

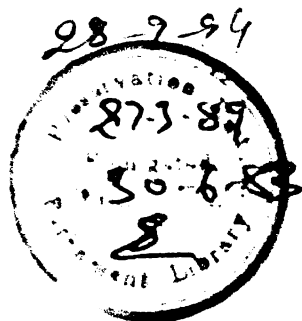
THE LEGISLATIVE ASSEMBLY DEBATES

(OFFICIAL REPORT)

Vol. VIII, 1933

(20th November to 9th December, 1933)

SIXTH SESSION OF THE FOURTH LEGISLATIVE ASSEMBLY 1933.



Legislative Assembly.

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THE HONOURABLE SIR SHANMUKHAM CHETTY, K.C.I.E.

Deputy President :

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MR. GAYA PRASAD SINGH, M.L.A.

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MESSLAD

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LEGISLATIVE ASSEMBLY.

Thursday, 23rd November, 1933.

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

QUESTIONS AND ANSWERS.

ILLNESS OF SAROJ RANJAN ACHARYA, A DETENU IN THE DEOLI DETENTION CAMP.

1120. *Mr. S. O. Mitra: With reference to the reply to parts (m) and (n) of my starred question No. 171, dated the 29th August, 1933, will the Honourable Member in charge of the Home Department be pleased to state whether any decision has since been arrived at by the Government of Bengal in regard to the home internment of detenu Saroj Ranjan Acharya lodged in Deoli Detention Camp? If so, will he be pleased to state the purport of the decision?

The Honourable Sir Harry Haig: No decision has yet been reached.

DEATH OF SAILES CHANDRA CHATTERJEE IN THE DEOLI DETENTION CAMP.

1121. *Mr. S. O. Mitra: (a) Is it a fact that detenu Sailes Chandra Chatterjee, son of Bisweswar Chatterjee, pleader, Comilla, who has recently been transferred from Hijli to Deoli Detention Camp, expired suddenly in the Detention Camp?

(b) Will Government be pleased to state:

(i) when did he die?

(ii) from what disease was he suffering and for what period?

(c) When was the news of his death communicated to his relations? Were the relations informed of the cause of his death and, if not, why not?

(d) Is it a fact that a few days before his death he wrote to his relations that he was all right?

(e) Who treated him during his illness?

(f) Why intimation was not given to his relations about the serious condition of his illness?

(g) What was the general condition of his health at Hijli?

(h) Why was he transferred from Bengal?

(i) Were there not other similar cases where the news of the serious illness of detenus was not conveyed to their relations and death was announced suddenly?

The Honourable Sir Harry Haig: (a), (b) and (c). The detenu died in the jail hospital on October 17, from malignant tertian malaria. The attack began on October 14th, when the Sub-Assistant Surgeon saw the patient and prescribed for him. The Assistant Surgeon was called in on the morning of October 16, and the same evening the patient was removed to hospital. The Medical Officer himself was in charge of the case from the time when the patient was admitted to the hospital.

(c) Immediately after the detenu's death the District Magistrate of Comilla was asked by telegram to inform his father.

(d) This is quite probable, as the attack of malaria commenced only on the evening of the 14th.

(f) There was no reason to anticipate a fatal end to the illness.

(g) While at Hijli this detenu suffered from occasional attacks of malaria which were followed by weakness and some loss of weight. Apart from this his health was normal.

(h) His transfer from Bengal was made because he was an important member of the terrorist party and his presence was considered a menace to the province.

(i) I am not aware of the cases to which the Honourable Member refers.

Mr. S. O. Mitra: Is it a fact that fever subsided entirely on the morning of the 17th, but that intravenous injection was given at 9 o'clock within an hour and a half after which he died?

The Honourable Sir Harry Haig: I think I must ask the Honourable Member to give me notice of that. I have got a fairly detailed report of the symptoms, but I cannot give him an answer at once on a detailed point like that.

Mr. S. O. Mitra: Will the Honourable Member please refer to my question, part (c), where I wanted to know the causes of his death? I find nothing in the Honourable Member's answer in respect of that part of the question.

The Honourable Sir Harry Haig: The cause of his death was malignant tertian malaria.

Mr. S. O. Mitra: Will Government explain why, when his brother wanted to know the nature of the treatment and what medicines were applied, there was no reply from the Superintendent of the Jail?

The Honourable Sir Harry Haig: Where was his brother?

Mr. S. O. Mitra: The detenu's brother? He was at Comilla, in his own residence. He wrote to the Superintendent of the Jail to know the nature of the disease, what treatment he had,—all the details. But no reply was given by the Superintendent of the Jail, and all attempts by a neighbour of his, who is also a detenu, to give information were stopped by the censor so that it was impossible for this gentleman to understand, whether the detenu had proper treatment before he died in the jail.

The Honourable Sir Harry Haig: I have no information about that, but I understand that the facts were perfectly well known in the jail and that no complaints, I think I am right in saying, were made by his friends about the treatment.

Mr. S. C. Mitra: Are not Government aware that on the morning of the 17th the fever subsided, intravenous injection was given at 9 and he died at 10-80? Is it not suspicious that the drug itself was poison and, being old medicine, was not in proper condition otherwise the man who had his fever down in the morning and had had only three days fever died all of a sudden within an hour and a half?

The Honourable Sir Harry Haig: He had a very high temperature. I think possibly it had fallen on the morning of the 17th, but, I am afraid, if the Honourable Member wants detailed information on points like that, I must ask him to give me notice.

Mr. S. C. Mitra: Is it a fact that he had fever on the 14th October at night, on the 15th October his fever was 105 degrees and that he was not taken to hospital? On the 16th his fever varied from 103 to 105 degrees and then he was taken to hospital. At night a purgative was given and there was a sudden fall of temperature. On the 17th morning he had no fever and quinine intravenous injection was given at 9 o'clock, and he died sometime after 10.

The Honourable Sir Harry Haig: All I can say is that we have had a full medical report which has been forwarded on by the Superintendent of the Jail and the Chief Commissioner and that they are fully satisfied that the treatment was adequate and skilful.

Mr. S. C. Mitra: May I take it that Government have no objection to give a copy of that report for the satisfaction of his relations that he was properly treated and that he died a natural death? What is the objection?

The Honourable Sir Harry Haig: I will certainly ask the Chief Commissioner whether details cannot be furnished to his relatives.

Mr. S. C. Mitra: May I tell the Honourable Member that the detenu's brother, Paresh Chandra Chatterjee, telegraphed to the Superintendent, Deoli Jail, to send his fever chart and also the particulars of the medicine applied and the causes forcing application of an intravenous quinine injection, but that no reply has been received as yet. I am also told, "whole paragraph or the lines containing description of the nature of his illness has been erased by the authorities, and permission has been refused to send the ashes and skull bone to us". Can Government explain why there is so much anxiety to hush up these matters when there is a legitimate grievance?

The Honourable Sir Harry Haig: I do not think that there is any kind of anxiety to hush up anything. I have already assured the Honourable Member that I will ask the Chief Commissioner whether reasonable details cannot be communicated to the relatives.

Dr. Ziauddin Ahmad: Did the report mention that the deceased had no temperature on the morning of the 17th?

The Honourable Sir Harry Haig: No, Sir, certainly not. The fever had not disappeared; it was lower. I understand, on the morning of the 17th.

Mr. K. C. Neogy: Apart from asking the Superintendent as to whether reasonable details could be furnished to relatives of the deceased in this particular case, will Government consider the desirability of adopting a general rule that, whenever deaths take place of detenus, sufficient details should, as a matter of fact, be given to the relatives, so that there may not be any necessity of our having to put so many questions in the House for eliciting information?

The Honourable Sir Harry Haig: I will certainly make that suggestion to the Chief Commissioner.

Sardar Sant Singh: In view of the allegations which were made in the questions by my Honourable friend, Mr. Mitra, may I know whether any inquest was held on the body of the deceased after his death?

The Honourable Sir Harry Haig: Yes, a *post-mortem* was held.

Sardar Sant Singh: May I know what was the result of the *post-mortem*?

The Honourable Sir Harry Haig: It was to confirm the diagnosis that he had died of malaria.

Mr. S. C. Mitra: By whom was the *post-mortem* examination held?

The Honourable Sir Harry Haig: I presume by the medical officer.

Mr. S. C. Mitra: Is it the same man who treated him?

The Honourable Sir Harry Haig: Yes, no doubt, the medical officer who is in charge of the medical arrangements for the jail.

Mr. Lalchand Navai: There is always a chart showing the patient's condition and that must be in the office of the medical officer. Will that also be placed on the table, or will information be given with regard to it to the relatives?

The Honourable Sir Harry Haig: I do not think it is necessary to place any thing on the table of the House. I have already stated that I will ask the Chief Commissioner to communicate reasonable details to the relatives.

Mr. B. Sitaramaraju: Will Government consider the desirability of having the *post-mortem* conducted by a person other than the person who treated the patient?

The Honourable Sir Harry Haig: No, certainly not.

Mr. B. Sitaramaraju: Why?

The Honourable Sir Harry Haig: I do not understand the point of the suggestion.

Mr. B. Sitaramaraju: I was saying that it is desirable to have the *post-mortem* conducted by a person other than the one who had been treating the patient.

The Honourable Sir Harry Haig: I cannot agree to the suggestion which appears to underlie the Honourable Member's question.

Mr. F. E. James: May I put a supplementary question? Will the Home Member take steps to give the same publicity to the facts in regard to this case that is being given to the questions that are asked, which contain inferences and allegations?

The Honourable Sir Harry Haig: The Honourable Member, I take it, refers to the suggestion that the detenu died on account of some injection given to him. I will certainly see that that point is inquired into definitely and a statement is made on the subject.

Mr. M. Maswood Ahmad: Were the relatives of the expired man informed of the illness before his death?

The Honourable Sir Harry Haig: I have already answered that question. There was no reason to anticipate that the illness would end fatally, and they were not informed beforehand.

RETRENCHMENT OF CERTAIN CLASSES OF OFFICERS IN THE POSTS AND TELEGRAPHS DEPARTMENT.

1122. ***Mr. S. O. Mitra:** (a) Will Government be pleased to furnish a statement showing the number of (i) gazetted officers, (ii) Telegraph Masters and (iii) Telegraphists, retrenched as a result of the recommendations of the Telegraph Establishment Enquiry Committee?

(b) If the answer to part (a) be in the negative, will Government be pleased to state the reason for not giving effect to the recommendations?

