

Friday, 17th April, 1936

THE
COUNCIL OF STATE DEBATES

VOLUME I, 1936

(15th February to 25th April, 1936)

ELEVENTH SESSION
OF THE
THIRD COUNCIL OF STATE, 1936



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COUNCIL OF STATE.

Friday, 17th April, 1936.

The Council met in the Council Chamber of the Council House at Eleven of the Clock, the Honourable the President in the Chair.

MEMBERS SWORN :

The Honourable Major-General Cuthbert Allan Sprawson, C.I.E.,
K.H.P. (Director General, Indian Medical Service).

The Honourable Mr. Shavax Ardeshir Lal (Government of India :
Nominated Official).

QUESTIONS AND ANSWERS.

DISBANDMENT OF THE BENGAL WING OF THE 11/19TH HYDERABAD REGIMENT.

174. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE :
(a) Is the Bengal Regiment of the Indian Territorial Force being disbanded ?
If so, will Government be pleased to state why it is being disbanded ?

(b) Are Government aware that a sufficient number of members of the educated middle classes do not join the Indian Territorial Force ?

(c) Are Government aware that the reason for this is the fact that it has not been given the same status and position as the Indian Auxiliary Force in matters of rank, pay and allowances, etc. ?

(d) Do Government contemplate steps to place the two forces upon the same basis in these matters ?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF : (a) Government have at present under consideration a proposal to disband the Bengal Wing of the 11/19th Hyderabad Regiment, consisting of two companies and to form at Calcutta, in its place, an urban unit of the Indian Territorial Force also consisting of two companies. The proposal is in the interest of Bengal, and inhabitants of the province will lose none of the opportunities for military training they at present enjoy.

(b) and (c). No, I would invite the Honourable Member's attention to the Report of the Auxiliary and Territorial Forces Committee, 1925, with special reference to paragraph 21, upon which the present conditions in the Indian Territorial Force are based.

(d) No, Sir.

RAISING OF A BENGALEE REGIMENT.

175. THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE :
 (a) Was a Resolution on the subject of raising a Bengalee Regiment in the Regular Army adopted by the Legislative Council, Bengal, in 1934 ?

(b) Will Government be pleased to state the reasons why the Government of India is disbanding the Bengal Regiment of the Indian Territorial Force ?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF : (a) I refer the Honourable Member to the answer given on the 9th August, 1934, to his question No. 33.

(b) I refer the Honourable Member to the answer I have just given to his question No. 174.

UNIVERSITY TRAINING CORPS.

176. THE HONOURABLE RAI BAHADUR LALA JAGDISH PRASAD :
 (a) At the first Conference of Indian Universities in 1928 was a resolution passed requesting the Government of India to make provision for the expansion of the existing facilities for University Training Corps ?

(b) If so, will Government be pleased to state how far the authorities concerned have given effect to the above-mentioned request during the last eight years ?

(c) Was the following resolution passed at the last session of the Inter-University Board held recently :

“That the Board regrets that in some universities facilities for military training had been sought to be reduced and that the Government of India be requested to afford additional facilities for military training at Indian Universities” ?

(d) Are Government spending Rs. 5 lakhs a year on the University Training Corps ?

(e) Was it the opinion of the Territorial Force Committee, presided over by General Sir John Shea, “that the University Training Corps should be regarded as the foundation of the national army and as the primary means of diffusing military knowledge and training, and that no artificial limits should be set to its expansion” ?

(f) Have the authorities set limits to the expansion of the Corps and are they reducing even existing facilities ? If so, what limits have been set and how far the existing facilities have been reduced ?

(g) What are the reasons for the attitude of the authorities referred to in (f) above ?

(h) Do Government propose to afford additional facilities for military training at Indian Universities ? If so, what ? If not, why not ?

HIS EXCELLENCY THE COMMANDER-IN-CHIEF : (a) Yes.

(b) New units of the University Training Corps have been formed at Karachi, Nagpur and Dacca, and the unit at Delhi has been expanded.

(c) Government have not yet received any intimation of the resolution.

(d) Government are spending about Rs. 6 lakhs a year on the University Training Corps.

(e) Yes. Subject to financial considerations and provided that the University or College authorities can guarantee a fixed minimum number of members and can provide suitable officers.

(f) and (h). No. Government have no intention of reducing the University Training Corps, and are prepared to expand it when they are satisfied that full advantage is being taken of the existing facilities.

(g) Does not arise.

NUMBER OF INDIAN CIVIL SERVICE OFFICERS EMPLOYED IN THE GOVERNMENT OF INDIA SECRETARIAT.

177. THE HONOURABLE MR. MAHMOOD SUHRAWARDY: (a) Will Government please state, province by province, the number of Indian Civil Service officers drawn from each province and at present employed in the Imperial Secretariat of the Government of India?

(b) How many Punjab, United Provinces and Bengal Indian Civil Service officers are at present employed in the Imperial Secretariat and how many of them are Indians and how many Europeans?

(c) What are the criteria on which these Indian Civil Service officers are recruited to the Imperial Secretariat from the various provinces?

(d) What is the normal period of employment for which these officers are drawn from the provinces? Are some officers granted long extensions, while others are given short periods?

(e) Who are the Indian Civil Service officers, province by province, of the Imperial Secretariat who have been granted extensions after their normal period of service and what are the reasons for such extensions?

THE HONOURABLE MR. M. G. HALLETT: (a) and (b). I lay a statement on the table.

(c) I would invite the attention of the Honourable Member to my speech on the 10th February, 1934 in connection with Resolutions by the Honourable Rai Bahadur Lala Jagdish Prasad and the Honourable Mr. Jagadish Chandra Banerjee regarding the Indianisation of the Indian Civil Service.

(d) The normal period for which officers are employed as Joint Secretaries, Deputy Secretaries and Under Secretaries in the various Departments of the Government of India is three years. Except in the Legislative and Foreign and Political Departments where there is no specified tenure, the tenure of the post of Secretary in all Departments was three years until May, 1935 when it was extended to four years in respect of future incumbents. Some of the present incumbents of the post of Secretary have, however, been granted extensions for administrative reasons.

(e) I lay a statement on the table.

I

Statement showing the number of Indian Civil Service officers, province by province, at present employed in the Imperial Secretariat of the Government of India and the number of Europeans and Indians in the Indian Civil Service in the Imperial Secretariat belonging to the Punjab, United Provinces and Bengal.

Name of province.	Total No.	Europeans.	Indians.
Madras	6	..	..
Bombay	3	..	..
Bengal	9	8	1
United Provinces	6	4	2
Bihar and Orissa	3	..	..
Central Provinces	2	..	1
Punjab	7	6	1
Burma	1	..	..
Assam	1	..	..
Total	38	18	4

II

Statement showing the number of Indian Civil Service officers, province by province, of the Imperial Secretariat whose normal periods of service have been extended and the reasons for such extensions.

Name of officer.	Post held.	Province from which officer was recruited.	Reasons for the extension.
1. The Honourable Mr. A. G. Clow, C.S.I., C.I.E., I.C.S.	Joint Secretary, Department of Industries and Labour.	United Provinces.	Was given an extension as Joint Secretary for legislation arising out of the recommendations of the Royal Commission on Labour. He is not now holding that post.
2. Sir Girja Shankar Bajpai, K.B.E., C.I.E., I.C.S.	Secretary, Department of Education, Health and Lands.	United Provinces.	In the public interest.
3. Mr. A. H. Lloyd, C.S.I., C.I.E., I.C.S.	Member, Central Board of Revenue.	Burma	In the public interest.
4. Mr. G. R. F. Tottenham, C.S.I., C.I.E., I.C.S.	Secretary, Defence Department.	Madras	In the public interest.
5. The Honourable Mr. M. G. Hallett, C.S.I., C.I.E., I.C.S.	Secretary, Home Department.	Bihar and Orissa	In the public interest.

THE HONOURABLE MR. MAHMOOD SUHRAWARDY: Do Government propose to publish the recommendations of the Wheeler Committee ?

THE HONOURABLE MR. M. G. HALLETT: The matter has not yet been finally decided. Government have had no time to consider the Report yet.

REPRESENTATION OF MINORITY COMMUNITIES IN THE OFFICE OF THE
DIRECTOR OF ARMY AUDIT.

178. THE HONOURABLE MR. MAHMOOD SUHRAWARDY: (a) Are gazetted and clerical posts in the Head Office of the Director of Army Audit and in the Command Offices mostly filled by Hindus and have the rights of the minority communities not been safeguarded?

(b) If so, do Government propose to direct the Director of Army Audit to maintain the communal proportion in these offices strictly in accordance with orders issued by them?

(For reply, see under question No. 179.)

REPRESENTATION OF MINORITY COMMUNITIES IN THE OFFICE OF THE
DIRECTOR OF ARMY AUDIT.

179. THE HONOURABLE MR. MAHMOOD SUHRAWARDY: (a) Is a special pay attached to every clerical post in the Office of the Director of Army Audit to the benefit of Hindus?

(b) Do Government propose to direct the Director of Army Audit to employ the requisite number of Muslims in his office either by direct recruitment or by transferring clerks from the Command Offices?

THE HONOURABLE MR. A. J. RAISMAN: With your permission, Sir, I propose to reply to questions Nos. 178 and 179 together.

Information is being obtained and will be laid on the table of the House in due course.

NUMBER OF CANDIDATES WHO APPEARED FOR THE PUBLIC SERVICE COMMISSION EXAMINATION FOR THE THIRD DIVISION DURING 1931 TO 1935.

180. THE HONOURABLE MR. MAHMOOD SUHRAWARDY: (a) What is the number of candidates who actually sat for the Ministerial Service (Typists and Routine grade clerks) examinations held by the Public Service Commission during each of the years 1931 to 1935?

(b) Was the number of candidates for the examination in 1935 considerably less than those in the previous four years?

(For reply, see under question No. 181.)

HANDWRITING PAPER IN THE PUBLIC SERVICE COMMISSION'S EXAMINATION
FOR THE THIRD DIVISION.

181. THE HONOURABLE MR. MAHMOOD SUHRAWARDY: (a) What is the number of candidates who have been declared qualified as a result of the 1935 examination for Typists and Routine grade clerks of the Government of India offices and is this number less than the expected number of vacancies during the next year?

(b) Are the number and percentage of candidates that have secured qualifying marks in the handwriting paper of the examination are less than those for the same paper in the examinations held in 1933 and 1934?

(c) What are the reasons for the large number of failures in the handwriting paper of 1935 ?

(d) Do Government propose to declare the candidates who have failed by a few marks in the handwriting paper but have passed otherwise, as qualified for holding the posts of typists unconditionally and of clerks subject to the condition of passing the handwriting test at the next examination ?

THE HONOURABLE MR. M. G. HALLETT :

Question No. 180—

(a)

Year.	No. of candidates.
1931	655
1932	1,531
1933	420
1934	398
1935	252

(b) Yes.

Question No. 181—

(a) The number of candidates available for employment is 91. The number of vacancies that will occur is not known, but 60 or 70 in a year may be regarded as a normal figure.

(b) Yes.

(c) Government are not aware of the reasons.

(d) Government can not interfere with the conduct of examinations by the Public Service Commission.

STATEMENT LAID ON THE TABLE.

LIST OF INDIAN ARMY CADETS REMOVED FROM THE INDIAN MILITARY ACADEMY, DEHRA DUN.

HIS EXCELLENCY THE COMMANDER-IN-CHIEF: Sir, I lay on the table the information promised in reply to questions Nos. 111—113 asked by the Honourable Raja Raghunandan Prasad Singh on the 18th March, 1936.

List of Indian Army Cadets removed from the Indian Military Academy.

Name.	Unit.	Removed.	Remarks.
1st term Mohd. Zamurrad Khan.	Central India Horse.	June, 1933 .	Serving.
Shingar Singh .	P.A.V.O. Cavalry	Dec., 1933 .	Transferred to, and serving with, Military Grass Farms.
Makhan Singh .	Signal Training Centre.	Dec., 1934 .	Discharged at own request.
2nd term. Gurbakah Singh .	P.A.V.O. Cavalry	June, 1935 .	Transferred to, and serving with, I. A. O. C.

List of Indian Army Cadets removed from the Indian Military Academy—contd.

Name.	Unit.	Removed.	Remarks.
2nd term Jetha Singh ---contd.	10/2nd Punjab Regiment, (late Pioneers).	Dec., 1934	Transferred to, and serving with, B.I.T. Company, Jullundur.
Bhanwarpal Singh	5/7th Rajput Regiment.	June, 1935	Failed in final examination. Serving. Promoted to Jemadar.
Mohd. Ashraf	2/9th Jat Regiment	June, 1934	Serving.
Iqbal Hussain	11/12th F. F. Regiment, I. T. F.	June, 1934	Serving. Lieutenant (I. T. F.).
3rd term Abdul Aziz	4/8th Punjab Regiment.	June, 1934	Discharged.
Parduman Singh.	Central India Horse.	June, 1935	Serving.
Gurbans Singh	3/14th Punjab Regiment.	June, 1935	Serving. Promoted Havildar, being recommended for Jemadar.
Shambo Sahai Sharma.	11/7th Rajput Regiment.	Dec., 1933	Serving.
4th term Parbhathi Singh	Skinner's Horse	Dec., 1934	Serving. Promoted to Dafadar.
Sayad Sarfaraz H. Shah.	3/10th Baluch Regiment.	Dec., 1934	Serving.
Trilok Singh	1/13th Frontier Force Rifles.	Dec., 1934	Serving. Seconded to K. G. R. I. M. School, Jullundur, as Educational Instructor.
Mohd. Mukarram Khan.	12 M. T. Company, R. I. A. S. C.	June, 1935	Serving.
5th term Jaswant Singh	P.A.V.O. Cavalry	June, 1935	Discharged at own request.
Man Singh	Central India Horse.	June, 1935	Serving.
Nagindar Singh	2/11th Sikh Regiment.	June, 1935	Serving.
Bagambar Singh	1st Kumaon Rifles	June, 1935	Serving.
6th term Chaudhari Kartar Singh.	2/15th Punjab Regiment.	Dec., 1935	Serving.
Balwant Singh	4/2nd Punjab Regiment.	Dec., 1935	Serving.

RESOLUTION RE TAKING OF 50 PER CENT. INDIAN CAPITAL FROM NATURAL BORN INDIANS IN FUTURE INDUSTRIAL CONCERNS FLOATED WITH EXTERNAL CAPITAL.

THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE (East Bengal : Non-Muhammadan) : Sir, the Resolution which stands in my name runs thus :

“ This Council recommends to the Governor General in Council that immediate steps be taken to bring forward legislation by which all companies which will hereafter be floated with external capital for the purpose of opening factories in India for manufacturing any kind of articles either from raw materials available in India or from semi-finished or finished parts imported into India would be compelled to take at least 50 per cent. of the total capital from natural born Indians ”.

[Mr. Jagadish Chandra Bauerjee.]

Sir, the subject-matter of my Resolution is very simple. By this Resolution I wish to see the development of the industries of my country. The Resolution has not been brought before this House on any political ground. I wish to deal with only the economic aspect of it. Sir, I am not one of those who believe in expropriation of all external capital. There is no denying the fact that external capital, especially British capital flowed into the country in the primary stage of the development of Indian industries. There is no denying the fact that British capitalists in the beginning suffered tremendous losses in order to develop the industrial field in India. That is just the reason why I do not desire expropriation of those capital which are already invested in this country in the industrial field. My demand is not expropriation or replacement of all external capital. We all agree with the statement made in the first paragraph of the External Capital Committee Report. It stated that any definite programme of complete replacement of external capital is impracticable. Therefore, Sir, there is no difference of opinion. My Resolution does not contemplate to raise racial antagonism or racial discrimination. If Indian capitalists and European capitalists are compelled to work together it will go a great way in cementing the bond of friendship between India and Great Britain which is very desirable at the present moment. I know there is a section of opinion which holds the extreme views and which demands the expropriation of all capital. But, Sir, as I said before I do not believe in that theory. I believe in justice and equity. The external capital which is at present working in the industrial field must be protected. It is for the protection of such capital that my Resolution has been so worded as to restrict the future entry of external capital into the industrial field in this country. Sir, here I must say that by external capital I mean all capital which belong to men who are not natural born Indians. I do not make any distinction between British capital, German capital, American capital, Swedish capital or Japanese capital. I hold the view that all capital which will enter India in future from beyond the boundaries of India are external for the purposes of my Resolution. Sir, I am not a believer in Imperial preference or Asiatic preference. If I believe in any preference it is the preference of the capital which has come or will come in future into the industrial field from the natural born Indians. I believe in the preference of Indians and Indians alone. Sir, in my Resolution I have used the word natural born Indians in order to protect the indigenous capital. Our experience in the field of Indianisation of the services is very bitter. In the field of Indianisation of the services we find that men who for all practical purposes are *de facto* Europeans are being treated as Indians. Even the Europeans are styling themselves now-a-days as Anglo-Indians in order to have equal treatment like Indians. The result of such Indianisation in the field of services is, as I proved by facts and figures during the last Railway Budget discussion, is the changing of the term Europeanisation into Anglo-Indianisation than real Indianisation. In order that such ambiguity may not enter in the wording of my Resolution I have used the words natural born Indians. Sir, in the field of industry I do not desire the same ambiguity to creep in. My Resolution demands that hereafter all companies, floated either in India or outside with external capital for the purposes of opening manufacturing concerns within the boundaries of India must be compelled by legislation to allot at least 50 per cent. of the shares of such concerns to the natural born Indian investors. This demand is not a new demand. Such a demand was made by the Legislative Assembly when protection was given to the Tata Iron and Steel Company. During the course of the Debate on the Steel Industry Protection Bill, the non-official Members expressed a strong feeling on the subject of fixing quota of Indian capital in

such firms which will enjoy the bounty on steel produced in India. In order to meet the wishes of non-official Members of the Legislature the Honourable Sir Charles Innes, the then Commerce Member, in the course of the debate stated as follows :

“ I am aware that there are sections in the House which would like to incorporate in the Bill specific provisions regarding the proportion of foreign capital. I am prepared to take up separately the examination of questions of that kind and in that examination I am prepared to associate with the Government a Committee of the Legislature appointed *ad hoc* for the purpose ”.

