

4th March 1938

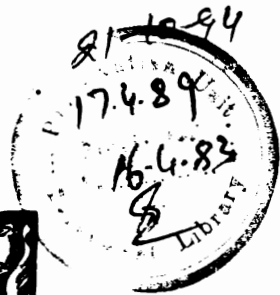
THE LEGISLATIVE ASSEMBLY DEBATES

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

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

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

	PAGES.		PAGES.
WEDNESDAY, 9TH MARCH, 1938—<i>contd.</i>		THURSDAY, 17TH MARCH, 1938—	
The Commercial 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—<i>contd.</i>		TUESDAY, 22ND MARCH, 1938—<i>contd.</i>	
The Import of Drugs Bill— Appointment of Mr. N. C. Chunder to the Select Committee	1897	The Control of Coastal Traffic of Indian Bill— Presentation of the Report of the Select Committee	1978
The Indian Coffee Cess (Amendment) Bill—Intro- duced	1897	The Motor Vehicles Bill— Discussion on the motion to refer to Select Committee not concluded	1978—2016
The Motor Vehicles Bill— Discussion on the motion to refer to Select Com- mittee not concluded	1898—1937	WEDNESDAY, 23RD MARCH, 1938—	
The Sind Salt Law (Amend- ment) Bill—Presentation of the Report of the Select Committee	1937	Members Sworn	2017
TUESDAY, 22ND MARCH, 1938—		Starred Questions and Ans- wers	2017—51
Starred Questions and Ans- wers	1939—67	Short Notice Question and Answer	2051—52
Unstarred Questions and Answers	1967—69	Unstarred Questions and Answers	2052—56
Statements laid on the Table	1970—75	Motion for Adjournment <i>re</i> Attack on a Taxi Driver by British Soldiers in Dehra Dun—Disallowed by the Governor Gene- ral	2057
Motion for Adjournment <i>re</i> Attack on a Taxi Driver by British Soldiers in Dehra Dun—Postponed to next day	1975—78	The Motor Vehicles Bill— Discussion on the Motion to refer to Select Com- mittee not concluded	2057—92

LEGISLATIVE ASSEMBLY.

Friday, 4th March, 1938.

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

MEMBER SWORN.

Mr. James Cochrane Highet, M.L.A. (Government of India: Nominated Official).

STARRED QUESTIONS AND ANSWERS.

(a) ORAL ANSWERS.

TROOPS STATIONED AT DACCA.

620. ***Mr. Brojendra Narayan Chaudhury:** Will the Defence Secretary please state:

- (a) if there are any regular troops stationed at Dacca and if so, for how many years they have been stationed there;
- (b) if the land on which the troops have been quartered vests in the Central Government and is considered as cantonment area;
- (c) if the reply to part (b) be in the negative, what is the authority for occupation of land which vests in the Provincial Government;
- (d) the purpose of stationing troops at Dacca; and
- (e) if the Dacca troops, or any other troops, have undertaken route marches in Bengal during the last three years?

Mr. C. M. G. Ogilvie: (a) Yes, since 1932.

(b) No.

(c) By mutual agreement between the Central Government and the Provincial Government.

(d) To assist the civil authorities in the maintenance of law and order.

(e) Yes.

Mr. Brojendra Narayan Chaudhury: What is the object of these route marches?

Mr. C. M. G. Ogilvie: To show the inhabitants of the areas that there are troops near at hand.

Mr. Abdul Qiayum: Is it to overawe the people?

Mr. C. M. G. Ogilvie: No.

Mr. Brojendra Narayan Chaudhury: Is it a part of the Government's repressive policy?

Mr. C. M. G. Ogilvie: No.

Mr. Badri Dutt Pande: How many troops are there at present in Bengal?

Mr. C. M. G. Ogilvie: Three battalions.

Mr. Abdul Qayum: What sort of troops are these?

Mr. C. M. G. Ogilvie: All Indian.

Mr. T. S. Avinashilingam Chettiar: What is the need to show the people that you have got troops near at hand?

Mr. C. M. G. Ogilvie: To give them confidence.

Mr. Lalchand Navalrai: May I know whether in view of the fact that there is no terrorism now in Dacca, these troops will be removed or not?

Mr. C. M. G. Ogilvie: I cannot tell you.

Mr. Abdul Qayum: Is this not a kind of counter-terrorism?

Mr. C. M. G. Ogilvie: I think that is an insinuation.

Mr. K. Santhanam: May I know if these troops are quartered there at the request of the Provincial Government?

Mr. C. M. G. Ogilvie: Yes.

MOVE OF THE FEDERAL COURT TO HILL STATIONS.

621. ***Mr. T. S. Avinashilingam Chettiar:** Will the Honourable the Home Member state:

(a) whether the news regarding the sitting of the Federal Court published on page 8 of the *Hindu*, dated the 27th January, 1938, that the Court will be moving from hill station to hill station in summer, is true;

(b) whether any decision has been arrived at in this matter; and

(c) what the financial effect of this moving about will be?

The Honourable Sir Henry Craik: (a) and (b). The statement published in the *Hindu* is incorrect.

(c) Does not arise.

Mr. T. S. Avinashilingam Chettiar: May I know whether there is any proposal for this Federal Court to be moved?

The Honourable Sir Henry Craik: No; there is no such proposal.

Mr. T. S. Avinashilingam Chettiar: May I know whether they will be in Delhi throughout the year?

The Honourable Sir Henry Craik: Except during the vacation, yes.

CONSTITUTION OF BAZAR AREAS IN THE KARACHI CANTONMENT.

622. ***Mr. Sham Lal:** Will the Defence Secretary be pleased to state:

- (a) whether it is a fact that in Karachi Cantonment no area has been constituted as bazar area; if so, why;
- (b) whether it is a fact that a large number of civilians live in what are known as Commissariat Lines and Soldiers Bazar; and
- (c) what steps Government propose to take to constitute bazaar areas in Karachi Cantonment?

Mr. C. M. G. Ogilvie: (a) Yes, because there is no bazar in the Cantonment.

(b) Government have no information. The Commissariat Lines area is not and never has been a bazar area. It is occupied by detached residential houses of the bungalow type and it contains only four shops scattered over the area.

The Soldiers Bazar is not within the Cantonment limits.

(c) None.

Mr. Lalchand Navalrai: May I know if it has been considered by the Government that there should be a bazar there?

Mr. C. M. G. Ogilvie: No.

Mr. Lalchand Navalrai: Will the Government consider it?

Mr. C. M. G. Ogilvie: No.

Mr. Lalchand Navalrai: Why not?

Mr. C. M. G. Ogilvie: Because there is no need to consider it.

Mr. Sham Lal: What is the number of the civilian population of the Karachi Cantonment?

Mr. C. M. G. Ogilvie: I must have notice of that.

Prof. N. G. Ranga: What are the conditions that should be satisfied before a bazar can be declared there?

Mr. C. M. G. Ogilvie: That there should be a bazar in that area.

INCLUSION OF CERTAIN VILLAGE LANDS WITHIN THE LAHORE CANTONMENT LIMITS.

623. ***Mr. Sham Lal:** Will the Defence Secretary be pleased to state:

- (a) whether it is a fact that certain land, on the outskirts of Lahore Cantonment, belonging to the villages of Ganj, Noorpur, Fatehgarh, Mianmir and Tajpur, have been included within Lahore Cantonment limits for certain purposes, and that the Cantonment Act has been extended to them recently:

- (b) whether it is a fact that in this area, which has been so included, the village lands were being sold to private persons, who were building houses for residence;
- (c) whether it is also a fact that the Cantonment Board of Lahore Cantonment has now stopped further construction of houses;
- (d) whether it is also a fact that no compensation was paid to the owners of land before their inclusion within the Cantonment limits; and
- (e) if the answer to the above be in the affirmative, what step or steps Government propose to take to remove this area from the limits of cantonment?

Mr. C. M. G. Ogilvie: (a) Yes, certain provisions have been extended to them.

- (b) Yes.
- (c) No.
- (d) Yes.
- (e) None.

Mr. Sham Lal: Will the Honourable Member state what was the object of including these villages in the cantonment area?

Mr. C. M. G. Ogilvie: Because the villages in their existing condition were a menace to the health of the troops?

Prof. N. G. Ranga: Has the consent of the villagers been obtained?

Mr. C. M. G. Ogilvie: No.

Prof. N. G. Ranga: Has the consent of the Provincial Government been obtained.

Mr. C. M. G. Ogilvie: Yes.

Mr. T. S. Avinashilingam Chettiar: Have they been paid compensation?

Mr. C. M. G. Ogilvie: No.

Mr. T. S. Avinashilingam Chettiar: Why not? Are they made liable to pay any higher taxes than they had to before they came to be included in the cantonment area?

Mr. C. M. G. Ogilvie: Not that I know of.

Mr. Abdul Qayyum: If that is the policy, may I suggest the name of another village to be included in the Peshawar Cantonment as it is a terribly unhealthy place?

(No answer.)

Mr. Sham Lal: With reference to clause (c), will the Honourable Member state whether the Government will make an inquiry whether the construction of houses has been stopped?

Mr. C. M. G. Ogilvie: Government have made inquiries and the construction has not been stopped.

Prof. N. G. Ranga: Is there any special benefit which is conferred upon these villagers after their villages have come to be included in this cantonment area?

Mr. C. M. G. Ogilvie: Yes; there is no doubt that the health of the villagers will be greatly improved.

INCLUSION OF CERTAIN VILLAGES WITHIN THE JHELM CANTONMENT LIMITS.

624. ***Mr. Sham Lal:** Will the Defence Secretary be pleased to state:

- (a) whether it is a fact that villages of Siala and Idgah have been included within the limits of Jhelum Cantonment for certain purposes;
- (b) whether it is also a fact that the villagers of these two villages do not wish to remain under the Cantonment laws;
- (c) whether it is also a fact that shopkeepers carrying on trade in these two villages are asked to take out licences and pay licence fees;
- (d) whether Government are also aware of the fact that one of the villagers was prosecuted and hauled up before a Court of Law, for building a house without the permission of the Cantonment Authority and eventually he was made to demolish certain walls; and
- (e) whether the Cantonments Act was meant for village areas, and whether Government are prepared to take steps to remove these villages from the operation of the Cantonments Act?

Mr. C. M. G. Ogilvie: (a) The provisions of certain sections of Chapters IX, X, XI, XII and XV of the Cantonments Act, 1924, have been extended to the villages in question by the Local Administration under section 286 of that Act.

(b) Yes.

(c) They are required to take out licences but no licence fee is charged.

(d) Yes.

(e) The answer to the first part of the question is in the affirmative if the existence of a village on the border of a Cantonment is a menace to the health of the troops. In this connection, I refer the Honourable Member to section 286, Cantonments Act, 1924. The answer to the last part of the question is in the negative.

Mr. Sham Lal: Will the Honourable Member state the nature of menace to the cantonment population?

Mr. C. M. G. Ogilvie: Likelihood of the spread of epidemic diseases.

Mr. T. S. Avinashilingam Chettiar: May I know why the extension was made in spite of the protests and unwillingness of the villagers?

Mr. C. M. G. Ogilvie: I have already answered that question. It is in order to place villages under proper sanitary control.

Mr. Mann Subedar: With regard to part (c), will the Honourable Member tell the House the object of instituting the licensing system for traders?

Mr. C. M. G. Ogilvie: I must have notice of that.

Mr. T. S. Avinashilingam Chettiar: May I know as a matter of practice whether all people at present engaged in trade will be given licences?

Mr. C. M. G. Ogilvie: I imagine so, certainly.

Mr. T. S. Avinashilingam Chettiar: No discrimination will be made?

Mr. C. M. G. Ogilvie: None whatever.

INCLUSION OF CERTAIN VILLAGE LANDS IN THE MILITARY GRASS FARM OF THE JHELM CANTONMENT.

625. ***Mr. Sham Lal:** (a) Will the Defence Secretary be pleased to state whether it is a fact that the Military Grass Farm of Jhelum Cantonment has included certain lands of the villagers of Siala and Idgah on the outskirts of the cantonment of Jhelum, within their area?

(b) Is it a fact that no compensation has been paid to these villagers for the inclusion of their area within the Military Grass Farm area?

(c) If the answer to part (b) be in the affirmative, what step or steps do Government propose to take to return the lands to the villagers and pay compensation for the time they have remained within the Grass Farm area?

Mr. C. M. G. Ogilvie: (a) No. The information available to Government is that the military authorities have fenced certain Military Grass Farm land which had been encroached upon by the villagers.

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

LEGAL ADVISER ENGAGED BY THE LANDS AND CANTONMENTS DEPARTMENT IN NORTHERN COMMAND.

626. ***Mr. Sham Lal:** Will the Defence Secretary be pleased to state:

(a) whether it is a fact that a legal adviser, other than the Government Pleader, has been engaged by the Lands and Cantonments Department in Northern Command;

(b) whether this legal adviser is a permanent whole time servant or is only engaged time and again;

(c) what are the duties of this legal adviser;

(d) what amount has been paid to him during the last five years; and

(e) whether such appointments are also made in other Commands?

Mr. C. M. G. Ogilvie: (a) Yes.

(b) He is not a whole time servant of the Government.

(c) To conduct cases on behalf of Government when required to do so.

(d) Rs. 14,622-6-0.

(e) Yes.

Mr. Lalchand Navalrai: May I know if this legal adviser is an Indian and why has the work been given to him and not to the Government Pleader?

Mr. C. M. G. Ogilvie: The officer concerned is an Indian; and the work has been given to him because it was not possible to obtain the services of the local Government Pleader on all the occasions when they were required.