The Honourable Sir Frank Noyce: (a) and (b). Government have not yet taken action on the recommendations of the Telegraph Establishment Enquiry Committee of 1932-33, as it was considered desirable to allow ample time for the representative telegraph service organisations to submit their views which have only recently been received.

Mr. Lalchand Navalrai: Have any new entrants been taken in this Department since the report of the Retrenchment Committee?

The Honourable Sir Frank Noyce: I have no doubt that the reply to my Honourable friend's question is in the negative, but I cannot give him offhand an absolutely definite assurance on the point.

NEW SCALE OF PAY OF THE GAZETTED POSTMASTERS.

1123. ***Mr. S. C. Mitra:** Will Government be pleased to state whether the new scale of pay of the gazetted Postmasters, *vis.*, Rs. 240—600 includes two grades of Rs. 250—350 and Rs. 350—650? If so, will Government be pleased to state what will be the number of those appointments?

The Honourable Sir Frank Noyce: The new scale of pay of Rs. 240—600 is for gazetted postmasters and replaces the scale of Rs. 350—650. It does not include the existing scale of Rs. 250—350 for non-gazetted Postmasters. The latter part of the question does not arise.

INCOME FROM SALE OF POSTAGE STAMPS AND BOOKING OF TELEGRAMS.

1124. ***Mr. S. C. Mitra:** Will Government be pleased to state:

- (i) the total income from sale of postage stamps from the 1st April, 1933 to the 30th September, 1933 and from the 1st April, 1931, to the 30th September, 1931; and
- (ii) the total income of booking of telegrams during the periods mentioned in part (i)?

The Honourable Sir Frank Noyce: (i) The total income from the sale of postage stamps during the period from the 1st April, 1933, to 30th September, 1933, was Rs. 3,88,97,000, while that during the same period of 1931 was Rs. 3,78,89,000.

(ii) As telegrams booked in India are paid for both in postage stamps and in cash, absolutely accurate figures for portions of a financial year are not available. The estimated approximate amounts of telegraph message revenue for the same periods of 1933 and 1931 were Rs. 95,86,000 and Rs. 92,99,000 respectively.

AMOUNT CREDITED TO THE POSTS AND TELEGRAPHS DEPARTMENT ON ACCOUNT OF PENSIONARY CHARGES.

1125. ***Mr. S. C. Mitra:** (a) Will Government be pleased to state what amount has been credited to the Posts and Telegraphs Department on account of pensionary charges which have been reduced from 8·2 per cent. to 7·5 per cent. with retrospective effect from the year 1925-26, but which was charged at 8·2 per cent. in previous years?

The Honourable Sir Frank Noyce: A total sum of Rs. 24,49,680 was credited to the Posts and Telegraphs Department on account of overpayments of pensionary contributions, in respect of the six years 1925-26 to 1930-31 and the consequential decrease in the debit of interest. The reduction in the rate also led to a saving of Rs. 5,45,027 in the accounts for 1931-32.

CLAIM OF THE TELEGRAPH DEPARTMENT AGAINST RAILWAYS FOR RENT OF TELEGRAPH WIRES.

1126. ***Mr. S. C. Mitra:** (a) Will Government be pleased to state what action has been taken to settle the claim of the Telegraph Department against Railways for rent on account of Telegraph wires?

(b) If not, why not?

The Honourable Sir Frank Noyce: (a) The claim preferred by the Posts and Telegraphs Department against the Railway Department was discussed

at a meeting held on the 8th May, 1933, between the representatives of the two Departments and certain tentative decisions were reached. One of these decisions was that the Posts and Telegraphs Department should undertake a recalculation of the rent on the basis of the latest available figures. These calculations are being made and after they have been completed the question will be further discussed with the Railway Board.

(b) Does not arise.

Dr. Ziauddin Ahmad: Will the Honourable Member lay a copy of the result of the discussion before the Assembly or in the Library?

The Honourable Sir Frank Noyce: The discussions are purely inter-departmental.

Dr. Ziauddin Ahmad: I am referring to the final decision when it is arrived at.

The Honourable Sir Frank Noyce: When a decision has been arrived at, it should certainly be possible to communicate it in some form to the House.

MONTHLY DEDUCTIONS MADE BY GOVERNMENT FROM THE PENSIONS OF THE CIVIL PENSIONERS WHO HAD COMMUTED A PORTION OF THEIR PENSIONS.

1127. ***Mr. Gaya Prasad Singh:** Will Government be pleased to state:

- (a) whether among the civil pensioners who had commuted a portion of their pensions there have been cases where the monthly deductions from their pensions have been made by Government even after the full amounts of commutation received by the pensioners had been paid back by way of those deductions;
- (b) whether cases exist where the amounts paid back to Government by pensioners have not only equalled the amounts of commutation advanced to them but have also exceeded them;
- (c) if so, whether Government have considered the hardship thus caused to the pensioners;
- (d) whether they are aware that the Ceylon Government have recently afforded relief to their pensioners in similar circumstances;
- (e) whether some of the European, Anglo-Indian and Indian pensioners in the Madras Presidency have memorialised the Government of India to restore to them the full pension sanctioned at the time of retirement where the full amounts of commutation have been paid back, and to issue orders to refund to each pensioner the excess paid by him over and above the amount of commutation received by him;
- (f) if such memorials have been received, whether Government propose to issue favourable orders thereon?

The Honourable Sir George Schuster: (a), (b) and (c). It is quite possible that there are cases of Government servants who have commuted a portion of their pension living longer than was allowed for in the actuarial calculations on which the commutation was based. In such cases it is

possible that a pensioner is ultimately the loser by having commuted a portion of his pension but there can be no question of hardship to him because commutation is purely voluntary. On the other hand, there are many cases of persons who have commuted a portion of their pension dying much sooner than was allowed for in the calculations and in such cases Government is the loser. It is not strictly speaking correct to say that Government make monthly deductions from the pensions of those retired Government officials who commute a portion of their pensions. The position is that such officers decide of their own free will to accept the concession of giving up a portion of their pension and receiving instead a capitalised lump sum payment. The transaction so far as that portion of the pension is concerned is completed when the commutation is sanctioned and the amount paid.

(d) Government have no definite information in the matter.

(e) and (f). Memorials on the subject were received and rejected.

Mr. Gaya Prasad Singh: Is it not a fact that the amount of commutation is recouped by the Government in the course of a fixed period and that there is no interest thereafter?

The Honourable Sir George Schuster: I am afraid I have no information which would enable me to answer my Honourable friend.

Mr. Gaya Prasad Singh: What justification is there for Government reducing the pension even after the whole of the commutation amount has been recovered?

The Honourable Sir George Schuster: I have already explained to my Honourable friend that there is no question of paying a reduced pension. When an official desires to commute, he gives up a portion of his pension of his own free will and, in place of that, he receives a lump sum payment.

RETIREMENT OF CERTAIN DEPUTY ASSISTANT CONTROLLERS OF MILITARY ACCOUNTS BEFORE THEY ATTAINED THE AGE OF 55.

1123. **Mr. Jagan Nath Aggarwal:** (a) With reference to the statement made by the Honourable the Finance Member that it was not the policy of Government to retire those officers who had not attained the age of 55, but had rendered 30 years service, is it a fact that certain Deputy Assistant Controllers of Military Accounts have been forced by the Military Accountant General to go on leave preparatory to retirement before they attained the age of 55?

(b) Is it also a fact that the above order has not uniformly been made applicable to all officers, and that there are still some men who have completed their 30 years' service but have not been forced to go?

(c) Is it a fact that those men who have been ordered to go did not come under the last retrenchment, as they were considered fit in all respects for retention in service?

(d) Is it a fact that these officers have not been granted any gratuity or travelling expenses back to their places of residence, in consequence of their having been forced to retire before time?

(e) If so, is it proposed to compensate them to make up their monetary loss, keeping in view that these officers had taken up insurance policies maturing at the age of 55, and have liabilities to meet towards the payment of premia upto that age? If so, how?

The Honourable Sir George Schuster: (a) Certain officers of the category mentioned have been required to retire under the orders of the Government of India with reference to Note 1 to Article 465-A, Civil Service Regulations.

(b) Yes; these retirements were not in pursuance of any general policy but were carried out for special reasons in each case.

(c) The fact is as stated in the first part of the question, but this does not justify the inference in the second part.

(d) Yes.

(e) As these officers were retired under the provisions of Note 1 to Article 465-A, Civil Service Regulations, they have no claim to any special compensation.

INDEBTEDNESS OF THE SUPERINTENDENT OF PRINTING AND STATIONERY, NORTH WESTERN RAILWAY, LAHORE.

1129. *Shafiq Sadiq Hasan: (a) Are Government aware that there is in the employment of the North Western Railway an officer who is Superintendent of Printing and Stationery at Lahore, and who has been incurring large debts for which attachments against his salary have been made by civil courts?

(b) Are Government aware that this officer was recently sued in a civil court at Lahore for a sum of money which he took as a loan from one Sheik Fazal Ahmed, a railway contractor, and executed a pronote in favour of the latter?

(c) Are Government aware that this Sheik Fazal Ahmed supplied various materials as a contractor to the Printing and Stationery Department, North Western Railway, of which department the Superintendent is the head?

(d) Are Government aware that no action was taken against this officer by the authorities concerned for placing himself under indebtedness to a person who was a railway contractor and who had dealings with him in his official capacity?

(e) Are Government aware that this officer before proceeding on leave out of India in October, 1931, drew as salary an amount less than Rs. 100, per mensem as a result of several attachments executed by Courts and that his salary was Rs. 1,180, or thereabouts including the overseas allowance?

(f) Are Government aware that in the civil suits brought against him in the Courts at Lahore he produced his own subordinates as his witnesses?

(g) If the answers to the above questions be in the affirmative, do Government propose to take any action against this officer in order to stop the scandalous state of affairs prevailing in an important department of State Railways?

Mr. P. R. Rau: I have called for information and will place a reply on the table in due course.

**NON-EMPLOYMENT OF RETRENCHED PERSONS IN THE SURVEY OF INDIA
DEPARTMENT.**

1130. *Shalkh Sadiq Hasan: (a) Is it a fact that fresh recruitment for filling seven posts in Class II Service, Survey of India, from which about 28 officers were recently retrenched, is contemplated?