THE HONOURABLE THE PRESIDENT : That is all a very old story. Do you realise that your recommendation is opposed to Part V, Chapter III of the new Government of India Act ?

THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE : Sir, in pursuance of that promise a Committee was appointed—

THE HONOURABLE THE PRESIDENT : Will you kindly answer my question ?

THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE— to go into the question of external and foreign capital. The major portion of the Report deals with suggestions for bringing out Indian capital into the field of industry. In 1925 the External Capital Committee Report deplored the absence of the free flow of indigenous capital into the field of industries. In paragraph 8 of that Report they stated that though India possesses a large store of potential capital but unfortunately much of it is unproductively locked up in bullion and jewellery. The statement might have been correct in the past. It does not apply to India at present. Times have since changed. A large amount of indigenous capital is flowing into all the industrial fields. By way of illustration I must say that practically the whole of the sugar industry was financed by Indian capitalists. Indian capital has flowed in the iron and steel industry, salt industry, porcelain industry and various other industries. But the unfair competition of foreign capital and foreign firms in the field of Indian industries are ruining Indian capitalists and Indian enterprises in every field of industry and is making indigenous capital once more very shy. In order to substantiate my statement I may be excused if I quote a few examples as to how foreign companies with the help of foreign influence are trying to kill Indian industries. I first take the iron and steel industries. In the field of iron and steel industry we find that the Bengal Iron Company incorporated in England with sterling capital entered into competition with smaller concerns with Indian capital and Indian management. By way of illustration I may say that the Indian firm of Messrs. Sikder and Company, the pioneer firm in India for the manufacture of rain water pipes and other light castings, were crippled and had to go into liquidation as soon as this firm of the Bengal Iron Company backed with huge foreign capital entered into unfair competition with them. This very firm, the Bengal Iron Company are also entering into unfair competition with smaller Indian cast-iron factories run with Indian capital and under Indian management like that of Messrs. Dhang and Company, Chatterjee and Company, D. N. Singhee and Company and others. All these smaller Indian concerns are in a state of moribund condition as the Bengal Iron Company and Messrs. Tatas and Company, who are the manufacturers of pig iron, have formed into a combine. The raw materials like pig iron are sold by the

[Mr. Jagadish Chandra Banerjee.]

above combine to the smaller Indian concerns at a very higher price than that at which they export pig iron to foreign countries like Japan and other places. Sir, this is nothing but unfair competition.

THE HONOURABLE THE PRESIDENT : But I cannot understand how it will help your cause if you take 50 per cent. of Indian capital instead of 50 per cent. of English capital ?

THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE : My Resolution does not say anything about English capital.

THE HONOURABLE THE PRESIDENT : How will it help you ? How will 50 per cent. Indian capital help you to stop the ruination of the industry ?

THE HONOURABLE SIB DAVID DEVADOSS (Nominated : Indian Christians) : Supposing Indians do not take the shares offered ?

THE HONOURABLE THE PRESIDENT : That is another matter ; but how does that help you ?

THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE : I am gradually coming to that in the course of my speech. They do not desire to see smaller industries grow up as subsidiary industries, though they are developing themselves under the shade of Indian protection. Pig iron is a raw material required for the manufacture of all castings. The Bengal Iron Company do not desire to see any other firm competing with them in the field of light castings. Therefore in order to have a monopoly business, they refuse to supply pig iron to the smaller industries. Now a question may be asked as to why the Indian concern of Tatas have joined hands with this foreign firm ? It is due to self preservation. Even the firm of Tatas is mightily afraid, that unless they join hands with English firms in keeping up the price of pig iron in India, the latter may try to manufacture such articles as rails and corrugated sheets and may enter into competition with Tata products and may even kill the Tatas. In this very field of industry another English firm is coming to India backed by a capital of Rs. 15 crores or thereabouts. If such firms operate in India with foreign capital and foreign management then the protection given to Indian industries will be neutralised.

Sir, then I come to the field of the paint industry. There are only two or three Indian firms, viz.,—

THE HONOURABLE THE PRESIDENT : You are going off the rails altogether. These points are not covered by your Resolution. Your Resolution wants Indian capital to be taken.

THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE : It will come later on, Sir, as I develop my points.

There are only two or three Indian firms, viz., Murarkas, Napiers, etc. run with Indian capital, Indian management and with Indian experts but as against these there are four or five paint factories in India run with external capital, foreign directorate and foreign management and with foreign experts. Paint is an article whose main consumers are the Railways, the Public Work

Department, and the Military Works Department. The paints of Indian manufacturers are to be chemically tested by the Government Test House, the factories are to be inspected by the officers of the Stores Department and paints are also to be tested to undergo a practical test of exposure as to their lasting properties by the paint foremen of different railway workshops of the different Railways before the Indian industrialists are even permitted to submit their tenders, whereas in the case of the European manufacturers all these conditions are not insisted upon or are mere formal matters. By way of example I mention here that the Eastern Bengal Railway purchased in 1931-32 and 1933 black paints from the European firm of Jenson and Nicholson without even calling for a tender as will appear from the reply to starred question No. 1068 (d) (i) of the 24th November, 1933. Sir, this is not all. The paints purchased were never even tested by the Government Test House as has been admitted in this very House in reply to question No. 50 (c) of the 6th March, 1934. In 1932-33 the East Indian Railway purchased 5,000 cwt. of black stiff paint from the European firm of Jenson and Nicholson at a higher price than the price of the tested material of an Indian firm. In 1936-37 an Indian firm offered at a lower rate a signal red paint tested not only by the Government Test House but also tested by the North Western Railway. Still the other State Railways, like the Eastern Bengal Railway, Bengal Nagpur Railway, Great Indian Peninsula, and others, will insist on the purchase of a material from an European firm, named Messrs. Bergers and Company. Sir, if I had sufficient time at my disposal I would have quoted any number of instances in this particular field of industry to show how Indian industries are being ruined. This is how indigenous capital is being made more shy. I next come to another industry, viz., the bulb manufacturing industry. Sir, though there is no protective duty on imported bulbs, yet the revenue duty and the surcharge on this article have worked as a protective wall to this industry. Now, Sir, taking advantage of the position a few Indian firms manufactured bulbs by the name of Bengal lamps, Bharat lamps and Indian lamps. But immediately the two big European firms of Messrs. Osram and Philips started their firms in India with foreign capital and with foreign management with the result that they entered into competition with those bulbs manufactured by Indian enterprises. The result is obvious and our Indian industries have been practically brought to the verge of ruination. I now come to the shipping industry. Foreign shipping companies with foreign capital and foreign management enters into competition with Indian shipping companies both in the coastal shipping and inland navigation with the result that many Indian companies with Indian capital and management had to close down. Even the Scindia Navigation Company and other Indian concerns are having a precarious existence in the field of shipping business. In coming to the field of the coal mining industry I find that firms with foreign capital have entered into competition with collieries run by Indians with Indian capital and are practically killing the small collieries and gradually these smaller collieries are passing into the hands of these foreign capitalists.

In coming to the field of the match industry we find that the Swedish Match Combine with huge foreign capital have started manufacturing matches in India and are competing unfairly with indigenous Indian concerns producing matches. In the field of the chemical industry some chemical companies like the Imperial Chemical Company with foreign capital and management are going to start their operations in India and for entering into unfair competition with the Indian Chemical Industries. In the field of the motor car industry the General Motors, Limited, backed with huge foreign capital is working in India and is draining out a huge sum by way of profit and management charges, and are making it impossible for any Indian concerns to come

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into existence in the near future. In the field of the soap industry firms with foreign capital like that of Lever Brothers have opened factories in India and are entering into unfair competition with soap factories run with Indian capital and Indian management.

Sir, I have shown so far how the firms with foreign capital are at present entering into unfair competition with Indian companies and are killing our industries. It is not all. I shall not be surprised if in time to come we find the Manchester magnates and the Birmingham magnates come over to India to open factories here and drain out India's resources by way of dividends and management charges. Now, Sir, India has adopted the policy of discriminating protection for the growth and development of her own industries. By Indian industries I do not mean industries started with foreign capital and management but having factories in India for the purpose of changing her raw materials into the finished product. By Indian industries I mean such industries run with Indian capital and Indian management with Indian experts. Sir, this discriminative protection has brought in the expected result which the members of the External Capital Committee and the members of the Indian Industrial Commission apprehended. Even the Minority Report of the Fiscal Commission anticipated this very thing and stated as follows :

"There is one aspect of the question to which attention must be drawn. If our colleagues' recommendation is accepted it will be open to every foreigner to establish manufacturing industries in India by means of companies incorporated in their own countries and in their own currency. This danger did not exist under a policy of free trade, but it is bound to materialise when the benefit of protective duties becomes available. We may have under such circumstances companies incorporated elsewhere, say in America in dollars, in France in francs, in Italy in liras, in Germany in marks, in Japan in yens, and in China in dollars, etc. It will be also possible for these companies to obtain their whole capital in their own countries and thus carry away the entire profit of manufacturing industries established behind the tariff wall. The consumer will have paid a higher price, due to protective duties, and the entire manufacturing profit will have gone out of the country".

Sir, at present as I have shown before this is exactly what is happening and is bound to give stimulus to all foreign companies to have their field of operation transferred from Manchester, Birmingham, Tokyo or Hamburg to Indian towns and provinces. I therefore demand in my Resolution exactly what our most revered Indian leader, Pandit Madan Mohan Malaviya, wanted a decade ago. This is what he said in his minute of dissent appended to the External Capital Committee Report :

"It is not only necessary that a reasonable proportion of the directors of every new company which may be formed hereafter in India should be Indians, but also that at least half of the share capital should be reserved to Indian subscribers for a definite period of time. If after that period Indians have not subscribed their share, the company should be free to acquire the remaining capital where it could".

THE HONOURABLE THE PRESIDENT: Yes, but the Report does not support that.

THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE: Even in 1916 Sir William Clark, the then Commerce Member, apprehended this result. In speaking on the Resolution for the appointment of the Industrial Commission he stated as follows :

"The building up of industries where the capital, control and management should be in the hands of Indians is the special object we all have in view".

He deprecated the taking of any steps which might :

"... merely mean that the manufacturer who now competes with you from a distance would transfer his activities to India and compete with you within your own boundaries".

His apprehensions have materialised at present. Even great Europeans like Sir Frederick Nicholson desired to see Indian capital protected and Indian industries developed with indigenous capital. Sir, during the course of the labours of the Industrial Commission Sir Frederick stated as follows :

“ I beg to record my strong opinion that in the matter of Indian industries we are bound to consider Indian interests firstly, secondly and thirdly, I mean by ‘ firstly ’ that the local raw products should be utilised ; by ‘ secondly ’ that industries should be introduced ; and by ‘ thirdly ’ that the profits of such industry should remain in the country ”.

The subject-matter of the Resolution has attracted the attention of the public as well. Only on the 5th April last Seth Kasturbhai Lalbhai one of the industrial magnates in India and a very important member of the Federation of the Indian Chambers of Commerce spoke on this subject very strongly. In the course of his speech at the annual meeting of the All-India Organisation of Industrial Employers he stated as follows :

“ I want particularly to invite the attention of the Government to the springing up of a number of foreign concerns backed by foreign capital behind the tariff structure of this country ”.

Further on in the course of his speech he stated as follows :

“ The effect of such a move on the part of foreign industries is already being felt by some of the smaller industries. I have, therefore, to suggest, for the consideration of the Government of India that they should institute an investigation into the working of these non-national concerns and the extent of competition which they are offering within the country to indigenous manufacturers ”.

I think, Sir, I have proved that the necessity has arisen now to stop foreign capital from deriving the unrestricted advantage of draining out India's resources in the shape of the middleman's profits for changing the raw materials of India into the finished product within her own boundaries. Once it is agreed that a necessity has arisen to check the incoming of foreign capital legislation is necessary to carry out the desired end.

Sir, one word more and I have done. I do not for a moment say that Indian capital is not working in any foreign companies that are now working in India. There may be hundreds of such cases. But my Resolution does not affect such companies at all. My Resolution affects only such companies which will in future be floated with foreign capital. All such future companies must be compelled by legislation to allow Indian investors to invest 50 per cent. of capital in such companies. I am not unmindful of the apprehensions of the members of the External Capital Committee as to the many *benami* transactions that might be effected in the matter of the purchase of shares by foreign capitalists through Indian names. But, Sir, when legislation will be undertaken we will have to safeguard against such contingencies by penal clauses. Penalties of forfeiture of shares purchased under *benami* transactions if provided in the future legislation will have sufficient deterrent effect to prevent such *benami* transactions by Europeans. I therefore hope the House will accept this very modest Resolution for the advancement of the cause of industries in India.

Sir, I move.

THE HONOURABLE MR. T. A. STEWART (Commerce Secretary): Sir, I was very happy to hear the assurance of the Honourable Mr. Jagadish Chandra Banerjee that this Resolution has arisen not from any racial antipathy but from a sincere desire to do the best for Indian industry. That is an assurance, Sir, that I am ready to accept and it is the more regretful therefore that I have to oppose his Resolution. Mr. Banerjee has referred at considerable length to the External Capital Committee—a Committee of both Houses

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of the Indian Legislature which was constituted some 11 years ago to consider the question of the inflow of capital into India. I do not propose, Sir, to quote in length the findings and recommendations of the External Capital Committee. In brief, they were that external capital had been of enormous value to India in the past and was likely to be in the future, that it would be unwise policy to place any restriction on its inflow and that in any case, except in a specified instance, such restrictions were not practical. Mr. Banerjee would have us reject those findings of that authoritative Committee on the ground that times have changed since 1925 when the Committee reported. I listened with some interest to find out the respects in which there had been change. Two instances struck me very forcibly. One was that recently there has been an enormous development of Indian industry with the help of Indian capital. The Honourable Mr. Banerjee instanced, for example, the sugar industry. Now, if that is a change that signifies anything, it indicates that the need for legislation today is less than it was 11 years ago. Also, if I heard my Honourable friend aright, another change was that certain small industries interested in the production of iron and steel were suffering from the competition of the Tata Iron and Steel Industry. Now, that is a change that may have come about, but I cannot see that legislation of the nature which the Honourable Member proposes would in any way prevent this happening.

THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE: Why not, may I know?

THE HONOURABLE MR. T. A. STEWART: Tatas, I understand, is to a very great extent Indian capital—is it not?

THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE: Yes.

THE HONOURABLE MR. T. A. STEWART: Well, Sir, I do not want to labour the more theoretical objections that might be based on the Report of the External Capital Committee. Let me suggest one or two practical objections to the Honourable Mr. Banerjee's proposal. It of course would not cover the operations of a private company. That, I think, must be admitted. But leaving out of account that objection—

THE HONOURABLE THE PRESIDENT: As the Resolution is worded, it would also cover the case of a private company.

THE HONOURABLE MR. T. A. STEWART: Theoretically it would, Sir, but it would be impossible in the case of a private company—

THE HONOURABLE THE PRESIDENT: Of course I agree with you.

THE HONOURABLE MR. T. A. STEWART—to determine what is the allocation of shares as between the various members. But, leaving out of account the fact that it would be a direct encouragement to the private company to the detriment of joint stock enterprise, let us consider what would happen. You start your company with a 50 : 50 distribution of the capital. The next day that proportion may be disturbed. How do you propose to avoid it? By a system of day-to-day inquisitorial examination of the books of the company? Well, there is another way of getting over it. We can have two kinds of

shares ; 50 per cent. of the shares may be transferred to anybody and 50 per cent. may only be interchangeable between Indians. Does the Honourable Mr. Banerjee recognise the implication of that ? There would be a double set of quotations for the shares of the company on the Stock Exchange and the purely Indian share would be at a considerable discount as compared to the others. These are practical difficulties.

But there is one other difficulty, Sir, and that lies in section 113 of the Government of India Act of 1935.

THE HONOURABLE THE PRESIDENT : That is what I pointed out to the Honourable Member at the start.

THE HONOURABLE MR. T. A. STEWART : This section, if I may read it, Sir, runs :

" Subject to the following provisions of this chapter, a company incorporated, whether before or after the passing of this Act, by or under the laws of the United Kingdom, and the members of the governing body of any such company and the holders of its shares stock, debentures, debenture stock or bonds and its officers, agents, and servants, shall be deemed to comply with so much of any Federal or Provincial law as imposes in regard to companies carrying on or proposing to carry on business in British India requirements or conditions relating to or connected with—

(a) the place of incorporation of a company or the situation of its registered office, or the currency in which its capital or loan capital is expressed ; or

(b) the place of birth, race, descent, language, religion, domicile, residence or duration of residence of members of the governing body of a company, or of the holders of its shares, stock, debentures, debenture stock or bonds, or of its officers, agents or servants.....".

In view of the terms of that section, Sir, it would be entirely infructuous to attempt any such legislation as the Honourable Member has referred to.

THE HONOURABLE THE PRESIDENT : I think that any such legislation, even if passed, would not over-ride a British Act of Parliament.

THE HONOURABLE MR. T. A. STEWART : That is my suggestion, Sir, that if we pass such legislation, it would become immediately inoperative as soon as the Constitution Act came into operation. For these reasons, Sir, I feel that I must oppose this Resolution.

THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE : Sir, I am very sorry that this very modest Resolution of mine has not been accepted by the Government, nor are Government agreeable even to appoint a committee consisting of officials, experts and non-officials, to make further investigation into this subject. So far as I am concerned, I have nothing more to add to what I have already said in the course of my speech in moving my Resolution. I know that if I press this Resolution to a division, it will be negated by the Government officials of the Treasury benches with the help of the non-official nominated Members. But, still, in order to keep on record the views of the non-official elected Members of this House—

THE HONOURABLE THE PRESIDENT : Nobody else has expressed any opinion on your Resolution.

THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE : Still, Sir, I should like to press the Resolution to a division.

THE HONOURABLE THE PRESIDENT : Your own opinion you have expressed. Do not refer to the opinions of other elected Members.

Resolution moved :

" This Council recommends to the Governor General in Council that immediate steps be taken to bring forward legislation by which all companies which will hereafter be floated with external capital for the purpose of opening factories in India for manufacturing any kind of articles either from raw materials available in India or from semi-finished or finished parts imported into India would be compelled to take at least 50 per cent. of the total capital from natural born Indians ".

