says that this is supported by rulings in Calcutta, but the reference here to rulings in Bombay relates to an entirely different point, the point to which my Honourable friend was referring when he was interrupted by Mr. Joshi. The position is that, although there has been no specific ruling in Bombay, the Bombay High Court has followed, to the best of my belief without comment, the view actually embodied now in the Bill, and with very great deference to the Calcutta High Court, I think it probable that other Courts are more likely to follow the Bombay position than that taken in Calcutta. In consequence, if this amendment were carried, the only certain effect would be in Bengal, and even there we would be throwing away the other benefits which, as my Honourable friend, Mr. Joshi, has explained, have been conferred on the workman. We would be throwing away, for example, the extension of the limitation period from six months to one year; we would be throwing away the elision of the requirement that the workman must give notice before he leaves his employment,—a requirement which in some cases we regard as unreasonable, and in others as impossible.

As regards the other amendment to which my Honourable friend objected, my Honourable friend, Mr. Joshi, has rightly pointed out that that change was omitted by a majority in the Select Committee, and it was that change that I referred to in my opening speech when I said that, though I did not like it much, I was prepared to abide by the conclusion reached by the majority of the Committee.

The position as regards notice is that at present we make two requirements. We require that he shall give notice as soon as practicable and before he is leaving his employ. My Honourable friend suggested in some obscure way, which he did not explain, that this change was going to operate to the disadvantage of the workman. I entirely fail to see it, and no one except the author of this pamphlet has suggested that it would be anything but to the benefit of the worker. I suggest that the clause should stand.

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

"That clause 5 of the Bill be omitted."

The motion was negatived.

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

"That in clause 5, sub-clause (2) (iii) the words 'to the employer' be omitted."

The sub-clause says:

"The words 'or any one of several employers or any person responsible to the employer for the management of any branch of the trade or business in which the injured workman was employed' shall be inserted."

I am unable to appreciate the force of the provision, "responsible to the employer for the management of any branch". I do not know if I am correct, but I feel that the words "to the employer" may mean some additional liability. Whenever a workman gives notice to anybody who is responsible for the management of any branch, then it ought to be deemed proper notice to the employer. 'Responsible to the employer'

[Mr. K. Santhanam.]

appears to mean a legal, *de jure* responsibility, while those "responsible for the management" may include people who are in *de facto* management in a remote branch. A person who is a *de jure* manager may put his brother or somebody else in temporarily management and notice might have been given to him, and it might be possible for the employer to say that this person is not responsible to him. In any case the words "to the employer" seem to be wholly superfluous and when a person is responsible to the management it ought to suffice for the purposes of this clause.

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

"That in clause 5, sub-clause (2) (iii) the words 'to the employer' be omitted."

Mr. A. G. Olow: I do not think that this would be an improvement. I had an opportunity to consult a drafting expert and he had to confess that he did not know what the effect would be if these words were omitted. He suggested that it might even render it possible for the workman to give notice to a person responsible for a branch of the trade in any other establishment altogether.

Mr. K. Santhanam: I am afraid the Honourable Member has misunderstood me. I merely suggested that if a person is in actual management, though not probably he is legally responsible to the manager, if the notice is given to him in that branch then it ought to suffice.

Mr. A. G. Olow: I have caught my Honourable friend's intention quite clearly, but my suggestion is that if this amendment were carried it is extremely dubious what construction the Courts would put upon it; it would be extraordinarily difficult to construe. I quite appreciate my Honourable friend's apprehension, that when there is an assistant manager the Courts might say that in his management he was not directly responsible to the employer. But if the attention of the Court was called to the fact that the Legislature had in this Act deliberately omitted the word "directly" which was formerly in the Workmen's Compensation Act, I think it would be hardly open to them to hold that merely because an assistant manager was to a certain extent under supervision he was not, therefore, responsible to the employer who appointed him and who was in a position to dismiss him.

Prof. N. G. Ranga (Guntur *cum* Nellore: Non-Muhammadsan Rural): May I make one suggestion? Suppose we add one word, "or any person actually responsible to the employer".

Mr. A. G. Olow: I think that would be precisely restoring the position we had when we had the word "directly".