(b) Are Government aware that not even a single retrenched person is being re-employed, that most of them are still on leave, and that there are available at least four junior Indian officers with service of 10 years and below?

(c) Is it not a fact that not a single Anglo-Indian officer below 20 years' service was retrenched, and that all Anglo-Indian probationers were saved from retrenchment?

(d) Is it not a fact that recruitment now to be made is on similar lines as before, and that among the retrenched junior Indian officers two were first in their respective competitive examinations?

(e) Is there any definite standard laid down in the department and was any common test applied in selecting officers for retrenchment? If all these juniors were retrenched for being "below standard", how is it that they were allowed to continue and were even granted the usual increments? In what way were they found to be below standard even for the normal work of the Department, and when was the deficiency noticed?

(f) Is the department opening out again, and have Government held that these junior Indian officers are utterly incapable of improvement if re-employed?

(g) Is it a fact that the Government of Madras have moved the Government of India in the matter of re-employing retrenched men? What are the views of Government on the subject?

(h) Is it a fact that other departments and Local Governments are viewing the case of the retrenched, specially that of the juniors, sympathetically, and if so, why does the Survey Department refuse to re-employ these four Indians?

Mr. G. S. Bajpai: (a), (f) and (h). Seven probationers are being recruited to fill, after due training, the vacancies which are expected to occur in future years. As regards the re-employment of retrenched officers, the Honourable Member's attention is invited to the reply given by me on the 1st September, 1933, to part (c) of Mr. B. R. Puri's starred question No. 346.

(b), (c) and (d). The Honourable Member's information is correct.

(e) The common test applied in selecting officers for retrenchment was the record of their work over a number of years. The selection was made on the advice of a selection board which met in November, 1931, at Calcutta and was presided over by the Surveyor General. The conditions which govern continuance in service and grant of increments to Government servants in normal times cannot apply when retrenchment becomes necessary in pursuance of an economy campaign. The Honourable Member will no doubt appreciate that in such abnormal circumstances the only principle which can suitably be followed is to retain the more and retrench the less efficient.

(g) I have not been able to trace any such communication from the Government of Madras. The Government of India had already considered

at some length the question of re-employing some of the retrenched officers in Class II of the Survey of India before sanctioning the recruitment of new candidates.

PROLONGATION OF THE PRESENT LIFE OF THE LEGISLATIVE ASSEMBLY AND OF THE PROVINCIAL LEGISLATIVE COUNCILS.

1131. ***Mr. Lalchand Navalrai:** Will Government be pleased to state if they have decided to prolong the present life of the Legislative Assembly? If so, for how long?

The Honourable Sir Brojendra Mitter: The Honourable Member is referred to the reply given by me to part (a) of Mr. Bhuput Sing's starred question No. 768 on the 20th March, 1933.

Mr. Lalchand Navalrai: May I know from the Honourable Member what is the position at present?

The Honourable Sir Brojendra Mitter: The position is the same as it was when the Governor General addressed the House.

Mr. M. Maswood Ahmad: Is it a fact that the life of the Assembly is to be extended only by one year?

The Honourable Sir Brojendra Mitter: Government are not concerned in the matter. It is a matter for the Governor General.

Mr. Lalchand Navalrai: Is the Honourable Member aware that the life of the Provincial Councils has been extended by one year. Why is there delay in the announcement in regard to the Assembly?

The Honourable Sir Brojendra Mitter: I have already said that this is not the concern of the Government of India. It is the concern of the Governor General.

Mr. Lalchand Navalrai: The extension can be ordinarily given by the Governor General in Council?

The Honourable Sir Brojendra Mitter: I would refer my Honourable friend to section 63D of the Government of India Act.

Mr. M. Maswood Ahmad: Do Government propose to recommend to the Governor General that the Assembly be extended by one year or by more than one year?

The Honourable Sir Brojendra Mitter: Government do not propose to make any recommendation one way or the other.

Mr. S. O. Mitra: Do Government propose to see that an early announcement is made, so that Members may know what the life of the Assembly is going to be.

The Honourable Sir Brojendra Mitter: That is not a matter for the Government. It is a matter entirely for the Governor General. To refresh

the memory of Honourable Members I may read a passage from the Message of the Governor General to this House:

"I have, therefore, decided not to dissolve the Assembly or to hold the general election this year. I propose, when the time comes, to exercise my powers under section 63D of the Government of India Act and to extend the life of this Assembly for such period as may seem expedient in the light of the conditions then prevailing."

Mr. Lalchand Navalrai: May I request the Honourable Member, therefore, to request the Viceroy to exercise his pleasure and give us a decision soon?

Mr. President (The Honourable Sir Shanmukham Chetty): I know this is a matter in which Honourable Members of this House are deeply and vitally interested. It is felt that Honourable Members ought to know the life-time of the Assembly so that, if an election is to take place in the near future, they may take steps to prepare their constituencies for the election. The Honourable the Leader of the House is technically correct when he says that this is purely a matter for the Governor General. As a matter of fact, I might inform Honourable Members that I have taken up this matter with His Excellency the Governor General and I expect that an announcement will be made very shortly. (Hear, hear.)

DATE OF APPOINTMENT OF THE ADDITIONAL AND THE ASSISTANT INCOME-TAX OFFICERS, KARACHI.

1132. ***Mr. Lalchand Navalrai:** (a) Will Government be pleased to state the date from which the Additional Income-tax Officer, Karachi was appointed?

(b) Will Government be pleased to state the date from which the Assistant Income-tax Officer, Karachi was appointed?

The Honourable Sir George Schuster: The attention of the Honourable Member is invited to the reply I gave to part (a) of his starred question No. 79 on the 28th August, 1933.

DOUBLE ASSESSMENT MADE BY THE INCOME-TAX OFFICERS, KARACHI.

1133. ***Mr. Lalchand Navalrai:** (a) Will Government be pleased to state if it is a fact that the Additional Income-tax Officer, Karachi, framed assessments against parties who had already been assessed by the permanent Income-tax Officer and likewise by the Assistant Income-tax Officer, Karachi?

(b) Will Government be pleased to state the number of cases in which each of the two officers framed double assessments for 1931-32 and 1932-33 against parties who had been already assessed or exempted?

(c) Will Government be pleased to lay on the table of this House a statement showing the number of cases in which double proceedings were taken?

(d) Will Government be pleased to state if any representations were made to the Assistant Commissioner of Income-tax or the Commissioner of Income-tax, Bombay Presidency and Aden, in this behalf? If so, what was the action taken?

The Honourable Sir George Schuster: (a) Yes.

(b) 18.

(c) The number of cases in which such proceedings were started is 45.

(d) Representations were received and the double assessments were cancelled.

PETITIONS OF APPEAL AGAINST ASSESSMENTS OF INCOME-TAX IN SIND.

1134. ***Mr. Lalchand Navalrai:** Will Government be pleased to call for and lay on the table of this House a statement showing for each of the three years ending 31st March 1931, 1932 and 1933 the number of petitions of appeal against assessments of income-tax, in which no hearing was given simply because in the opinion of the Assistant Commissioner of Income-tax in Sind the assessments fell under section 23 (4)?

The Honourable Sir George Schuster: The information required is not on record and could be compiled only at an expenditure of time and labour that would not be justified by the value of the results.

APPEALS AGAINST ORDERS PASSED BY INCOME-TAX OFFICERS IN THE MATTER OF REGISTRATION OF FIRMS IN SIND.

1135. ***Mr. Lalchand Navalrai:** (a) Will Government be pleased to state if it is a fact that in Sind no uniform practice is being observed, in entertaining appeals against orders passed by Income-tax Officers in the matter of registration of firms?

(b) Is it a fact that appeals have been admitted in some cases by the Assistant Commissioner of Income-tax, Sind, and disallowed in others because so far the legislature has not vested in the Assistant Commissioner the power to entertain such appeals?

(c) If the replies to parts (a) and (b) be in the affirmative, what steps do Government propose to take to make the practice uniform?

The Honourable Sir George Schuster: (a) and (b). Prior to the passing of the Indian Income-tax (Second Amendment) Act, 1933 in September, 1933, no appeal lay against an order of an Income-tax Officer refusing to register a firm and the practice followed in Sind was as far as can be ascertained uniformly in accordance with the law.

(c) The Act as amended in September last now gives a right of appeal against such orders and no question of an Assistant Commissioner refusing to entertain an appeal can arise.

SUPPLY OF COPIES OF ORDERS PASSED UNDER CERTAIN SECTIONS OF THE INDIAN INCOME-TAX ACT.

1136. ***Mr. Lalchand Navalrai:** (a) With reference to paragraph 73 of the Income-tax Manual providing for the supply of copies of orders passed under section 23, will Government be pleased to state if any rules have been framed in regard to supply of copies of orders passed by the Assistant Commissioner of Income-tax under sections 33, 32, 28, 27, 26-A and 23-A?

(b) Will Government be pleased to state if in respect of copies issued by the officers of the Income-tax Department other than those referred to in paragraph 73 of the Income-tax Manual, copying fees are payable under article 24, Schedule I, of the Indian Stamp Act?

The Honourable Sir George Schuster: (a) Orders were recently issued by the Central Board of Revenue directing all officers concerned to follow the practice that had already been adopted in some Provinces of supplying copies of appellate orders free of copying charges. I will ask the Board to consider the question of extending this to orders passed under sections 23A, 26, 27 and 28.

(b) Copies are not liable to stamp duty under Article 24, Schedule I, to the Indian Stamp Act unless they are certified to be true copies; and officers have been instructed not so to certify copies supplied to assesses for their private use.

Mr. Lalchand Navalrai: I understand the Honourable Member is going to make a recommendation to the Board with regard to sections 23A, 26, 27 and 28, but what about 32 and 33?

The Honourable Sir George Schuster: I gave my Honourable friend an assurance as regards 23A, 26, 27 and 28. I gave him no assurance as regards 32 and 33.

Mr. Lalchand Navalrai: May I request the Honourable Member to give me an assurance with regard to them too?

The Honourable Sir George Schuster: I think my Honourable friend might be satisfied with what I have already promised him.

Mr. Lalchand Navalrai: I will be satisfied for the present.

AMENDMENT OF SECTIONS 30 AND 32 OF THE INDIAN INCOME-TAX ACT.

1137. ***Mr. Lalchand Navalrai:** (a) Will Government be pleased to state if they propose to amend section 32 of the Indian Income-tax Act in order to provide for appeals being preferred in respect of all kinds of orders by Assistant Commissioners of Income-tax? If not, why not?