The Question is :

" That that Resolution be adopted ".

The Motion was negatived.

RESOLUTION RE SPECIAL FACILITIES TO THE SUGAR INDUSTRY

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASHAD MEHROTRA (United Provinces Central : Non-Muhammadan) : Sir, I beg to move :

" That this Council recommends to the Governor General in Council to direct the railway authorities to grant special facilities to sugar factories by giving concession rates of freight and providing an adequate supply of wagons for the transport of cane, molasses and sugar ".

As Honourable Members know, India largely depended for its consumption of sugar on Java and other foreign countries before 1931. After April, 1932, India got protection, on account of which a large number of factories sprung up. Indians invested a capital of about Rs. 25 crores in the industry. The number of factories also rose enormously. In 1931-32, before protection was given to the industry, the number of factories was 32 ; in 1932-33, that is, after protection was given, the number increased to 57 ; in 1933-34, it rose to 112, in 1934-35 to 138 and in 1935-36, as far as my information goes, there were about 152 factories. Sir, as the number of factories rose, the import of sugar also decreased. Before protection was given, sugar worth as much as Rs. 6,06,36,542 was imported into India in 1931-32. In 1932-33 it came down to Rs. 4,17,84,671. In 1933-34 it came down further to Rs. 2,63,71,431. In 1934-35 the value of imported sugar was only Rs. 2,04,75,462, and in 1935-36 it is expected that it will be somewhere about Rs. 1,88,27,440. These figures have been tabulated by the Indian Sugar Mills Association, Calcutta, and I presume that they are correct. So within a short period this industry now occupies the position of the second largest industry in India and thus plays a very important part in the national economy. It directly supports about a lakh of manual labourers and about 2,000 graduates, in addition to a large number of undergraduates working as clerks, cane supervisors and so forth. (An Honourable Member : " What is the number of under graduates ? ") I have got no figures. Graduates being important employees of the factories the figure has been given by the Indian Sugar Mills Association. So that this industry helps substantially in solving the problem of the day, I mean the unemployment question.

THE HONOURABLE MR. P. N. SAPRU : Does it solve it ?

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA : I say it helps substantially ; I do not say it has solved it. And as regards agriculturists, I must submit that it has helped them vastly

both tenants and zamindars. My province produces more than 51 per cent. of the total sugarcane grown in the whole of India, and I do not know what would have been the condition of the agriculturist had the industry not been developed. It is the principal crop in the United Provinces and in Bihar and the tenants are in a position now to pay the rent for the whole year out of the production of sugarcane. So in the United Provinces and Bihar it has played a very important part. Now what is the result? The result is that after three years an excise duty has been levied and this nascent industry has been hit hard before it was in a position to consolidate itself and to build up a reserve to meet competition.

THE HONOURABLE THE PRESIDENT: What is the average rate of dividend paid by these companies?

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA: Sir, the industry paid very good rates of dividend before the excise duty was levied, and as you have put this question directly I may give you the dividends that it has paid. For some of the factories in the United Provinces and Bihar I have got the figures in my hand. In the United Provinces, three factories have paid 6 per cent.; one has paid 8 per cent.; two to three have not paid any dividends. I am not giving the names of those factories. They are here in this pamphlet which I hope has been distributed to all the Members by the Sugar Mills Association. In Bihar, one factory paid 6 per cent.; two suffered a loss, one to the extent of Rs. 54,585 and another Rs. 69,077. In the Punjab one factory has suffered a loss of Rs. 2,57,999. In Burma a factory has suffered a loss of Rs. 65,676. In Madras, one factory has paid a dividend of 10 per cent., while two factories have not paid any dividend as they made a very small profit and a fourth factory has suffered a loss of Rs. 7,244. These are the figures that I have got at present with me.

So, Sir, as this industry developed the question of the reduction of railway freight also came up. Before the establishment of so many factories the railways used to give concessions from Calcutta to the principal inland markets for the transport of sugar, but with the increase of these factories that position has been reversed. Now the mills are in a position not only to supply inland markets but also to transport it to the port towns to meet the competition of foreign sugar. Representation after representation was made to the railway authorities to give concessions for the transport of sugar from these factories to port towns and I am glad that after about a year and a half the railway authorities gave certain concessions and brought down the freight from about Rs. 1-5-0 to Rs. 1-1-0. But I fail to understand why this concession has not been given to all the factories. So far as the East Indian Railway is concerned, I understand that it has generally given this concession, but the North Western Railway has given a certain concession with the greatest difficulty and some of the factories have not been given it at all. The Bengal and North-Western Railway has given a concession to the majority of the factories, but still there are many factories in the north of Bihar and in the central parts of the United Provinces which have not received the concession and hence they are not on the list of concessions which I have got. I do not want to waste the time of the House by reading the names of all the factories that have been given this concession rate. The matter was brought to my notice when this list was circulated and I made a representation to the Bengal and North-Western railway authorities. My own factory, the United Provinces Co-operative Sugar Factory is the only semi-Government factory working on co-operative lines in the United Provinces out of about 75 factories. This factory was unluckily one which has not received any

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concession so far as the transport of sugar or gunny bags or molasses is concerned. We wrote several letters to the Agent, but I do not know what is the practice of these railway authorities. They do not want to reply to letters; they do not want to acknowledge even telegrams. All the letters remained unreplyed. It was on the 9th of March this year that a letter was addressed to the Agent from this factory, which runs thus :

" We very much regret to point out that whenever a circular of special rates is issued from your office the name of our factory is omitted. Ours is a semi-Government institution and deserves special consideration at your hands, nothing to say of placing it on an equal footing with other firms. Other factories which get special reduced rates can sell sugar at an advantage——"

THE HONOURABLE THE PRESIDENT: On the same Railway? Are factories on the same railway not treated alike?

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA: Yes, Sir. That is the peculiar thing.

" Other factories which get a special reduced rate can sell sugar at an advantage. We wrote a letter No. 3720, dated the 19th February, but sorry we have not heard any reply. We also sent a telegram; that also met with the same fate. Kindly look into the matter and remove our grievance as early as possible "

The letter has not yet been acknowledged. Then, Sir, so far as the question of gunny bags is concerned, the place where this factory is located is a great business centre and exports grain of about Rs. 20 lakhs, besides sugar, tobacco and other commodities. There is a railway station just close to Biswan, namely, Burhwal, and fortunately it happens to be on the East Indian Railway. Although it is a distance of about 30 miles, that railway station without any special import has got concession in transport of gunny bags, but this place where business for over Rs. 20 lakhs is transacted has got no concession rates. The letter on the point was addressed to the Agent on the 16th September, 1935—so long ago—but no reply has been received. The letter runs as follows :

" As there is no special rate for gunny bags traffic from Cawnpore, Katihar, or via Katihar in the Bengal and North-Western Railway Goods Pamphlet, it causes a great deal of loss to the traffic as well as to the public. We may mention here that the public and mill traffic as well as transport of goods is heavier at the Biswan station than at Burhwal, which can easily be found out from the Biswan station records. We assure you that the gunny bags traffic has been increasing here day by day, and considerable demand for our mill use is expected in future.

" We would, therefore, please draw your early attention to consider the matter as to grant a suitable concession in rates of new gunny bags from the stations noted above to the Biswan station "

Sir, I have not got figures of individual factories and hence I cannot place them before the House. As I am particularly interested in this factory, I know all the facts and figures. But reading the Report of the Indian Mills Association for the year 1934-35 I find that complaints of this sort have been made from many factories and the Association has represented to the Railway authorities and the Government of India. They write at page 27 :

" Complaints of inadequate supply of wagons were received every now and then from member factories during the season "

Now, I come to the supply of wagons. The supply of wagons on the Bengal and North-Western Railway is also very inadequate. When these factories help very much in increasing the revenues of the railways, I do not see any reason why they should not make adequate arrangements for the

supply of wagons. As there are a large number of factories in the United Provinces on the Bengal and North-Western Railway, I think it is in the fitness of things that the authorities should take special care in supplying wagons. After all, railways are business concerns and no business man will like to grudge spending money on a matter from which he expects to get greater income.

THE HONOURABLE THE PRESIDENT: But the demand is always fluctuating; it is a seasonal demand only.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA: It is increasing. It is fluctuating in the sense that it is increasing day by day; it is not diminishing at all as many factories are increasing their capacities. Besides, they do one peculiar thing. They supply closed wagons for transport of cane. The East Indian Railway and as far as I know the North Western Railway supply open trucks. The factories are especially benefitted when they receive open trucks, because there is very great facility in loading and unloading sugarcane when we get open trucks and it is with the greatest difficulty that a closed wagon is loaded and unloaded with sugarcane.

THE HONOURABLE THE PRESIDENT: What about theft in transit in open wagons?

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA: Cane is being carried from a very short distance, say two or three stations and it is always the practice that the railway receipts are brought by somebody with the railway wagons and therefore there is not much likelihood of theft. There is certainly some theft, but it is all the same whether the wagons are closed or open, as closed wagons are not locked.

Then, Sir, I come to the supply of molasses tank wagons. It was only this session that I put some questions about the supply of molasses tank wagons and the Government was pleased to reply that they had supplied as many as 150 wagons to the Bengal and North-Western Railway. I sent one or two letters, but did not receive a reply. It was only when I made a reference to the questions in the Council of State and the reply given by the Government that I received a reply in plain words from the Bengal and North-Western Railway authorities and in their reply they said just the reverse of what we got in answers on the floor of this House. They said that they have purchased 150 wagons (no doubt from Java—second-hand wagons) with framework only without tanks on them and the Molasses Export Company that has been established at Calcutta has supplied tanks on these wagons. So the wagons are entirely at the disposal of the Molasses Company and therefore they asked us to correspond with that Company. What is the result? The result is that Company is going to have a monopoly of those wagons and unless we agree to give them molasses on the terms offered by the Company we are helpless in selling our molasses at a higher rate to other individuals. There are two factories on the East Indian Railway which are about 30 miles from the United Provinces Co-operative Factory. They sold their molasses at a rate of five annas a maund and four annas a maund. But as they have got molasses tank wagons on the Bengal and North-Western Railway, the Molasses Export Company of Calcutta are not prepared to offer more than one anna per maund to the factories on the Bengal and North-Western Railway. I fail to understand why the Government is helping to give a monopoly to this Company. The railways should be supplied with special wagons and anybody who wants to transport molasses should have those wagons at his beck and call, as other

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wagons are supplied to the factories. If this is done we are sure the factories will be able to sell their molasses at a higher price, as is being done on the East Indian Railway.

With these words, Sir, I move my Resolution.

THE HONOURABLE SIR GUTHRIE RUSSELL (Chief Commissioner of Railways): Sir, this Resolution, as far as I can make out, asks for two things—first, for reduced rates of freight for the three commodities concerned—the raw material (sugarcane), the manufactured article (sugar), and the bye-product (molasses); and further that there should be an adequate supply of wagons. In other words, that sugar traffic should take preference over all other traffic. Now, I was very glad to hear the Honourable Mover state that railways were business concerns, because if railways are business concerns the only possible justification for a reduction in rates can be if that reduction in rates is going to so increase traffic that the loss caused by the reduction will be more than neutralised. It cannot be a business proposition for the railways to pay or to neutralise the excise duty which was, I think, another proposition of the Honourable the Mover. Now, Sir, the two railways most concerned, as far as rates are concerned, are the East Indian and the Bengal and North-Western and I think it might interest the Council if I detail some of the concession rates which have already been granted to sugar producers. On the East Indian, special lump-sum wagon mile rates are quoted for sugarcane on the basis (with slight variations) of four annas per wagon per mile, subject to a minimum of Rs. 10 per four-wheeler wagon. These rates, except on very short leads, approximate to the minimum permissible, namely, one-tenth pies per maund per mile. On the Bengal and North-Western Railway, special rates are quoted per wagon per mile. These are from one-third to one-fifth of the ordinary classified rates. For example the rate from Bettiah to Majhowlia per covered wagon is only Rs. 6 as against the ordinary classified rate of Rs. 17. The rate from Salempur to Sardarnagar is Rs. 6 as against the ordinary rate of Rs. 29.

The Honourable Member stated that certain factories are not enjoying the benefits of these reduced rates. If he can produce cases to prove this and put these up before the Rates Advisory Committee and prove undue preference, he will probably win his case.

Then as regards the rates for sugar, special rates have also been quoted both for the Bengal and North-Western and for the East Indian Railways, and I shall give you a few examples of these. From Dehri-on-Sone to Howrah, the ordinary rate is Re. 0-9-9 and the special rate Re. 0-8-8; to Madras the ordinary rate is Rs. 2-15-9 and the special rate Re. 0-14-5; to Bombay the ordinary rate is Rs. 1-11-0 and the special rate is Re. 1; to Karachi the ordinary rate is Rs. 2-8-3 and the special rate Rs. 1-1-3. I can quote many other rates on the East Indian which show a similar reduction but these will I think suffice.

Now take the Bengal and North-Western. From Basti to Howrah the ordinary rate is Rs. 1-4-6 and the special rate Re. 0-12-6; to Madras the ordinary rate is Rs. 3-6-7 and the special rate Rs. 1-1-0; to Bombay the ordinary rate is Rs. 1-15-4 and the special rate Re. 1-0-3; to Karachi the ordinary rate is Rs. 2-0-2 and the special rate Re. 1-0-6.

Now finally, molasses. Molasses are classified first class at owner's risk or 0-38 pies per maund per mile, but special reduced rates are quoted both

over the East Indian and Bengal and North-Western Railways to assist factories in the disposal of this commodity. On the East Indian, a reduced schedule scale is quoted for traffic in minimum wagon loads of 270 maunds. The reduction from ordinary class rates varies from 8 pies at 100 miles to Rs. 1-1-10 at 900 miles. Besides these, special reduced rates based on very near the minimum are quoted to assist the export traffic from Mokameh Ghat to distilleries and to Kidderpore Docks. Special rates are also quoted over the Bengal and North-Western Railway. Some of these may be of interest. From Basti to *via* Katihar, a distance of 354 miles, the ordinary rate is Re. 0-12-11 and the special rate Re. 0-3-11. From Majhowlia to *via* Katihar, a distance of 233 miles, the ordinary rate is Re. 0-8-8 and the special rate is Re. 0-2-9. From Basti *via* Mokameh Ghat, a distance of 248 miles, the ordinary rate is Re. 0-10-3 and the special rate Re. 0-3-6. From Majhowlia *via* Mokameh Ghat, a distance of 141 miles, the ordinary rate is Re. 0-6-6 and the special rate Re. 0-2-3.

Surely nobody can complain that the railways have not gone a very long way to help the sugar industry. Now, the Honourable Member in his speech detailed the unprecedented progress of the sugar industry, if railway rates had crippled the industry, surely that progress would not have been made? Actually at the present moment I may say that we have received a recommendation from the Indian Railway Conference Association to raise the classification of sugar from class 2, which is 0.42 pie per maund per mile, to a new class 2A, which is 0.46 pie per maund per mile. This is a very small increase and as far as one can see it will not affect the existing rates for long distance traffic to the ports.

Now, we come to the second part of the Resolution—special facilities for the supply of wagons. I have made a reference both to the East Indian and the Bengal and North-Western Railways, and I am assured by both Railways that in co-operation with the sugar factories their main difficulties have been got over. There have been difficulties in the past for the transport of cane. It has been normal for factories to utilise all the cane near at hand which could be transported by cart at the beginning of the season. Then, later on, that is by February, when the supply of carted cane diminished, they have had to go further afield and railway transport has been called into operation. That means that for a short season all the cane has been concentrated on the Railways and that has caused a certain amount of inconvenience. But now the factories, I understand, are arranging to spread their requirements throughout the season and I believe that difficulty will be removed. So far as I am aware, there has been no difficulty as regards the transport of the manufactured article except occasionally when ghat stations have been jammed by through excess traffic. When you have got to remove ghat stations owing to changes in the river, no godown accommodation can be provided, and railway wagons are used as godowns and occasionally wagons are held up and restrictions are put on stations, but that only happens occasionally.

Now we come to molasses. The Honourable Member complained about the shortage of wagons on the Bengal and North-Western Railway. He is quite correct when he says that these 150 wagons are primarily for the traffic of the British Molasses Export Company. They were enterprising and they put forward a suggestion to the Bengal and North-Western Railway to import under-frames from Java, and they supplied the tanks. But I can assure the Honourable Member that if the traffic in molasses increases and there is justification for providing more wagons, these will be provided. A molasses wagon is not a cheap article. It is a wagon which is only used for a very few

[Sir Guthrie Russell.]

months in the year, and you have got to think twice before you sink a large amount of capital in the construction of wagons of that description. You have got to be assured of the traffic, but if the traffic develops I do not think the Railways will be slow to provide the wagons. Actually, on the East Indian Railway, up till last year I think they had about 96 tank wagons and 50 new ones have been provided this year. That should go a large way to meet the needs of the sugar industry.

I hope that having explained the position to the Honourable Member, he will see his way to withdraw this Resolution; otherwise, I am afraid I have no option but to oppose it.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA: Sir, I am certainly prepared to withdraw this Resolution if my Honourable friend is prepared to draw the attention of the Bengal and North-Western Railway authorities to remove this differentiation of factories being given the concession and factories not being given the concession. Their whole supply of molasses tank wagons have been given to the British Molasses Export Company and there is absolutely no chance for any private company—

THE HONOURABLE THE PRESIDENT: The Honourable Sir Guthrie Russell has controverted the charge of undue preference. He said, "If you give me instances and proof, I will look into the matter". He has controverted your allegations.

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA: In this very House I am prepared to show him the letter I have received from the Bengal and North-Western Railway authorities in which they have definitely told us that these wagons have been placed at the disposal of the British Molasses Export Company and I am to settle with the Company. Otherwisé, there is absolutely no chance of getting molasses wagons. We have got that letter in our possession, and I cannot see how my friend is prepared to contradict that letter. So, if my Honourable friend is prepared to remove our grievances and to draw the attention of the Bengal and North-Western Railway authorities to them I see no objection in withdrawing the Resolution, but not unless I get that assurance.

THE HONOURABLE SIR GUTHRIE RUSSELL: Sir, I am prepared to forward the Honourable Member's speech to the Agent of the Bengal and North-Western Railway and ask him to consider the points raised therein.