GRIEVANCES OF WORKMEN IN THE SECURITY PRINTING AND CURRENCY NOTE PRESSES AT NASIK ROAD.

627. ***Mr. K. Santhanam:** Will the Honourable the Finance Member state:

- (a) the lowest daily wages paid to workmen in the Security Printing and the Currency Note Presses at Nasik Road;
- (b) whether these workmen are entitled to any leave with pay;
- (c) the hours of work in these presses and at His Majesty's mint at Bombay; and
- (d) whether it is a fact that no latrines and bathrooms are provided in the quarters of these workers, and that men and women have to go long distances to common latrines and bathrooms?

The Honourable Sir James Grigg: (a) and (c). A statement is laid on the table.

(b) No.

(d) In the interests of sanitation and health, no latrines or bathrooms are provided within the quarters but they are provided within easy reach.

Statement showing the minimum wages paid to workmen in the Security Printing and Currency Note Presses and the hours of work in these Presses and at His Majesty's Mint, Bombay.

(a) Minimum Wages.

Security Printing and Currency Note Press.	A. Grade	7 as. per day of 8 hours.
	B. "	8 as. per day of 8 hours.
	C. "	10 as. per day of 8 hours.
	D. "	According to qualifications subject to a maximum of Rs. 4-8-0 per day.

In addition quarters, water and medical services are provided free.

(c) Hours of work.

Security Printing and Currency Note Press.	Reduced Working:	7 A.M.—1 P.M. daily from Monday to Saturday.	36 hours per week.
	Normal Working:	7 A.M.—1 P.M. and 2-4-30 P.M. daily from Monday to Friday. 7 A.M.—1 P.M. on Saturday.	48½ hours per week.
	Maximum Working:	7 A.M.—1 P.M. daily from Monday to Saturday. 2-5-30 P.M. Monday to Friday.	53½ hours per week.
His Majesty's Mint, Bombay.	Week days	9 A.M.—1 P.M. and 1-30—4-30 P.M.	
	Saturdays	8 A.M.—10-30 A.M. and 11 A.M. to 2 P.M.	

Prof. N. G. Ranga: With reference to the answer to part (b) of the question, why is it that the workers are not given any leave with pay?

The Honourable Sir James Grigg: I cannot answer that off hand. I suppose they are the terms on which they are engaged.

Prof. N. G. Ranga: Is it not a fact that such workmen employed in other Government concerns are granted leave with pay?

The Honourable Sir James Grigg: I do not think that applies to people who are employed on daily wages.

Mr. K. Santhanam: Will Government reconsider this matter and think of giving them some leave with pay?

The Honourable Sir James Grigg: That does not arise out of this. The Honourable Member has asked for information and I have given it. If he wants to make any suggestion for a change, he had better give notice of another question.

Mr. K. Santhanam: My question arises out of this, Sir.

Mr. President (The Honourable Sir Abdur Rahim): All that he was asked was whether these workmen were entitled to any leave with pay, and he said, "No". Then you are asking him to give some leave with pay, and he wants time to consider it.

Mr. K. Santhanam: My supplementary question arises out of that answer.

Mr. President (The Honourable Sir Abdur Rahim): I think the Honourable the Finance Member is perfectly right.

Mr. Sri Prakasa: With reference to the Honourable Member's reply to part (d) of the question, is it not a fact that under the Factories Act these conveniences have to be provided for on the premises themselves?

The Honourable Sir James Grigg: The Honourable Member is giving information and not asking for it.

Prof. N. G. Ranga: Is the Factories Act applicable to these Presses or not?

The Honourable Sir James Grigg: He had better give notice of that. All I can tell the Honourable Member is that the hours within the limits prescribed by the Factories Act apply, but as regards the application of the other portions of the Act I cannot tell him.

Prof. N. G. Ranga: Are we to understand that Government are satisfying the conditions laid down in the Factories Act in so far as the management of these Presses is concerned

The Honourable Sir James Grigg: That does not arise out of this.

Prof N. G. Ranga: Out of the answer to the supplementary question it does arise, Sir.

Mr. President (The Honourable Sir Abdur Rahim): I must point out that, if a supplementary question is asked to elicit a particular answer that has been given and if a supplementary question is asked with reference to the answer given to the supplementary question and it goes on like that, then there will be no end of it. The Honourable Member says that he ought to have notice.

RACIAL DISCRIMINATION IN THE ALLOTMENT OF QUARTERS TO GAZETTED OFFICERS OF THE SECURITY PRINTING PRESS, NASIK ROAD.

628. ***Mr. K. Santhanam:** Will the Honourable the Finance Member please state:

- (a) whether any bungalow meant for gazetted officers of the Security Printing Press, Nasik Road, is lying vacant;
- (b) whether it is a fact that Indian officers willing to occupy it are not permitted to do so;
- (c) whether there is strict segregation in the allotment of quarters to Indians and non-Indians; and
- (d) whether the quarters given to Indian officers and subordinates are much inferior to those given to non-Indians of the same rank?

The Honourable Sir James Grigg: (a) Yes.

(b) There is no officer at present either European or Indian on a suitable rate of pay to whom this bungalow can be allotted.

(c) and (d). No.

Mr T. S. Avinashilingam Chettiar: May I know why, when the houses are vacant and other people are prepared to pay the rent, they should be lying vacant?

The Honourable Sir James Grigg: The Honourable Member is begging the question. I have no information that other people are prepared to pay the rent.

Prof. N. G. Ranga: Why should Government keep these houses vacant and not earn money in the shape of rent?

The Honourable Sir James Grigg: I have given an answer to that in reply to part (b) of the question.

Prof. N. G. Ranga: When there are other officers in the same department who are prepared to pay the rent, why should the houses remain vacant?

The Honourable Sir James Grigg: I have already answered that. I have no information that other people are prepared to pay.

WATER-MARKED PAPER REQUIRED FOR THE SECURITY PRINTING AND CURRENCY NOTE PRESSES, NASIK ROAD.

629. ***Mr. K. Santhanam:** Will the Honourable the Finance Member please state:

- (a) the total annual cost of water-marked paper required for the Security Printing, India, and the Currency Note Press at Nasik Road;
- (b) where it is bought;
- (c) when the last contract was made;
- (d) whether any tenders were invited in India or England before the contract was made; and
- (e) whether it is a fact that one of the present Directors of the paper manufacturers supplying this paper is Colonel Sir George Willis, the late Master of Security Printing, India?

The Honourable Sir James Grigg: (a) About eleven lakhs of rupees.

(b) In India, except paper for bank notes which is obtained from England, being unobtainable in India.

(c) There are several contracts for various kinds of paper. The last contract was placed on the 19th January, 1938.

(d) Tenders were invited for all kinds of paper bought in India. No tenders are invited for bank note paper which has to be of the highest quality and is purchased direct from the firm which supplies the Bank of England.

(e) Yes.

Mr. Manu Subedar: What was the quality and quantity of paper which is not made in India, which was purchased?

The Honourable Sir James Grigg: The Honourable Member had better put down a question about that. I will get the information.

Mr. K. Santhanam: With reference to the answer to part (e) of the question, are Government satisfied that proper arrangements...

The Honourable Sir James Grigg: I am very sorry. I cannot hear a word of what the Honourable Member asks.

Mr. K. Santhanam: With reference to the Honourable Member's answer to part (e) of the question, do the Government consider it a desirable state of things that a late Master of the Security Printing Press should also be one of the present directors of the contractors?

The Honourable Sir James Grigg: The question of the activities after retirement of ex-Government servants is a very large one, on which it may be possible to say a good deal, but not in reply to a supplementary question.

Mr. President (The Honourable Sir Abdur Rahim): Sardar Mangal Singh. Question No. 630.

Sardar Mangal Singh: There are certain questions in my name. I wish to leave out the first two and ask the others.

Mr. President (The Honourable Sir Abdur Rahim): The difficulty is this. When an Honourable Member puts down more than five questions for oral answer, then he takes the risk. The Honourable Members of Government who have got to reply must naturally take the first five questions for oral answer, and the answers to the rest of the questions will be laid on the table.

Mr. Sham Lal: Sir, the rule is clear. It says:

"Provided further that not more than five questions asked by the same Member shall be called for answer on any one day."

Mr. President (The Honourable Sir Abdur Rahim): If the Honourable Member had wanted that any particular five questions should be answered orally, then he ought to have confined himself to those questions.

Mr. Sham Lal: The Honourable Member wants to make a choice.

Mr. President (The Honourable Sir Abdur Rahim): He cannot make a choice. Otherwise that would be embarrassing to the Government Members who wish to answer.

Mr. Mohan Lal Saksena: The answers are already there with them.

Mr. President (The Honourable Sir Abdur Rahim): The rule is that only five questions are to be answered orally and that must be done in the order on the agenda paper. I cannot allow the Honourable Member to make a choice. Sardar Mangal Singh.

BAZAR COMMITTEES IN CANTONMENTS.

630. ***Sardar Mangal Singh:** Will the Defence Secretary please state:

- (a) the names of those Cantonment Boards where Bazar Committees have been constituted; and
- (b) the extent of powers delegated to the Bazar Committees?

Mr. C. M. G. Ogilvie: I lay on the table a statement containing the required information.

(b) The delegation of powers is entirely at the discretion of the whole board as a whole and varies in different Cantonments.

Cantonments where Bazar Committees have been constituted.

Ferozepore.	Cawnpore.
Jullundur.	Dinapore.
Lahore.	Fyzabad.
Multan.	Jhansi.
Rawalpindi.	Lansdowne.
Sialkot.	Ranikhet.
Hyderabad (Sind).	Belgaum.
Allahabad.	Deolali.
Bareilly.	Jubbulpore.
Benares.	Kamptee.
Barrackpore.	Nasirabad.
	Pachmarhi.
	Saugor.

RESOLUTIONS OF THE BAZAR COMMITTEE VETOED BY THE LAHORE
CANTONMENT BOARD.

631. ***Sardar Mangal Singh:** Will the Defence Secretary please state:

(a) in how many cases the resolutions of the Lahore Cantonment Bazar Committee have been vetoed by the Cantonment Board; and

(b) whether any powers have been delegated to the Chairman of the Lahore Civil Area Bazar Committee to discharge his duties and, if so, what those powers are?

Mr. C. M. G. Ogilvie: (a) and (b). None. Powers are delegated to the Committee and not to the Chairman.

CANTONMENTS WITH COMPULSORY PRIMARY EDUCATION.

632. ***Sardar Mangal Singh:** Will the Defence Secretary please state:

(a) the names of those Cantonment Boards where compulsory primary education has been introduced; and

(b) the amount of grants given by the military authorities for such education?

Mr. C. M. G. Ogilvie: (a) and (b). I am collecting the information and will lay it on the table in due course.

UNDERTAKING OF HOUSING SCHEMES FOR THE POOR BY CANTONMENT
BOARDS.

633. ***Sardar Mangal Singh:** Will the Defence Secretary please state:

(a) by which Cantonment Boards the housing schemes for the poor have been undertaken; and

(b) whether Government intend to issue instructions to the Cantonment Boards to undertake housing schemes for the poor section?

Mr. C. M. G. Ogilvie: (a) Government have no information.

(b) No. The undertaking of such schemes is a matter for the consideration of individual Boards and must be dependent in any case upon the availability of funds.

Prof. N. G. Ranga: Will Government call for that information?

Mr. C. M. G. Ogilvie: To collect the information would mean writing to every cantonment. If it is desired it can be done.

Prof. N. G. Ranga: Yes.

RELIEF OF AGRICULTURAL INDEBTEDNESS.

634. ***Sardar Mangal Singh:** Will the Honourable the Finance Member please state:

(a) whether Government have considered the statutory report of the Reserve Bank of India on agricultural credit;

(b) whether the Bank will undertake any effective scheme for the relief of agricultural indebtedness;

- (c) whether Government contemplate any legislation for the relief of agricultural indebtedness, at least in the centrally administered areas; and
- (d) whether Government have examined or propose to examine the working of the Bhavnagar scheme for the relief of agricultural indebtedness in Bhavnagar State?

The Honourable Sir James Grigg: (a) Yes.

(b) Measures for the relief of agricultural indebtedness are the responsibility of the Provincial Governments. The Reserve Bank is always willing to place its knowledge and experience at their disposal, and to give technical advice if it is consulted.

(c) As I have already indicated, such legislation is in the Provincial field. As regards centrally administered areas, the Punjab Relief of Indebtedness Act, 1934, has been extended to the Province of Delhi.

(d) I have no doubt that any features of special value in this or any other scheme will be studied by the Agricultural Credit Department of the Reserve Bank, the benefit of whose advice is available to the various Governments.

Prof. N. G. Ranga: With reference to the answer to part (a) of the question, may I know whether the Reserve Bank of India is going to publish these reports as an annual feature?

The Honourable Sir James Grigg: It is a single report. The statutory obligation is to provide a single report. I am not sure that they will publish annual reports.

Prof. N. G. Ranga: In view of the fact that the Bank itself in that report has stated that it does not propose to make this as its final report but that it contemplates publishing further reports, will Government consider the advisability of asking the Bank to publish the reports as an annual feature?

The Honourable Sir James Grigg: What I will undertake to do is that the reports which the Government receive from the Bank on this subject will be published, but they do not obviously contemplate annual reports.

Prof. N. G. Ranga: May I know whether the Reserve Bank of India has made any recommendation to the Government of India to take steps in pursuance of its report?

The Honourable Sir James Grigg: The Honourable Member can find that for himself if he will read the report.