(b) Will Government be pleased to state if they propose to amend section 30 of the Indian Income-tax Act in order to provide for appeals being preferred against all kinds of orders made by Income-tax Officers? If not, why not?

The Honourable Sir George Schuster: The answers to both parts of the question are in the negative.

ALLEGED DISTRESSED CONDITION OF INDIANS IN THE MALDIV ISLANDS.

1138. ***Mr. Lalchand Navalrai:** (a) Will Government be pleased to state if they are aware of the alleged distressed condition of the Indians, specially the Bohra community, residing and trading in the Maldiv Islands, as referred to in a memorandum on the present trade situation in the Maldives, dated the 18th August, 1933, a copy of which has been supplied to the Department concerned?

(b) Are Government aware that owing to the trade jealousy, the Bohras are maltreated and are denied the usual rights of citizens?

(c) Do Government propose to take suitable steps to assist them in getting their rights restored and the unnecessary restrictions and harassment imposed on them removed?

Mr. G. S. Bajpai: (a) Yes.

(b) and (c). The Government of India are informed that the Government of Ceylon are trying to bring about an amicable settlement between the Maldivian Government and the Borah merchants. The Honourable Member may rest assured that the situation will be carefully watched.

Mr. Lalchand Navalrai: May I know if there is some truth in the representations that have been made?

Mr. G. S. Bajpai: Well, Sir, I am not in a position to say what element of the truth there is in these complaints. What I do know is that the Government of Ceylon arranged a conference between the representatives of the Borah community and the Maldivian Government in order to bring about an amicable settlement.

ASSESSMENT OF DIESEL FUEL OIL IMPORTED BY THE NATIONAL PETROLEUM COMPANY OF BOMBAY.

1139. ***Mr K. P. Thampan:** (a) Will Government be pleased to state whether it is a fact that the Diesel fuel oil imported by the National Petroleum Company of Bombay is being assessed by the Customs authorities under Section 40/75 of the Indian Customs Tariff, and that similar type of oil was assessed under Section 38C/41 (2) for the last several years?

(b) What other kinds of Diesel Oil Fuel are imported into this country and what is the rate charged on them?

(c) Are there any special reasons for according this discriminative treatment to the oil imported by National Petroleum Company of Bombay?

The Honourable Sir George Schuster: Serial Number 38C (41) (2) of the Import Tariff Schedule relates to oil flashing below 150 degrees such as is not ordinarily used except as fuel or for some sanitary or hygienic purpose. Certain oil imported by the National Petroleum Company of Bombay, which was formerly assessed under this item, has recently been assessed under Serial Number 40 (75) as it was held by the Collector of Customs also to be ordinarily used for other, namely illuminating, purposes.

(b) Many grades of Diesel fuel oil are imported into India. Only those which the Collector of Customs finds are also ordinarily used as illuminants are assessed to duty under Serial Number 40 (75) at 25 per cent. *ad valorem*.

(c) No discriminative treatment has been applied to the National Petroleum Company.

Mr. K. P. Thampan: Is it a fact that the same identical oil was imported by the Standard Oil Company for several years and that the Government did not care to assess it at a higher rate then?

The Honourable Sir George Schuster: I have no knowledge of the facts to which my Honourable friend refers. Obviously the Standard Oil Company could not have imported the same identical oil as was imported by the National Petroleum Company. It is possible that they may have got oil through which was not found out by the customs officers, but I have no accurate information on that point.

Mr. Lalchand Navalrai: May I know if this very oil was being charged under item 40 (75) for several years?

The Honourable Sir George Schuster: I am not quite sure that I understand my Honourable friend's question. But we shall be dealing with the whole of this matter very fully in connection with the Bill which I introduced into the Assembly on Tuesday and which comes up for consideration on a further motion tomorrow.

Mr. Lalchand Navarai: I only wanted to bring it to the Honourable Member's notice that this very oil which is now being considered to be an illuminant was being charged as not being an illuminant for several years by the customs officers.

The Honourable Sir George Schuster: That may be so, but there is no doubt that a practice has recently grown up for importing oil of this kind and selling it definitely as an illuminant.

Mr. Lalchand Navarai: May I know if there are actual experts placed on this duty to examine the oil in the customs offices?

The Honourable Sir George Schuster: I think my Honourable friend might wait until we come to debate the measure dealing with this subject.

Mr. Lalchand Navarai: I will do so.

DIESEL OIL DISTRIBUTED BY THE NATIONAL PETROLEUM COMPANY OF BOMBAY.

1140. ***Mr. K. P. Thampan:** (a) Will Government be pleased to state whether it is a fact that the Diesel oil distributed by the National Petroleum Company of Bombay is charged at a high rate, i.e., the rate for kerosine oil, by the Indian Railways, and that it is chargeable at a cheaper rate (C-S rate under I. R. G. classification of goods No. 17)?

(b) Is it a fact that this is done on the ground that the oil is of Russian or Roumanian origin?

(c) Are the Railway Administrations competent and authorised to enforce this discriminative rate?

(d) Was the same rate charged when the Standard Oil Company used to distribute Russian oil in this country during the past several years?

Mr. P. B. Rao: (a) to (d). The position is that the oil in question was originally charged at the rate for kerosine on the ground that it was not accepted by the Customs authorities as ordinary liquid fuel used exclusively as a fuel and it was believed that it was being used also as an illuminant. The decision had nothing to do with the country of origin of the oil in question. On the matter being brought to the notice of the Railway Board, the Indian Railway Conference Association was consulted, and according to their recommendation it has since been decided by railways to charge the oil in question at the C/S Schedule rates.

(d) Prior to July, 1932, liquid fuel and kerosine oil were charged at the same rate and the question did not arise.

IMPORT OF RICE INTO INDIA.

1141. *Mr. M. Maswood Ahmad: (a) Are Government aware of the quantity of rice that has been imported into India from the 1st April, 1933 up to the 31st October, 1933?

(b) Will Government be pleased to state whether they are aware that the rice imported into India recently is the rice which was exported from India during the last several years?

(c) Are Government aware of the rate per rupee at which the rice has been imported into India?

(d) Are Government aware that on account of the recent import of rice the price of rice in India has gone down?

(e) Are Government aware that the depreciation of the yen and its exchange with the rupee has encouraged the recent import of rice into India?

(f) Will Government be pleased to state what steps they propose to take to safeguard the interests of the paddy growing people of India?

The Honourable Sir Joseph Shore: (a) Imports of rice from all countries into India from 1st April to 31st October of the current year amounted to 14,787 tons, and showed a decrease of about 4,000 tons as compared with the corresponding period of last year, Japan's share of the imports during the four months ending the 31st October, 1933, was 66 tons only.

(b) No, Sir.

(c) The October figures show that the average declared value was about Rs. 64 per ton for imports from all countries and about Rs. 80 per ton for imports from Japan.

(d) No. The price of Big Mills Specials in Rangoon has risen from Rs. 145 to Rs. 168 per 100 baskets between the middle of September, and the middle of November.

(e) No, Sir.

(f) The situation is being watched by Government.

Mr. M. Maswood Ahmad: Will Government be pleased to state if the figures stated by them relate to British India alone or do they relate to the whole of India?

The Honourable Sir Joseph Shore: For India.

Mr. M. Maswood Ahmad: Will Government be pleased to state whether there was any talk about this rice question with the Japanese Delegation or with the Consul-General of Japan in India?

The Honourable Sir Joseph Shore: I believe my Honourable friend was present here yesterday. If so, I am sure he will have it within his recollection what I said on that matter.

Mr. Muhammad Ashar Ali: But yesterday none of us was present here!

The Honourable Sir Joseph Shore: I beg your pardon, the day before.

Mr. Amar Nath Dutt: In reply to part (f), the Honourable Member said that the Government were still watching. Will Government rest satisfied by only watching the position or do they intend taking further steps after watching?

The Honourable Sir Joseph Shore: Watching is a preliminary process.

Dr. Ziauddin Ahmad: The Honourable gentleman has compared the figures with those of last year which was an abnormal year. Will he please compare the figures of this year with those of the year before last?

The Honourable Sir Joseph Shore: I shall certainly be only too glad to get information on that point from my Honourable friend.

Dr. Ziauddin Ahmad: There has been a substantial increase if the figures are compared with those of this year.

Mr. M. Maswood Ahmad: As Government have not yet studied the condition in other countries, do they propose to study now the question as to what steps have been taken by other countries for raising the price of rice and allowing more exports?

The Honourable Sir Joseph Shore: I shall be greatly obliged to my Honourable friend if he will instruct me in this matter.

Mr. Amar Nath Dutt: May I know, Sir, whether Government have taken any steps during the last four years since the price of rice has been falling, or were they merely watching for the last four years the distress of the agriculturists?

The Honourable Sir Joseph Shore: That does not properly belong to my Department and, I am afraid, if I gave any information straight off, I might be misleading my Honourable friend. If he gives me notice, I shall endeavour to have the question answered for him.

Mr. Amar Nath Dutt: I have asked for a reply from the Government and not from a particular Department. I do not care to which Department the subject belongs. What I do care for is the distress of the agriculturists at the present moment which has been continued for the last four years.

The Honourable Sir Joseph Shore: I told my Honourable friend that information on that point must be collected before any reply could be given.

Mr. Amar Nath Dutt: Does the Honourable Member mean to say that for the last four years no information has been available to enable the Government to take any steps in order to raise the price of rice?

The Honourable Sir Joseph Shore: I have no doubt that information is available, but it is not readily available to me at the present moment.

Mr. K. C. Neogy: When the Honourable Member says that Government have been watching the situation, are Government, or the Department of which my Honourable friend is in charge, also watching the effect of the export duty on rice upon the price level of rice in India?

The Honourable Sir Joseph Bhoré: I have no doubt that that question is being borne in mind by the Department concerned.

Mr. K. O. Neogy: May I know with what effect so far?

The Honourable Sir Joseph Bhoré: I am afraid I could not tell the Honourable Member that straight off.

Mr. T. N. Ramakrishna Reddi: Will Government be pleased to state why they view this question of rice so very light-heartedly? When the question of the textile industry is concerned, they take steps immediately, but, in the case of rice, they are only watching the situation while the poor ryots are suffering for the last four years.

The Honourable Sir Joseph Bhoré: Will my Honourable friend suggest what Government should do in this matter?