THE HONOURABLE THE PRESIDENT: Does that satisfy you?

THE HONOURABLE RAI BAHADUR LALA MATHURA PRASAD MEHROTRA: Yes, Sir. I am now prepared to withdraw the Resolution.

The Resolution was, by leave of the Council, withdrawn.

RESOLUTION *RE* ESTABLISHMENT OF A CIVIL MEDICAL SERVICE INDEPENDENTLY OF THE INDIAN MEDICAL SERVICE.

THE HONOURABLE RAI BAHADUR LALA JAGDISH PRASAD (United Provinces Northern: Non-Muhammadan): Sir, I beg to move the following Resolution:

"This Council recommends to the Governor General in Council that a separate civil medical service should be established independently of the Indian Medical Service which is primarily a military service".

Sir, it is well known that the Indian Medical Service is primarily a military service. But it lends officers for employment in the civil section. According to the present arrangement the interests of the military are the first charge on the attention of the Indian Medical Service, and Indian Medical Service officers are drafted to the civil administration in order to suit the convenience of the Army Department. This system obviously dates back to the time of the East India Company when they had to import their doctors along with their armies and after their getting hold of the territory they had to expand a system of medical administration for their service also. But, Sir, this principle has outlived its usefulness and is now out of date. The intelligent opinion of the country has clearly expressed that there are no sane grounds for maintaining this old order of things and continuing the Indian Medical Service as a military service as well as that used for civil administration. The principle of Indian Medical Service recruitment is inherently unsound and vicious for more reasons than one. In the first place, by reason of the interests of the military being the first charge on the attention of the Indian Medical Service the interests of the civil population, who number 33 crores, in matters of medical relief, sanitation, medical education and research do not receive the attention they require. The second drawback is this. Although medical and public health are provincial and transferred subjects, yet Local Governments have to accept any officer belonging to the Indian Medical Service whom the Government of India send, part with their officers of tried ability and accept officers unknown to them. There is the further disability of having to act under the orders of the Secretary of State to appoint the stated number of Indian Medical Service officers as civil surgeons. The Local Governments cannot exercise over these Indian Medical Service officers that amount of control which they themselves, the Provincial Legislatures and the public desire. The Local Governments have no power to post them to any districts at their discretion. Particular Indian officers may be best suited but under orders of the superior authority certain districts are reserved for these Indian Medical Service officers. This system is highly objectionable and has rightly evoked public criticism for a very long time.

As long ago as the year 1893 a resolution was passed by the Indian National Congress advocating the establishment of a civil medical service which should be separate from and independent of the military medical organisation. This suggestion has had the unambiguous support of the medical profession and other sections of Indian public opinion. In the old Imperial Legislative Council Mr. (now the Right Honourable) Srinivasa Sastri moved a Resolution on the subject and in his speech said that the coming in of the Indian Medical Service in the civil employ shut out Indian talent, hindered the progress of the independent medical profession and made the civil population depend for their medical needs upon a service which was called upon to serve in the military both at the beginning and end of their career, and in war time would not be available at all. How much importance the Government attach to Indian opinion and wishes is evident to some extent from the fact that in October last Major Ranjit Singh of my province (who served as an Indian Medical Service officer during the Great War) in his address as President of the second United Provinces Medical Conference had still to complain that the request had not been complied with. He said that the civil medical service should be entirely independent of the military medical service and that

“ it is a question of vested interests and there is nothing but pure *zid* on the part of the administration to continue the Indian Medical Service in its present shape ”.

Sir, two arguments are put forward by the advocates of the present system. One is, that it is necessary for the Indian Army to have a reserve of medical

[Rai Bahadur Lala Jagdish Prasad.]

officers who can usefully be employed in the civil department; and the other is, that British officers employed in the public services and their families are entitled to British medical attention. Now, with regard to the first argument. I would say that this argument could have had some weight in former times when there was no independent medical profession which could supply medical officers to the army in times of emergency. But now there is no dearth of qualified men in the medical profession. Between 30 and 40 qualified medical graduates are turned out every year from my province alone. Then, the plea of the State can be met during the time of war by making military service obligatory for all the civil medical officers who may be by turns trained in the military hospitals, and thus be available to the military side during the time of an emergency. The last war has proved it beyond all doubt that with all their claims the Government were unable to cope with the need of the military and had not only to fall back upon the civil medical service, but had also to throw open the doors of the Indian Medical Service by giving temporary commissions to our medical graduates. I believe that over one thousand civil practitioners joined the Indian Medical Service during the war as temporary commissioned officers, and these officers acquitted themselves very creditably. Many of them, as Major Ranjit Singh pointed out in his address, were decorated with the Military Cross and D. S. O., and were mentioned in dispatches. Apart from this, in Britain the Royal Army Medical Corps has no such reserve of officers who could usefully be employed in the civil department. There is no reason why this combination of civil and military duties under which system the medical needs of the civil population who number so many millions are subordinated to the supposed needs of the military, should be persisted in in the case of India. Coming to the second argument, viz., that British officers employed in the public services and their families are entitled to British medical attention, I have only to point out the fact that according to Major Ranjit Singh there are several hundreds of Indian medical practitioners who have a large and lucrative practice in London and in other towns of the United Kingdom today, and a few of them have even entered the rank of specialists in Harley Street, whereas there are some among Indian medical men who have been preferred by high European officers such as Chief Justices, Commissioners of divisions and Governors of provinces who have freely availed themselves of the consultation and treatment by pure Indian medical officers on many occasions in preference to medical officers of their own nationality.

These facts are enough to show that the arguments advanced by the adherents of the present system do not hold much water.

Sir, in the United Provinces 15 districts are reserved for European Indian Medical Service officers. And almost every year the United Provinces Legislative Council records its protest against the present unjust arrangement. What the Council are really protesting against is not merely the reservation of certain districts for European Indian Medical Service officers, but the entire method of recruitment of the medical service. Debates on this subject are in fact a hardy annual. Only last month the Council passed a Motion to protest against the reservation of certain offices at certain places for European Indian Medical Service officers and the Government promised to forward the Council debate to the Government of India. The fact that a Provincial Legislature should year after year protest against the existing state of affairs shows the depth of feeling on the subject in Indian circles.

Is it too much to hope that the Government of India would gauge the strength of public opinion on the subject and take steps to establish a separate civil medical service independently of the Indian Medical Service? I trust

that the Government would take time by the forelock and make a move in the desired direction at a time when as a result of the new Constitution provincial autonomy is in sight and when the foisting of Indian Medical Service officers on provinces would more than ever be an eyesore to the autonomous Provincial Governments.

Sir, we have the Honourable Major-General Sprawson in our midst today and I hope he will have a sympathetic word to say in regard to this proposition.

Sir, I move.

*THE HONOURABLE SAIYED MOHAMMAD PADSHAH SAHIB BAHADUR (Madras : Muhammadan) : I rise to support the Resolution which has been so ably moved by my Honourable friend Lala Jagdish Prasad. I think that this is a grievance which needs to be immediately redressed. As has been pointed out, the bringing in of Indian Medical Service people in the civil medical service in India places a great handicap on the most efficient of the medical men in the civil medical service. It has a double disadvantage. Firstly, the Indian Medical Service people have to be preferred to the indigenous medical talent in the country. Secondly, the Provincial Governments are almost powerless against the orders that come to them from the Secretary of State in regard to the appointments of these Indian Medical Service officers. The best districts are reserved for these people and the result is that the best of the indigenous medical talent has got to suffer on account of this influx of military medical men. As was stated by the Right Honourable Srinivasa Sastri when he moved a similar Resolution some years ago in the Imperial Council, this influx of Indian Medical Service people shuts out effectively Indian medical talent. I know that there is a lot of discontent on this account in the provinces. I know of one of the Ministers in my own province who protested against this, who tried his best to see that this system of foisting these Indian Medical Service people on the provinces was abandoned. But he was fighting against tremendous odds. It was a long-established practice and the people at home were unwilling to give it up. As has been pointed out by the Honourable Mover, the reasons which justified such a system no longer hold good. It is quite possible for medical men to be found for service in war when any such occasion arises ; it is possible to find such men even from Indian people who practise the medical profession in the country. The Great War has clearly demonstrated the ability of the medical profession in India to rise equal to the occasion and render efficient service in time of war. I feel, Sir, that it is high time that this system is given up and the disadvantages to which the indigenous medical talent in the country is subjected is removed.

THE HONOURABLE KHAN BAHADUR DR. SIR NASARVANJI CHOKSY (Bombay : Nominated Non-Official) : Sir, the subject of the separation of the civil medical service from the Indian Medical Service has been before the profession in India for a considerable time. The Honourable Mover has referred to the numerous memorials and representations of the Bombay Medical Union submitted from time to time to the Government of India and the Secretary of State for India. The question of the reorganisation of the Medical Services was eventually taken up by Lord Morley when he was Secretary of State for India. He made certain proposals, but before those could be given effect to he resigned after the outbreak of the Great War. Thereafter there was the Islington Commission before which the Bombay Medical Union submitted a very exhaustive and strong representation.

* Not corrected by the Honourable Member.

[Sir Nasarvanji Choksy.]

Thereafter the Lee Commission considered the subject. The Union's representatives also gave evidence before it. Finally the last Committee, appointed by the Government of India, was the Verney Lovett Committee. It prepared three schemes—A, B and C for the opinion of the medical profession in India. These were also considered by the Medical Union, and I was deputed to give evidence on the subject. After careful scrutiny of the schemes I prepared a fourth scheme which in effect did fair and equal justice to all interests, both European and Indian. When I appeared for evidence before the Committee, the President said that my scheme was so complete that he had no questions to ask me. In spite of that none of my recommendations were given effect to. Subsequently the Government of India had also appointed other departmental committees without any tangible results. Sir, great changes have however occurred since then, especially in the Bombay Presidency. I take Bombay City first. There was a large number of Indian Medical Service appointments; it staffed the Grant Medical College and the J. J. Hospital, and now, what is the present situation? Almost the entire staff consists of honorary medical officers, all Indian non-officials—possessing high qualifications. The work they are doing has met with the approbation of Government. Besides the above changes European Indian Medical Service posts have been considerably reduced as there exist only three other officers, *viz.*, the Port Health Officer, the Chemical Analyser and the Certifying Surgeon for Bombay. There are two officers attached to the St. George's Hospital. As regards the Bombay districts, every district had an Indian Medical Service officer as Civil Surgeon. The number has been so much reduced today that barely six to seven are working in that capacity. Then the Sanitary Department is at present under an Indian I. M. S. officer; all other superior offices are also held by Indians. Thus, in so far as the Bombay Presidency is concerned, there has been a great change, almost a revolution in the Civil Medical Service. Formerly some Indian Medical Department officers were also appointed as civil surgeons, but that practice has been abandoned now. A very large number of civil hospitals are at present being manned by Indians belonging to the provincial medical service. They have been graded and attain the maximum salary of Rs. 800—1,000. Sir, the duties of civil surgeons have considerably expanded within the last few years. It was previously thought that all that they had to do was to look after their own hospitals and do inspection work of smaller dispensaries. They have now to take an important part in various philanthropic organisations for the welfare of the people. Besides that they have to exact discipline and to have considerable administrative experience. I believe, Sir, that the great majority of the men who are now in charge as civil surgeons in the Bombay Presidency do come up to a high standard of efficiency. Their outlook is necessarily broader and several acquire high qualifications. But the main question of a separate civil medical service hinges upon the ratio laid down by the Lee Commission that there should be in the Indian Medical Service two European to one Indian officers. Until that ratio is changed, I do not believe there can be any probability of such an independent service, as suggested by the Honourable Mover. For all practical purposes however such a service does exist in the Bombay Presidency though not so called. As regards Indians rising to the highest positions in the Indian Medical Service there have been numerous instances and at present there is the instance of the Surgeon-General of Bengal Major-General Goyle, the first Indian to attain to this permanent office. Everything therefore tends to show that Indians are progressing but not digressing, but until and unless the ratio is altered there can be no probability of a separate service. Then, Sir, may I suggest to my Honourable friend that in order to fit our

medical graduates for their responsibilities through acquiring knowledge of discipline and administration they should be encouraged to join the Army in India Reserve of Officers.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS (Punjab : Non-Muhammadan) : Sir, I rise to support the Resolution of my friend the Honourable Rai Bahadur Lala Jagdish Prasad. Sometime back it was the practice to employ army officers in the civil department as far as the non-regulated provinces were concerned, but when public opinion grew strong they were withdrawn ; and now in regulated provinces we do not find army officers holding charge or serving in any district. Sir, the time has now come when we should adopt the same procedure as far as the medical service is concerned, for the sake of economy without loss of efficiency. In the olden days it may be said that medical officers of a certain calibre were not to be found among Indians. But the other day I was told by a Member of the Public Service Commission in India that they now have on their list a number of highly qualified Indian medical men with the highest British qualifications. There are many with qualifications of M. R.C.P. and F.R.C.S., which in times past fell to the luck of the few. In case the proportion to which my Honourable friend Sir Nasarvanji Choksy has referred to is to be maintained—though I am of opinion that it must be changed—in the proposed new civil medical service there can be a number of Europeans employed. Now the question of the colour complex is disappearing. There was a time when Britishers did not like an Indian to give medical advice in their families or to introduce an Indian medical officer into their families. Now things have very much improved and the relations between Indians and Europeans are so cordial that that necessity does not at all arise. Therefore, Sir, I urge the Government to be good enough to accept this Resolution. Sir, in the Army Services as far as the subordinate service is concerned, military assistant surgeons are freely employed and as far as my information goes these apothecaries in England, unless they have certain special qualifications, are not allowed to have any medical practice. In India, Sir, unfortunately there are some members of the subordinate military service who are put in charge of districts in the provinces. I might, Sir, quote an instance of a certain district in the Punjab where there was such a civil surgeon. A certain person fell sick and being in the out-station he could not but go to that particular civil surgeon for medical advice. And for two months that person was suffering from his disease for want of a right diagnosis. To his good fortune, that civil surgeon was transferred and another capable person came in his place, and that man who was suffering for two months got all right in a week.

Sir, I would certainly add that if we employ incompetent people in the Medical Department, we have only ourselves to blame. We should employ the best men available and fortunately there is no dearth of them. Therefore, Sir, I strongly support this Resolution.

*THE HONOURABLE MR. HOSSAIN IMAM (Bihar and Orissa : Muhammadan) : Mr. President, I rise to put in a word in support of this Resolution. Sir, our point in asking that the Indian Medical Service should be separated from the Civil Department is that we do not like to be saddled with the responsibility of footing the bill for army expenditure in the military department. The Provincial Governments have to pay a higher scale of emoluments for a Service which is really maintained as a reserve for the Military Department

* Not corrected by the Honourable Member.

[Mr. Hossain Imam.]

and as such it is merely shifting the burden of central expenditure on to the shoulders of Provincial Governments. This is the first objection to the existing system. Then, Sir, as far as I have been able to study the question, the number of medical officers attached to British units in India is similar to the number attached to the British forces in England. If England can carry on the administration without keeping a reserve outside in civil employment why cannot we follow the same example? There, Sir, if there is any reserve, it is a reserve attached to the Military Department and if we want to have a reserve as we have an Indian Reserve of Officers we may have also a reserve of medical practitioners by taking in outside practitioners and allowing them certain emoluments and giving them certain training during the year. Now, as regards the Indian units of the British Army, you have the Indian Medical Department manned by Anglo-Indians, who although statutory Indians are also Britishers in another sense, and for that purpose, Sir, whether they are qualified or not is not a question for us, but if the Military Department regard them as fit enough to carry on the day-to-day duty in the army, I think, Sir, they can be relied upon to see them through in time of war. Besides, Sir, as the Honourable the Leader of the Opposition pointed out, there is no dearth of qualified men in the country and military duty in war time has been satisfactorily discharged by these untrained men and therefore it is not necessary that we should maintain our reserve of the Medical Department at a pitch at which they are maintaining it in fear of war, which has been all this long time in coming. We hope, Sir, that with the advent of the League of Nations, the danger of a really first-class war has receded into the background.

HONOURABLE MEMBERS : Question ?

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

The Council re-assembled after Lunch at Half Past Two of the Clock, the Honourable the President in the Chair.

THE HONOURABLE THE PRESIDENT : The debate will now resume.

THE HONOURABLE MAJOR-GENERAL C. A. SPRAWSON (Director General, Indian Medical Service) : Sir, this House has in previous years considered various Resolutions on details of organisation in the Indian Medical Service and it is not surprising that it should be so, because details of organisation of a Service which has to fulfil duties both civil and military, and in peace and in war, are sometimes difficult to understand and it is only natural that one should explain to Honourable Members of this House why things are done as they are. The organisation of the Indian Medical Service is based fundamentally on the needs of this country in war. Members will easily understand that considerable expansion of all the Medical Services is necessary on the outbreak of war. I should not have thought it necessary even to mention that but for the fact that two Honourable Members, the Honourable Mover and the Honourable Mr. Hossain Imam, have made a statement that the medical forces of the British Army have no reserve. That of course is a mistake. It would be impossible for them to function properly if they had not. There are, as a matter of fact, three classes of Reserve of Royal Army Medical Corps officers. Members will understand that considerable expansion is necessary the moment war breaks out. But it may not

be so generally understood how rapid this expansion has to be. The most crucial time of a war is the first week or 10 days from the declaration of war. Things have to move very quickly in that period. Later on, after the first two months, we rely on the great bulk of the medical profession to be found in India and elsewhere. But, at first, we must have a number of officers and we must have them on the spot. We must get them quickly and they must be there.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS : What is the least number you want to have ?