Mr. Manu Subedar: Will the Honourable Member tell this House whether Government propose to publish a Resolution or a Press Note on the subject, giving the views of Government on the report?

The Honourable Sir James Grigg: No, Sir. If the Honourable Member had been listening to the subsequent parts of my answer, he would have seen that the action referred to in the report lies practically entirely in the provincial sphere.

Mr. Mohan Lal Saksena: What steps have been taken to give relief to the agriculturist debtors in Ajmer-Merwara?

The Honourable Sir James Grigg: None yet.

Sardar Mangal Singh: May I know whether it is the policy of the Government of India to help the Provincial Governments in carrying out debt legislation?

The Honourable Sir James Grigg: I thought the Honourable Member would be delighted that in this matter the Provincial Governments are free from all restraint and have got freedom to manage their own affairs.

Sardar Mangal Singh: May I know whether the Governor General in Council would give their consent to the Madras Debt Bill?

The Honourable Sir James Grigg: That does not arise out of this. Anyhow, it is matter for the Governor General and not for the Government of India.

Prof. N. G. Ranga: May I know if the Government of India propose to establish Land Mortgage Banks in centrally administered areas to relieve this burden of indebtedness.

The Honourable Sir James Grigg: I should have notice of that. It does not arise.

Prof. N. G. Ranga: It does arise out of part (c).

The Honourable Sir James Grigg: I have already answered that.

Mr. Bhulabhai J. Desai: Before the next question is called, I should like to raise a point of order and ask for your definite ruling on the point. Among the new rules which have been made for the answering of questions, I find the following sub-rule: I will leave the first part which is merely a matter of introduction:

"Provided that unless the President, with the consent of the Member of the Government to whose department the question relates, otherwise directs, no question shall be placed on the list of question for answer until five clear days have expired from the time when notice of the admission of such question by the President has been given by the Secretary to the Member to whom it is addressed."

Sub-head 2 provides for the admission of questions, so that so far as the printed questions are concerned, the very fact that they appear is conclusive of the fact that they have been admitted. Then we come to sub-head 3:

"Provided further that not more than five questions asked by the same Member shall be called for answer on any one day."

The submission that we, on this side of the House, want to make is that there is nothing to show that the five that stand first in order alone must be chosen for the purposes of the answer.

Mr. President (The Honourable Sir Abdur Rahim): Will the Honourable Member read paragraph No. 38?

Mr. Bhulabhai J. Desai: That rule reads:

"Questions, which have not been disallowed, shall be entered in the list of questions for the day and shall be called, if the time made available for questions permits, in the order in which they stand in the list before any other business is entered upon at the meeting."

What I am submitting to you is that there cannot be any question of embarrassment for the simple reason that the questions having been admitted and printed, presumably if not conclusively, the answers are ready. Sub-head 3 merely says that not more than five questions asked by the same Member shall be called for answer on any particular day. I submit there would be no purpose in merely selecting the first five, irrespective of their materiality and importance. I can understand a rule to this effect that not more than five questions shall be printed at all or admitted. That is an intelligible process of exclusion but having allowed the questions, having allowed them to be printed and, therefore, presumably having the answers ready for them, if a Member says that he would put a particular set of five questions out of those printed, I submit he ought to be allowed to select.

Mr. President (The Honourable Sir Abdur Rahim): As a matter of fact, I have considered this matter and there can be no doubt that the object of the rules is to give notice to the Members of Government as to which are the questions which he is expected to answer orally. The number of questions that are allotted to a particular Member are allotted with a view to see that no particular Member puts down more than a certain number of questions for oral answer. It is perfectly true that the rule does not say that the questions will be called in the order while it does not explicitly say that the Member is bound to put the question which is called in a particular order. But, then, I have to consider what is the object of the rule and how it tends to the convenience of both sides of the House, that is to say, Members putting the questions and the Members answering the questions. Now, suppose an Honourable Member, in spite of the fact that only five questions to be answered orally are allowed to him, puts down 20 questions, the Members of the Government will have to prepare themselves in order to answer all the questions orally including the supplementaries that may be put with reference to those questions, although they can be called upon only to answer five questions orally. Further, it has always been the practice that questions ought to be called in the order in which they are put down and the Member who has put down those questions has got to ask them in that order. This is also the Parliamentary practice. I find the following words on page 239 of May's Parliamentary Practice:

"A Member cannot withdraw an earlier question in order to ask the fourth standing in his name."

I have, undoubtedly, also to consider the convenience of the Members asking the questions. I fail to see, however, that they are put to any inconvenience if they are called upon to make up their minds when giving notice as to which are the questions which they have put down to which they want an oral answer and with reference to which they want to ask supplementary questions. It also certainly is to the convenience of the Government Members that they should know beforehand which are the questions which they are expected to answer orally.

PROVINCIALISATION OF CERTAIN ALL-INDIA SERVICES.

†635. ***Sardar Mangal Singh**: Will the Honourable the Home Member please state:

- (a) whether Government have received a copy of the resolution passed by the United Provinces Legislative Assembly regarding the provincialisation of Indian Civil Service, Indian Police Service and Indian Medical Service in that Province;
- (b) whether Government have forwarded this resolution to the Secretary of State for India;
- (c) whether they have made any comments thereon and if so, what their general nature is; and
- (d) whether Government have received a similar resolution from any other Provincial Government?

The Honourable Sir Henry Craik: (a) and (d). No.

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

PROHIBITION OF AERIAL BOMBING ON CIVIL POPULATION.

†636. ***Sardar Mangal Singh**: Will the Defence Secretary please state:

- (a) whether the attention of Government has been drawn to the resolution which has recently been passed by the House of Commons regarding the prohibition of aerial bombing of civil populations; and
- (b) whether Government of India have issued, or propose to issue, instructions to all the Army Commands in India to refrain in future from aerial bombing of the civil population and particularly the tribal territories?

Mr. C. M. G. Ogilvie: (a) Yes.

(b) There is no necessity for issuing any such instructions.

PROHIBITION OF THE EXPORT OF JAGGERY TO CEYLON.

637. ***Mr. T. S. Avinashilingam Chettiar**: Will the Honourable the Finance Member state:

- (a) whether exports of jaggery to Ceylon have been stopped by customs authorities as being prohibited by the Finance Department (Central Revenues) Notification No. 1, dated the 1st January, 1938, and whether exporters have referred the matter to Government;
- (b) to sugar of what polarisation Government refer when they prohibit export under the notification; and
- (c) whether jaggery is considered sugar or molasses for the purposes of the notification?

Mr. A. H. Lloyd: (a) Yes.

(b) The orders prohibiting the export of sugar refer simply to "sugar in all its commercial forms" without reference to the degree of polarisation.

†Answer to this question laid on the table, the questioner having exhausted his quota.

(c) Government have since instructed Customs Authorities in India that, for the purposes of the Notification, they should treat cane and palmyra jaggery as final molasses.

Mr. T. S. Avinashilingam Chettiar: May I ask if the Government have received any representations from the exporters about palmyra candy?

Mr. A. H. Lloyd: Yes, Sir.

Mr. T. S. Avinashilingam Chettiar: May I know when the Government expect to come to a decision over this matter?

Mr. A. H. Lloyd: Within the next few days.

POLITICAL PRISONERS IN THE CENTRALLY ADMINISTERED AREAS.

638. ***Mr. Mohan Lal Saksena:** (a) Will the Honourable the Home Member be pleased to state the total number of political prisoners in the centrally administered areas on the 1st February, 1938?

(b) How many of them have been repatriated from the Andamans? What are their names and the total and unexpired period of their respective sentences?

(c) Have Government considered the advisability of releasing them forthwith?

The Honourable Sir Henry Craik: (a) I am making enquiries and will lay a reply on the table of the House in due course.

(b) I lay a statement on the table of the House.

(c) No.

Prisoners Repatriated from the Andamans, convicted for 'Political' Offences by Courts within Centrally Administered Areas.

Name.	Date of conviction.	Provisions of law under which convicted.	Sentence.
<i>Delhi.</i>			
B. K. Dutt . . .	12-6-1929	307, I. P. C. Section 3, Explosive Substances Act, 1908.	Transportation for life.
Dhanwantri . . .	28-4-1933	307, I. P. C. 19 (f) of Indian Arms Act, 1878.	7 years' Rigorous Imprisonment under section 307, I. P. C. 3 years' under the Arms Act. Sentences to run concurrently.
Harabandhu Samajdar.	26-1-1933	394, 120-B and 109, I. P. C.	5 years' Rigorous Imprisonment.
	13-2-1933	19 (f) of Indian Arms Act, 1878.	3 years' Rigorous Imprisonment.
<i>Ajmer-Merwara.</i>			
Ram Singh . . .	27-11-1935	307, I. P. C.	7 years' Rigorous Imprisonment.

SUPPLY OF GHEE FOR INDIAN TROOPS.

639. ***Mr. Badri Dutt Pande:** (a) Will the Defence Secretary be pleased to state the average annual requirement of *ghee* for Indian troops and the total amount spent on it?

(b) What is the mode of arrangement for its purchase, whether it is by contract or by an agency system on commission basis, or by a State monopoly?

(c) If so, what is the date of its commencement, what are the terms and conditions and the name of the party holding the monopoly of this business from beginning to date?

(d) Were tenders called for? If so, when?

Mr. C. M. G. Ogilvie: With your permission, Sir, I will answer questions Nos. 639, 640, 641 and 642 together.

I am collecting the information and will lay it on the table in due course.

Mr. Badri Dutt Pande: In view of the fact that I have given notice of many questions on this subject, I want to know how long the process of collecting information will take?

Mr. C. M. G. Ogilvie: It depends upon the type of the question, the amount of research which has to be gone through and, in this case, the fact that the authority concerned is in Simla.

Mr. T. S. Avinashilingam Chettiar: May I ask whether the Government have received representations that in this matter there is much corruption?

Mr. C. M. G. Ogilvie: Representations have been received, have been most carefully examined and have been found to be entirely false.

Mr. Badri Dutt Pande: Is it the intention of the Government to prosecute the man who has given false information?

Mr. C. M. G. Ogilvie: It is not a matter for the Government whether the person complained against chooses to sue the person who has made complaints against him.

Mr. T. S. Avinashilingam Chettiar: Have Government come to the conclusion that the present method of purchasing *ghee* is the cheapest also?

Mr. C. M. G. Ogilvie: I imagine that that is the case, but until I have gone through the extremely involved mass of correspondence and material on the subject, I am not prepared to say that.

Mr. Badri Dutt Pande: Are the authorities afraid of serious disclosures regarding illegal drawings of Government money, fraud and forgery that they are not prosecuting the persons concerned in this matter?

Mr. C. M. G. Ogilvie: Certain allegations were made, were inquired into and were found to be entirely unsubstantial.

Mr. Badri Dutt Pande: Has the Honourable Member received printed copies of these notices which have been circulated to the Members of this Assembly?

Mr. C. M. G. Ogilvie: No.

Prof. N. G. Ranga: May I ask who has conducted that inquiry?

Mr. C. M. G. Ogilvie: As far as I can remember, inquiries have been going on into allegations of this kind from time to time for years.

Mr. Manu Subedar: Are any purchases made by the Master General of Supplies?

Mr. C. M. G. Ogilvie: They are made by the Director of Contracts.

Prof. N. G. Ranga: Has the Honourable Member ever looked into these complaints?

Mr. C. M. G. Ogilvie: Yes.

Mr. Manu Subedar: Has the Director of Contracts the same set of rules governing his purchases as govern the purchases of the Indian Stores Department?

Mr. C. M. G. Ogilvie: The rules govern all purchases by all authorities.

Mr. Badri Dutt Pande: Is it a fact that the Government are losing between two and three lakhs of rupees every year on this bargain?

Mr. C. M. G. Ogilvie: I should say most certainly not.

COMPLAINTS AGAINST AGENTS SUPPLYING *GHEE* TO THE ARMY.

+640. ***Mr. Badri Dutt Pande:** (a) Will the Defence Secretary be pleased to state whether he has ever examined the credentials of the *ghee* agents with a view to ascertaining the actual expenses incurred by them under various heads allowed?

(b) Is it a fact that the rates and amounts allowed to them are much higher than the actual payments made by the *ghee* agents?

(c) Have Government ever utilised the option of paying actual expenses in accordance with the terms of the agreement?

COMPLAINTS AGAINST AGENTS SUPPLYING *GHEE* TO THE ARMY.

+641. ***Mr. Badri Dutt Pande:** Does the Defence Secretary know that in the Offices of the Director of Contracts, Quartermaster General, Secretary, Defence Department and His Excellency the Commander-in-Chief in India, a series of complaints addressed either in their names or official designations, have been sent in 1937 regarding the *mala fide* activities of the *ghee* agents, pointing out that Government have suffered heavy losses, amounting to several lacs of rupees, during the last several years? If so, have Government made any enquiries into the affair? If not, why not?

*For answer to this question, see answer to question No. 639

COMPLAINTS AGAINST AGENTS SUPPLYING *GHEE* TO THE ARMY.

+642. ***Mr. Badri Dutt Pande:** (a) Does the Defence Secretary know that an instance has been reported to the Director of Contracts in which the *ghee* agents have credited about a thousand rupees less than the actual sale proceeds, and a wrong sale invoice in a fictitious name has been submitted in support thereof?

(b) If so, what action has been taken in the matter? If none, why not?

(c) Has an instance of the re-supply of rejected *ghee* to Government been brought to the notice of the authorities? If so, has the matter been investigated?

EXPENDITURE ON THE OPENING OF THE FEDERAL COURT.