Mr. T. N. Ramakrishna Reddi: It is not for me to suggest. I am not placed in the position of Government. It is for the Government to protect the interests of the ryots and it is for them to take steps immediately to alleviate their condition.

The Honourable Sir Joseph Bhoré: I shall certainly be only too glad to receive any suggestions from my Honourable friend as to suitable steps to be taken in this matter. I personally cannot see my way clearly as to any steps to be taken which would reduce the depression immediately.

Dr. Bawddin Ahmad: May I make a definite suggestion? In the first place, the export duty should be abolished. That is the preliminary step for raising the price level.

The Honourable Sir Joseph Bhoré: I shall pass that suggestion on to the Honourable the Finance Member for consideration.

Mr. M. Maswood Ahmad: Are not Government aware that the other suggestions are that the import duty should be imposed on the rice which is imported into India and that the ratio question should be discussed and finally settled.

Mr. President (The Honourable Sir Shanmukham Chetty): During question time, there cannot be a discussion on the subject. Honourable Members must ask questions with a view to eliciting information.

Mr. F. E. James: Will the Honourable Member be pleased to state what proportion of the 14,000 tons imported into India in this period came from Siam?

The Honourable Sir Joseph Bhoré: I have not the exact figure available, but I think I am fairly correct in assuming that a very large proportion of it came from Siam.

Mr. K. O. Neogy: Is the Honourable Member in a position to state which countries send out the cheapest rice? I gathered that Japan was not the country which sent out the cheapest.

The Honourable Sir Joseph Bhore: I think my Honourable friend's assumption is correct. I have not those prices readily available, but I should say that it is Siamese rice which is at the moment in competition with the Indian rice.

Mr. Amar Nath Dutt: Why Government are not expediting this matter as they did expedite in case of the Cotton Mills of Bombay and steel industry? Is the latter their favourite wife?

The Honourable Sir Joseph Bhore: I am sure that if my Honourable friend would really take the trouble to consider this question carefully, he would realise that the mere exclusion of 14,000 tons of rice in one half-year would have very little appreciable effect having regard to the fact that the total Indian production is somewhere in the neighbourhood of 17 million tons.

Mr. Amar Nath Dutt: Is there no other way available to Government to increase the price of rice?

The Honourable Sir Joseph Bhore: I have not been able to find a way.

Mr. M. Maswood Ahmad: Are Government aware that Japan has been increasing her export of rice to foreign countries every year, from the year 1929 to 1933, and that they can dump the Indian market any day they choose? Are Government aware that the export of Japanese rice to foreign countries in 1929 was 39,000 koku, in 1930, it was 82,000 koku, in 1931, it was 101,000 koku, in 1932, it was 211,000 koku, and in 1933 up till now, it is 217,000 koku, while each koku is equal to 1.439 maunds.

The Honourable Sir Joseph Bhore: I am prepared to take those figures subject to subsequent verification.

Mr. M. Maswood Ahmad: Are Government aware that the main cause of the increase in the export of rice is the depreciation of the currency of Japan?

The Honourable Sir Joseph Bhore: I have already answered that question.

Mr. M. Maswood Ahmad: What was the answer?

The Honourable Sir Joseph Bhore: I would suggest that my Honourable friend should read the record when it comes to his hand.

Mr. M. Maswood Ahmad: In the replies there is nothing on this point.

Mr. Lalchand Navalrai: Did the Honourable Member say that questions relating to textile are more speedily decided than the question of rice?

The Honourable Sir Joseph Bhore: I do not know that the two things are comparable at all.

ORDERS BY THE POSTMASTER GENERAL, PUNJAB, RE APPEALS AGAINST THE ORDERS OF OFFICERS SUBORDINATE TO HIM.

1142. ***Shaikh Sadiq Hasan:** Will Government be pleased to state if it is a fact that the Postmaster General, Punjab, has given orders to his office that all appeals accepted against the orders of officers subordinate to him should be noted against the officer concerned and if so, is it in accordance with rules, and, if not, what action do Government propose to take to remedy this defect?

The Honourable Sir Frank Noyce: The Postmaster General, Punjab, has a statement maintained for his own information showing the number of appeals received in his office and accepted by him in respect of each officer subordinate to him, but there is nothing in the rules to forbid such procedure nor do Government propose to take any action in the matter.

GRANT OF ADVANCE INCREMENTS TO THE STAFF OF THE CENTRAL PUBLICATION BRANCH ON TRANSFER FROM CALCUTTA TO DELHI.

1143. ***Mr S. C. Mitra:** (a) With reference to part (j) of the reply to starred question No. 688, dated the 7th March, 1933, by Kınwar Hajee Ismail Ali Khan, regarding the grant of advance increments to the staff of the Central Publication Branch on transfer from Calcutta to Delhi, will the Honourable Member in charge of the Department of Industries and Labour be pleased to state whether the budget position has improved since then? If so, do Government propose to grant some personal pay to the staff of the Central Publication Branch to be absorbed in future increments as was stated to have been given to the staff of the Director General of Posts and Telegraphs on transfer *vide* the reply to part (d) of my starred question No. 165, dated the 29th August, 1933?

(b) With reference to the reply to part (d) of starred question No. 165, dated the 29th August, 1933, will the Honourable Member for the Department of Industries and Labour state what were exactly the considerations that led to the grant of personal pay to the staff of the Director General of Posts and Telegraphs?

(c) Are Government aware that the scales of pay prevalent in the Central Publication Branch are much lower than those in vogue in the office of the Director General, Posts and Telegraphs?

(d) Are Government aware that the remoteness of Delhi from home province results in an additional financial burden on account of recurring travelling and other incidental expenses?

(e) Are Government aware that the separation from joint family establishment consequent on transfer has increased the financial responsibility of the families at home and at Delhi?

(f) Are Government aware that the medical charges have been a menacing drain on the slender resources of the staff of the Central Publication Branch?

(g) What would be the amount of expenditure that would be incurred if the memorial of the staff for advance increments were entertained?

(h) Are Government aware that it has been well-nigh impossible for most of the staff to get two square meals a day along with their family?

(i) Do Government propose to review the economic position of the staff in a sympathetic light and afford necessary relief?

The Honourable Sir Frank Meyce: (a) I am obviously not in a position to say anything at this stage about the budget position. Government have already considered the request of the staff for the grant of personal pay to be absorbed in future increments and have come to the conclusion that it is not justified. They do not propose to consider the question further.

(b) There were no special considerations underlying this particular concession. The considerations underlying all the concessions then given will be found on page 341 of Volume V of the proceedings of the Standing Finance Committee.

(c) Attention is invited to the statements laid on the table of the House with reference to the replies given by me on the 29th August, 1933, to part (f) of starred question No. 165 and to part (a) of starred question No. 167 asked by the Honourable Member.

(d), (e) and (f). Service at a distance from an employee's home frequently involves additional items of expenditure, but Government have no particulars of any extra expenditure incurred on travelling expenses and home remittances, nor have they particulars of the amounts spent on medical attention in either Calcutta or Delhi. Medical attention is available free to the employees themselves.

(g) Over Rs. 40,000 in the course of five years.

(h) and (i). No.

DELAY IN GIVING DECISIONS OF ASSESSING THE INCOME-TAX PAYERS BY THE INCOME-TAX OFFICERS IN INDIA.

1144. ***Mr. Lalchand Nevalrai:** (a) Are Government aware that the Income-tax Officers in India do not give their decisions of assessing the Income-tax payers forthwith or as soon afterwards as may be as required by section 23 of the Income-tax Act?

(b) Is it a fact that they keep in abeyance their proceedings for several years and then at their discretion either give their decision simultaneously or for as many years as they choose?

(c) Are Government aware that the Income-tax payers Association of the City of Calcutta on the 29th August, 1933, submitted a petition headed "iniquities in the existing Income-tax Act" to the Income-tax Member of the Central Board of Revenue, pointing out the aforesaid practice wherein they stated that the Income-tax Officers concerned kept five years' assessment namely from the year 1928-29 to 1932-33 pending and abruptly settled some of them only on the 27th February, 1933? If so, under what law is this procedure justifiable, and what action did the Central Board of Revenue take in the matter?

(d) Are Government aware that such a practice exists in the Bombay Presidency, including Sind, also?

(e) Is it a fact that Messrs. G. C. Motwane Electric and Trading Company, Hornby Road, Fort, Bombay, have been similarly treated and their assessment for two or three years reopened after a long time and enhanced?

(f) If such practice detrimental to the interests of the assesses exists, do Government propose to take necessary action in the matter? If not, why not?

The Honourable Sir George Schuster: (a), (b) and (d). The Government have no information suggesting that such a practice exists.

(c) Such a petition was presented and referred to one particular case in which assessment cases for a number of years were said to have been disposed of at the same time. The Central Board of Revenue made enquiries regarding this individual case, after which it replied to the Association saying that it understood that the case in question was likely to come up before the Commissioner of Income-tax in revision and therefore it was impossible for the Board to enter into a discussion on it.

(e) I am precluded by section 54 of the Indian Income-tax Act from discussing the income-tax assessment of any named assessee. If the company in question has any grievance, it is open to it to seek such of the regular remedies in the way of appeal, review or reference to the High Court as are provided.

(f) Does not arise.

Mr. Lalchand Navarai: May I know if the Commissioner refuses to send the case to the High Court, what is the remedy to the individual?

The Honourable Sir Brojendra Mitter: If the Commissioner refuses to send the case to the High Court, it is open to the assessee to make an application to the High Court to compel the Commissioner to send the case to the High Court.

Mr. Lalchand Navarai: Under the present Amendment Act?

The Honourable Sir Brojendra Mitter: I should say from recollection that it is under the Specific Relief Act.

Mr. Lalchand Navarai: With regard to part (c), may I know what the Commissioner, after all, did in the revision? Did he take any steps to see that such a practice should not be carried on in future where the assessment is kept pending for several years and assessment is made for all these years simultaneously?

The Honourable Sir George Schuster: I have no information with me on that point, but I will try and get it and give it to my Honourable friend.

AGREEMENT ARRIVED AT BETWEEN THE GOVERNMENT OF INDIA AND THE JAPANESE DELEGATION.

1145. ***Dr. Ziauddin Ahmad:** (a) Will Government be pleased to lay on the table of this House a copy of the text of the agreement, if any, arrived at between the Indian Government and the Japanese Delegation?

(b) Do Government propose to give an opportunity to this House to discuss the agreement?