THE HONOURABLE MAJOR-GENERAL C. A. SPRAWSON : I will come to numbers later. This expansion is required both on the Indian and on the British side. I will deal with these separately, because the method of getting our reserves is somewhat different in the two cases. I will deal with the Indian side first, because I think that is a little easier to understand. The Indian War Reserve is required for attendance naturally on Indian troops. One Honourable Member raised the question why we should have a reserve when we have got the bulk of the profession to fall upon. There, the time limit comes in. We have got to do it at once. The bulk of the profession are not trained for war duties. They take some time to get trained. We want our officers at once. We want a certain number of fully trained officers and we want a large number of partially trained officers, and for the rest, we can look to the bulk of the profession on a later day. To get our fully trained officers—(I am speaking still of Indian officers only)—we have the War Reserve of the Indian Medical Service. We have 66 Indian officers who are to return to army duties very quickly on the outbreak of war. For partially trained officers we have what another Honourable Member referred to this morning—the I.A.R.O.—wherefrom we hope to get over 200. We hope to get even more. There is room for 300 : but we have only a little over 200 who have entered their names for this duty. If the independent medical profession were more ready to take up these duties at the time of war, we should have a larger number of names submitted to us showing their readiness to do so. However, we do have on our lists just over 200 names. Behind that, we have the bulk of the independent practitioners, many of whom, I am sure, as in the last war, would show their patriotism and their enterprise by coming forward to serve with the forces. So much for the Indian Reserve. When we come to deal with the British Reserve, we are up against the first difficulty that we have not got a large number of independent British medical officers in India as we have of Indian practitioners. At the same time, we want a good number for attendance on British personnel as well as on Indian troops. We require at once 134 British officers. Where are we going to get them from ? I waited to hear what the Honourable Mover's proposal would be for getting them, but unless I am mistaken, I do not think he made any concrete proposals. I will put forward various proposals, and put them side by side with what is now being done. If, as the Honourable Mover has envisaged, the civil side of the profession were entirely separate from the military Indian Medical Service, and we have got to get these 134 British officers, what are we going to do with them in peace time ? They must be there. Are we to pay them for doing nothing ? Obviously, that would be most extravagant, and apart from its extravagance, Members have only to think what would be the result of unemployment. They would be sitting down for two years doing nothing. That is not the sort of doctor one would like to be attended by.

[Major-General C. A. Sprawson.]

In fact, the solution that we must pay for this War Reserve which we must have for doing nothing is so absurd that I only mention it to dismiss it. We will then require to command the services of 134 officers immediately. At the same time, the Local Governments as well as the Central Administration require a certain number of British medical officers for attendance upon the British officers and their families of the superior civil services. It happens that these two numbers nearly balance one another, the number that you require for your war reserve for troops and the number that the superior civil services, the British element, require for attendance. The war reserve number is a little bigger than the other, but they practically correspond and cancel one another. Obviously, as Indianisation of the army goes on and so far only a certain number of regiments are entirely Indianised—fewer British officers will be required for the war reserve, and as Indianisation of the superior civil services goes on, fewer British medical officers will be required for the civil services; so that these two numbers may be expected to balance one another in a steadily diminishing progression.

As I said, I did not understand the Honourable Mover to make any concrete proposal in opposition to what is done at present. I have already explained to the House what the present method is and I will go on to mention another method that has been proposed. I trust the House has followed me so far as to understand that these numbers of the British personnel, military and civil, steadily tend to diminish; but until the Indianisation of the army is much more advanced than it is, there will still have to be a fair proportion of British officers at hand when wanted. Now, one may ask, since you have an A.I.R.O. for Indian officers—(we have over 200)—why can you not have a similar body for British officers? We have tried that, but owing to the paucity of independent British doctors in India the response to that is very small and the number of British medical officers that we have on the A.I.R. O. could be numbered on the fingers of one hand. So obviously that does not take us very far. Now, an alternative proposal that I expect the Honourable Mover had in mind and one that was suggested to the Government of India by the Services Sub-Committee of the Round Table Conference was that Local Governments should engage independently such British medical officers as they wanted for attendance on their superior civil services, engaging them presumably upon short-term contracts, and that those doctors should be made to undergo certain military training and should be compelled to be available for the war reserve. Now, at first sight that might sound feasible but it is not. The reasons are more than one. Firstly, you could not get them. If the Indian Medical Service has not been obtaining its British element with entire facility during recent years, how much harder or perhaps impossible it would be for a Provincial Government to engage doctors on a short-term contract when all the standing of the Indian Medical Service would be removed from such service. Provinces would have great difficulty in getting them; in fact it would be impossible. Secondly, the military training of these officers would not be good enough to satisfy the army. They would never have had years of military training such as Indian Medical Service officers have had. They would apparently be given training for a short period or periods of months; but that could not replace the more permanent military instruction that they now get. Thirdly, and this is I think one of the most important things, the Local Governments themselves, when they were asked whether they could do this,—engage short-term British officers and bring them out and insist on their having a military training, and then release them in time of war to the army,—almost all of them, all but one I think,

expressed their inability or extreme difficulty in doing it. And here I would refer for a moment to something the Honourable Mover said about Local Governments. He referred to Local Governments being forced to accept any officer. Now that is not so. Wherever it is possible Local Governments are always given a choice of Indian Medical Service officers that it is proposed to transfer to the civil side. They are not bound to accept any one of them. Cases have occurred where, although they have received advice from the Director General of the Indian Medical Service as to whom he thinks is the best to select of the names submitted, where they have preferred some one else and have taken some one else. Then, not only the Honourable Mover, but another Honourable Member, used a word, *apropos* of what Local Governments have to do, to which I must take objection. They spoke of officers being foisted upon Local Governments. Now, Sir, I take exception to the word "foist". The very big dictionary I have in my office states that the word "foist" is connected either with dishonesty or something done surreptitiously. There is nothing dishonest or surreptitious about the transfer of an Indian Medical Service officer to a Local Government. It is all perfectly above board. Local Governments have the option of saying they do not want a man if they do not like him.

To revert to the Local Governments' reactions to this proposal that they should engage their own officers, I need not go into the reasons. Some say they could not enforce the military training; some say they could not recruit them provincially, and some say they could not get officers of the right stamp, and they all seem to agree that they prefer Indian Medical Service officers if they are available. In the face of that, we cannot say we are compelling Local Governments to take Indian Medical Service officers. At any rate they seemed to agree that it would be more expensive to have these British doctors on short-term contracts; and not only more expensive, but they agreed that it would be very difficult, if not impossible. As the Honourable Sir Nasarvanji Choksy said, not only is Indianisation going on all the time, but provincialisation is going on, and at the last reorganisation of the Indian Medical Service I find there were no less than 90 appointments, hitherto reserved for the Indian Medical Service, handed over to the provinces. Can Honourable Members expect any more rapid advance than that? I trust I have explained why the present method is from the point of view of the army the only satisfactory method of organisation and certainly from any point of view the most economical method. I must oppose the present Resolution, because I consider the alternative would be impossible, or, at any rate, if not impossible, very difficult and certainly more expensive. (Applause.)

THE HONOURABLE MR. P. N. SAPRU (United Provinces Southern : Non-Muhammadan): Mr. President, the Honourable Major-General Sprawson has told us why he cannot accept this Resolution. His argument is this. The Indian Medical Service is a military service; the details of the organisation of this Service are based fundamentally on the needs of war. In the army, as also in the Indian services, there is a large proportion of British officers. Therefore a certain number of British medical men have to be employed to supply the needs of these British officers in the army and the Service. Now, Sir, the suggestion which was put forward by the Honourable Lala Jagdish Prasad and which we on this side of the House favour is that you should have a civil medical service. In that civil medical service you can, on a short term basis, get European doctors of England, as was suggested by the Round Table Conference Sub-Committee, and subsidise them. Why cannot we have a civil reserve in this country? Why cannot we give military training to civil

[Mr. P. N. Sapru.]

doctors and have them as a reserve for emergency purposes in war? The experience of the last war is that you can easily train men for war service. A large number of British doctors went to the front and those British doctors had had no military training. Why cannot we rely therefore upon civilian doctors in this country, give them some military training and have them ready for emergency in war? That point has not been explained, at any rate to our satisfaction by Major-General Sprawson in the speech which he delivered this afternoon. If we are to wait for the Indianisation of the medical service until the army has been Indianised, then we shall have to wait until eternity, because there is no prospect of the army being Indianised within any reasonable period of time, within any period which we can humanly foresee. Therefore the position is this, that you cannot disturb the present ratio, you cannot change the present ratio, until there is acceleration of the pace of Indianisation; in other words, it means that Indian medical men must be denied opportunities of serving their country and the medical service, because the army cannot be Indianised, because the services cannot be Indianised rapidly. And they have to put up with this slow Indianisation, not because they are inefficient, not because they cannot do their work as medical men as efficiently as British medical men, but because there are certain services which, according to Major-General Sprawson, according to the Government, cannot be Indianised and the needs of these services must be kept paramount. In other words you do not take into calculation the 350 millions in this country; you take into consideration only the British Army and the British civil servants in determining what ought to be the constitution of the medical service. I suggest to the House that that is not a fair method of approach, that is not a proper method of looking at the question. In presidency towns we find that there are Indian doctors—and in other large towns also—who have European patients and European patients do not object to go to these Indian doctors. In England there are a number of Indian doctors, I believe there are as many as a thousand. These men are able to build up a moderately decent practice even in England where the competition is much severer than in India and where the Englishman has not the same advantages which he has in this country in certain professions. Therefore I do not think that there is really any racial prejudice among Europeans against Indian doctors and it strikes me that that argument which has been used will not, if analysed, hold water. It cannot be denied that there are very efficient Indian doctors in almost all large towns and the position is that the Indian medical men complain that they are not getting proper opportunities for acquiring that medical experience which hospital work alone can give to a medical man. If our recruitment was based on a different basis, then it would be possible to give encouragement to the independent medical profession in this country. Sir, is it a fact that Indian doctors are not acceptable to European troops? Is it a fact that Indian doctors are not acceptable to European civil servants? I should be sorry if that was so. We, Indians, do not hesitate to employ European doctors when we think that the case requires that an eminent physician should be employed. Sir, Major-General Sprawson will forgive me if I say that there has been a certain deterioration in the standards of the Indian Medical Service in recent years. I know that the Indian Medical Service in the past has produced some very eminent men. Major-General Sprawson himself was one of the most eminent physicians in our province and it was a great loss to our province when he was transferred to a higher sphere; it was a great loss to the Lucknow Medical College and to the medical world of the United Provinces when he was transferred to a higher sphere; but unfortunately our experience in the United Provinces is that the quality of the Indian Medical Service men is not today what it was before. Very junior men are sometimes sent to very important provincial centres and those

men are not able to compete with men of the independent medical profession because they have not the experience which the independent medical practitioners have and the quality of the work done by them in these big provincial centres is not really what it ought to be. There is the taxpayer's point of view. We pay these men very high salaries; we want better kind of men, men who have experience of medical work, not merely military work, work in military hospitals, but real medical work in big centres. Well, we are not really getting our money's worth under the present system. I have been told this by my Indian doctor friends. If we civilians want any superior medical advice we cannot go to the civil surgeon of districts because we have no confidence in the ability of these particular young military trained civil surgeons. There was a time when we had very able men in the Indian Medical Service but the quality of the Service has certainly gone down and it is therefore a very serious matter because the needs of the civil population, of a population of 350 millions in this country must be paramount. It really means this, that you are not getting the proper kind of material from England. Whatever the reasons for that may be I do not know. It may be that the British youth is not willing to come out to India. Or the reason may be something different. I do not know the reason. But I know a fact and that fact is based on one's actual experience of the men one comes across in the Indian Medical Service today. Therefore, Sir, it is not wrong to say that Local Governments and Provincial Ministers are not happy with the present position. Just imagine the difficulties a Provincial Minister has to face. He has to satisfy the Legislature to which he is responsible that the system is really good and he has very often to bear the brunt of attack in the Legislatures for something for which he is not really responsible. If he had his way he would not appoint particular men to particular districts. But now what can he do? His hands are tied. You have reserved 15 districts in the United Provinces, for example, for European medical men. So far as Indians are concerned, although there are a number of capable men amongst them, men who have got the M. R. C. P. and the F. R. C. S., you have never cared to protect their interests. British interests have been protected. So far as the Indian Medical Service men are concerned, Government has made no effort to protect their interests. Well, then, this is racial discrimination, I say, in the worst form. We are all opposed to racial discrimination when it comes to British commerce. Our commercial friends get annoyed when we ask for racial discrimination in the slightest form so far as commerce is concerned, but here in the same service, in the Medical Service, there is this racial discrimination because there are as many as 15 districts reserved in our province for European Indian Medical Service officers. If European Indian Medical Service officers were really more competent than Indian officers, I should have no objection but here the test is not the competence of a man, here the test is not the efficiency of a man, here the test is not the capacity of a man—

THE HONOURABLE THE PRESIDENT: Let me tell the Honourable Member that even in the medical profession safeguards have been provided against racial discrimination in the Government of India Act.

THE HONOURABLE MR. P. N. SAPRU: Sir, so far as the Government of India Act is concerned, it is full of safeguards and reservations and I am not an admirer of the Government of India Act. Therefore I never bother myself about the Government of India Act. (*An Honourable Member:* "All the better for the people of India".) Sir, I am glad that Sir Nasarvanji Choksy sometimes thinks of the people of India. We on this side of the

[Mr. P. N. Saprū.]

House have ceased to believe that the people of India enter into the calculations of our rulers when they are protecting the interests of the Services. It is the Services which dominate their policy, not the people of India, and this is the plain truth of the matter.

Well, Sir, I am sorry for this digression but really there has been no answer to the alternative suggestion of Lala Jagdish Prasad that, if you want to have a certain number of Europeans, you should get them on a short-term contract, subsidise them, keep them in big districts or attached to big hospitals.

THE HONOURABLE THE PRESIDENT : Will men in good practice take up temporary appointments ?

THE HONOURABLE MR. P. N. SAPRU : Well, Sir, I do not know. The experiment has to be tried. There is a good deal of unemployment here and in England and I think that if an effort was made—and an effort has never been made, I think it would be possible to get good men on this basis. Do not think only of protecting the interests of the European medical service men. Think also of the Indian medical service men, who are as competent as the European medical service men and who are just as entitled to justice at your hands as the European medical service men.

Sir, this is all that I have to say on this Resolution.

THE HONOURABLE MR. HOSSAIN IMAM : Sir, on a point of information. I find that a committee sat in England to revise the number of medical officers and its findings are given in Command Paper No. 4394 of 1935. Has the Army Department decided to reorganise their medical department on the same lines ?

THE HONOURABLE MAJOR-GENERAL C. A. SPRAWSON : I do not know what the date of any reorganisation is, but the Honourable Member is probably referring to my remark that the army has a reserve.

THE HONOURABLE MR. HOSSAIN IMAM : No, Sir, I was referring to the fact that the number of medical officers has been reduced from 539 to 470 (you will find it on page 272 of the army estimates for the British Army) and I wanted to know if a similar reduction was contemplated here ?

THE HONOURABLE MAJOR-GENERAL C. A. SPRAWSON : I am afraid I have no information on the point.

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD (Education, Health and Lands Member) : Sir, we have just heard the speech of my Honourable friend, Mr. Saprū, and in making his observations he said that, so far as the Government of India are concerned, they seem to be more dominated by a desire to protect the interests of the Services than by a desire to serve the interests of the people. I can assure him that his inferences or his fears are unfounded. I think the Government of India are very desirous and they regard it as one of their primary duties to do all that they can to advance the interests of the people of India. This problem of organising a civil medical service has engaged the attention of publicists and of Governments for a very very long time indeed. It is a very complex problem. I will, in order that the House may have a clear idea of the issues, first state the case as it appears to Members on the opposite side and to a certain number of Indian public men. They say,

that the Indian Medical Service is essentially a military service, that it is constituted to meet the requirements of the army. Why should then a military doctor come and treat the civil population? Why should a certain number of posts be reserved for these military doctors and to that extent prevent Indians from occupying those places? Well, Sir, it is perfectly true that the Indian Medical Service is essentially a military service. It is recognised that in times of war the peace strength has to be augmented and that therefore it is essential to have war reserves. The real question is how we can get an effective war reserve and on the most economical terms. The problem is complicated in India by the fact which has been mentioned by a number of Honourable Members—and to it I shall refer in a little more detail later—that a proportion of this war reserve must be taken from British medical officers and therefore the real question which we have to answer is, is it really essential that there should be a war reserve of British medical officers. My Honourable friend Mr. Sapru and other Honourable Members—the Honourable Mover of the Resolution—have quoted the opinions of Indians that there are in England a number of Indian doctors practising, that many Indians have no hesitation in calling the services of European doctors and the question is asked, “Why is it essential to provide for European doctors for the Europeans in the superior civil services?” An authoritative pronouncement in regard to this matter was made by the Lee Commission. I should like to remind the House that there were four Indians on that Commission, one of whom was a distinguished predecessor of mine, Sir Muhammad Habibullah.

THE HONOURABLE RAJA GHAZANFAR ALI KHAN: Was the Lee Commission accepted by anybody?

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD: I am saying hat on this particular point this is what they said:

“The almost universally expressed anxiety of British members of the Services in India to have access to British medical advice for themselves and their families is intelligible and, in our opinion, this provision is vital to their contentment”.

It is recognised—I do not say whether this prejudice is justified or not, but it is recognised—that if the Europeans whom it is proposed to recruit to certain Services are to come here, then they must have an assurance that their wives and children will be treated by doctors of their own race if they fall ill. This has been recognised by the Lee Commission and all the advice which we have received since is that unless this provision is made, the chances of getting Europeans into the Services will be very considerably reduced, and that they do expect when they are recruited that if they fall ill, they will be able to command the services of doctors of their own race. That being the position, there must be a certain number of European medical officers to treat the European officers both in the Indian Army and in the superior civil services. The problem thus resolves itself into this, “How best can we secure a competent service and on the most economical terms?” One of the proposals made to which the Honourable Mr. Sapru and the Honourable Rai Bahadur Lala Jagdish Prasad referred was, “Why can't you have Europeans on short-term contracts in the provinces? Where is the difficulty?” This problem was very carefully considered and it was found that if you try to engage men on short-term contracts, you may have to pay much more than what you are paying your English Indian Medical Service doctors who have got an assured future and who belong to a regular Service. Also, there can be no certainty whether you will really get a regular supply on these terms. This matter was very carefully considered and it was found that the best method of securing a supply of

[Sir Jagdish Prasad.]

competent British officers was to get them from the Indian Medical Service. It is considered that only in this way can we secure a constant supply of competent men, and that therefore it is not possible to take the risk of doing away with a recognised Service and try to secure adequate reserves by a method which is not regarded as likely to be successful. If you are then going to have a reserve of British officers from the Indian Medical Service, the most economical way of dealing with them is to draft them for treatment of the Europeans in the superior civil services during times of peace, so that they may not be wasted. As the Honourable Major-General Sprawson has said, it would be absurd to have a number of British officers in the Reserve with no duties to perform. I hope I have satisfied the House that if it is accepted that there should be British doctors to treat the families of European officers in the army, and in the superior civil services, then you must have a certain number of British medical officers and that the best and most economical method of getting them is from the Indian Medical Service. Now, it is a perfectly legitimate question to ask, "Are the numbers that we propose to recruit just sufficient to meet these requirements or are we recruiting British officers in excess of these requirements?" As the Honourable Major-General Sprawson said, when the question of reorganisation was taken up in 1928, 90 posts which had till then been reserved for the Indian Medical Service were released and it was left open to the provinces to fill them in any way they liked. When we talk of a civil medical profession, I think it is just as well to know the real extent of the numbers involved. If my Honourable friend will refer to the communique which was issued by the Government of India in 1928 he will find that the total number of British officers to be employed in the provinces was only 112. It is only 112 officers throughout the whole of India. The total number involved in the provinces is 112. That was in 1928. For the rest, it is open to the provinces to employ any one they please. When the argument is raised about provincial autonomy and Ministers not having control over medical men, I can quite understand their difficulties. But the Indian Civil Service and the Indian Police Service are also going to be in being for a number of years. The same difficulty arises there also. I quite see the difficulty but I cannot say that the question of the Indian Medical Service raises a difficulty which is very much different from that of the Indian Civil Service and the Indian Police Service.