643. ***Mr. Sri Prakasa:** Will the Honourable the Home Member state:

(a) the amount of expenditure incurred on the occasion of the opening of the Federal Court;

(b) the head under which this expenditure was debited; and

(c) if the ceremonies were performed after consultation with, and with the consent of the Government of India?

The Honourable Sir Henry Craik: (a) The amount of expenditure incurred on the inaugural sitting of the Federal Court was one rupee and two annas besides the cost of printing about 400 cards of admission from the Government of India Press.

(b) The expenditure was debited to No. 26—Administration of Justice—Contingencies.

(c) No.

Mr. Mohan Lal Saksena: Am I to understand that no invitations were issued for this function?

The Honourable Sir Henry Craik: The second part of the answer was drowned in laughter otherwise the Honourable Member would have heard that I said that besides Rs. 1-2-0 there was the cost of printing 400 cards of invitation.

Sir Cowasji Jehangir: For what function?

The Honourable Sir Henry Craik: To the function to which this question refers.

Mr. N. M. Joshi: May I ask on what object this Rs. 1-2-0 was spent?

The Honourable Sir Henry Craik: I do not know.

Sir Cowasji Jehangir: May I ask the Honourable Member whether the Honourable Member who has asked this question was invited to Lunch on that occasion?

Mr. President (The Honourable Sir Abdur Rahim): Next question. I cannot allow the time of the House to be wasted like this. The Honourable Member has got the information he wanted.

Mr. Sri Prakasa: May I know whether this Rs. 1-2-0 includes the cost of the postage used for the invitation cards?

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has got his answer.

Seth Haji Sir Abdoola Haroon: May I know whether the expenses of the many Advocates-General from the Provinces who attended this function were paid by the Central Government or the Provincial Governments concerned?

The Honourable Sir Henry Craik: I must have notice of that question.

Mr. T. S. Avinashilingam Chettiar: Sir, we have not heard a word of what the Honourable Member has said.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member is apparently so excited that he cannot hear the answer.

Mr. T. S. Avinashilingam Chettiar: I must say, Sir, that the excitement has nothing to do with my hearing. I did not hear a word of what the Honourable the Home Member said.

Mr. President (The Honourable Sir Abdur Rahim): I heard him all right.

Mr. T. S. Avinashilingam Chettiar: It does not mean our hearing, Sir.

Mr. President (The Honourable Sir Abdur Rahim): Will the Honourable the Home Member repeat his last answer then?

The Honourable Sir Henry Craik: I said I must have notice.

Mr. T. S. Avinashilingam Chettiar: Thank you, Sir.

MONTHLY EXPENDITURE ON AND WORK DONE BY THE FEDERAL COURT.

644. ***Mr. Sri Prakasa:** Will the Honourable the Home Member state:

- (a) the monthly expenditure incurred on the Federal Court; and
- (b) the amount of work that is being done at the present moment by the said Court?

The Honourable Sir Henry Craik: (a) Rs. 22,250 roughly.

(b) I would refer the Honourable Member to my answer to parts (a) and (b) of starred question No. 538 asked by Mr. M. Ananthasayanam Ayyangar on the 1st March, 1938.

Mr. Mohan Lal Saksena: Is it not a fact that there will be no work for the next two years?

The Honourable Sir Henry Craik: I should think that is extremely unlikely.

Mr. K. Ahmed: In view of the fact that the Honourable the Home Member has admitted that it costs, monthly, Rs. 22,250, does that expense include the fee of the retainer—probably monthly—because I find from the Budget papers that Rs. 30,000 per year is to be paid to the Advocate General of India? Does that include it or not?

The Honourable Sir Nripendra Sircar: Sir, I did answer that question. It is not included, and the Advocate General of India has got to be paid even if the Federal Court is abolished,—just as the Government of India used to pay the Advocate General, Bengal, this amount, although there was no Federal Court. His duties are multifarious and not confined to the Federal Court.

Mr. K. Ahmed: In view of the fact that the learned Law Member is determined not to answer the question straight. . . .

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member must withdraw that expression. The Honourable the Law Member has answered the question.

Mr. K. Ahmed: Sir, I am within the four corners of my right under the Rules and Standing Orders which govern you as well as any Member of this Assembly and I pray that you will kindly allow me to put my supplementary questions as one hour is allotted for putting questions. . .

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member had better put his question. What is the question?

Mr. K. Ahmed: In view of the fact that my friend, the Law Member, has not answered the question straight. . . .

(Cries of "Order, order".)

The Honourable Sir Nripendra Sircar: The first question was whether this was included and a categorical answer was given that it was not included. Sir, I protest against the remark of my Honourable friend and I submit that it was wholly unjustified.

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

Mr. K. Ahmed: I want to ask how it cannot be allowed, Sir. . . .

Mr. President (The Honourable Sir Abdur Rahim): Order, order. I must ask the Honourable Member to resume his seat. I disallow the question.

Mr. K. Ahmed: Then what is the use of Standing Orders, under which supplementary questions arising out of the answers can be put?

Mr. President (The Honourable Sir Abdur Rahim): Order, order. I may have to exercise the authority of the Chair to see that the Honourable Member does not create a disturbance like this.

**APPOINTMENT OF MUSLIMS AS CASHIERS AND ASSISTANT CASHIERS IN THE
GOVERNMENT OF INDIA DEPARTMENTS.**

†645. ***Maulvi Muhammad Abdul Ghani:** (a) Will the Honourable the Home Member be pleased to state:

- (i) the number of Cashiers in the Departments of the Government of India;
- (ii) the number and percentage of Muslims therein; and
- (iii) the number of Assistant Cashiers in the Departments of the Government of India?

(b) Are Government prepared to consider the desirability of appointing suitable Muslims as and when the posts of Cashiers and Assistant Cashiers fall vacant?

The Honourable Sir Henry Craik: (a) (i) Thirteen.

(ii) There are no Cashiers who are Muslims

(iii) Six. One of these is a Muslim.

(b) There is no restriction on the selection of Muslims for the post of Cashier but the matter is essentially one for the Heads of Departments concerned who are, and must continue to be, free to select persons whom they consider to be best fitted for the post.

ASSISTANT SECRETARIES TO THE GOVERNMENT OF INDIA ON EXTENSION.

†646. ***Maulvi Muhammad Abdul Ghani:** Will the Honourable the Home Member be pleased to state:

- (a) the number of Assistant Secretaries to the Government of India who are holding the posts on extension of service, the Department to which they belong and the total service rendered by each of them; and
- (b) whether Government have under consideration and contemplate considering the question of granting any of them any further extension? If so, what are the reasons warranting such a course of action?

The Honourable Sir Henry Craik: (a) One in the Education, Health and Lands Department with a service of 36 years and 10 months.

(b) No.

NOMINATIONS OF MUSLIMS TO THE INDIAN CIVIL SERVICE.

†647. ***Maulvi Muhammad Abdul Ghani:** (a) Will the Honourable the Home Member please state whether, when nominations are made on the result of a competitive examination, is it not implied that the nominations should be made from among the candidates of a particular community who are successful in the examination in the order of merit, provided they are physically fit? If not, what is the point in holding an examination and making nominations on the basis of an examination?

(b) Is it a fact that last year there were Muslim candidates who had obtained the 4th, 5th, 6th and 8th places among the Muslims at the

Indian Civil Service Competitive examination but who were not nominated and that their claims were superseded by others who had obtained only the 10th, 20th and 35th places among the Muslims, and if so, what was the reason for this change of procedure?

(c) What value is attached to the *viva voce* in the Indian Civil Service examination? Does it count simply as one test on a par with the other written tests? What is the position regarding this in the London examination, and in the Delhi examination respectively? Is the procedure the same in both cases or different in London and Delhi; and if different, to what extent and why?

(d) Is it a fact that till now there was no minimum for the *viva voce* in the open competition? If so, was there any such arbitrary limit imposed in the closed competitions for Muslim candidates?

(e) Was any announcement as to any such limit, made in advance? If not, why not?

(f) Is it a fact that seats reserved for nomination are announced every year only along with the announcement of the Delhi examination and not with that of the London examination?

The Honourable Sir Henry Craik: (a) Nomination to the Indian Civil Service is an act of selection, upon the advice of the Federal Public Service Commission, of qualified persons who appear most fitted for appointment to the Service. This selection is made primarily from persons who have sat for the examination, and the results of the examination form a basis for assessing the relative merits of candidates. It is, however, inherent in a power of selection that its exercise should not be limited by the strict order of marks obtained in the examination, and for this reason the Rules do not require such order to be observed.

(b) Persons obtaining the 4th, 5th, 6th and 8th place in the examination among Muslims were passed over for the reasons which I have indicated. There was no change in procedure.

(c) The *viva voce* test is one of several tests for the Indian Civil Service Examination and has no special importance in respect of the competitive examination either in Delhi or London.

(d) Both in Delhi and London candidates must obtain such a mark in the *viva voce* test and such an aggregate of marks in the written tests as to satisfy the Federal Public Service Commission or the Civil Service Commissioners as the case may be. No minimum mark has been prescribed.

(e) Does not arise.

(f) Yes.

NOMINATIONS TO THE INDIAN CIVIL SERVICE.

+648. ***Maulvi Muhammad Abdul Ghani:** (a) Will the Honourable the Home Member please state whether nominations to the Indian Civil Service are made in India, based on the results of the examination held in Delhi only or on the combined results of both the Delhi and London examinations?

(b) What has been the practice in this respect since the institution of the Indian Civil Service examination in India?

(c) Is it a fact that last year one Muslim candidate who had not sat for the Delhi examination but only for the London examination was included in the list of nominations from India?

(d) If so, what was the justification for his inclusion in the Indian list, superseding the claims of those who had competed in the Delhi examination?

The Honourable Sir Henry Craik: (a), (b) and (d). The Federal Public Service Commission are required by rule 8 of the Indian Civil Service (Nomination) Rules to make their recommendations primarily from the list of candidates who have sat at the competitive examination held in India in the year in which selection is made, but are permitted to include among the persons to be primarily considered any candidate who has sat at the competitive examination held in London in the year preceding the year in which the selection is made and who, in their opinion, is exceptionally suitable. This rule has been in force since the Nomination Rules themselves were made.

(c) Yes.

ELECTION OF A MEMBER TO THE COUNCIL OF THE INDIAN INSTITUTE OF SCIENCE, BANGALORE.

Mr. President (The Honourable Sir Abdur Rahim): I have to inform the Assembly that Dr. P. N. Banerjea has been elected to represent the Assembly on the Council of the Indian Institute of Science, Bangalore.

THE CHILD MARRIAGE RESTRAINT (AMENDMENT) BILL.

APPOINTMENT OF CERTAIN MEMBERS TO THE SELECT COMMITTEE.

Mr. President (The Honourable Sir Abdur Rahim): Legislative business.

Mr. B. Das (Orissa Division: Non-Muhammadan): Sir, I beg to move:

"That Mr. E. Conran-Smith be re-appointed to the Select Committee on the Bill to amend the Child Marriage Restraint Act, 1929, and that Mr. P. A. Menon be appointed to that Committee in place of Mr. J. A. Thorne, who has ceased to be a Member of the Assembly."

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

"That Mr. E. Conran-Smith be re-appointed to the Select Committee on the Bill to amend the Child Marriage Restraint Act, 1929, and that Mr. P. A. Menon be appointed to that Committee in place of Mr. J. A. Thorne, who has ceased to be a Member of the Assembly."

The motion was adopted.

THE WORKMEN'S COMPENSATION (AMENDMENT) BILL.

Mr. A. G. Clow (Labour Secretary): Sir, since last night I have had some discussion with Honourable Members opposite on the amendment* before the House, as a result of which I understand that it is proposed to withdraw it and to move certain alternative amendments.

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

Mr. K. Santhanam: (Tanjore *cum* Trichinopoly: Non-Muhammadan): Sir, I ask for leave to withdraw the amendment* which I moved yesterday.

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

Mr. K. Santhanam: Sir, I move:

"That for clause. (a) of clause 9 of the Bill the following be substituted, namely :

'(a) for the words 'by any party to any proceedings pending before him that such matter' the words 'that any matter arising out of any proceedings pending before him' shall be substituted'."

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

"That for clause (a) of clause 9 of the Bill the following be substituted, namely :

'(a) for the words 'by any party to any proceedings pending before him that such matter' the words 'that any matter arising out of any proceedings pending before him' shall be substituted'."

The motion was adopted.

Mr. M. Ananthasayanam Ayyangar (Madras ceded Districts and Chittoor: Non-Muhammadan Rural): Sir, I beg to move:

"That in sub-clause (b) of clause 9 of the Bill, for the word 'appears' the words 'has appeared' be substituted, and for the words 'any such order of transfer' the words 'any order of transfer relating to the distribution among dependants of a lump sum' be substituted."

Sir, it is only with respect to the distribution of a lump sum or when ready payment is sought to be made to a workman that transfers are effected under the earlier portion of this section. With respect to payments to workmen it is not necessary that any party should be heard after the Commissioner comes to know the facts. It is only where a lump sum is to be distributed amongst various persons that conflicting interests appear, in which case they must at least have an opportunity to be heard and they must have notice, and this amendment carries out that intention.

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

"That in sub-clause (b) of clause 9 of the Bill, for the word 'appears' the words 'has appeared' be substituted, and for the words 'any such order of transfer' the words 'any order of transfer relating to the distribution among dependants of a lump sum' be substituted."

Mr. A. G. Clow: Sir, this amendment, I think, meets in a reasonable manner the objection urged by my Honourable friend, Mr. Santhanam, to the original wording last evening and it also covers the point that was raised by Mr. Ayyangar in his speech yesterday evening. I accept the amendment.