(c) Will Government be pleased to state whether they considered the interests of the consumers and the interests of the cottage industry in arriving at the agreement? If not, why not?

(d) If the answer to part (c) be in the affirmative, will Government be pleased to state the names of person or persons invited by them at consultation meetings to represent the interests of the consumers and the cottage industry, viz., spinning?

The Honourable Sir Joseph Bhow: (a) Yes, Sir. This will be done if and when an agreement is reached.

(b) Honourable Members of this House will certainly have opportunities of discussing any agreement that may be concluded.

(c) All interests concerned have been carefully kept in view throughout the course of the negotiations.

(d) The Honourable Member is referred to the Government of India Commerce Department Press Communiqué, dated the 29th September, 1933.

Dr. Ziauddin Ahmad: Who were the persons representing the interests of the consumers and the cottage industries?

The Honourable Sir Joseph Bhow: I would refer the Honourable Member to the Government of India Communiqué, dated the 29th September, 1933, where he will have all the information available.

Dr. Ziauddin Ahmad: Are the names of the representatives of the consumers given in that Communiqué?

The Honourable Sir Joseph Bhow: Names of consumers? No.

Dr. Ziauddin Ahmad: Names of consumers' interests?

The Honourable Sir Joseph Bhow: I am unable to understand that.

PARTICIPATION OF THE REPRESENTATIVES OF LANCASHIRE IN THE DISCUSSION ON THE INDO-JAPANESE AGREEMENT.

1146. ***Dr. Ziauddin Ahmad:** (a) Will Government be pleased to state why the representatives of Lancashire were invited to take part in the discussions on the Indo-Japanese agreement?

(b) What was the subject of discussion between the representatives of Lancashire and the Government of India? Was it (i) separate Anglo-Indian agreement, or (ii) Anglo-Indo-Japanese agreement?

The Honourable Sir Joseph Bhow: (a) and (b). The representatives of the Lancashire textile industry were not invited by the Government of India to take part in the Indo-Japanese discussions, nor did they do so. The Honourable Member's attention is invited in this connection to the Government of India Commerce Department Press Communiqué, dated the 17th August, 1933.

Dr. Ziauddin Ahmad: Have the Government of India seen the statement issued by Mr. Mody in connection with this agreement?

The Honourable Sir Joseph Bhow: I do not know to what statement my Honourable friend refers.

Dr. Ziauddin Ahmad: I refer to the agreement with the Lancashire delegation.

The Honourable Sir Joseph Bhow: Unless my Honourable friend can identify it with a little more exactness, I should hesitate to give a reply.

Mr. Gaya Prasad Singh: The agreement arrived at between Mr. Mody and the Lancashire delegates is being denounced by the textile industry generally in all other parts of India.

The Honourable Sir Joseph Bhore: I would suggest that my Honourable friend should have some patience in this matter, because a question on that point has already been put by my Honourable friend, Mr. Das.

Mr. K. C. Neogy: With reference to the letter which the Honourable Member himself is supposed to have addressed to the head of the Lancashire delegation, may I request the Honourable Member to place it on the table of the House for facility of future reference?

The Honourable Sir Joseph Bhore: I shall place it in the Library of the House.

Dr. Ziauddin Ahmad: In view of the reply given by the Honourable Member that the Government of India did not invite the deputation from Lancashire, may I know if the deputation came of their own accord or invited by some body else?

The Honourable Sir Joseph Bhore: If my Honourable friend would take the trouble of reading the Press Communiqué published by this Department, I am sure he would not seek any further information on a point like this. The matter has been most fully explained in that Press Communiqué and, I might also say, during the course of the discussion in this House during the Simla Session.

Mr. Gaya Prasad Singh: May I know whether the agreement arrived at between Mr. Mody and the Lancashire delegates will not be lightly ratified by the Government of India without considering seriously the representations of the other textile interests in this country?

The Honourable Sir Joseph Bhore: That also, I would suggest to my Honourable friend, might best be discussed when the question raised by Mr. Das comes up for answer in this House.

Mr. F. E. James: Am I now right in saying that the agreement was not between Mr. Mody and the Lancashire delegation, but between the Bombay Millowners' Association and the Lancashire delegation?

The Honourable Sir Joseph Bhore: I should like to make a small correction in my Honourable friend's statement. He is quite right in saying that the agreement was not between Mr. Mody and the Lancashire delegation. But it is not quite correct to say that it is one between the Bombay Millowners' Association and Lancashire. It is between the Millowners' Association, Bombay, and the Lancashire delegation.

Mr. Gaya Prasad Singh: May I know if there are certain members of that Bombay Millowners' Association who protested against this sort of agreement being entered into with Lancashire?

The Honourable Sir Joseph Bhore: My Honourable friend must refer to the Millowners' Association, Bombay, for information.

Mr. Gaya Prasad Singh: Are Government aware that it was not an unanimous agreement entered into by Mr. Mody's Association with the Lancashire delegation?

The Honourable Sir Joseph Shore: I cannot give him any information on that point, because I have not got it. I shall be happy to try and get information on that point.

Mr. Muhammad Azhar Ali: Are Government prepared to ratify that agreement without putting it before the House?

Mr. President (The Honourable Sir Shanmukham Chetty): That question has already been asked and answered.

Mr. Lalchand Navarai: Did any other member of the Millowners' Association participate along with Mr. Mody in the negotiation with the Lancashire delegates?

The Honourable Sir Joseph Shore: My Honourable friend must address that question to the Association which carried on these negotiations and not to me who had nothing to do with those negotiations.

Mr. Lalchand Navarai: We can know it if the Government have any information with regard to what happened between them?

The Honourable Sir Joseph Shore: I am not in a position to give any definite information on that point.

Mr. K. O. Neogy: Has the attention of the Honourable Member been drawn to the Press report that a request was made to the Secretary of State for India on behalf of the Lancashire delegation that this so-called agreement with India should be put on a legislative footing like the Ottawa Agreement in India?

The Honourable Sir Joseph Shore: I am not quite sure if I have seen the Press report referred to, but, obviously, if it is put on a legislative basis, then my Honourable friend will have the fullest opportunity of discussing it.

Mr. K. O. Neogy: Of course. But I wanted to know from the Honourable Member whether any information has been received from the Secretary of State on this point?

Mr. Gaya Prasad Singh: May I know if the Government of India gave no sort of encouragement to Mr. Mody in the matter of inviting the Lancashire delegation or in the matter of coming to an agreement with them?

The Honourable Sir Joseph Shore: I have already referred my Honourable friend, Dr. Ziauddin Ahmad, to the Press Communiqué, and I would refer my Honourable friend, Mr. Gaya Prasad Singh, to the same Communiqué which will give him complete information on the point.

DISCUSSION OF THE QUESTION OF SUGAR CANDY WITH THE JAPANESE REPRESENTATIVES.

1147. *Dr. Ziauddin Ahmad: (a) Will Government be pleased to state if they discussed the question of sugar candy with the Japanese representatives? If not, why not?

(b) Will Government be pleased to lay on the table a copy of the text of the agreement about sugar candy?

The Honourable Sir Joseph Blore: (a) and (b). The negotiations with the Japanese representatives are still in progress, and Government cannot disclose the details of the discussions that have taken place.

SUMMARY OF DISCUSSIONS BETWEEN THE GOVERNMENT OF INDIA AND THE REPRESENTATIVES OF JAPAN AND LANCASHIRE.

1148. *Dr. Ziauddin Ahmad: Do Government propose to issue a communiqué, or lay on the table a copy of the summary of the entire discussions between the Government of India and the representatives of Japan and of Lancashire?

The Honourable Sir Joseph Blore: No, Sir.

DISPOSAL OF BOOKS RECEIVED BY THE GOVERNMENT OF INDIA OR LOCAL GOVERNMENTS.

1149. *Dr. Ziauddin Ahmad: (a) How many copies of each book printed in India are received by the Government of India?

(b) How are these copies disposed of?

(c) Is any copy supplied to any library in England?

(d) Is any copy supplied to any library in India? If not, why not?

(e) Is it a fact that Government consider it more important to supply books to the British Museum than to their own Imperial Library?

Mr. G. S. Bajpai: (a), (b), (c) and (d). The Honourable Member's attention is invited to sections 9 and 11 of the Press and Registration of Books Act, 1867 (Act XXV of 1867). No copies are received by the Government of India under this Act. The disposal of copies supplied to Local Administrations is in the discretion of those Administrations. The books received by the Chief Commissioner, Delhi, are placed in the Delhi Public Library while those received by the Chief Commissioner, Ajmer-Merwara, are kept in the Commissioner's office, but are open to public inspection in both cases. The Act is not in force in Coorg and Baluchistan.

(e) No. The question of making the Imperial Library at Calcutta a copyright library is being considered.

Dr. Ziauddin Ahmad: May I understand that the Honourable Member is going to lay a Bill suggesting modification in the Act so as to get a copy sent to the Imperial Library?

Mr. G. S. Bajpai: The question of making the Imperial Library or any other library a copyright library will have to be dealt with by legislation, and the Bill, when it comes before the House, will be available to my Honourable friend.

Mr. K. C. Neogy: Do I take it then that the Bill is likely to come before the House very soon?

Mr. G. S. Bajpai: I would not say very soon, but when consideration of the question is completed.

Mr. K. C. Neogy: Is it not a fact that the question of converting the Imperial Library into a copyright library for this particular purpose has been under consideration for at least fifteen years?

Mr. G. S. Bajpai: Fifteen years is but a short period in the history of a Government. (Laughter.) But speaking of recent history, I might say that the proposal was received only last August.

Mr. Amar Nath Dutt: Do Government pay for the books which they receive?

Mr. G. S. Bajpai: No; they do not.

Mr. Amar Nath Dutt: Is it a fact that they used to pay formerly?

Mr. G. S. Bajpai: Under the Act, ever since it came into being and it came into being in 1867—no payment has been made by Government for books acquired under the Act.

Mr. K. C. Neogy: With reference to the Honourable Member's answer to me, may I invite his attention to questions in the old Imperial Legislative Council more than fifteen years ago and to similar answers then given?

Mr. G. S. Bajpai: I hope that my Honourable friend's experience in the future would be happier than it has been in the past.

Dr. Ziauddin Ahmad: Is it not a fact that the Imperial Library is an all-India library?

Mr. G. S. Bajpai: There are differences of opinion about that.

Dr. Ziauddin Ahmad: Is it maintained by the Government of India?