Mr. President (The Honourable Sir Abdur Rahim): The question is "That in clause 5, sub-clause (2) (iii) the words 'to the employer' be omitted." The motion was negatived.

Clause 5 was added to the Bill.

Mr. President (The Honourable Sir Abdur Rahim): Clause 6.

Dr. P. N. Banerjee (Calcutta Suburbs: Non-Muhammadsan Urban): Sir, I beg to move:

"That in sub-clause (a) of clause 6 of the Bill the words 'or having been so attended has deliberately failed to follow his instructions' be omitted."

Sir, in my opinion this provision will place the workman in a position more disadvantageous than he is in at the present moment.

In this connection I may be permitted to allude to a fact. I am not in the habit of telling stories and what I allude to is a well ascertained fact. The fact is this. The Honourable Sir Nripendra Sircar was at one time ill and he was attended by a doctor; but he refused to follow the instructions of his doctor. Now, if a man like Sir Nripendra Sircar who is a man of the keenest intellect, who occupies one of the highest positions open to Indians and who is probably destined to occupy a still higher position in future, if a man like him refuses to comply with the instructions of his doctor, you cannot blame a poor and ignorant workman if he fails to comply with his doctor's instructions. Now, it may be said that this provision will apply only if he becomes worse as a result of his failure to follow his instructions. That is always a matter of chance. He may get better as Sir Nripendra Sircar did as a result of not following the doctor's instructions. There is an element of chance. The point is that a poor and ignorant workman should not be penalised for having failed to follow the instructions of his doctor. Further, we do not know on what evidence the Court will rely as to the failure or non-failure to follow the instructions of the doctor. It would be exceedingly difficult for the workman to adduce evidence and perhaps the doctor himself will be the only witness. There are doctors and doctors. I have nothing to say against doctors. I myself owe a deep debt of gratitude to doctors.

The Honourable Sir Nripendra Sircar: You are a Doctor yourself.

Dr. P. N. Banerjee: You may call me a *pseudo*-doctor. Now, doctors are not always free from ordinary human failings; and if the workman has failed to follow his instructions, he may get irritated and annoyed and he may think that the aggravation of the ailment was due to his failure to carry out his instructions. Therefore, I hold the view that this provision will adversely affect the interests of the workman and for that reason I hope that this portion of the clause should be deleted.

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

"That in sub-clause (a) of clause 6 of the Bill the words 'or having been so attended has deliberately failed to follow his instructions' be omitted."

Prof. N. G. Ranga: Sir, I support this amendment. I find that the whole spirit underlying this Bill, when it was introduced, was really against the workers and it was intended somehow to tighten the Act against the workers. One can understand the intention of the framers of the Bill if workers are as intelligent and as capable of looking after themselves as employers and if workers are also capable of paying regularly for the private medical practitioners who may be engaged by themselves but the facts are absolutely against the spirit of the framers of this Bill. The workmen are ignorant, they are unorganised and they are not able to look after themselves, and, once they get into any trouble and become the victims of any accident, in most cases they are not able to know how best to look after themselves and what to do. To tighten the Act against such people is really unfair for any Government which can say that it tries to keep the scales even between the employers and workmen. All that Dr. Banerjee's amendment seeks to do is to minimise the evil that is sought to be introduced by the amending Bill and to leave the Act as it was in so far as this particular clause is concerned. According to the Act, if a worker

[Prof. N. G. Ranga.]

refuses to be treated by the doctor provided freely by an employer, then he must be prepared to have his own medical practitioner and then once he has his own medical practitioner, goes on with it and gets better and in spite of that he can claim compensation because he has lost one or several of his limbs or is disabled from working, then he is entitled to compensation. If, on the other hand, after having refused the offer of his employers, he fails to engage his own medical practitioner, then he may be disqualified from claiming any compensation. That is the original Act but this Bill seeks to make it impossible for a worker to claim any compensation if it can be proved that after having engaged his own medical practitioner he has failed to follow his instructions. Dr. Banerjee has shown quite conclusively how difficult it is for an ordinary workman to try even to follow all the instructions that are given by a doctor. Some instructions may be difficult to understand and too costly to carry out. On some occasions they cannot find the money to purchase the medicines. If this Bill were passed, it would be possible for any employer to put his finger on any particular failure to follow the instructions and then say that his disease has become worse because of that failure and then refuse to pay any compensation.