THE HONOURABLE MR. P. N. SAPRU: May I ask one question? There is no reservation, so far as the Indian Civil Service is concerned, of certain districts for European civil servants only. Similar is the case with the Indian Police Service. An Indian of the Indian Civil Service can be put in charge of Allahabad or Lucknow but an Indian of the Indian Medical Service cannot get Allahabad or Lucknow. Is that not discrimination?

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD: As I said before if you accept the principle that the Europeans in the Service are entitled to receive medical aid from men of their own race —

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS: Why?

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD:—if that is so then the allocation of civil surgeoncies must have reference to the distribution of the European population. If a particular place has a large number of Europeans stationed there—

THE HONOURABLE RAJA GHAZANFAR ALI KHAN : May I point out that in the Jhelum district there are not more than two European officials ?

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD : I am not going into any particular detail. I am only speaking of the general principle. If particular places have been selected, it is with a view to providing facilities for the treatment of the European population there. There has been the main principle on which this allocation has been made. The position may change as Indianisation goes on. There may be a redistribution in the future. But where we really come to a fundamental difference is that, according to Honourable Members on the other side, we must tell the Europeans in the civil services that they will not be entitled to be treated by men of their own race. That is the real crux of the question. That is a position it is not possible for us to accept, because all our advisers have said, as I have stated before, that if you do not give an assurance to these people on that point, then your European recruitment will stop. That is to say, if you are going to have a certain number of Europeans, then they must have an assurance of this kind. I am not prepared to argue at this moment whether their fears are justified or not. We have as practical administrators to deal with this question—you may call it a prejudice or not—that it is represented to us that if these European recruits are not given the assurance of being able to have their children and wives treated by doctors of their own race, then they will not be willing to come out to India. That is the real fundamental question and I am afraid on that, I, speaking for the Government of India, and some of my Honourable friends cannot see eye to eye.

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS : Then the Government of India wants to adopt the principle of racial discrimination themselves ?

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD : It is not a question of racial discrimination. What they say is that the European is entitled to be treated by a European doctor and if an Indian wants to be treated by an Indian, he can do so. All that they say is that you must not force the European to be treated by an Indian. And that is what it comes to. You are going to say, "If you come out into the services, then if you fall ill you shall be treated by an Indian doctor, and we will not make any provision for a European doctor". You propose to lay down a racial handicap. You are telling them that you will not make any provision for them for European doctors. (*Several Honourable Members :* "No. no.") That is the argument of the other side. The fundamental point is that we find that in order to maintain a sufficient supply of European doctors for the civil services and also for the army, the best course is to maintain the Indian Medical Service as an all-India service. I am afraid I have not been able to convince some of my Honourable friends opposite. This is a question on which there has been a difference of opinion for years. People have not agreed, but I hope I have been able to state the problem and what the fundamental issues are. All that I can promise my Honourable friend is that I will be prepared to forward the proceedings of today's debate to the Secretary of State, with whom really lies the ultimate decision of this question.

THE HONOURABLE RAI BAHADUR LALA JAGDISH PRASAD : Sir, the points raised by the Honourable Major-General Sprawson in reply to the debate have been effectively met by my Honourable friend Mr. Sapru and I have

[Rai Bahadur Lala Jagdish Prasad.]

very little to add to what Mr. Sapru has said. The Honourable Kunwar Sir Jagdish Prasad has only emphasised the arguments that were advanced by the Honourable Major-General in support of the present system. The Kunwar Sahib asked whether the number of Indian Medical Service officers was just sufficient for or in excess of the requirements of the army. I may tell him that, while in England for 7,284 King's commissioned officers only 470 medical officers are maintained, in India for 7,274 King's commissioned officers there are as many as 920 Indian Medical Service officers, and I am not sure if this number is inclusive of the officers serving in the provinces. I think, Sir, this shows that the number of Indian Medical Service officers maintained is certainly excessive.

The Director General of the Indian Medical Service took exception to the word "foisted" that I and the Honourable Mr. Padshah used in our speeches with reference to the Government of India sending Indian Medical Service officers to Provincial Governments. But may I ask the Major-General whether the Local Governments welcome these officers, whether the Ministers are satisfied with this arrangement, and, if so, why the Minister almost every year consents to forward the debate of the United Provinces Legislative Council on this subject to the Government of India? I could reply to the other points at length but I will only be taking up more time of the House, and we have got a heavy non-official agenda yet to go through. I am satisfied by the assurance given by the Honourable Member for Education, Health and Lands that he will forward the debate on this subject to the Secretary of State, and in view of this assurance, I beg leave of the House to withdraw the Resolution.

THE HONOURABLE THE PRESIDENT: Is it your pleasure that leave be given to the Honourable Member to withdraw his Resolution?

SEVERAL HONOURABLE MEMBERS: No.

THE HONOURABLE THE PRESIDENT: Resolution moved:

"This Council recommends to the Governor General in Council that a separate civil medical service should be established independently of the Indian Medical Service which is primarily a military service".

The Question is:

"That this Resolution be adopted".

The Council divided:

AYES—12.

Banerjee, The Honourable Mr. Jagadiah Chandra.
Ghazanfar Ali Khan, The Honourable Raja.
Ghosh Maulik, The Honourable Mr. Satyendra Chandra.
Gounder, The Honourable Mr. V. C. Vellingiri.
Halim, The Honourable Khan Bahadur Hafiz Muhammad.
Hossain Imam, the Honourable Mr.

Jagdish Prasad, The Honourable Rai Bahadur Lala.
Kalikar, The Honourable Mr. V. V.
Mehrotra, The Honourable Rai Bahadur Lala Mathura Prasad.
Padshah Sahib Bahadur, The Honourable Saiyed Mohamed.
Ram Saran Das, The Honourable Rai Bahadur Lala.
Sapru, The Honourable Mr. P. N.

NOES—27.

Akbar Khan, The Honourable Lieutenant-Colonel Nawab Sir Mahomed.
 Akram Husain Bahadur, The Honourable Prince Afsar-ul-Mulk Mirza Muhammad.
 Buta Singh, The Honourable Sardar.
 Charanjit Singh, The Honourable Raja.
 Chetty, The Honourable Diwan Bahadur G. Narayanaswami.
 Choksy, The Honourable Khan Bahadur Dr. Sir Nasarvanji.
 Clow, The Honourable Mr. A. G.
 Devadoss, The Honourable Sir David.
 Ghosal, The Honourable Sir Joana.
 Haidar, The Honourable Khan Bahadur Shams-ud-Din.
 Hallett, The Honourable Mr. M. G.
 Ishrat Husain, The Honourable Saiyid.
 Ismail Ali Khan, The Honourable Kunwar Haji.
 Jagdish Prasad, The Honourable Kunwar Sir.

Jalan, The Honourable Rai Bahadur Radha Kriahna.
 Lal, the Honourable Mr. Shavax A.
 Menon, The Honourable Diwan Bahadur Sir Ramunni.
 Muhammad Husain, The Honourable Khan Bahadur Mian Ali Baksh.
 Noon, The Honourable Nawab Malik Sir Mohammad Hayat Khan.
 Parker, The Honourable Mr. R. H.
 Raisman, The Honourable Mr. A. J.
 Ray of Dinajpur, The Honourable Maharaja Jagadish Nath.
 Russell, The Honourable Sir Guthrie.
 Sprawson, The Honourable Major-General C. A.
 Stewart, The Honourable Mr. T. A.
 Suhrawardy, The Honourable Mr. Mahmood.
 Thomas, The Honourable Mr. E. F.

The Motion was negatived.

RESOLUTION *RE* CLASSIFICATION OF RECORD SORTERS AND DUFTRIES.

THE HONOURABLE MR. HOSSAIN IMAM (Bihar and Orissa : Muhammadan) : , Mr. President, I rise to move :

"That this Council recommends to the Governor General in Council that record sorters and duftries of the Imperial Secretariat be classed as 'superior servants'."

This Resolution does not concern any matter of high policy or involve any expenditure of a great deal of money, and the number of people affected by it is also small ; about 200 people are affected by this Resolution. The reason why we have brought forward this Resolution is that we feel that the Government is not doing justice to a class of people who deserve better treatment from the hands of the Government. The question of classification of the record sorters and duftries of the Imperial Secretariat as superior servants is a long-standing one and I trust I shall not weary the House if I briefly trace its history. As far back as 1918 a number of memorials and representations were submitted to the Government and the Government appointed a Committee over which such an eminent personage as Sir Malcolm Hailey presided. The Report of the Committee did not see the light of day and we do not know exactly what were the recommendations of this Committee. Whatever may have been the Report, we are thankful to the Government for the small mercies they have shown ; they have allowed a certain increase in the salaries of the record sorters and duftries, for which we are thankful. But that came at the time when it was the policy of the Government to increase the emoluments of all services under them. It did not come in any way specially to these poor people. These record sorters and duftries have submitted various memorials and representations to the Home Department, to the Governor General, but without any redress of their grievances. The disability that these people suffer from is this. They are literate to a certain extent even in English as will be seen from the nature of the work which they perform and which I will give later on. They have not yet been differentiated from the menials whose work and whose knowledge is quite different from those of these people—and that is the peons. The peons are on a smaller scale of pay. No doubt they

[Mr. Hossain Imam.]

have no literary qualifications. It is not unreasonable that these people having literary qualifications should be treated a little better than the peons. The amount of work which is involved requires a certain amount of knowledge and that will be apparent when I cite the duties which they perform. This is the work they do :

- (i) Stitching records, repairing damaged papers, packing parcels and the *dak* and sealing and affixing stamps on them.
- (ii) Taking out recorded collections from bundles, searching for missing papers and books of reference.
- (iii) Carrying out corrections in Codes, Regulations and Manuals and other departmental books and publications.
- (iv) Looking after the books, Codes, stationery, etc., in the officers' rooms and their residences.
- (v) Keeping registers of issue and returning collections to bundles in the Imperial Record Department, New Delhi.
- (vi) Restoring the collections to recorded bundles and replacing spare copies. Filing papers in file volumes, etc.
- (vii) Working at duplicating machines.
- (viii) Making lists of records on the occasion of the annual move to and from Simla.
- (ix) Making lists of records intended for destruction and retention.
- (x) Cutting and pasting newspaper extracts, Council questions, etc., on prescribed forms.

In the Assembly Department, they also assist in the sale of stationery and Legislative Assembly and Council of State Debates.

They count and keep stocks of these debates, and make sets of Council papers for the Members of the Legislative Assembly.

It will be apparent from this list that, in order to enable a person efficiently to perform these duties, he must not merely be sufficiently literate but must definitely have more than a mere smattering knowledge of the English language. The duties performed by these people can well stand comparison with those performed by Government servants such as postmen and postal overseers, book binders, compositors, distributors, Record Office munshis of District Courts, octroi munshis, railway ticket collectors, sorters of the Railway Mail Service and also the duffries of the Local Governments and record suppliers of the Office of the Military Accountant General. All these Government servants not only get better salaries but also have superior status.

THE HONOURABLE MR. M. G. HALLETT: Sir, might I suggest that I have the memorial from which the Honourable Member is reading before me and possibly may have read it ?

THE HONOURABLE MR. HOSSAIN IMAM: Therefore, Sir, it will save the time of the House if you will permit me to lay the memorial on the table.

THE HONOURABLE THE PRESIDENT: But I cannot allow it to form part of the proceedings of this Council.

THE HONOURABLE MR. HOSSAIN IMAM : Do I understand, Sir, that memorials are debarred from being placed on the table of the House ?

THE HONOURABLE THE PRESIDENT : You can place it on the table of the House but it will not be printed in the proceedings as part of your speech.

THE HONOURABLE MR. HOSSAIN IMAM : But, Sir, when we were discussing the White Paper, the Honourable Mr. Padshah laid on the table the Resolutions passed by the Moslem Conference and under your Presidency it was incorporated in the text.

THE HONOURABLE THE PRESIDENT : Not that I am aware of.

THE HONOURABLE MR. HOSSAIN IMAM : Well, Sir, I shall show it to you.

THE HONOURABLE THE PRESIDENT : Then there must have been some mistake.

THE HONOURABLE MR. HOSSAIN IMAM : Then, Sir, I have no option but to read it out.

It must be very disappointing to the duftries and record sorters of the Government of India to know that Government servants who are doing similar, or even less important duties, should be regarded as superior servants, while they should be classed with peons, sepoys and jemadars who are doing no more than can be expected of illiterate persons. I hope, therefore, that Government will not fail to realise and recognise the justice of their case.

I shall now show to the House how these duftries and record sorters are subject to several disadvantages, classed as they are with peons, jemadars, etc. With their better educational attainments and their higher class of duties, they certainly consider that their status ought to be higher than that of the other persons classed as inferior servants.

For instance, these men have for years been clamouring for family quarters at Simla, where none exist, and more quarters at New Delhi. The number of family quarters so far available in New Delhi for the whole staff of record sorters and duftries of the Imperial Secretariat and Attached Offices is about 120, excluding a few built in recent years in the Press area which are very inconvenient owing to the distance from the Secretariat buildings. The number is so inadequate that no single department can hope to secure more than three to four quarters for its staff. The remainder have either to be content with peons' quarters or to go without any accommodation whatever. These latter are granted by Government a house allowance at the rate of Rs. 1-8-0 per mensem. Honourable Members will appreciate that this allowance cannot possibly secure accommodation in New Delhi other than miserable godowns which are unsuitable and unhealthy.

In Simla, too, these record sorters and duftries have repeatedly asked that a reasonable number of family quarters be constructed, for those which have so far been built are only suitable for single men. In lieu of quarters an allowance of Re. 1 is given to every duftri who is not provided with quarters. This allowance is absolutely inadequate for the purpose and they are, in consequence, forced, either to leave their families with their relatives, if any, at

[Mr. Hossain Imam.]

their native places or to make the best of a very hard bargain by accommodating themselves and their families in single rooms if they get them. These men feel that so long as they are subjected to an "inferior status" there can be no remedy for this disability.

Another matter on which these people have been representing is with regard to the inadequacy of the travelling allowance admissible to them during the moves of the Government of India to and from Simla.

Sir, the object of these people in asking to be classified as superior servants is not to secure extra pay but in order that the allowance which they get and the other emoluments in the shape of pensions and provident fund provisions should be eased off. And unless they are classified as superior servants they realise that their requests cannot be granted since it must inevitably lead to similar requests being made by all the other members of the inferior service. Since other Government servants of equivalent status, *e.g.*, duffries in Provincial Secretariats, have already been regarded as superior servants, there is no reason why the same privilege should not be extended to this class of deserving Government servants.

(At this stage the Honourable the President vacated the Chair which was taken by the Honourable Saiyed Mohamed Padahah Sahib Bahadur.)

It would not be very difficult, Sir, for the Government to classify them as superior servants, and thereby I do not wish that all the amenities should be given to them at once but they will receive better treatment and the Government will not have the difficulty of discriminating between different sections of an inferior service. With these few words, Sir, I commend the Resolution to the House and the Honourable Member for favour of consideration now or at a future date.

THE HONOURABLE MR. P. N. SAPRU (United Provinces Southern ; Non-Muhammadian) : Sir, I have got just this to say that I am in entire sympathy with this Resolution and strongly support it.

THE HONOURABLE MR. V. V. KALIKAR (Central Provinces : General) : Sir, I rise to support the Resolution moved by my Honourable friend and I think he has left very little for me to say in support of it. One point that attracts my attention in regard to this Resolution is, as stated by the Honourable Mr. Hossain Imam, that if it is accepted by the Government no question of increase of pay will arise. If the information given by the Honourable Member is correct, then I submit, Sir, that the Government should find no difficulty in accepting this Resolution. If I have followed my Honourable friend aright, these poor duffries want that their service should be classified as superior, with the result that they will get some more emoluments as allowances and they will get some more concessions and their period of service will be lessened. I further understand that in other Governments, these duffries are not regarded as inferior service people but as superior service people. If that is so, I see no ground why this invidious distinction should be made so far as the Imperial Secretariat is concerned. If the information given by my Honourable friend is correct that in Provincial Governments these duffries are classed under superior service, there is no reason why they should be regarded as inferior in the Imperial Secretariat. So, taking into consideration the practice existing in the provinces, I would request the Government to accept this Resolution and adopt a uniform policy so far as the class of service of these people is concerned. I therefore support the Resolution.

*THE HONOURABLE MR. MAHMOOD SUHRAWARDY (West Bengal : Muhammadan) : Sir, I also give my wholehearted support to this Resolution which has been so ably moved by my Honourable friend on my right. With cogent reasons other Honourable Members of this House have lent their support and so I need not dilate on this subject over and over again. I would ask my Honourable friend the Home Secretary opposite to give us an assurance that he will also support us, or at least give us an assurance that Government will give due consideration to this Resolution and take action in the near future. On that assurance alone, Sir, I will ask my Honourable friend not to press for a division ; otherwise, I will vote for it.