Mr. G. S. Bajpai: Partly by the Government of India, but there is also a subvention paid by the Government of Bengal.

CUSTOMS DUTY ON SUGAR.

1150. ***Dr. Ziauddin Ahmad:** (a) What is the custom duty on sugar?
(b) Was the duty increased for revenue purposes?

(c) What has been the variation in the income from custom duty in 1933, as compared with the corresponding periods in 1931 and 1930?

The Honourable Sir George Schuster: (a) Rs. 7-4-0 per cwt. plus a surcharge of Rs. 1-13-0 per cwt.

(b) The surcharge was imposed purely for revenue purposes.

The Honourable Member's attention is invited to paragraph 76 of my speech introducing the budget for the current year.

(c) The amount of duty collected during the first seven months of the current year is 2,95 lakhs against 4,14 lakhs and 5,79 lakhs in the corresponding periods of 1931-32 and 1930-31 respectively.

Dr. Ziauddin Ahmad: May I know whether the Honourable gentleman would admit that this increase is not due to revenue purposes only, but to protection, because there has been actually loss in the income?

The Honourable Sir George Schuster: My Honourable friend asked what the intention was when the surcharge was imposed. That intention may not have been fulfilled, but that does not alter the fact as to what the intention was.

Dr. Ziauddin Ahmad: Not the surcharge, but the increase in the duty: I am not talking of 25 per cent. surcharge on every article, but when the increase was levied, it was not a revenue duty, but it was a protective duty.

The Honourable Sir George Schuster: As regards what actually happened, the duty had already been put up for revenue purposes to a certain level. That level happened to coincide with the duty which was recommended by the Tariff Board for protective purposes and was thereafter adopted by the Government of India as a protective duty.

Mr. A. Das: Are Government aware that this surcharge which has been imposed on sugar is likely to be reduced during the current year or done away with altogether?

The Honourable Sir George Schuster: My Honourable friend must wait until I make my budget speech.

PAYMENT OF UNECONOMIC PRICES TO THE SUGARCANE CULTIVATORS.

1151. ***Dr. Ziauddin Ahmad:** (a) Are Government aware that the sugar mill-owners pay uneconomic prices to the sugarcane cultivators?

(b) Are Government aware that these mills have ruined the cottage industry of sugar?

(c) Are Government aware that the sugar mill-owners sell sugar at prices at which Java sugar would be sold after paying the enhanced custom duty?

Mr. G. S. Bajpai: (a) The prices paid for sugarcane by millowners vary so considerably that it is impossible to draw any conclusion of general application

(b) Government have no information in support of this statement.

(c) A comparative statement showing the current prices for Indian factory sugar and imported sugar in Calcutta, Delhi and Amritsar is laid

on the table. After allowing for variation in quality it appears that internal competition has brought the price of Indian factory sugar at up-country markets below the price of imported sugar.

Statement.

(1) *Prices of sugar per maund in Calcutta*

	2nd November, 1933.	5th November, 1933.	9th November, 1933.
	Rs. a. p.	Rs. a. p.	Rs. a. p.
Jave White Sugar Ready .	10 7 6	10 9 0	10 9 6
Cawnpore White Sugar Ready	10 2 0	10 2 0	10 2 0

(2) *Prices of sugar per maund in up-country markets on the 2nd November, 1933.*

	Jave sugar.	Desi sugar.
	Rs. a. p.	Rs. a. p.
Delhi	12 8 0	11 0 0.
Amritsar	12 6 0	11 0 0

Mr. M. Maswood Ahmad: Have Government seen an article published by Mr. Rafi Ahmad Kidwai in the *Hindustan Times* of the 19th November mentioning that prices have not been paid to the sugarcane growers on the basis on which they should have been paid?

Mr. G. S. Bajpai: That question was discussed at the Conference which met in Simla last July, and it was hotly contested. Representatives of several provinces said that the sugarcane grower was getting actually more than he had done before industrialisation had reached the stage which it has.

Mr. A. Das: Has the attention of the Government been drawn to an article which appeared in the *Hindustan Times* of today's date where it is said that, in the district of Basti, the price paid for sugarcane was often less than five annas and that the sugar-mill owners at Basti have not complied with the notification of the United Provinces Government and that, consequently, there has been a lot of unrest among the sugarcane growers in the district against the action of the millowners?

Mr. G. S. Bajpai: I have not had the opportunity, being a late riser, to study the *Hindustan Times* this morning; but if there is discontent in Basti, owing to the difficulties to which my Honourable friend has referred, I have no doubt, the Government of the United Provinces, who are very solicitous of the interests of the sugarcane grower, will take suitable action.

Mr. M. Maswood Ahmad: Have Government appointed any inspector or some one like that to go round and inquire whether the sugarcane growers are getting the amount which they should get?

Mr. G. S. Bajpai: The matter is within the competence of Local Governments.

Mr. M. Maswood Ahmad: What about the areas which are under the Central Government?

Mr. G. S. Bajpai: I am not aware that they are growing large quantities of sugarcane.

Dr. Ziauddin Ahmad: Are Government aware that the cultivators actually lose, for three reasons: in the first place, prices are very uneconomical; secondly, canes are underweighed and thereby they are kept waiting for a long time, sometimes one week, so that the weight of sugarcane may be diminished by about 20 per cent.? The maintenance for several days is additional hardship.

Mr. G. S. Bajpai: I am not aware of all these details, but I have no doubt that the Local Governments will take due notice of them.

Dr. Ziauddin Ahmad: May I request the Government of India to ask the Local Governments to make local inquiries to find out certain remedies, because, as far as the Central Government is concerned, they have put down a very heavy duty, and the consumers are paying it, and it is the duty of the Government to exercise, through the Local Governments, their power to see that the cultivators get proportionate profits which is really their due? They should also see that consumers are not unduly taxed.

Mr. G. S. Bajpai: May I suggest to my Honourable friend that I supply to him a copy of the proceedings of the Simla Conference and that he peruses it at his leisure? This question of regulating prices of sugarcane and of passing on a portion of the benefit accruing to the industry from the import duty to the sugarcane grower was fully discussed there and I think every aspect of the question was considered.

Dr. Ziauddin Ahmad: Result from bad to worse. Will Government also authorise the Local Governments to make their own rules in order to regulate the prices paid to the cane grower?

Mr. G. S. Bajpai: They need no authority from the Government of India: the initiative rests with them.

Mr. M. Maswood Ahmad: Do Government propose to send these questions and answers to the United Provinces Government and to the Bihar Government?

Mr. G. S. Bajpai: I have no objection to that at all.

Dr. Ziauddin Ahmad: Am I to understand in reply to my question that the Local Governments have already got the power to make their own rules about the purchase of sugarcane and sale of sugar?

Mr. G. S. Bajpai: That is the position, Sir.

PROFIT AND LOSS ACCOUNTS OF EACH SUGAR MILLOWNER.

1152. ***Dr. Ziauddin Ahmad:** Do Government receive a copy of the profit and loss accounts, certified by recognised auditors, from each sugar millowner? If so, will they be pleased to put the file in the Library for three days?

Mr. G. S. Bajpai: No.

Dr. Ziauddin Ahmad: When we are giving protection to any industry, is it not the duty of the Government to find out that increase in taxation is really for the benefit of the people of the country, and not for the benefit of a few millionaires, because, after all, it is very unfair to levy a customs duty in order to fill the pockets of men who are already rich?

Mr. G. S. Bajpai: That is my Honourable friend's impression, that it is only the millowners or the millionaires who benefit by it: but, as I have said in answer to a previous question, that view is not supported by others.

Dr. Ziauddin Ahmad: Not supported by millionaires. I would like to have an answer to my question, who is the Government for this purpose?

Mr. G. S. Bajpai: Government impose the duty for the benefit of the 12 Noon. industry, and not of any individual or any interest

Dr. Ziauddin Ahmad: Is it not the duty of the Government to make inquiries and find out whether the protection that they have given is really a protection of the industry and beneficial to the people, and that it is not another method of filling the pockets of the millionaires?

Mr. G. S. Bajpai: There, again, I would remind my friend that the best method of ascertaining the facts was to discuss it with the representatives of the provinces where sugar is grown, and that was why the conference was convened.

Dr. Ziauddin Ahmad: I think I should ask the Honourable the Commerce Member to reply to this, because it is his Department which has to answer.

The Honourable Sir Joseph Bhoré: I must have notice of the question.

FIXATION OF MINIMUM PRICES FOR SUGARCANE AND SUGARCANE JUICE.

1153. ***Dr. Ziauddin Ahmad:** Do Government propose to fix minimum prices for sugarcane and sugarcane juice at each locality to safeguard the interest of agriculturists?

Mr. G. S. Bajpai: The matter is the concern of Local Governments.

Dr. Ziauddin Ahmad: May I know whether Local Governments will do the same thing if they consider it desirable?

Mr. G. S. Bajpai: As I have been trying to explain for some time, there is no need for anything further to be done by the Government of India,

because the July Conference was specifically called to enable Local Governments to exchange ideas with one another and to decide what action they should take.

Maulvi Muhammad Shafee Daoodi: Are the Government of India aware that up to this day the Government of Bihar and Orissa have done nothing to fix the minimum price which was adopted at the Simla Conference?

Mr. G. S. Bajpai: No suggestion to fix minimum price was adopted by the Simla Conference.

Maulvi Muhammad Shafee Daoodi: Have Government done anything to prevent the unrest among the sugarcane growers in the provinces on this matter?

Mr. G. S. Bajpai: I have already stated that if there is unrest among sugarcane growers in this matter of prices, I have no doubt that Local Governments will take suitable action.

Maulvi Muhammad Shafee Daoodi: But I say there is unrest in the Bihar and Orissa Province, and no action whatsoever has been taken there.

Mr. President (The Honourable Sir Shanmukham Chetty): That is a matter to be adjusted by the Bihar Government.

Dr. Ziauddin Ahmad: Are Government aware of the great unrest prevailing among the consumers who believe that they are paying three times the cost price? Sugar mills really produce sugar at about four rupees a maund and we have to purchase it at about Rs. 18 a maund.

Mr. G. S. Bajpai: No, Sir; I am not aware of any universal discontent among consumers.

Dr. Ziauddin Ahmad: I am a consumer myself, and there is great unrest in me. (Laughter.)