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

"That in sub-clause (b) of clause 9 of the Bill, for the word 'appears' the words 'has appeared' be substituted, and for the words 'any such order of transfer' the words 'any order of transfer relating to the distribution among dependants of a lump sum' be substituted."

The motion was adopted.

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

Mr. President (The Honourable Sir Abdur Rahim): The question is: "That clause 9, as amended, stand part of the Bill."

The motion was adopted.

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

Clause 10 was added to the Bill.

Mr. President (The Honourable Sir Abdur Rahim): Clause 11.

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

"That in sub-clause (a) of clause 11 of the Bill after the words 'in clause (i)' the words 'the words "otherwise than in a clerical capacity or" shall be omitted and' be inserted."

The meaning of this amendment will be quite clear if it is read along with the original section. In Schedule II, item 1, "employed otherwise than in a clerical capacity or" all that goes. The words "employed on a railway in connection with operation and maintenance and"—these words will have to be taken in. This only means this: that I want this Act to be extended to clerks also who may be employed on a railway or on any of these vehicles which may be propelled either by mechanical power or by electricity. My reason for moving this is this. There are several of these district traffic superintendents among railway officials and when they go on tour and when they are travelling on trains on official duty, these clerks are taken to assist them. If any accident takes place on the railway, then under this Act there is to be no protection at all for those clerks. I can understand this Act not being made applicable to officers because they draw high salaries; there is the provident fund, there is the pension and all other benefits for them. In the case of these low paid clerks, there is no such special benefit available and if any accident takes place while they are in the process of carrying out their duties as camp clerks or assistants to the officers who have to discharge their duties while touring on trains, no protection is offered by this Act to them. Therefore, I want these words "otherwise than in a clerical capacity or" be omitted.

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

"That in sub-clause (a) of clause 11 of the Bill after the words 'in clause (i)' the words 'the words "otherwise than in a clerical capacity or" shall be omitted and' be inserted."

Mr. A. G. Chow: I am afraid my Honourable friend has completely misunderstood the original clause and the result of his amendment would be to 'throw away the baby with bath water'. The actual clause at present reads: "employed otherwise than in a clerical capacity or on a railway. . . .". In other words we exclude both those in a clerical capacity and those on railways. The clause is not designed to provide for railways at all. They are governed by an entirely different clause, clause 2 (1) (n) of the Act, and clerks are included unless they are permanently employed in certain important offices where they do not go on tour. In other words, a railway clerk travelling with an officer on tour is already included. Let us now turn to the effect of my Honourable friend's amendment. If we accept his amendment then the clause will read,

[Mr. A. G. Clow.]

"employed" not "otherwise than on a railway", but "employed on a railway in connection with the operation or maintenance of mechanically propelled vehicles". In other words, we restrict the clause to railways. We cut out precisely those classes that are intended to be covered, persons employed in taxi-cabs, in buses, in trams and we also incidentally cut out certain railway servants. So that the effect of my Honourable friend's amendment, so far from including a single person, would be to exclude the whole class of persons from the operation of the Act. Sir, I oppose the amendment.

Mr. M. Ananthasayanam Ayyangar: Sir, if the words "otherwise than" are not omitted and if they are retained, that would serve the purpose. Remove the words: "in a clerical capacity or". That is what my Honourable friend, Prof. Ranga, means. Those persons who are employed in clerical capacity in any such transport vehicles even they must get the benefit of this Act. That is the intention of my Honourable friend. Unfortunately, my Honourable friend inadvertently asked the words "otherwise than" also to be omitted. My submission is, those words "otherwise than" should be retained, in which case only the words "in a clerical capacity or" will have to be omitted. To that extent the amendment of my Honourable friend needs modification. If that is accepted, the clause would read:

"employed otherwise than on a railway in connection with the operation or maintenance of mechanically propelled vehicles."

Sir, the object is this. Take for instance a motor bus. Under the Motor Vehicles Act, it is necessary that every bus should have a conductor also. It cannot be said that a conductor takes part in propelling a machine or in operating it. He no doubt helps in getting out or in getting in passengers at various stages of the bus's halt. Without the conductor it is an offence to run a motor bus on any road or ply it for hire. Under those circumstances if he meets with an accident what is the reason for cutting out that man from the benefits which a workman undergoing an accident or to whom an accident befalls will have under this Act. It is reasonable to expect that he should also come within the purview of the benefits of the Act.

Mr. A. G. Clow: Sir, I rise to a point of order. My Honourable friend seems to be discussing an amendment different from the one before the House.

Mr. President (The Honourable Sir Abdur Rahim): As objection has been taken, I cannot allow a different amendment to be discussed.

Prof. N. G. Ranga: I ask for permission to amend my amendment by deleting the words 'otherwise than' from the amendment.

Mr. A. G. Clow: There is another amendment standing in the name of Mr. Ayyangar where this question can be discussed.

Mr. M. Ananthasayanam Ayyangar: If I may quote the analogy of the Civil Procedure Code, if by accident a clerical error creeps into an amendment given notice of by my Honourable friend, can that be taken advantage of by the other side and objection raised?

Mr. President (The Honourable Sir Abdur Rahim): If the other side objects, there must be some substantial ground for the objection. The analogy of the Civil Procedure Code does not apply.

Mr. A. G. Olow: On a point of personal explanation. I am not taking objection on the ground of a clerical error. My Honourable friend, Prof. Ranga, distinctly said that his object was to include certain railway clerks and that would not be covered if the amendment suggested by my Honourable friend, Mr. Ayyangar, were accepted. Further, both these Honourable Members have another amendment immediately after this on which we can discuss this particular question.

Mr. M. Ananthasayanam Ayyangar: But that is very restricted in scope.

Prof. N. G. Ranga: I beg leave to withdraw my amendment
The amendment was, by leave of the Assembly, withdrawn.

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

* "That in sub-clause (a) of clause 11 of the Bill, after the words 'in clause (i),' the following be inserted:

'after the words "in a clerical capacity" the words "not involving work in the vehicle while it is in motion" shall be inserted and'."

Sir, this is much narrower in scope than the one which my Honourable friend, Prof. Ranga, sought to introduce. There was no doubt, 12 Noon. a clerical error in it which you have ruled out of order. Now, I have confined the scope of this amendment only to such persons as are actually engaged in the machine while it is in motion, though not directly propelling it. Otherwise, it might be said that a person who is employed by an administration which runs a number of buses in an administrative capacity of the office might also be entitled to the benefits of this section if the amendment of Prof. Ranga is accepted subject to my modifications. This is narrower in scope. The vehicle must be actually in motion, and if a clerk sits there either to check the tickets as an inspector or to issue tickets as a conductor, both of them must be entitled to this protection, because they are working and contributing their skill and labour for the purpose of having the bus run properly according to Law. There are many other cases where similar persons who may not be actually engaged in propelling the machine may be engaged in a clerical capacity and whose presence might be necessary to check the operations. It is to benefit such persons that I introduce this amendment which is not quite as wide as the other. Therefore, I hope it will be accepted.

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

"That in sub-clause (a) of clause 11 of the Bill, after the words 'in clause (i),' the following be inserted:

'after the words "in a clerical capacity" the words "not involving work in the vehicle while it is in motion" shall be inserted and'."

Mr. A. G. Olow: Sir, I had hoped that my Honourable friend in dealing with this amendment would explain precisely who was going to be

[Mr. A. G. Clow.]

covered. Had he been dealing with railways I would have been ready to concede the point. I recognise that on railways clerks may be employed in clerical work, but I have never seen a clerk employed on clerical work in a moving bus.

Mr. M. Ananthasayanam Ayyangar: What about a conductor issuing tickets?

Mr. A. G. Clow: I am talking of a person employed in a clerical capacity. A conductor is not employed in a clerical capacity; he is engaged in the operation of the vehicle. And I saw in a recent law report, only a month or two ago, a case in Calcutta in which this question of bus conductors was raised; and, speaking from memory, not only did the Court rule that bus conductors were covered as they were employed in connection with the operation of the mechanically propelled vehicles, but one of the Honourable Judges laid stress on the fact, by way of supporting that conclusion, that the words "in a clerical capacity" were in the clause. As he pointed out, these words showed that the operation of mechanically propelled vehicles did not merely mean driving a vehicle or something of that kind. Had it meant that, there would be no need for the words "otherwise than in a clerical capacity". I suggest to my Honourable friend that really this is rather a fanciful case, that of a man doing a stenographer's work or some other work in a vehicle while he is connected with the operation of the vehicle; and I suggest that the House should reject the amendment.

Prof. N. G. Ranga: Sir, I fail to understand the objection of my Honourable friend, Mr. Clow, to this amendment. His objection seems to be based entirely on the failure of my Honourable friend, Mr. Ayyangar to quote to his satisfaction the different kinds of people who may be involved in such a capacity. Sir, I can only mention off-hand just one particular fact. In what category is he going to classify these ticket examiners in buses and in trams? Surely they are being treated only as clerks by the employers concerned.

Sir H. P. Mody (Bombay Millowners' Association: Indian Commerce): They are covered by this section because they are engaged in the operation of the bus.

Prof. N. G. Ranga: Then why do you object? There is doubt as to whether they are covered or not and we want to make it quite clear. Why do you object?

The Honourable Sir Nripendra Sircar (Law Member): Sir, I may inform my Honourable friend that the ruling which was referred to by Mr. Clow covers these cases. A man issuing tickets is not there in his clerical capacity, and that ruling covers the case which my Honourable friend is giving to the House.

Prof. N. G. Ranga: Does it cover the case of the inspector?

The Honourable Sir Nripendra Sircar: It covers the case of the man issuing tickets, examining tickets, inspecting tickets, supervising tickets and investigating tickets. They are all covered.

Prof. N. G. Ranga: May I know the ruling of the High Court?

Sir H. P. Mody: Why do you want a ruling? They are all connected with the operation of the vehicle.

Prof. N. G. Ranga: The point is whether we should depend for our guidance on that ruling only and such other rulings that may be given from time to time by the various High Courts or whether we should take advantage of this particular opportunity and make it perfectly clear that such and such people also are to be covered by this Act. When we have got this opportunity I do not see why we should let it go. And there are High Courts and High Courts; one High Court disagrees with another High Court. I do not wish to cast any reflection on their judgment but the same High Court upsets its rulings time and again. Even the President's ruling is liable to be revised by the same President. So where is the guarantee for an ordinary citizen who for the time being happens to be employed in the capacity of a ticket examiner, merely because he is shown one particular judgment of one particular High Court? So, I want this opportunity to be taken advantage of even by my Honourable friend, Mr. Clow. He himself has stated that he could have understood our position if we had asked for this protection for those clerks who may be employed on railways or trains which are in motion, because he could very well say that there are several clerks who may be employed in that capacity. But when that particular amendment came up and I wanted some further amendment to be made in it in order to suit his convenience and suit the convenience of the House and for the purpose that we have in mind, he himself took objection to that. Once that particular objection was removed, he says he could have understood that position but he cannot understand this; that because we failed in that we must lose that; and because we do not confine ourselves to the clerks employed on railways alone but extend this to all other vehicles propelled by mechanical power or electricity, he is not prepared to accept it. I do not know how he is going to say that his plea is really in the interests of the workers or that our plea is against the interests of the employers. This is a very curious kind of logic and I sincerely hope my Honourable friend, Mr. Clow, will try to revise his opinion and accept this amendment which even according to him is not going to do much harm or which according to him may not be necessary, as its object is already expected to be carried out by the clause which is already there in the Bill.

Mr. K. Santhanam: Sir, I rise to support this amendment. The argument of the Honourable Member in charge was that it was already covered by the existing provision. He mentioned the case of a bus conductor which has been covered by the Calcutta High Court ruling, but I can mention many other cases which do not come under this category. For instance, there is the clerk in a delivery van for the delivery of parcels, and we can also imagine the cases of several others who are asked to take charge of similar duties. In this way, there may be many persons who cannot be described as conductors, inspectors or such categories essentially necessary for propelling these mechanical vehicles, but who are still invariably used in connection with these vehicles. There may be many people engaged in these vehicles whose sole business is to keep accounts. Suppose you have a large number of small packets, and the

[Mr. K. Santhanam.]

clerks in charge have to render accounts, have to collect money and do ever so many other things. Now, we are told that the same ruling will cover the cases of these people also. If they say that the scope of this amendment is too wide, and that it covers people whom they do not want to be included, I can understand the opposition. The Honourable Member does not say that this is wider than what he wants it to be. He admits that this amendment is not wider and does not cover a larger number of persons than he wants to include, but, he asks why is this amendment necessary? I suggest that it is for the purpose of making the law more clear than the ruling of the Calcutta High Court and, therefore, let us amend the Act to make the position perfectly clear. At worst, this only carries out the ruling of the Calcutta High Court. It may also make matters more clear in other cases as well, and, therefore, I suggest that this amendment should be accepted. The whole point is, whether there is any objection to it. If there is no objection, then it ought to be accepted, even if only it clarifies the situation. It includes those people whom all sides of the House want to be included, and it does nothing more than what we all want. I, therefore, hope that Government will accept this amendment.

Mr. K. Ahmed (Rajshahi Division: Muhammadan Rural): Sir, I rise to take part in this discussion

Mr. President (The Honourable Sir Abdur Rahim): I think the Honourable Member should have waited till his name was called.

Mr. K. Ahmed: Thank you, Sir, I hope you will cast your eyes more freely on me in future so that we may not have to wait longer.