Mr. M. S. Aney (Berar: Non-Muhammadan): Deliberately fails.

Dr. P. N. Banerjee: Who is to decide whether there has been deliberation or not?

Prof. N. G. Ranga: Who is to decide whether he has deliberately failed to follow the instructions or not? Suppose he goes short of funds and is unable to purchase the food which the doctor has ordered him to purchase.

Mr. M. S. Aney: It may not be deliberate then.

Prof. N. G. Ranga: It may be open to the employer to say that this man was in a position to purchase these things but he did not but instead of that he has spent the money in castor oil or in buying clothing for himself or his wife. In those circumstances it is impossible for a worker to be able to prove that he has not deliberately failed to follow the instructions. It makes it very very difficult for a worker to prove his case in a Court of law and obtain compensation. Then the medical practitioners engaged by the workers are not likely to be men with very good private practice. Such medical practitioners can be approached by the other party and it is not an uncommon sight to find employers trying to circumvent the law in order to get out of their obligation to pay compensation.

Who knows whether it is not possible for the employer to get a private medical practitioner engaged by a worker to certify that such and such of the instructions had not been followed properly and to his satisfaction and for that reason the disease had been aggravated, and who knows that the disease could not have been aggravated by the negligence of this medical practitioner himself to carry on his duties towards the patient and by his own failure to attend on him as he ought to? And under those circumstances where is the protection for the worker? So, Sir, this clause in the Bill seeks to victimise the workers not only for their own faults and poverty but also for the faults of many of these private medical practitioners whose scruples we cannot be pretty certain about and whose liability to be tempted by better monetary rewards offered by employers cannot be so well estimated. Therefore, Sir, I think that it is really not at all fair that the

House should accept this particular amendment that is placed before us in this Bill. So, I support the amendment moved by my Honourable friend, Dr. Banerjee, and I need only say that by accepting that amendment the House only restores the original position as existed according to the Act and simply declines to give its permission to this change that is sought to be made by Government to the detriment of the interests of the workers.

Mr. A. G. Clow: Sir, this is a complicated clause, and I hope the House will pardon me if I begin by referring to the original section in the Act because I think the object of the amendment has been to some extent misunderstood. The purport of the original section in the Act is to provide for those cases where an employer has done his best to ensure that a workman's injury should be slight and where the workman by his own action refuses treatment and a serious aggravation of the injury ensues. We all know of cases occurring every day where the workman gets a slight cut in the factory. But he may not be willing to have it dressed in the dispensary. The workman neglects it, goes home and puts on some filthy stuff, with the result that he contracts tetanus or something and dies. These are actual cases. The clause recognizes in its present form—I am not talking of the Bill but of the clause in the original Act—that in such cases it is not reasonable that the employer should be called upon to pay compensation for the aggravation. He should pay compensation for the injury and for the results which would have accrued from it if he had been allowed to treat the workman or he had got proper treatment elsewhere. The clause in fact says—and I would like to impress on the House that this is not being altered by the Bill in any way—the clause, referring to the employer's doctor, says that,—

“where an injured workman has refused to be attended by a qualified medical practitioner whose services have been offered to him by the employer free of charge or, having accepted such offer, has deliberately disregarded the instructions of such medical practitioners”

In other words, we do deprive the workman of compensation when he deliberately disregards the instructions of the employer's doctor. The remainder of the clause permits the workman, rightly enough, to employ his own doctor, but entirely omits to say what happens if he disregards the instructions of his own doctor.

An Honourable Member: Is it in his interest to so disregard the instructions?

Mr. A. G. Clow: What we maintain is that on the principle of the original clause it is just as reasonable that the employer should be protected from the neglect of the workman to follow the instructions of his own doctor, and in some ways more reasonable, than it is to deprive the workman of compensation because he has neglected to follow the instructions of the employer's doctor.