THE HONOURABLE MR. JAGADISH CHANDRA BANERJEE (East Bengal : Non-Muhammadan) : Sir, after the very convincing speech by the Deputy Leader of the Progressive Party I have very little to add to what has already been said by him. I therefore give my wholehearted support to the Resolution before the House

(At this stage the Honourable the President resumed the Chair.)

* THE HONOURABLE RAJA GHAZANFAR ALI KHAN (West Punjab : Muhammadan) : Sir, I wholeheartedly support the Resolution moved by my Honourable friend Mr. Hossain Imam. I think the nature of the duties which these duffries perform requires a good deal of responsibility and intelligence and it is only fair that this long-standing grievance should be removed. I hope Government will very kindly see their way to consider this question favourably and accede to the wishes of quite a large number of Honourable Members who have spoken in favour of this Resolution.

* THE HONOURABLE SAIYED MOHAMED PADSHAH SAHIB BAHADUR (Madras : Muhammadan) : Sir, I should like to say a few words. I feel that the grievances of the record sorters and the duffries are real and require to be redressed. Owing to the fact that these are classed as inferior servants they are put to great hardship and are denied several privileges which are available to the same class of men doing work in other departments. I understand there are people who do similar kind of work in Provincial Secretariats and in Post Offices and various other departments whose responsibilities are not in any way greater than the responsibility of these duffries and record sorters, and whose work is certainly much less arduous in nature. These latter people are classed as superior service. So, I see no reason why this invidious distinction should be made in the case of these record sorters. As has been said by the Honourable Mover, the object which induces these people to claim to be classed as superior servants is not any desire to have any increase in pay but to have some of the disabilities removed in connection with their allowances and pensions. I am told that these disabilities are very serious in some respects. This distinction is made in respect not only of pay and allowances but also of allotment of quarters. I am told that these people are given very insufficient accommodation in Simla. These people who go to Simla with families are given only one room of about 10 or 12 square feet, a room in which they and their families have to be huddled together. I am told there is no privacy at all there and that the ladies have got to go to a common latrine, and if any attempt is made by any of these people to have a screen or *pardah* to enable their ladies to have privacy, they are prevented by the sanitary authorities from doing that. Again, in respect of pension, I am told that these people are labouring under a very great disability. It seems these people

* Not corrected by the Honourable Member,

[Saiyed Mohamed Padshah Sahib Bahadur.]

are not entitled to pension until they have completed 30 years of service. We can conceive of the hardship that is involved in this. It may happen that a man might fall ill just at the end of his service or he may meet with an accident, and on that account he may be disabled or incapacitated for further work. If he is disabled at the fag end of his service, after he has put in 29 years service, it is a very great disability, and it has got to be removed. They are also debarred, I am told, from subscribing to the provident fund. These two disabilities go to make the lot of these people very hard, especially those who on account of sudden illness, or having become victims to any disease or an accident are forced to give up their jobs. These people will find themselves entirely without any means of providing themselves or their families. I feel that this state of things requires very careful consideration, and I feel that Government would be doing an act of bare justice if they accede to the demand which has been made in this Resolution.

THE HONOURABLE THE PRESIDENT (to the Honourable Khan Bahadur Hafiz Muhammad Halim) : You have given notice of a similar Resolution. Do you wish to speak on this Resolution ?

THE HONOURABLE KHAN BAHADUR HAFIZ MUHAMMAD HALIM : No, Sir.

THE HONOURABLE MR. M. G. HALLETT (Home Secretary) : Sir, I have listened with interest to the very convincing speech of the Honourable Member or rather to the very convincing manner in which Mr. Hossain Imam read from a certain document which happened to be also in front of me. I have heard the other speeches and I am prepared to reply to them, although there are a large number of other miscellaneous questions coming on before the House rises on which also I shall have to speak. On a day like this, the Home Secretary is I am afraid a Jack of all trades but master of none, and if I fall short in this speech or in any of the speeches which I shall have to give in reply to the next two or three Motions, I trust the House will pardon me.

The question of the position and status of dufftries and record sorters is a matter which has frequently been considered by Government. This matter has been mooted in another place on many occasions though it has never actually come up for discussion, but on all these occasions, the matter
4 P. M. was very carefully considered and the decision arrived at by Government more than once was that it is not necessary to raise the dufftries and record sorters to the status of superior servants. Briefly the reason underlying this decision is the nature of the duties which they have to perform. Mr. Hossain Imam read out a list of those duties. Many of those duties are really much more akin to menial duties than clerical duties, and that really is the main distinction between superior and inferior servants. They are duties which require a slight knowledge of English, but nothing much more. They do not require any particular educational qualification, and in fact for the appointment of dufftries and record keepers no educational qualification is laid down. They are recruited mainly from the ranks of chaprassis and peons, and the position a year or two ago—and it is probably much the same now—was that the record keepers, who get rather higher pay, are all promoted dufftries, while half the dufftries are promoted peons. That shows I think that it is a step upwards for a servant of Government capable of doing what I call menial work rather than the clerical duties which devolve on a clerk in the Secretariat.

THE HONOURABLE MR. HOSSAIN IMAM : May I draw the Honourable Home Secretary's attention to paragraph 7 of their memorial to the Earl of Reading. Only two out of 38 record sorters were recruited from peons.

THE HONOURABLE MR. M. G. HALLETT : That may be quite true. First of all a peon is promoted to be a duftri and then a duftri is promoted to be a record sorter. The position as I said was that half the duftries are promoted peons and that the record keepers are all promoted duftries. I suppose occasionally a peon is promoted direct to be a record keeper. There is no definite test applied. They are selected by an officer of the department and they carry on these duties which have been described by Mr. Hossain Imam, such as looking after the books and records and keeping records in order, duties which are more akin to the work of a servant than the work of a clerk and require only a very slight knowledge of English. We do not want people with very high qualifications, although possibly in these days of unemployment we may be getting people with better qualifications than we really require. That being so, as we are able to get these people, there is no real reason why we should give them more than their market price, and that is what they are getting. Not very long ago an improvement was made in their pay and pension conditions. It was suggested by one Honourable Member that by calling them superior instead of inferior it would merely raise their status and would not involve any increase in their emoluments. That is not the case. As I understand it, by calling them superior they would in the first place have rather better pension terms, although they would not be able to carry on as they do at present till 60 years of age. They would get rather more liberal leave terms, and that in itself would have the effect of an increase of pay ; and what is still more important, they would get very substantially higher allowances for their journey to and for the time they spend in Simla. In Simla they would get house rent at the rate of Rs. 145 to Rs. 225 a season, and that would involve fairly considerable extra expenditure. I could not see my way to press my friend on my right to agree to that expenditure when it is not really necessary. It is therefore incorrect to say that this raising of status will not cost us anything more. It will cost us a substantial sum and I submit that that expenditure is unnecessary. I do not wish to be hard on these servants of Government. They are very useful servants in one's office, and if anything can be done I will look into it. For instance, one point raised is in regard to their quarters in Delhi and Simla. I do not really know much about that. But I am prepared to consider whether we can do anything to help them. But Honourable Members will recognise as well as I do that Simla is a very congested place and it is very difficult to arrange for any further building to take place there or to provide everybody from the highest to the lowest with houses. It is far too crowded to permit of even small houses being erected, but if anything can be done I will look into that point. But, as I say, the majority of the concessions they ask for do involve extra expenditure to Government, and Government, having considered the nature of the duties they perform and the qualifications which are required of them, do not consider that it is necessary to give out gratuitous charity. Government is not a charity organisation society. It pays its officers at the market rate and I think these people are being employed at the market rate. They are promoted from the lower rank of peons and they are probably satisfied with the wages which they get. If however there are any minor concessions which we might make to them, which will be revealed to me by a study of the Honourable Members' speeches, I am prepared to look into them, but I am not prepared to accept the general proposition that they should be put up from inferior to superior status because that has been considered many times before. We do not consider it necessary and we do not think that the expenditure,

[Mr. M. G. Hallett.]

even though slight, which would be involved is justified. I therefore oppose the Resolution, unless the Honourable Member is prepared to withdraw the Resolution and to accept my assurance that I will look into any minor concessions that can be made to them.

* THE HONOURABLE MR. HOSSAIN IMAM : Mr. President, it would have given me the greatest pleasure to have heard from the Home Secretary a more favourable reply. I intend to say a few words about the financial aspect. The Honourable Home Secretary himself recognised that by making them superior servants the Government will gain something through the reduction of their period of service. At present they are entitled to serve up to the age of 60. If they are classified as "superior" they can only serve till 55. Therefore the extra expenditure involved in giving the concession can be balanced by the lessening of the period of service. Then, Sir, the Government regarded these people as superior servants when the question of the cut in pay was involved. Inferior servants were not subjected to the cut, but these duffries and sorters were regarded as superior servants for the purposes of the cut in pay and they are not regarded as superior servants when a question of increased emoluments is raised. That, as I said before, is having it both ways at which the Finance Member is getting an adept.

My point, Sir, in raising this question was not so much to confront the Government with a specific issue. We want that there should be some concession and we find it is impossible to give those concessions unless you change their status from inferior to superior ; because if you treat them as inferior servants you have to deal with a huge lot of people, about 1,200 or 1,400, and you cannot give a concession of even one rupee a month to 1,400 people. But if these people were made into superior servants, only 200 would be involved, and you could give them the concession. Sir, I leave it to the Home Department to deal with them in the best way they can, in the hope that there is the desire on the part of the Home Department to do justice to these people.

Sir, with the permission of the House I would like to withdraw the Resolution.

The Resolution was, by leave of the Council, withdrawn.

CONTROL OF COASTAL TRAFFIC OF INDIA BILL.

THE HONOURABLE MR. P. N. SAPRU (United Provinces Southern : Non-Muhammadan) : Sir, I beg to move :

"For leave to introduce a Bill to control the Coastal Traffic of India."

The objects of the Bill are set out in the Statement of Objects and Reasons. I have stated what this Bill is intended for. This Bill is intended to remove a possible impediment in the development of the Indian Mercantile Marine. There is no question of any racial discrimination in this Bill. Experience shows that a well-established and powerful company engaged in the coastal traffic can easily put a new venture out of action by unfair competition and it is this unfair competition, this rate-cutting competition, that I wish to

*Not corrected by the Honourable Member.

prevent by this Bill. I am giving under this Bill a power to the Governor General in Council to intervene and regulate competition. That is really the essence of this Bill.

Sir, I move.

The Motion was adopted.

THE HONOURABLE MR. P. N. SAPRU : Sir, I introduce the Bill.

DURGAH KHWAJA SAHEB BILL.

THE HONOURABLE RAJA GHAZANFAR ALI KHAN (West Punjab : Muhammadan) : Sir, I beg to move :

" For leave to introduce a Bill to make better provision for the administration of the Durgah and the Endowment of the Durgah of Khwaja Moinud-Din Chisti, generally known as Durgah Khwaja Saheb, Ajmer "

I will not detain the House by making a long speech.

THE HONOURABLE THE PRESIDENT : Have you obtained the sanction of the Governor General ?

THE HONOURABLE RAJA GHAZANFAR ALI KHAN : Yes, Sir. As the House is already aware, this Bill was introduced in the last Simla session and then on a further occasion when an objection was raised that the Bill required the Governor General's sanction, I withdrew the Bill and then applied for sanction which has been obtained. I hope the House will give me permission to introduce the Bill.

THE HONOURABLE THE PRESIDENT : Have you sent the sanction to the Department ?

THE HONOURABLE RAJA GHAZANFAR ALI KHAN : The Department has informed me that the Bill has received sanction.

THE HONOURABLE THE PRESIDENT : Motion made :

" That leave be given to introduce a Bill to make better provision for the administration of the Durgah and the Endowment of the Durgah of Khwaja Moinud-Din Chisti, generally known as Durgah Khwaja Saheb, Ajmer "

THE HONOURABLE SAIYED MOHAMMED PADSHAH SAHIB BAHADUR (Madras : Muhammadan) : Sir, I should like to oppose the introduction of the Bill.

THE HONOURABLE KUNWAR SIE JAGDISH PRASAD (Leader of the House) : May I say that I understand it is the convention of this House that no Bills are opposed at the introduction stage and what I want to make clear to my Honourable friend is that if he opposes, Government, in order solely to maintain the convention, will support the introduction of the Bill—not on the merits, but to support a very important convention. It has been the convention hitherto that at the introduction stage there is no opposition and the merits of the case are not considered. I would merely appeal to my Honourable friend whether he wants to break this convention ?

THE HONOURABLE SAIYED MOHAMED PADSHAH SAHIB BAHADUR : May I explain my attitude ?

THE HONOURABLE THE PRESIDENT : Order, order. You will have another opportunity, when the Bill comes up for consideration, to oppose it. There is no necessity for you to break this convention. I entirely support the Leader of the House when he says that it has been the well-established practice of this House that even the most contentious Bills are allowed to be introduced.

THE HONOURABLE SAIYED MOHAMED PADSHAH SAHIB BAHADUR : I wish to bring one fact to your notice and for the consideration of the Leader of the House. I understand that this Bill is going to be circulated.

THE HONOURABLE RAJA GHAZANFAR ALI KHAN : On a point of order, Sir—

THE HONOURABLE SAIYED MOHAMED PADSHAH SAHIB BAHADUR : I understand that this Bill is going to be circulated in the country for opinion. That there was opposition to the Bill should also be presented to the public.

THE HONOURABLE THE PRESIDENT : The Motion before the House is only leave to introduce the Bill. Let me draw your attention to Standing Order 36. If you oppose it I will have no option but to put it to the vote of the Council under that Standing Order and you will be breaking the convention which has been established all throughout. I have no option. If you oppose it I will have to take action under Standing Order 36 and even the Council may have to divide on that point.

Order, order. Motion made :

“ That leave be given to introduce a Bill to make better provision for the administration of the Durgah and the Endowment of the Durgah of Khwaja Moinud-Din Chisti, generally known as Durgah Khwaja Sahab, Ajmer ”.

The Motion was adopted.

THE HONOURABLE RAJA GHAZANFAR ALI KHAN : Sir, I introduce the Bill.

THE HONOURABLE THE PRESIDENT (to the Honourable Rai Bahadur Lala Ram Saran Das) : You do not wish to move your Resolution ?*

THE HONOURABLE RAI BAHADUR LALA RAM SARAN DAS : No, Sir.

THE HONOURABLE THE PRESIDENT : Captain Maung Aye.†
(The Honourable Member was absent.)

* “ This Council recommends to the Governor General in Council that when executing death sentences passed by Law Courts the electric chair be substituted for hanging as early as possible ”.

† “ To move for leave to introduce a Bill to make provision for the restoration of the Buddha Gaya Temple and its premises to Buddhists for the better management of the same ”.

RESOLUTION *RE* AMENDMENT OF THE S. P. C. A. ACT.

THE HONOURABLE MR. V. C. VELLINGIRI GOUNDER (Madras : Non-Muhammadan) : Sir, I beg to move the following Resolution :

" This Council recommends to the Governor General in Council to take early steps to amend the S. P. C. A. Act suitably in order to meet present conditions and to provide better convenience for the animals and their owners ".

My object in bringing forward this Resolution is this. There are certain disabilities in the working of the Act. The owners of animals are put to great hardship and the treatment accorded to the animals which are charged for offences under that Act are unsatisfactory. I do not understand why this Act should be administered by a Society ? I am not one who is very closely connected with the work of the Society and its constitution, which is purely a non-official body. There is no provision made in the Act, so that the work allotted to the Society—

THE HONOURABLE MR. M. G. HALLETT : May I ask the Honourable Member what Act he is referring to ?

THE HONOURABLE MR. V. C. VELLINGIRI GOUNDER : The S. P. C. A. Act, Sir.

THE HONOURABLE MR. M. G. HALLETT : I never heard of such an Act, Sir.

There may possibly be one in the Madras Presidency which I am not aware of.

THE HONOURABLE THE PRESIDENT : What is the number of the Act ?

THE HONOURABLE MR. V. C. VELLINGIRI GOUNDER : Act XI of 1890—Act for the Prevention of Cruelty to Animals.

THE HONOURABLE MR. M. G. HALLETT : Act XI of 1890, Sir ?

THE HONOURABLE MR. V. C. VELLINGIRI GOUNDER : And further, Sir, I was told when I had a casual talk with the members of this Society that the Society generally gets funds from the public in the way of subscriptions and donations from people who are sympathetic towards its object. But as a matter of fact, I understand that most of the income comes from the fines levied under this Act. About the constitution of the Society, Sir, most of these members belong to the urban areas of the district, and the Society has its headquarters only in cities and towns. The persons who constitute the Society have no direct working knowledge and the effect of its administration. That is why there are these hardships which I want to bring to the notice of this Honourable House. This Society charges the owner of the animal with certain offences which come under this Act. These offences relate to observance of certain diseases, injuries and certain inabilities detected in the animal when they are worked and thus charged for cruelty to animals. And most of the animals belong to the agriculturists or persons who apply their bullock or animal to draw carts for hire purposes. And persons who are asked to deal with these cases are mostly men who have not got any direct knowledge of the conditions. No veterinary officer or person representing the interest affected by its operation

[Mr. V. C. Vellingiri Gounder.]

form part of this Society. And so, Sir, any offences brought to notice is generally charged and the owners of animals are fined. And apart from the fining, there is the other great difficulty which the animal and the owners undergo. Let me just explain my observations. The people who are affected are persons who come mostly from outside municipal areas where the Society is located bringing their cart loads of produce, grain, cotton, etc., for selling in the market of the town or bringing some articles for hire charges. Those people come generally from very far off distances to the market and during the course of their travel an animal may get a little lameness or some nails in its shoe or a blister may form in its neck—and at once an S. P. C. A. inspector (there is a large number of them who always wait where traffic is heavy) catches hold of this bullock and it is taken to the police office or the municipal office and the owner's name is recorded and he is charged. And these people come on the day appointed for the inquiry and pay the fines. And generally they do not dare to argue or plead before the magistrate before whom they are hauled. They have only to come prepared with the fines and then pay down the fines. And then the matter does not stop there. At once the owner of the animal and the animal are ordered to be taken to the infirmary where it is detained until it is cured completely of its wound or its lameness.