Now, Sir, I find an internecine war and a great warfare is going on on the floor of the Assembly between the Government on the one side and the Labour representative on the other. I also find that the nominated labour representative, Mr. N. M. Joshi, is today sitting behind the Government Member, and I do not know why. I should have liked to see here, as in the west, the labour representatives sitting together with their leader and talking things seriously.

Now, Sir, to come to the question at issue, the decisions of several Courts, the Provincial High Courts, and the Chief Court have been referred to. There will be Supreme Court and, in fact, even the Federal Court's name has been mentioned. A Judge is either a conservative or something else, with prejudices and, therefore, has no jurisdiction to express an opinion on a thing which has been picked up by Mr. Clow to support his contention.

Sir H. P. Mody: This is not a Budget debate.

Mr. K. Ahmed: I am not going to reply to the representative of the millowners. He is one out of the 103 elected Members, and I can easily afford to ignore him.

Now, Sir, I charge the Government Member

The Honourable Sir Nripendra Sircar: Do not charge me.

Mr. K. Ahmed: I charge you, because you have been taking part in this debate, and you hopelessly failed when answering a supplementary question which was put to you. Now, I charge you and I charge the Government Member, Mr. Clow, because both of you have failed to quote any authority from England where Mr. Clow had been when the Royal Commission on Labour was sitting at India House, London, touring round and collecting evidence. You have failed to quote any authority from England in support of your proposition. At the same time, I am very sorry that none of the representatives of labour,—at least they pose themselves as such, some of them are Presidents of All-India Labour Conferences,—and some of them are nominated here,—I do not know for what

Mr. President (The Honourable Sir Abdur Rahim): Order, order, the Honourable Member must really address himself to the amendment before the House.

Mr. K. Ahmed: Yes, Sir, I am doing so,—and addressing myself to the amendment before the Government, I challenge the Government Member to quote any authority from England, instead of sticking to and criticising that Judge who probably did not know that his judgments are changeable. Sir, this is a democratic Government under the Government of India Act of 1935

Mr. N. M. Joshi (Nominated Non-Official): No, no.

Mr. K. Ahmed: Yes, yes, His Excellency the Viceroy said so, the King Emperor said so, and here my friend the representative for labour does not know under what Constitution we are working, although he has been here for so many years. I am very sorry there is not going to be any more nominations in the next elections, still I hope Government will entertain my friend somehow. My friend, Mr. Joshi, will have to get through the open door and with the support of all the labour interests in this country. Therefore, I shall for the present say good bye to the nominated labour Member and resume my speech on the subject before the House.

Mr. President, to satisfy you that I am labouring under no misapprehension like my friend, Mr. Clow, or the Honourable the Law Member or that I am not speaking without any authority like my friend, Prof. Ranga, and those gentlemen who supported him, I say this,—I am directly throwing out the challenge and you may pick up the sword, charge me, and show that you are right. What is the use of asking by Mr. Clow, the Law Member for support, who has no authority to quote. The Law Member represents and interprets the law,—he has no English authority and any British Judge to support him. He says this is common sense,—why not use your common sense, and follow what the law in England, America or France says, and what is correct? It is no argument at all because one European Judge in this Country says and possibly many other Judges differ from him in different Provinces.

Mr. N. M. Joshi: Sir, I rise to support this amendment

Mr. K. Ahmed: Hear, hear, my speech is effective.

Mr. N. M. Joshi: The clerks whom we want to include will not be employed in connection with the operation and maintenance of the bus service or any other service. A bus service may have branch offices, and they would like to transfer clerks from one office to another. They would ask the clerks to travel by the bus service, and such people when on transfer will not be employed in connection with the maintenance and operation of bus service. If a clerk travels on a bus in order to go to the place where he is transferred, he is not employed in connection with the maintenance and operation of the service. He will be, however, going in a vehicle covered by this section and, he will be working in connection with a service which does transport work, and he proceeds for the sake of that industry to another place. I do not know why he should not be paid compensation. If he had not been employed by a bus company, he would have gone by railway or by a car, but having been employed by a bus company, he is asked to travel by bus, and therefore there is full justification for a clerk of that category being paid compensation if he received injury, because his travel by bus is not voluntary.

Sir H. P. Mody: Mr. President, I will not deal with the legal issue which has been raised; my Honourable friend, Mr. Kabiruddin Ahmed's illuminating exposition of the subject must be regarded as the last word on it! I have only risen to answer my Honourable friends, Prof. Ranga and Mr. Santhanam. They seem to have advanced rather a curious sort of reasoning. They have not been able to adduce a single instance of a man who is engaged or connected with the operation of a vehicle who is not protected, by the existing Act. But simply because they entertain exaggerated fears with regard to the types of people who might be left out if the section was allowed to stand as it is, they want an amendment of the Act. Now, I submit that that is really a wrong way of approaching the framing of a Statute. You do not want to load the Statute with contingencies which do not arise or which are incapable of arising. For that matter, in every single Statute you can pick out provisions which are not complete in themselves. My Honourable friend, Mr. Santhanam, gave an instance of a clerk engaged in the parcel van. He is engaged or connected with the operation of the vehicle and he is amply covered. As that objection did not hold, Mr. Joshi's ingenuity went further, and he wanted to know what would happen in the case of a clerk who was transferred from one place to another and therefore had to travel by a bus. He might as well ask for protection for a clerk going from his residence to his place of work, and who has got to travel by bus, if there is a considerable distance between his place of residence and his place of work. Is that also to be covered? The intention of the Act is plainly to protect work-people against all risks arising from their occupation. The particular types of operatives or work-people or clerks whom my Honourable friends have in view have, it is demonstrated, been covered already by the section as it stands; and because there *might* be cases, which, however, they are not able to lay their hands on, which are not covered by this bill, that is no reason certainly for cumbering the Statute with all manner of useless provisions which might almost lead to absurdities. I submit that no case has been made out for the amendment.

The Honourable Sir Nripendra Sircar: Sir, I submit to the House that we have really been quarrelling, if I may use that *unparliamentary* ex-

pression, over nothing; and if, as a matter of fact, the amendment had been simply objected to on the ground that it is unnecessary, possibly for the sake of peace we may have accepted it. But there is a further objection to it than mere want of necessity. Of course, the only serious arguments which have been advanced in the House came from my Honourable friend, Mr. Kabiruddin Ahmed, who talked so intelligently on the amendment. Sir, I will not try to emulate his example, but I would simply say that, when he was condemning nominated Members, if he is a sample of an Elected Member, let all Members be nominated. My Honourable friend, Mr. Kabiruddin Ahmed, said, he was dying for a ruling. I shall quote a ruling in the hope that he will be able to follow it

Mr. K. Ahmed: May I ask for a ruling on this point?

The Honourable Sir Nripendra Sircar: It is not a ruling of Mr. Justice Kabiruddin Ahmed: it is a ruling of Mr. Justice Costello and Mr. Justice Lethbridge, and the point which they bring out is this: I do not desire to read the whole of the ruling—I will read the first four lines of the judgment of Mr. Justice Lethbridge:

"I agree, and would only like to add that the construction of clause (1) of Schedule II which has been adopted by the learned Commissioner is reinforced by the words 'otherwise than in a clerical capacity'. If the narrower construction is adopted, namely, that that clause includes only those employed in operating the mechanical part of a vehicle, then the words 'otherwise than in a clerical capacity' would be redundant."

A previous judgment of the acting Chief Justice says:

"There remains the question of law whether the deceased who was a bus conductor was a workman within the meaning of the Act. The answer to that question depends entirely upon the interpretation which should be placed upon the terms of Schedule II of the Act, taken in conjunction with the provisions of section 2(1) of Schedule II."

I need not read the whole of it:

"Tersely stated, the proposition is this: was the deceased man employed in connection with the operation of a mechanically propelled vehicle? It has been argued on behalf of the appellant, that is to say, the employer, that the learned judge was wrong in coming to the conclusion that the terms of Schedule II (1) are sufficiently wide to cover the case of a conductor of a motor omnibus. The learned Commissioner has discussed the matter in considerable length. He starts by saying 'the whole wording of the sub-section shows that the legislature did not intend to set the narrowest limits.' It has been pointed out to us that the Workmen's Compensation Act is something in the nature of penal legislation and therefore, ought to be construed with the utmost strictness and rigidity. It is pointed out that contrary to the principle of the English Workmen's Compensation Act, certain classes of occupation are set forth in the Indian Act as being the basis for the award of compensation; whereas under the English Act the matter is the other way round and, broadly speaking, all workmen come within the Act except certain classes who are expressly excluded. In this particular case, therefore, it is not a matter of excluding some one from the operation of the Act but of bringing some one within the ambit of the Act. The learned Commissioner came to the conclusion that the bus conductor is a person employed 'in connection with'—(I am stressing that point because the view of the Judges is, if I may say so, respectfully, quite correct)—(the words 'in connection with' are very wide and not limited to the man who is actually propelling the vehicle)—"The learned Commissioner came to the conclusion that the bus conductor is a person employed in connection with the operation of a mechanically propelled vehicle. One of the matters which influenced him in coming to that conclusion was the fact that the presence of a conductor is not only desirable but is really necessary and is indeed obligatory for the purpose of the proper working of the bus."

I am taking too much of time and, therefore, I will omit two or three paragraphs—it says further on:

"It is to be observed that the expression used in Schedule II is 'employed in connection with', and that expression may be contrasted with the expression used in some other provisions in the Schedule 'employed in'. . . We agree that the expression 'in

[Sir Nripendra Sircar.]

connection with' is a very wide one. The use of the word 'operation' in the sense in which it is evidently intended to be taken for the purpose of construing the sub-section is to my mind not in accordance with ordinary literary and grammatical usage."

Now, Sir, the only illustration which was given and which could be said to be covered by the amendment and is not covered at the present moment by the law as it stands was the one example given by my friend, Mr. Joshi; and I think he gave—he will correct me if I am wrong—the case of a clerk who is employed in a branch office and he is transferred to the head office and in moving from the branch office to the head office he is using a bus. If that is the example, that is not covered by the amendment which has been moved, because the words are "after the words 'in a clerical capacity' the words 'not involving work in the vehicle while it is in motion' shall be inserted". How is it work in the vehicle? The man is going from the head office to the branch office or *vice versa*. That is the sole illustration which my Honourable friend can think of after the points from the Opposition had been met by my Honourable friend, Mr. Clow. How is that case covered? That case is not covered at all. What other case are you thinking of? All other illustrations which you have given of a man coming in to check tickets or to issue tickets or to supervise the sitting accommodation of the passengers or for distributing parcels and so on, are covered because, the widest language has been used: 'in connection with'.

Now, my point is that it is not really clarifying the situation. As I said if the amendment had been merely a useless thing, possibly it was not worthwhile wasting so much breath over it. But this is the law which has been laid down and the obvious question next time will be asked, "Why has this change been made? What is the object of this change?" It will read like this: "Employed otherwise than in a clerical capacity not involving work in the vehicle while it is in motion". Why were the words added? Were they added to make the language: "in connection with" wider or to make it narrower? Instead of clarifying the situation—the situation is clear enough,—but instead of clarifying the situation, speaking with respect, we shall probably only be making what was clear, a bit muddy by introducing this amendment. Therefore, I hope that my Honourable friend will not suspect that the Government are opposing the inclusion of somebody who ought to be included. That is not our point at all. We say that all people whom the Honourable Members who have spoken already have in mind are already included, and by making this amendment, a situation which is perfectly clear now is not further improved but the result may be the other way. I hope my Honourable friend will not press for this amendment which really does not serve any purpose.

Mr. Bhulabhai J. Desai (Bombay Northern Division: Non-Muham-madan Rural): I accept the position that, if it was making confusion of what was clear, the amendment is not needed. But may I call the attention of the Leader of the House to a plain matter of construction?

"Employed, otherwise than in a clerical capacity or on a railway, in connection with the operation or maintenance of mechanically propelled vehicles."

The way in which their Lordships of the Calcutta High Court brought in bus conductors was by saying that a bus conductor is a person employed in connection with the operation of the vehicle, but I do not see anything in that very lucid judgment when they say that notwithstanding the fact

that he was employed in connection with the operation it was otherwise than in a clerical capacity. I beg leave to doubt the whole of the reasoning of the Judges with very great deference to them. The way in which they come to the conclusion is very extraordinary. May be, they saw that it was a case in which they ought to come to the other decision which they did. But I entirely decline to accept with great deference their reasoning. I will assume for the purpose of argument that a conductor is employed in connection with the operation. But the question is not that. The question is whether he falls within the exceptions; that is to say, whether he is or is not employed in a clerical capacity, and to me, at all events, speaking with very great deference, it is very doubtful whether the judgment is right. That is to say, whether the conductor or a person who issues tickets or issues instructions, is a person who does not fall within the exception. The question is not whether he falls within the rule; that is not the dispute. If the man falls within the rule, my sympathies are entirely with the other side, but it is because of the exception that the difficulty arises, and if the exception is too wide, that is to say, a clerical capacity, must you not limit the width of that exception so as to include possibly those, though serving in a clerical capacity, but working on the vehicle itself.

The Honourable Sir Nripendra Sircar: What is meant by doing work in the vehicle?

Mr. Bhulabhai J. Desai: He is issuing tickets, issuing instructions, ringing the bell.

The Honourable Sir Nripendra Sircar: That certainly is not clerical work. Issuing tickets is not clerical work.