Now, my Honourable friend, Professor Ranga, drew a picture of a workman unable to follow some costly instructions or unable for other good reasons to follow his doctor's instructions. That is a case for which we have expressly provided in words which, to my great surprise, my Honourable friend, Professor Ranga, wants to cut out from the clause in his amendment. We have provided that it is for the employer to prove that the workman's refusal, disregard or failure to follow instructions was unreasonable. Clearly, if a doctor told a workman, “you must have a nice long holiday in the hills”, or “you must have both your legs cut off

[Mr. A. G. Clow.]

if you want me to save you", the refusal of the workman would not be unreasonable. In the case of my Honourable and distinguished friend that was cited, I think his refusal to follow the instructions was eminently reasonable, and we see the results of it today.

Prof. N. G. Ranga: My amendment is not under discussion now?

Mr. A. G. Clow: I think it is an astonishing thing for my Honourable friend to omit all reference to certain important words, words which he himself is anxious to cut out. The point I was trying to make out was that those particular words in question confer a very important form of protection on the workman—the words about "unreasonable".

Dr. P. N. Banerjea: But that is not under discussion now.

Mr. A. G. Clow: Those words which are in the clause here confer an important protection on the workman and to my mind meet completely what would appear to be one of the strongest arguments used by Professor Ranga in favour of this amendment; in other words, that we were obliging the workman to follow instructions that were too costly for him or instructions that he had good reasons for refusing.

My Honourable friend referred, in conclusion, to the possibility that the doctor might be bribed. If we are going to contemplate that possibility, it is just as easy to bribe the doctor to say that he did not regularly attend on him

Prof. N. G. Ranga: No poor man can bribe a doctor the same as the employer.

Mr. A. G. Clow: It is just as easy to bribe the doctor to say that he did not regularly attend the workman as to say that the workman disregarded some of his instructions. Sir, I maintain that our amendment is merely carrying out the principle already embodied in the clause and that it is a reasonable change.

Mr. N. M. Joshi: Sir, I rise to support the amendment moved by my Honourable friend, Dr. Banerjea. It is true that there is an amendment standing in my name. But not being a good draftsman and not being a lawyer, I must admit that my amendment was a wrong one and I am very glad that my Honourable friend, Dr. Banerjea, paid more attention to the matter than I did and I am, therefore, willing to support his amendment. Sir, the arguments used by my Honourable friend, the Secretary for Labour, are not convincing at all. There is no doubt that the words in the original section that "such refusal or failure to follow instructions was unreasonable" enables the workman to prove, when he disregards the treatment of the doctor, that his disregard was justifiable, but at the same time, as I pointed out in the speech which I made sometime ago, these workmen do not understand sometimes why the treatment should be followed. It will be difficult for them to prove that their disregard was reasonable.

Mr. A. G. Clow: May I interrupt the Honourable Member for a minute? It is for the employer to prove that he was unreasonable and not for the workman to prove that he was reasonable.

Mr. N. M. Joshi: When an employer asks the doctor to go into the witness-box, the doctor whose treatment was not followed is likely to say so. Any doctor who prescribes treatment and finds that his treatment was not followed will have to say that his treatment was not followed. The doctor cannot say anything else. The workman will have to prove

that the disregard was reasonable. This fact will have to be proved by the workman himself, and that he will not be able to do. If the workman says that he was attended by a doctor, that should be enough. There is a difference in the case where the employer offers a doctor and the workman accepts the offer. The doctor being the employer's doctor, it is quite possible that the workman may deliberately not take his medicine, but when a workman chooses his own doctor there is very little likelihood of the workman deliberately disregarding it.

Sir H. P. Mody (Bombay Millowners' Association: Indian Commerce): The only difference is that he does not suffer any penalty.

Mr. N. M. Joshi: You are only talking of technicalities but I am talking of actualities. We are not dealing with Sir Homi Mody but we are dealing with some Rama and Hari from the Mill.

Sir H. P. Mody: Whom you know as much as I do.

Mr. N. M. Joshi: I know more about him. There is absolutely no doubt about it. I, therefore, feel that the Assembly should accept the amendment of Dr. Banerjea which is very reasonable.