THE HONOURABLE MR. M. G. HALLETT : Does the Honourable Member object to that ?

THE HONOURABLE MR. V. C. VELLINGIRI GOUNDER : I do not want to say anything about the treatment that is necessary for the animal but what I am aiming at is that these persons come from 10 or 15 or 20 miles away and depend mostly on their living by hiring their bullock cart, and if they are detained and made to pay the cost of feeding the animal and feeding themselves—and the time taken is never less than a month and often extends to two months—imagine, Sir, what will be the condition of the man who simply depends as his only means of livelihood on a double bullock cart or an ekka or any conveyance like that, if his one bullock is detained and he has to feed himself as well as the animal. Apart from the payment of the fine, I have known cases where a man has had to sell the other bullock or the cart if he has not been able to get any charitable gentlemen to feed him in that place where he has to buy everything. His food costs him nearly a rupee a day. That means his earnings are gone and he has to find money to feed himself and the bullock for a month or two. His condition can be better imagined than described. I do not deny the laudable aims and objects of the Society, by way of giving treatment to the suffering animals, but what I say is as the income of the Society mostly comes from fines some benefit should be given out of this source to meet this expense. I know thousands of rupees are collected every year in this way and the amount is spent mostly within the town limits and on objects and ways which are not in conformity with the correct principles of the Act. In these days of keen competition and economic depression, these people are put to such difficulties. Even in many veterinary hospitals (infirmaries) there is not even sufficient protection or sheds in which to give proper treatment to the affected animals. The money of these societies is spent mostly in the city and town areas. To mention some of the important functions held, are some shows, some prize distribution, and arranging an exhibition and big amusement and entertainment to the public, bringing out a nice report with photos of people who are chiefly interested in the working of the Society. Is the object of the Society properly served if they only provide a certain number of water troughs, cart and animal sheds in prominent street

corners as demonstration to the public, even though their users are decreasing day by day due to the advent of motor vehicles. No doubt these yearly functions create some enthusiasm, and entertainment to the town people and the people who live within a radius of three or four miles around. But how can it be said that the object of the Society is really served by these acts and that the animal and its owner get any benefit? Are they not entitled to get at least certain facilities in the hospital for storage of good fodder, a *pucca* building in which to stall the animals? This matter being closely connected with the agriculturist, as Secretary of the District Agricultural Association I brought the matter once to the notice of the District Magistrate. He was the President of our Association and President of that Society also. My Honourable friend Mr. Thomas was then the District Magistrate in my district. I remember he expressed his inability to help in the matter. The Act clearly says that the animal shall be sent to the infirmary. So I would submit that a small provision should be made in section 6 (3) and 6 (4) of the Act. I am not competent to give any draft. I have not got legal talent. That is why I have put forward the Resolution in this form that the Act should be amended suitably. I would suggest that to section 6 (3) may be added :

“ only in case, the infirmary lies within five miles of the place of the owner of the animal ”.

My object is not to interfere with the humanitarian principle of the framers of the Act. Such owners as live within an area of five miles may be compulsorily made to attend that infirmary. The man can walk the five miles or bring fodder from his place. If the owner is poor and lives upon the hiring of the bullock, his animal may be treated free of charge. So, I would like to add to section 6 (4) :

“ If the owner of the animal has no other means or income the cost of the treatment, feeding and watering may be done free of cost, or the costs may be met from the funds of the Society and sufficient provision may be made for stabling the animals, keeping a stock of good animal food purchased in season and stored and made available to the animals in the infirmary ”.

These two provisions will mitigate the hardship which persons coming under this Act are undergoing and I would request that in improving this Act, modifications may be made to meet these two points. My object in bringing forward this Resolution is not to decry the work of the S. P. C. A. but to bring to the notice of the Government and this Honourable House the need for further provision to serve the very high humanitarian object of the Society, and the need for modification in order to protect the dumb creature and its dumb owner so that they may get proper treatment.

THE HONOURABLE THE PRESIDENT : Your time is up. I will ask you to be brief.

THE HONOURABLE MR. V. C. VELLINGIRI GOUNDER : No doubt, the District Magistrate or the District Judge is the presiding officer of the Society. Nobody can expect them to have sufficient time to go into the working of the Society nor have they any opportunity to see how these animals are treated and the difficulties under which the owners are labouring. If they had such occasions, certainly suggestions would have come from them to remove these difficulties. Generally the work is left in the hands of the Honorary Secretary, who himself does not go directly into this question.

I hope that my Honourable friend Dewan Bahadur Narayanaswami Chetty with his intimate connection with such public institutions will be in a

[Mr. V. C. Vellingiri Gounder.]

better position to explain in more detail the difficulties of these poor dumb creatures. I think I have explained thoroughly why I have brought this Resolution before the House and I hope Government will be pleased to see my difficulties and will accept my Resolution, which is after all a small amendment to improve the Act.

THE HONOURABLE MR. M. G. HALLETT (Home Secretary): Sir, it would have been possible to get this Resolution disallowed by suggesting to His Excellency the Governor General that this was a subject which was not the primary concern of the Government of India, for in the present Devolution Rules framed under the Government of India Act the prevention of cruelty to animals is a provincial subject and is subject only to provincial legislation. We cannot legislate here to amend this Act to which the Honourable Member has referred. I did not however take that course because I think the prevention of cruelty to animals is a subject to which considerably more attention should be devoted in India than is at present devoted to it. We have some very energetic people who are doing much to improve conditions among the unfortunate animals of this country and I am glad to say that the Government of India in the course of this last year were able to give a small grant of Rs. 3,000 to the lady who is running the All-India Society for prevention of cruelty to animals and who hopes to expand the work of that society so as to make it really influential in all parts of India. I did not ask for this Resolution to be disallowed because I thought it would be a good thing to get this subject discussed and I hope we might have more support for strengthening the Act than for decreasing its provisions. The Honourable Mover has however referred more to cruelty to owners than to cruelty to animals. I admit he has put that into his Resolution but I am afraid I rather overlooked that portion of the draft Resolution. He wants to make the Act less drastic than it is at present. The result of his amendment, as I understand it, would be that a man would come in driving a pony or bullock from nine or ten miles out, and the pony might be dead lame or it might be suffering from a bad gall on the shoulder, the bullock might be in an equally bad condition, and yet the Society or the magistrate or the police could do nothing to secure any treatment for that animal. It could not, as I understand his amendment, be sent to a veterinary hospital for treatment because its owner lived more than five miles away from the centre to which he had driven it. That surely is entirely wrong, or would be regarded as entirely wrong by anybody who dislikes cruelty to animals. His further attack was I gather on the Society for Prevention of Cruelty to Animals. Those societies are all local societies, and it is entirely impossible for me to defend the particular society in the district of Madras from which he comes. If he has any grievance against the Society regarding the administration of the Act in that particular district it would be far better for him to get the question raised in the local Legislature, far better for him I should think to go to the District Magistrate to get matters improved. I quite admit that in some cases the subordinates of a society of this kind are not entirely above suspicion, but I do contend that there are some places in this country, far too few I admit but there are a few places where the Society for the Prevention of Cruelty to Animals is doing most excellent work, and it is most desirable that that work should be expanded and intensified. Take an example of what they did a few years ago in Calcutta. In Calcutta buffaloes are used, as many Honourable Members no doubt know, for drawing heavy loads on carts. They are used both in the hot weather and in the cold weather. In the hot weather it is real cruelty to a buffalo which is a water animal to use it in the streets of Calcutta during the hottest part of the day to draw a heavy load. They got that practically entirely

stopped, and now I think a buffalo is allowed from 11 A.M. to 2 P.M. a rest from work in the hot weather, and they also make special arrangements for giving them large supplies of water, so that the buffalo can return to his original habit of wallowing in the mire. This improvement was opposed by the buffalo owners in the first instance, but after it had been brought into operation I think they themselves realised that it was to their interest that their animals should be humanely treated. Sir, if the Honourable Member had taken the line, that this Act should be improved so as to do away with some of the many cases of cruelty to animals which still exist, I should have been ready to offer to forward whatever he had said to the Local Government concerned. I had before me various proposals that had been made for making the Act more effective in stopping cruelty. For instance, here is a Bill which was sent to me by a Judge of the Madras High Court who is President of the Society for Prevention of Cruelty to Animals there, which is designed to prevent the cruelty which occurs in the course of animal sacrifices. That has just been received by me, and although we cannot do anything at the Centre, it is quite likely we shall ask the Government of Madras to consider what they can do in this matter. I have received other proposals for the amendment of the Act from the Society which, as I say, functions very successfully in Delhi, and those a short time ago we commended to the notice of Local Governments in the hope that they would be able to take up the proposals to make the Act more effective in preventing gross cases of cruelty. But, Sir, as I say, the Honourable Members' speech seems to be an attack on the local Society for the Prevention of Cruelty to Animals, a matter which should not have been ventilated in this Council but raised locally, and it also included a suggestion that the Act should make it more difficult than it is at present to prevent serious cases of cruelty to unfortunate pack animals visiting a town from outlying villages. With that I have not the least sympathy, and that being so I must oppose this Resolution.

THE HONOURABLE DEWAN BAHADUR G. NARAYANASWAMI CHETTY (Madras : Non-Muhammadan) : Sir, I should like to say a word or two. My friend thought that it was very difficult to get matters of this sort ventilated in the local Legislative Council in view of the greater political importance attached to subjects other than this. His real complaint seems to me to be about the feeding charges. That, as the Honourable Mr. Hallett pointed out, is a provincial subject and it is for the Provincial Government to take up. My Honourable friend Mr. Gounder felt that an expression of opinion from a House like the Council of State and the Government of India communicating the debate to the Local Government would be of much help to the Provincial Minister in bringing forward an amendment in the local Legislature.

Regarding the question of feeding of animals concerned in cruelty cases the conditions obtaining in my province to which the Honourable the Mover also belongs, are different in the city and in the mofussil. In the mofussil, the local societies charge the cases under Act XI of 1890 which gives provision for animals to be remanded to the infirmary by a magistrate even before the disposal of the cases. But in Madras City, prosecutions are instituted under the Madras City Police Act which empowers a magistrate to remand an animal only upon conviction of an offence.

No doubt the feeding charges are very high, *viz.*, 12 annas per day for a bullock or a pony and Re. 1 for a horse. Poor people cannot afford to pay such heavy charges. In practice it is found that invariably in all cases remanded to the infirmary the owners give their own food. If any owner fails to do so, by a special arrangement made by the Madras S. P. C. A. with the Pinjrapole, the animal is sent to the Pinjrapole where only half the Government rates are charged for the feeding of animals.

[Dewan Bahadur G. Narayanaswami Chetty.]

The S. P. C. A. at Madras brought about the constitution of a Special Court for the trial of cases of cruelty to animals only with a view to getting animals treated in the hospital. But its purpose is defeated since the magistrates are reluctant to remand animals to the hospital because of the high rates of feeding charges prevailing at present and the difficulty of the owners having to bring their own feed to the hospital from distant places. The object of the S. P. C. A. is the prevention of cruelty to animals and not so much the prosecution of the offenders. If we succeed in getting the free feeding of animals sanctioned by Government, it will be a great step in our achieving the entire object of the S. P. C. A.

In the Annual Report of the Madras Society for the Prevention of Cruelty to Animals for the past year it is pointed out that out of 3,319 prosecutions by the Society's officers and the police during the year, animals were not produced for inspection in as many as 1,001 cases. The accused persons having come to know that after the deputation of a Veterinary Officer for the Special Court, more animals are being remanded to the infirmary, wilfully do not produce the animals for inspection by magistrates. Consequently in fit cases the animals do not get treatment in the hospital. There is thus every probability of these animals being used outside the presidency town in an unfit condition with impunity. Such cases are of course difficult of detection, for many of these animals come from the mofussil. There is no provision in the Act for the detection of animals on seizure, till and after they are inspected by the magistrates.

In short, if the feeding question is solved in the manner sought to be done by the Honourable Mr. Gounder, the real purpose of the S. P. C. A. and the constitution of the Special Court at Madras in particular, will be fully achieved.

THE HONOURABLE THE PRESIDENT (to the Honourable Mr. V. C. Vellingiri Gounder) : Do you propose to withdraw the Resolution ?

THE HONOURABLE MR. V. C. VELLINGIRI GOUNDER : I want some information, Sir, before withdrawing. We are told that it is only a matter concerning Local Governments and to some extent District Magistrates can help in the matter. So far I have not been able to get a remedy. So long as the Act is not amended, it is very difficult to get any remedy.

THE HONOURABLE DEWAN BAHADUR G. NARAYANASWAMI CHETTY : The local Council has to amend the Act.

THE HONOURABLE MR. V. C. VELLINGIRI GOUNDER : With regard to the amendment as the Honourable Mr. Hallett pointed out, the Devolution Rules give power to Local Governments to make amendments. Am I right, Sir ?

THE HONOURABLE MR. M. G. HALLETT : Yes.

THE HONOURABLE MR. V. C. VELLINGIRI GOUNDER : I do not know if the Local Governments can go beyond the main principles classified under the section ?

THE HONOURABLE MR. M. G. HALLETT : They can do anything they like. They can amend it in any way they like.

THE HONOURABLE MR. V. C. VELLINGIRI GOUNDER : I was told when I consulted some friends that the Local Government may make some amendments, but when I was searching in the Library to find whether any amendments were made in the local Councils, I came across an amendment made in Bombay. When I referred to this amendment, I found that it has made the position much worse. I will just read the small amendment which the Bombay Government have made. I hear that the people of Bombay have got more sympathy towards animals and people who keep animals worship them. My object is to provide certain facilities for feeding the animal in case it comes from a distance of 15 or 20 miles from its place. This is the amendment made in Bombay :

" If the owner refuses or neglects to pay such cost and to remove the animal within such time as a Magistrate may prescribe, the Magistrate may direct that the animal be sold and that the proceeds of the sale be applied to the payment of such cost "

Another clause reads this :

" If the cost incurred * * * * * shall exceed the proceeds of the sale, the excess to such extent as shall seem reasonable shall be recoverable from the owner as a fine on the order of the Magistrate, provided that no such order shall be made without the owner being given a reasonable opportunity of urging his objections, if any, before the Magistrate "

If the cost exceeds the proceeds of the sale, the balance is to be recovered as a magisterial fine. The point is whether the Devolution Rules will give a certain opportunity to relieve the difficulty that I have pointed out or will it make the position much worse as in the case of the Bombay amendment of the Act. I wish again to bring to the notice of the Honourable House the hardships. I hope all will agree that it is not reasonable that the poor people should be made to undergo these hardships under the Act. That is why I do not know whether, apart from the main sections of the Act, the Government can make amendments to make provision of the kind that I have mentioned, although it will be a little bit of modification of the main penal provisions of the Act, which is an all-India Act.

THE HONOURABLE MR. M. G. HALLETT : The Local Government can enact a new Act if they like—Bengal have done that—or they can amend the Act where necessary.

THE HONOURABLE MR. V. C. VELLINGIRI GOUNDER : As the Honourable Mr. Hallett says that the Local Government has power to provide a remedy for all the difficulties by amending the Act I have no objection to withdraw the Resolution.

The Resolution was, by leave of the Council, withdrawn.

(CODE OF CRIMINAL PROCEDURE (AMENDMENT) BILL.)

(Amendment of section 406.)

THE HONOURABLE MR. V. V. KALIKAR (Central Provinces : General) : Sir, it is rather a late hour and I think I shall have to make rather a long speech over this Bill.* So I want to know from you, Sir, whether, if I do not make any Motion today, the Bill will lapse ? If I do not make any Motion today, I will have the Bill discussed in the Simla session.

THE HONOURABLE THE PRESIDENT : You can ask for permission to make a Motion at the next session. If you do not make the Motion for two sessions successively, the Bill will lapse. The Bill lapses only in that case.

*" To move that the Bill further to amend the Code of Criminal Procedure, 1898, as passed by the Legislative Assembly, be taken into consideration ."

THE HONOURABLE MR. V. V. KALIKAR : I shall move it at the Simla session, Sir.

THE HONOURABLE MR. P. N. SAPRU (United Provinces Southern : Non-Muhammadan) : Sir, I am not going to make the Motion* standing in my name.

STATEMENT OF BUSINESS.

THE HONOURABLE KUNWAR SIR JAGDISH PRASAD (Leader of the House) : With your permission, Sir, I propose that the Council may sit on Monday, the 20th April, for the transaction of official business. Two Bills [the Italian Loans and Credits Prohibition Bill and the Salt Additional Import Duty (Extending) Bill] have already been laid on the table of the House and they will be considered here and if there are any other official Bills that come up from the other place they will also be taken up.

STANDING ADVISORY COMMITTEE FOR THE INDIAN POSTS AND TELEGRAPHS DEPARTMENT.

THE HONOURABLE THE PRESIDENT : With reference to the announcements made by me on the 30th March, 1936 in regard to the election to the Standing Advisory Committee for the Indian Posts and Telegraphs Department, I have to inform the House that the election will take place on Monday, the 20th April, 1936.

CENTRAL ADVISORY COUNCIL FOR RAILWAYS.

THE HONOURABLE THE PRESIDENT : I have also to announce that the following non-official Members have been nominated for election to the Central Advisory Council for Railways :

- The Honourable Mr. Mahmood Suhrawardy.
- The Honourable Khan Bahadur Syed Abdul Hafeez.
- The Honourable Rai Bahadur Lala Ram Saran Das.
- The Honourable Sardar Buta Singh.
- The Honourable Mr. Satyendra Chandra Ghosh Maulik.
- The Honourable Rai Bahadur Radha Krishna Jalan.
- The Honourable Sir David Devadoss.
- The Honourable Saiyed Mohamed Padshah Sahib Bahadur.
- The Honourable Diwan Bahadur G. Narayanaswami Chetty.
- The Honourable Mr. Hossain Imam and
- The Honourable Mr. V. V. Kalikar.

There are 11 candidates for six seats and an election will be necessary. The election will be conducted by means of the single transferable vote and will take place on Monday, the 20th April, 1936.

The Council then adjourned till Eleven of the Clock on Monday, the 20th April, 1936.

* "To move that the Bill to control the Coastal Traffic of India be referred to a Select Committee consisting of (the names of the members to be mentioned at the time of making the Motion) and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be"