Mr. Bhulabhai J. Desai: The question is this. His occupation will have to be described. If he is not a mechanic, what is he? I am only trying to plead with my Honourable friend in a spirit of understanding, for what is meant to be done is not confusion, but what is meant to be done is clarification, which must be the object of every Statute. Let us not quarrel about that point. Assume for the purpose of argument, as the single sailing boat Member has stated it did, the bus conductor is included. I beg leave to doubt whether he is included for the simple reason that a person employed in connection with the operation is either a mechanic or other than a mechanic which normally is described as clerical. I cannot see any other distinction. If the distinction is that a clerk should be distinguished from a mechanic, by all means do so. Therefore, if you do employ a clerk, that is to say, other than a mechanic, on a vehicle during the course of its operation or movement, then by all means give him protection. I am not alone in that belief.

The Government of Bombay in their opinion which they have sent on this Bill feel that it is very doubtful whether conductors and such like persons, not being persons employed in connection with the operation or maintenance of mechanically propelled vehicles, are included. It is a pure matter of construction, and trying to understand the very illuminating judgment that was read, with very great deference it beats me. What is this emphasis on the words "in connection with" beats me, because I am quite willing to admit that a man is employed in connection with the operation because he is issuing tickets one of the consequences of which . . .

The Honourable Sir Nripendra Sircar: May I make a statement which may shorten matters? We have expressed our opinion and my Honourable friend has expressed his opinion. We are agreed that there is no difference in principle between us and the object we have in view is the same on both sides. Will my Honourable friend be satisfied with an assurance that, if there is any ruling of any High Court that a man like a bus conductor or working in a similar capacity is held to be a clerk, then we shall at once introduce legislation to correct it. I am prepared to do that, but at the present moment, honestly differing from my Honourable friend, I have my doubts whether it is so.

Mr. Bhulabhai J. Desai: The whole point is this. I would have gladly accepted that assurance. But need we really wait for the amendment of the section? If there is a reasonable doubt,—might I say that it is not a doubt merely for the purpose of argument. If it were so, I would not have intervened in this debate. It struck me after closely studying this that even if a bus conductor may be said to be a person employed in connection with the operation, the question is that "otherwise than in a clerical capacity" does not hit him. That is why I say I cannot understand the reasoning of that judgment at all. The whole point is this. All persons connected with the operation, less persons employed in a clerical capacity—even if they are employed in connection with the operation, but if they are employed in a clerical capacity, then they do not get the benefit of this section. Are you, therefore, going to take this risk for nothing? I agree that there is that judgment, but there is the other submission I have made. The words "not involving work in the vehicle while it is in motion" would, at least, include the two instances which have been given, namely, the inspectors and the bus conductors.

Now, take an Inspector. What is his work? Either describe him as a clerk or non-clerk or a mechanic or non-mechanic. What is the particular class to which he belongs is impossible to understand. Therefore, when it is said that every man, notwithstanding the fact this his business may be clerical or described as clerical, while he is working on a vehicle, is included, what is lost by it. There is no confusion that I can see. All you are doing is this. Take the first class, namely, employed in connection with the operations. That is the large class which includes the case of a conductor and an inspector. Exception—clerks—an exception limited by the fact that though he may be a clerk, as he is employed while the vehicle is in motion, he is not within the exception. I do beg of my friends not to treat this with a degree of lightness, because illustrations could be invented. I am not on the point of illustrations. I am on the point on which we are both agreed, namely, that people who are usually connected with this industry and are bound to be there should not be allowed to run any risk, notwithstanding the decision and this is what the Government of Bombay say:

"The Commissioner of Workmen's Compensation, Bombay, has also drawn attention to the amendment made to this clause by the Act those workers were covered who were employed 'in connection with the service of a tramway', the 1933 amendment in effect requires such workmen to be employed 'in connection with the maintenance of operation' of a tramcar. This wording might be interpreted to exclude tram conductors and inspectors from the benefit of the Act. The Governor in Council agrees that it should be made clear that tram conductors and inspectors come within the Act and in addition, bus conductors and bus inspectors, both of whom are as likely to receive injuries in the course of their employment as a driver of a bus, should be covered by the Act."

What I am pleading for is not for a person like the imaginary person referred to by Mr. Joshi, but a person who is bound to be connected with a tram service or a bus service and who, by a possible construction and not beyond reasonable doubt and not being a mechanic, would be classed as a clerk and, therefore, would not get the benefit. Let us, therefore, not rely on the judgment of the Calcutta High Court and, while the Act is before the House, take advantage of it to include the clerks who are employed in connection with the operation while the bus is in motion.

Mr. M. S. Aney (Berar: Non-Muhammadian): I have listened very carefully to the very forensic speech of my learned friend, the Leader of the Opposition, as well as the arguments advanced by the Leader of the House also. The judgment of the High Court in my opinion, lays down two things or it ought to mean two things. The first is that the job of a conductor has been definitely construed to be one in connection with the operation of the vehicle. That thing is conceded there at once. I think it also means one thing more—that the duties of a man occupying the position of a conductor are not supposed to be duties of a person working in a clerical capacity.

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

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

Mr. M. S. Aney: Sir, the discussion that took place on the amendment mainly turned upon the interpretation of the particular clause which is affected by this amendment and a reference was made to the ruling of the Calcutta High Court. I stated when we rose for lunch that that ruling was based in my opinion upon two things. In the case of a conductor at any rate it was held to be a job in connection with the operating of a mechanically-propelled vehicle, and secondly, that ruling necessarily implied that it was a job which was not of the clerical capacity excluded from the operation of this section. If these two things are established in the case of a conductor, I take it that any other job of that nature will also be construed as being covered by the clause here. I have listened to the argument of my Honourable friend, Mr. Bhulabhai Desai, and which was a very cogent one, and there is ground to think that the words "clerical capacity" may be interpreted in a different way so as to exclude the case of a job like that of a conductor or some other person of that nature. For the present at least, in my opinion, the words of the sub-clause have been widely interpreted by the Calcutta High Court and there is no other decision before us to think that that interpretation is authoritatively repudiated anywhere else. The point is this. Although there is room for a difference of opinion, today the position as defined by the law is more in favour of a wider interpretation than a narrower one. That being the case, I think that, if any change is to be made, it must be very carefully thought about. I do not know whether the words suggested will serve that purpose and whether the case mentioned can be properly covered or not. Under these circumstances, I believe we would not be losing much if we leave the clause as it is without this amendment being made, and accepting the wider interpretation put upon this clause.

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

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

"That the question be now put."

The motion was adopted.

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

"That in sub-clause (a) of clause 11 of the Bill, after the words 'in clause (i),' the following be inserted :

'after the words "in a clerical capacity" the words "not involving work in the vehicle while it is in motion" shall be inserted and'."

The motion was negatived.

Prof. N. G. Ranga: Sir, I move:

"That in sub-clause (c) of clause 11 of the Bill, for the proposed clause (xxiv) the following be substituted :

'(xxiv) employed in operations for the catching or hunting of elephants or other wild animals; or'; and'."

Sir, in support of this I need only say a very few words. Several peasants and workers have got to be employed by Zamindars as well as others when they go about on hunting expeditions and it so happens sometimes that some people get themselves caught by these wild animals and thus receive serious injuries. Now, we want that these people also should be protected. It is a fact that in certain areas certain forests are specially reserved for keeping these wild animals in as large numbers as possible so that when the Zamindars go on hunting expeditions they will then find plenty of sport. On such occasions the peasants are expected to co-operate in these hunting expeditions and very often they are not paid even their usual daily wages and almost they are expected to do this work under compulsion. On such occasions accidents happen, and many of these people involved in these accidents are not protected at all, and even private compensation is not being paid. Therefore, we want this amendment to be accepted and we hope that the Government will accept it.

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

"That in sub-clause (c) of clause 11 of the Bill, for the proposed clause (xxiv) the following be substituted :

'(xxiv) employed in operations for the catching or hunting of elephants or other wild animals; or'; and'."

Mr. A. G. Glow: Sir, we are always reluctant to accept an enlargement of a schedule like this without notice, but I recognize the force of what my Honourable friend has said. I do not think, however, that the word "and" should be at the end; it should end with the word "or" following the rest of the Schedule. Subject to that minor correction, I am prepared to accept the amendment.

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

"That in sub-clause (c) of clause 11 of the Bill, for the proposed clause (xxiv) the following be substituted:

'(xxiv) employed in operations for the catching or hunting of elephants or other wild animals; or';"

The motion was adopted.

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

"That in sub-clause (d) of clause 11 of the Bill, in part (a) of the proposed clause (xxvi) all the words occurring after the words 'any warehouse' be omitted."

My object is this. A warehouse is a respectable thing and it belongs to fairly rich capitalists but if you insert the words "other place in which goods are stored" then it may include a very small shop which might belong to a very small man. If that is not the intention of these words, then there is no need for them.

Now, Sir, what is the principle on which the Workmen's Compensation Act is based? I should consider that it is a kind of insurance for workers in case of accidents or mishaps. Ordinarily, the workman ought to insure himself out of his surplus, but it is recognised in this country that, owing to the prevalence of the system of capitalism, which means capitalism of big capitalists, who have got the virtual monopoly of employing whomsoever and whenever they like, this system need not be followed. It is recognised particularly that the wages of the workers are so small that they may not be able to save much to be able to insure against accidents. That is the cardinal point on which the Act is based, otherwise this Act could not have provided for payment of compensation even in cases where the employer is not at fault. The Act says that compensation should be paid to the worker even when there is no contributory negligence on the part of the employer. I would draw the attention of the Honourable Members to section 3 which says:

"If any personal injury is caused to the workman by an accident arising out of the and in the course of the employment"

Let us take the case of a small shop which, of course, will have a place in which goods are stored. This small shop, let us say, employs an assistant on Rs. 5 a month only. Now, one day in the course of getting a bundle of goods to the shop, the shop assistant tumbles over the door step and gets injured or is killed. He is to be paid a compensation under this Bill because this happened during the course of employment. So, I say that the whole principle of the payment of compensation to the workmen, even when there is no contributory negligence on the part of the employer, is based on the cardinal fact that the employers are big capitalists and they are the virtual monopolists and the workman is in a helpless position. I quite agree with that. But, Sir, we have also to remember that in this country all employers are not capitalists in the modern industrial sense. Of course, most of us, including many workmen, are also capitalists in the sense Adam Smith used the word, because most of us, Indians, whether we be small wage-earners or anything else, do save something, invest and employ workmen in a small way. So, we have to consider the case of the employer also. Should we make any provision by which a small employer may be asked to pay compensation:

[Mr. Brojendra Narayan Chaudhury.]

beyond his means? Now, the shopkeeper whom I have taken for my illustration may not be earning more than Rs. 20 a month. Would it be fair to saddle him for compensation in case of the death of his assistant which may easily run up to Rs. 500 or more? Now, it is apparent from the words: "and in which on any one day of the preceding twelve months ten or more persons have been so employed" that they cover the case even of very small shopkeepers who could employ on any one day of the year more than 10 or 12 persons. Even a small shopkeeper is sometimes obliged to employ 10 or 12 porters to get his goods quickly from the van or the boat at some distance in rural areas. So, I think that the general principles on which the Workmen's Compensation Act is based do not apply to the cases like this. I had brought all these considerations before the House when the Bill was referred to the Select Committee and I was promised by the Honourable Member in charge of the Bill that these points will be considered by the Select Committee. I should like to be satisfied now about the objections that I raised then either by the Honourable Member in charge of the Bill or by some other Member of the Select Committee. Sir, I move.

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

"That in sub-clause (d) of clause 11 of the Bill, in part (a) of the proposed clause (xxvi) all the words occurring after the words 'any warehouse' be omitted."

Dr. P. N. Banerjee (Calcutta Suburbs: Non-Muhammadian Urban): Sir, I oppose this amendment. So far we have discussed amendments brought forward in the interests of labour; but now we have before us an amendment which is brought forward in the interests of employers. Sir, employers are very well represented in this House in the persons of men like Sir Homi Mody and Sir Cowasji Jehangir, in the whole European Group and perhaps in the Government Benches, and I am sorry to find that my Honourable friend, Mr. Brojendra Narayan Chaudhury, has also joined these ranks. I am neither an employer nor a labour leader; but I am an economist whose interest is to see to it that the industries of the country should flourish and that poverty and unemployment should diminish. Now, for that purpose it is necessary to hold the balance even between employers and employees. It is the duty of the State to safeguard the interests of both these sections of the community and, in particular, the weaker section, which is the labouring population.

Now, what does this amendment imply? My friend points out that there may be a small shop where on one particular day in the year 10 persons may work and then at a later stage a workman may be injured. Sir, it is true that there are many small shops, but in these small shops 10 workmen are never engaged. Small shops are kept by the shop-keepers themselves, and perhaps with the assistance of their family members or with the help of one or two assistants they manage these shops. Now, when a shop-keeper engages 10 persons he should take the risk for the lives and limbs of the workmen. If this provision is done away with, I think the rights of the workmen will be greatly restricted. It is the duty of this Legislature to enlarge the rights of the workmen and not to curtail them, and from that point of view I oppose this amendment.

Mr. N. M. Joshi: Sir, I have great pleasure in supporting what my Honourable friend, Dr. Banerjea, has said. The apprehensions of my Honourable friend, Mr. Brojendra Narayan Chaudhury, are not at all justified. He wishes that small shops should not be included within the scope of this provision. As a matter of fact, they would not be included. I would like everybody to get compensation if he gets injured. That is not what is provided in this section at all. A restriction is imposed that if in a place 10 persons or more are employed, then only compensation will be due. No small shop will employ 10 persons to store the goods. There may be one or two persons employed at the most. If a shop employs 10 persons to store the goods, it is not a small shop. It is a big shop. If some employers find it difficult to pay compensation, the best remedy for them is to insure against workmen's compensation. Any employer can do that. That is the easiest way to avoid taking risk through serious accidents to workmen. I, therefore, hope that the Assembly will not accept this amendment.