Mr. K. Santhanam: Sir, I rise to support the amendment of Dr. Banerjea and for the following reason. In legislations such as this we must take human nature as it is and not go into inquisitorial proceedings. There is a rule in insurance companies that after 12 months even if a man voluntarily commits suicide, his insurance amount has to be paid because the insurance companies have based this rule on the natural ground that it is not natural for a man to commit suicide. Here, if a workman voluntarily chooses a doctor, it must be presumed that he would follow his instructions. To provide that the employer should be able to prove that, having gone to a medical practitioner, the workman has deliberately failed to follow his instructions and thus deny him the compensation seems to me a sort of inquisitorial proceeding which we should not accept in legislations of this kind. I do not think the presence or the absence of this clause is going to affect the provisions of this Bill very much because it will be very difficult to prove that he has deliberately failed to follow the instructions. Therefore, the absence or presence of this clause is not material. But the clause, as it stands, smacks of inquisition and on that ground I support the amendment of Dr. Banerjea for the deletion of this proviso.

The Honourable Sir Nripendra Sircar: Sir, I would like to add a few words supplementing what has been said by my Honourable friend, Mr. Clow. My friend, Mr. Joshi, spoke in such a way as if his sole business in life has been to attend to sick workers and to see what kind of doctors they get, what instructions they follow and what instructions they do not follow and his diversions in the Assembly occupy only a small part of his time. Sir, Mr. Joshi knows as much as to what a workman does when a doctor prescribes medicines for him as I do or Sir Homi Mody does. The language which has been used here, I think, is not open to objection. The language is:

"If it is proved that the workman has not thereafter been regularly attended by a qualified medical practitioner or having been so attended has deliberately failed to follow his instructions . . ."

Now, Sir, what is the good of sending a doctor and what is the good of going through that farce if the workman, whether he is intelligent or he is stupid, takes upon himself to deliberately disregard the directions which he gives. Supposing he is asked to live on strict diet or to fast, and

[Sir Nripendra Sircar.]

he lives solely on *chatni* and his dysentery is increased, has he anything to complain of? I submit that the words to which Mr. Clow drew the pointed attention of the House, namely, that this failure or disregard must not be unreasonable and it being on the employer to prove that the other man had been unreasonable in deliberately disregarding the directions of the doctor, is a safeguard with which the workman ought to be satisfied.

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

"That in sub-clause (a) of clause 6 of the Bill the words 'or having been so attended has deliberately failed to follow his instructions' be omitted."

The Assembly divided:

AYES—34.

Abdul Qaiyum, Mr.
Aney, Mr. M. S.
Asaf Ali, Mr. M.
Ayyangar, Mr. M. Ananthasayanam.
Banerjea, Dr. P. N.
Chaliha, Mr. Kuladhar.
Chattopadhyaya, Mr. Amarendra
Nath.
Chaudhury, Mr. Brojendra Narayan.
Chettiar, Mr. T. S. Avinashilingam.
Chunder, Mr. N. C.
Deshmukh, Mr. Govind V.
Gadgil, Mr. N. V.
Hans Raj, Raizada.
Jedhe, Mr. K. M.
Jogendra Singh, Sirdar.
Joshi, Mr. N. M.
Kailash Behari Lal, Babu.

Lalchand Navalrai, Mr.
Mangal Singh, Sardar.
Misra, Pandit Shambhu Dayal.
Mudaliar, Mr. C. N. Muthuranga.
Paliwal, Pandit Sri Krishna Dutta.
Pande, Mr. Badri Dutt.
Parma Nand, Bhai.
Ramayan Prasad, Mr.
Ranga, Prof. N. G.
Saksena, Mr. Mohan Lal.
Santhanam, Mr. K.
Sham Lal, Mr.
Singh, Mr. Gauri Shankar.
Sinha, Mr. Satya Narayan.
Som, Mr. Suryya Kumar.
Sri Prakasa, Mr.
Varma, Mr. B. B.

NOES—55.

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

Jehangir, Sir Cowasji.
Kamaluddin Ahmed, Shamsul-Ulema..
Kushalpal Singh, Raja Bahadur.
Lloyd, Mr. A. H.
Mackeown, Mr. J. A.
Mani, Mr. R. S.
Menon, Mr. P. A.
Metcalf, Sir Aubrey.
Miller, Mr. C. C.
Mody, Sir H. P.
Ogilvie, Mr. C. M. G.
Row, Mr. K. Sanjiva.
Scott, Mr. J. Ramsay.
Sen, Rai Bahadur N. C.
Shahban, Mr. Ghulam Kadir Muham-
mad.
Sher Muhammad Khan, Captain
Sardar Sir.
Siddique Ali Khan, Khan Sahib
Nawab.
Sircar, The Honourable Sir
Nripendra.
Sivaraj, Rao Sahib N.
Slade, Mr. M.
Smith, Lieut.-Colonel H. C.
Spence, Mr. G. H.
Staig, Mr. B. M.
Stewart, The Honourable Sir Thomas..
Sundaram, Mr. V. S.
Walker, Mr. G. D.
Yamin Khan, Sir Muhammad.