Mr. A. G. Chow: Sir, I have only one word to add to what my Honourable friends, Mr. Joshi and Dr. Banerjea said, that we are not adding a new class here. These workmen are already included by notification. All we are doing is to embody in the substance of the Act, so that it cannot be altered by subsequent notification, a class of workmen who at this moment are entitled to compensation.

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

"That in sub-clause (d) of clause 11 of the Bill, in part (a) of the proposed clause (xxvi) all the words occurring after the words 'any warehouse' be omitted."

The motion was negatived.

Clause 11, as amended, was added to the Bill.

Clause 12 was added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

Mr. A. G. Chow: Sir, I move:

"That the Bill further to amend the Workmen's Compensation Act, 1923, for certain purposes, as amended, be passed."

Sir, I have nothing to say except to thank Honourable Members for the co-operation they have given in improving and passing this measure and to say that the measure will be beneficial to those who are affected by it.

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 amended, be passed."

Mr. N. M. Joshi: Mr. Deputy President, before the Bill is passed, I would like to say a word. The Bill which we are passing just now is not a big Bill. The workmen's compensation law was passed in 1923 and it has several times been amended subsequently. It was to some extent substantially amended in 1934. I feel, Sir, that this Act now requires serious amendments. The rates of compensation paid in the Indian Act are lower than the British Act and moreover the number of people to whom the Act applies is also very much restricted in my view.

[Mr. N. M. Joshi.]

I would, therefore, suggest to the Government of India that as it is now five years since the last substantial amendments were made, they should take up the revision of the Workmen's Compensation Act both from the point of view of rates of compensation paid and also from the point of view of the various categories of workers who are now excluded. I hope, Sir, that the Government of India will undertake such a revision very soon.

Prof. N. G. Ranga: Sir, as I have said once before, I do not think that the Government have really done well by the workers by bringing in such a Bill with such a restricted scope for itself. Sir, many of the things here mentioned and incorporated in this Bill, according to me, go against workers. The only redeeming feature is clause 11 and also clause 12 to some extent. Otherwise, I do not think the workers have very much to gain from this Bill. Now, that they had made up their mind to bring in this Bill before the House, I think it is the duty of the Government to have thought of a more comprehensive amendment to this Workmen's Compensation Act so that our workers are placed so far as compensation is concerned for accidents occurring in these employments, in the same position as the workers in England. In England, Sir, no such conditions are laid on workers before they can entitle themselves to compensation as are sought to be laid on them by this Workmen's Compensation Act. For instance, in England where a worker receives accident as a result of his own negligence in spite of the safety rods or fences placed by the employers, so long as he has received any injury he is considered to be entitled to compensation, whereas in India it is stated in the Act that if any worker disregards the instructions of his employer or disregards the protective fences installed along the machinery and then as a result of that receives injury, it is said that he ought not to be entitled to receive any compensation. I think that is not at all in the interests of workers and it is not at all fair even speaking from a humane point of view. The workers in India are less capable of looking after themselves than those in England. It is a well known fact that there is a universal elementary education in England and almost all the workers are educated there and they have had opportunities of receiving the highest standard of culture and general education than are the workers in this country and when in the case of such workers, in England these conditions are not found to be necessary, and they are given the right to claim compensation for any accidents that they might receive in the course of their employment, I do not see any reason why our Government fail to extend at least the same rights to our workmen in this country. Therefore, I want Government to take the earliest possible opportunity of bringing forward another amending Bill, more comprehensive and more in favour of the workers, in order to give this particular protection to our workers.

Secondly, Sir, for the first time they have made some distinction in the Schedules. In Schedule III they have created two parts, part A and part B. Part A refers to those diseases the contraction of which is to be considered to entitle a worker to compensation, whether he is in the employment of an employer continuously for six months or not. But part B insists upon six months' continuous employment under a particular employer before the worker can entitle himself to compensation. It may be mentioned in justification of this distinction that it is not fair to expect the employer to pay compensation to a workman who shows signs of these

industrial diseases a month or 15 days or two months after he enters the employ of that particular employer. But to meet that particular point an attempt was made in England through section 43 of their Workmen's Compensation Act, 1925. There it is provided that:

"If that employer alleges that the disease was in fact contracted whilst the workman was in the employment of some other employer, and not whilst in his employment, he may join such other employer as a party to the arbitration, and if the allegation is proved that other employer shall be the employer from whom the compensation is to be recoverable, and (iii) if the disease is of such a nature as to be contracted by a gradual process, any other employers who during the last twelve months (*here it is only six months*) employed the workman in the employment to the nature of which the disease was due shall be liable to make to the employer from whom compensation is recoverable such contributions as, in default of agreement, may be determined in the arbitration under this Act for settling the amount of the compensation, or, if the amount of compensation is not in dispute, as may be determined by arbitration under this Act.

(d) The amount of the compensation shall be calculated with reference to the earnings of the workman under the employer from whom the compensation is recoverable."

This salutary provision is made in the English Act, and I consider it to be reasonable that such a provision should be made in our Act also, specially when Government had thought of making this particular amendment in regard to the industrial diseases which can be contracted over a period of time, or rather the discovery of whose serious effects can be made only after a long time has passed after the contraction of that particular disease. It would have been the duty of Government to have at least incorporated this particular provision so that the worker is compensated anyhow, whether he has been in the employment of the employer for a continuous period of six months or not. What is to happen to a workman who catches this disease after getting into the employ of an employer, a month after getting into his employ? Has he to go without any compensation at all? According to the English law, he need not go without any compensation. He will be entitled to full compensation and that particular employer can lodge a claim against the other employers of this worker who had employed him and in whose employ this worker can be claimed to have contracted that particular disease. Therefore, Sir, I trust that Government will take an early opportunity of bringing forward another amending Bill to incorporate this provision also.

Lastly, I wish to say that for some reason or other Government have made it a point not to try to make this Act approximate to the similar Act in England. In regard to several other labour enactments it has been the aim and the ideal of this Government to try to approximate themselves to the legislation obtaining in England. I do not know why in regard to this Workmen's Compensation Act Government have thought of introducing their own genius and their own originality not in favour of workers but against the workers. It may be because some of the Members on the Government side who are responsible for labour have become experts in labour matters and have, therefore, wanted to show their distinction by showing this invidious distinction against the workers. I can only say that that is not a reasonable attitude. If they really wish to demonstrate their friendliness and their sympathy and partiality in favour of labour who, even according to Dr. Banerji who does not take sides either for employers or for employees, deserve the special protection of Government, then it is the duty of our Government to come forward with a really consolidating Bill to try to make our Workmen's Compensation Act approximate to that of Great Britain. With these observations, Sir, I support only clauses 11 and 12 and with regard to the rest of the Bill I can only express my regret.

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 amended, be passed."

The motion was adopted.

THE SIND SALT LAW AMENDMENT BILL.

Mr. A. H. Lloyd (Government of India: Nominated Official): Sir, I move:

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

This Bill, Sir, is purely formal. As explained in the Statement of Objects and Reasons, the fact that the Acts to which the Bill relates existed in two forms was overlooked at the time the Adaptation Order in Council was made. The Salt Law Amendment Act was passed in 1925 which amongst other things included a provision saying that these amendments could be brought into force in different parts at different times. Under that provision the amendments in the Acts concerned were brought into force in Bombay in 1925. They have not yet been brought into force in Sind. These amendments vested the control of the Salt Department in Bombay under the Central Government working through the Central Board of Revenue. The Acts before that empowered the Local Governments to administer this subject and that is the position that has remained in Sind. When the Adaptation Order in Council came to be made, it appears unfortunately to have been overlooked that there were two sets of Acts in force. The Acts were in force in two forms, one form relating to Sind and another form relating to Bombay, and in the case of the Transport of Salt Act, also to Madras. Because of this oversight the Adaptation Order in Council contains no specific adaptations at all of these Acts as in force in Sind. They are only covered by the general adaptations that occur in the first part of the Adaptation Order in Council. The result is that these Acts in their application to Sind having been left unadapted are in a highly anomalous form. All the other Acts relating to purely Central Subjects have conferred governmental authority upon the Central Government. It is true that section 124(2) of the Government of India Act empowers this Legislature to impose duties upon Provincial Governments, but that is only applicable to legislation introduced after the coming into force of the Government of India Act, 1935. It was quite clearly the view of those who prepared the Adaptation Order in Council that already existing entrustment to the Provincial Governments of functions of the Central Government could not stand after that Act came into force, and where for practical reasons such empowering is necessary, it will have to be done by an Order under sub-section (1) of section 124 of the Government of India Act. That, Sir, is what has been done already in regard to many Acts dealing with Central Subjects in which we still have to employ to a greater or lesser degree the agency of a Provincial Government. The Department with which I am concerned has already issued a number of orders merely in order to keep alive the principle of the existing position under sub-section (1) of section 124 of the Government of India Act. What we propose to do now by these amendments which are before the House is to ask this Legislature to do the work which but for an unfortunate mistake

would have been done by those who prepared the Adaptation Order in Council, and we have sought to prepare a draft exactly on the same lines. At the moment there is no difficulty till the 1st of April, but after the 1st of April next leaving things as they are would lead to this, that these two Acts in their application to a part of the territory to which they apply will stand out as islands of impropriety in a sea of constitutional rectitude. There will, moreover, be rather more absurd anomalies. I might, for example, refer to item (1) of Part II of the Schedule. It will be seen that it is desirable to amend the law, because otherwise the Act will still contain a reference entirely obsolete to rules made under section 45A of the Government of India Act 1919.

I understand, Sir, that some Members of the House have had a little difficulty in dealing with this Bill, because they were not able to find any text containing the actual words which we are now proposing to replace. For instance, take Part I of the Schedule. I do not think that anybody has had access to a printed copy of the Transfer of the Salt Act as in force in Sind which contains the words "Provincial Government of Sind". These words are there by virtue partly of the Sind Laws Regulation and partly of the general Adaptation Order in Council; as I have mentioned already, though specific adaptations are missing, the general adaptations apply. I understand the Government of India are preparing a compilation of the Statutes which will embody all these amendments in the text. Perhaps the House will agree with me that it is desirable that the anomaly which I have pointed out and with which this Bill deals should be cleared up before that is done. That, Sir, is the general position.

Then, Sir, my attention has been drawn to one or two points, in regard to which it was suggested that the Bill as drafted is not quite
 3 P. M. in accord with what might have been produced by another draftsman, either the one in charge of the Adaptation Order in Council or elsewhere, by way of removing irrelevant matter and so forth. The Honourable Member who drew my attention to these points, which in his view merit consideration, has asked that I should take no objection to his moving on short notice for reference of the Bill to a Select Committee in order merely to deal with those points of detail. I wish to say, Sir, that we are prepared to accept this short notice and I shall raise no objection.

Before I conclude, Sir, I want to make it perfectly clear that this Bill, if passed, will make absolutely no difference in practice in the every day working of the Act. At present the Salt Department in Sind is being administered by the Provincial Government as our agents under the letter of the law. After the Adaptation Order is made, we propose immediately to issue an order under sub-section (2) of section 124 which will restore the same position of having them as our Agents. If the Bill is not passed, the position will not be materially different, but as I have said, our Statute-book will remain besmirched, if I might use that expression, by the existence in it of an extremely anomalous set of provisions. Sir, I move.

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

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

Before proceeding further, I have to inform the House that I have just received notice of an amendment to refer this Bill to a Select Committee. Under the procedure of this House, I do not think it is quite in order,

[Mr. Deputy President.]

because no notice was given previously, and it does not find a place on the order paper. Nor does the notice contain the names of the Members, nor does it appear whether the consent of the Members has been obtained. If, however, the House so desires, the Chair will not stand in the way; after all, it is a matter for the House.

Mr. T. S. Avinashilingam Chettiar (Salem and Coimbatore *cum* North Arcot: Non-Muhammadan Rural): Sir, may I draw your attention to the fact that under rule 4(2) it is stated that "other members of the Committee shall be appointed. . . ."

Mr. Deputy President (Mr. Akhil Chandra Datta): Before the question is finally decided, I want to know if the House agrees. I understand the Government has no objection.

The Honourable Sir Nripendra Sircar (Law Member): We have no objection, in fact Mr. Lloyd made it clear that we shall accept that motion for reference to Select Committee.

Mr. Deputy President (Mr. Akhil Chandra Datta): In view of that, it is not necessary to go into the merits as to whether the motion is in order or not. The Honourable Member may move his amendment.

Mr. T. S. Avinashilingam Chettiar: I move that the Bill. . . .

Mr. Deputy President (Mr. Akhil Chandra Datta): Names should be mentioned.

Mr. T. S. Avinashilingam Chettiar: No, Sir, because at page 114 of the Manual in rule 4(2) it is clearly stated that the other members of the committee shall be appointed by the Committee, and so on, because the Law Member is always there.

The Honourable Sir Nripendra Sircar: May I make a suggestion? Instead of using up the time of the House in this kind of discussion this matter may be adjourned and may be taken up at the earliest opportunity that we can give for it; and by that time my friend, Mr. Chettiar, will read the rules—once more, I mean—and put his motion in shape.

Mr. Deputy President (Mr. Akhil Chandra Datta): If that is the desire of the House, the matter is postponed.

The Assembly then adjourned till Eleven of the Clock on Saturday, the 5th March, 1938.