The motion was negatived.

Clauses 6 to 8 were added to the Bill.

Mr. President (The Honourable Sir Abdur Rahim): Clause 9:

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

"That in clause 9, sub-clause (b) be omitted."

Sir, I am moving the amendment for this particular purpose; the clause as it has been redrafted does not read well. It says:

"Provided that the Commissioner shall not, where any party to the proceedings appears before him, make any such order of transfer without giving such party an opportunity of being heard."

Sir, there is no provision for giving notice. There is no provision in that particular clause by which the party can appear before him. Also in the succeeding proviso it is provided that in all matters except for payment, all parties should consent. This proviso has got a very limited application and I think it has not been properly drafted. I do not think that its omission will make any difference and it may make the section read better. Of course, if Government think that it is going to be of any use, I shall consider the advisability of withdrawing it. I am moving this amendment only with a view to help the Government.

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

"That in clause 9, sub-clause (b) be omitted."

Mr. A. G. Clow: Sir, I am grateful to my Honourable friend for his efforts to help, but I think this proviso is necessary. The position, as I understand it, is this, that the change we are making in the first part of the section will enable a Commissioner to transfer a matter without any party applying for the transfer. Under the section as it originally stands, "if a Commissioner is satisfied by any party to any proceedings under this Act pending before him that such matter can be more conveniently dealt with by any other Commissioner", he may transfer the matter to such Commissioner for such disposal. Now, the proviso gives an opportunity to any party who happens to appear before him to oppose the transfer. The transfer that we have in mind is mainly of the kind of inter-provincial transfers where the workmen's dependants live in one province and the accident occurs in another province. And it seems only reasonable that if

5 P.M. the employer can appear before him and show good reason why it should not be transferred, the Commissioner should at least hear him before considering whether he is going to transfer the proceedings.

Mr. K. Santhanam: Read the second proviso.

Mr. A. G. Clow: Yes, but the matter might relate to the actual matter of payment to the workman or to distribution to the dependants; and distribution is a matter which in some cases the employer might have cause to show that he was interested. He might wish to contest the claim of some dependants. I do not attach great importance to this but I suggest to my Honourable friend that it gives a useful check. The Commissioner need not accept the view placed before him. He is given full discretion.

Mr. M. Ananthasayanam Ayyangar: Sir, may I suggest some alteration? The word "appears" is not quite accurate. It should be "has appeared before him". This contemplates the transfer of a case where it will facilitate the distribution of money where payment is to be made ultimately. As regards others, where transfer is sought to be made in other respects, either the sanction of the Governor or the Governor General has

[Mr. M. Ananthasayanam Ayyangar.]

to be obtained. This, therefore, applies to a case where payment is made. Before payment is made an inquiry has to be held. If any party has appeared at any earlier stage, though he may not be physically present on the day that the transfer is made, it must be obligatory on the Commissioner to give notice to the man who has already appeared. It shows that he is interested in watching the proceedings and that a man must have an opportunity before his case is transferred to some province and he is asked to go there. Therefore, if in place of "appears" the words "has appeared" are put in I think it will improve the case. If a person has already appeared, give notice to him before the transfer is effected. It is not necessary that he should appear on that date. Before the date on which the Commissioner makes up his mind to transfer, that date may not be known to the other man.

Mr. A. G. Olow: Sir, my Honourable friend appears to be moving an entirely different amendment. I have accepted today many other amendments without notice and I think there may be something in the amendment of Mr. Santhanam. We have reached the hour when we usually adjourn and I suggest for your consideration that we might adjourn at this stage.

The Assembly then adjourned till Eleven of the Clock on Friday, the 4th March, 1938.