Mr. G. Morgan: May I ask whether it is a fact that, at the meeting of the Sugar Committee at Coimbatore, the question of minimum price for sugarcane has been discussed, and may I ask the Government whether the decisions arrived at by the Committee have been passed on to Local Governments?

Mr. G. S. Bajpai: That Conference, Sir, met only recently, and I have no doubt that the proceedings of their deliberations will be communicated to all Local Governments.

FIXATION OF ECONOMIC PRICES FOR THE SALE OF SUGAR AND THE PURCHASE OF SUGARCANE OR SUGARCANE JUICE.

1154. **Dr. Ziauddin Ahmad:** Do Government propose to fix the economic prices for the sale of sugar and the purchase of sugarcane or sugarcane juice in each area, in a manner that millowners may

not get more than 15 per cent. or thereabouts, including reserve and depreciation, or as an alternative change the protection duty into revenue duty?

Mr. G. S. Bajpai: The fixing of cane prices in any area is the concern of Provincial Governments.

EXPECTED DEFICIT IN THE RAILWAY BUDGET OF 1933-34.

1155. ***Dr. Ziauddin Ahmad:** With reference to the figures of the last seven months will Government be pleased to state what is the amount of the deficit which they expect in the Railway Budget of 1933-34?

Mr. P. R. Rau: Government regret they are not at present in a position to give the information required. Any estimate made at the present moment must be purely conjectural, as so much depends on the traffic in the busy season which is yet to come.

RESTORATION OF THE FIVE PER CENT. CUT IN THE SALARIES OF GOVERNMENT SERVANTS.

1156. ***Dr. Ziauddin Ahmad:** Will Government be pleased to state if they have decided to restore the remaining five per cent. cut in the salaries of Government officials from April, 1934? Do they propose to remit the surcharge?

The Honourable Sir George Schuster: I must ask the Honourable Member to wait till I make my budget speech.

STATEMENTS LAID ON THE TABLE.

The Honourable Sir Harry Haig (Home Member): Sir, I lay on the table the information promised in reply to starred question No. 1127 asked by Mr. B. Das on the 5th April, 1933. |

PROSECUTION OF THE *RIYASAT* BY THE BHOPAL STATE.

*1127. (a) I have seen the passage referred to in the judgment of the trying magistrate; but I must point out that no sanction was given by the Government to the prosecution, which was instituted on the complaint of an individual, and not of the Bhopal Darbar.

(b) The Delhi Administration have no information about investigations in connection with this case.

The Honourable Sir Harry Haig (Home Member): Sir, I lay on the table the information promised in reply to starred question No. 890 asked by Mr. Muhammad Azhar Ali on the 18th September, 1933. I would add that the general orders regarding recruitment for the clerical staff are not applicable to the Railway Department or to that portion of Army and Royal Air Force Headquarters which is reserved for soldiers, ex-soldiers and lady clerks.

UNQUALIFIED PERSONS PROMOTED TO UPPER DIVISION IN THE ARMY HEADQUARTERS.

*390. Twenty seven unqualified persons have been promoted permanently to the First Division in the Government of India offices at headquarters since the 1st April, 1930, the date on which the present recruitment scheme came into force. Of these, four were soldiers and ex-soldiers, 20 Indians, one a European civilian and two Anglo-Indians.

Mr. G. S. Bajpai (Secretary, Department of Education, Health and Lands): Sir, I lay on the table the information promised in reply to starred questions Nos. 480—482, asked by Mr. Jagan Nath Aggarwal on the 4th September, 1933.

SUSPENSION OF A CANDIDATE FROM THE INTERMEDIATE EXAMINATION BY THE SUPERINTENDENT, RAMJAS COLLEGE CENTRE, DELHI.

*480. (a), (b) and (c). Yes.

SUSPENSION OF A CANDIDATE FROM THE INTERMEDIATE EXAMINATION BY THE SUPERINTENDENT, RAMJAS COLLEGE CENTRE, DELHI.

*481. (a) Yes.

(b) The Superintendent is required, under the relevant regulations of the University, to report all attempts to use unfair means to pass an examination to the Registrar of the University for the decision of the Executive Council. The reply sent by the Superintendent to the guardian was, therefore, appropriate. The suspension of the student was not, however, continued as he was informed by the Superintendent that he could appear provisionally in the next paper.

(c) Yes.

(d) The rule on the subject is that "any attempt to use unfair means to pass the examination or any violation of the rules by the candidate shall be immediately reported by the Superintendent to the Registrar for decision of the Executive Council". When reporting the conduct of this student to the Registrar, the answer book was also sent as a material document.

(e) As regards the first part of the question, the Honourable Member is referred to the answer given to part (d). Government do not propose to direct the University to get the student's answer book re-examined as he was disqualified by the University for using unfair means.

(f) The reply to the first part of this question is in the affirmative. The Superintendent's action was fully justified and there was nothing for the University authorities to rectify.

(g) Honourable Member's attention is invited to the answer to part (f) of the question.

SUSPENSION OF A CANDIDATE FROM THE INTERMEDIATE EXAMINATION BY THE SUPERINTENDENT, RAMJAS COLLEGE CENTRE, DELHI.

*482. (a) Yes.

(b) The Executive Council of the University is empowered under clause (13) of Section 4 read with clause (i) of Section 22 of the Delhi University Act, 1922 (Act VIII of 1922) to deal with such cases. The question of making specific regulations for dealing with such cases is now being considered by the University.

Mr. P. R. Rau (Financial Commissioner, Railways): Sir, I lay on the table:

- (i) the information promised in reply to starred question No. 577, asked by Mr. Muhammad Azhar Ali on the 4th September, 1933;

- (ii) the information promised in reply to starred question No. 751, asked by Mr. K. P. Thampan on the 7th September, 1933;
- (iii) the information promised in reply to part (b) of starred question No. 755, asked by Mr. K. P. Thampan on the 7th September, 1933;
- (iv) the information promised in reply to unstarred question No. 46, asked by Mr. M. Maswood Ahmad on the 11th September, 1933;
- (v) the information promised in reply to parts (b) and (c) of starred question No. 823, asked by Mr. E. H. M. Bower on the 12th September, 1933;
- (vi) the information promised in reply to unstarred questions Nos. 67 and 69, asked by Mr. S. C. Mitra on the 13th September, 1933; and
- (vii) the information promised in reply to unstarred question No. 147, asked by Mr. Bhuput Sing on the 20th September, 1933.

CONSTRUCTION OF PLATFORMS AND OVERBRIDGES AT MAILANI AND BHOJEEPURA STATIONS ON THE ROHILKUND AND KUMAON RAILWAY.

*577. (a) Government have ascertained that at the stations referred to all passenger trains are received along-side raised platforms and that no passenger train is ever admitted on a line on which there are goods wagons.

(b) Platforms already exist at both those stations, and no overbridge is necessary at Mailani where there is only one platform. At Bhojeepera, which is a small junction station and has two platforms, it is sometimes necessary for a few local passengers to cross the railway track to the island platform, but no shunting is carried on when passenger trains are being dealt with, and there is no danger to passengers crossing the track. The volume of local passenger traffic at this station does not justify the expenditure involved in providing an overbridge.

(c) In his inspection report on the Rohilkund and Kumaon Railway system for the year ending 31st March, 1933, the Senior Government Inspector has said "The number of passengers booked to and from Bhojeepera Junction station is not large, but there is the possibility of their being injured while crossing the station building platform line, and I think the Administration would be well advised to build an overbridge", but at the same time the report specifies no works which require to be carried out at once in the interest of safety.

INTRODUCTION OF INTERMEDIATE CLASS ACCOMMODATION ON THE SOUTH INDIAN RAILWAY.

*751. (a) (i) Yes.

(ii) The subject was raised on two occasions at meetings of the South Indian Railway Advisory Committee and the position was, on these occasions, explained by the Agent to the Members who raised the question.

(iii) Neither Government nor the Railway Administration concerned are aware of any considerable feeling on this subject.

(iv) The Railway Administration reports that there is no popular demand for the introduction of intermediate class accommodation on the broad gauge of the South Indian Railway and this is supported by the comparatively small and diminishing use made of similar accommodation on the metre gauge of the same Railway.

(b) In the circumstances, Government do not see any justification for their intervention.

ARTICLE ENTITLED "MONSTROUS" IN THE INDIAN RAILWAY MAGAZINE.

*755. (a) The Agent, Bengal and North Western Railway reports that the statement that the train was overcrowded and that passengers were standing on the foot-boards is incorrect.

The train in question was an empty *mela* rake which had been ordered from Paleza Ghat to Sonapore to bring a few *mela* passengers from Sonapore to Paleza Ghat and though nominally empty the train possibly contained a few ticketless passengers.

In the circumstances, no action under Section 83 of the Indian Railways Act is called for.

COMMUNAL COMPOSITION OF THE STAFF RECRUITED BY THE CHIEF MEDICAL OFFICER, NORTH WESTERN RAILWAY.

46. The communal composition and the number of appointments made by the Chief Medical Officer, North Western Railway, since January, 1933, is given below. With the exception of the dispenser all the appointments were made by Selection Committees.

Particulars.	Muslim.	Hindu.	Christian.	Sikh.	Total.
Assistant Surgeons . . . . .	..	1	..	1	2
					(Tempy.)
Sub-Assistant Surgeons	1	..	..	..	1
Nurses . . . . .	..	..	2	..	2
Dispensers	1	..	..	..	1

TICKETS FRAUDS ON RAILWAYS.

*823. (b) It is a fact that cases of re-selling of tickets have been detected in the past.

(c) A number of collected tickets were found in certain pillars on Howrah Station platform after the Crew system was abolished.

AMOUNTS CONTRIBUTED BY THE BENGAL NAGPUR RAILWAY FOR THE CONSTRUCTION OF THE BUILDINGS OF CERTAIN INDIAN SCHOOLS.

67. (a) The amounts contributed by the Bengal Nagpur Railway, towards the cost of construction of the following school buildings, are noted against each :—

	Re.
<i>Kharypur.</i>	
Indian High School Building	77,231
Quarters	22,399
Total	99,630
Indian Primary School Building	20,021
Quarters	11,740
Total	31,761
Indian Girls' School Building	20,124
Quarters	6,048
Total	26,172
<i>Adra.</i>	
Indian High School Building	15,651
Quarters	6,902
Total	22,553
Indian Primary School Building	7,362
<i>Chakardharpur.</i>	
Indian High School	12,896
Indian Middle English School	Located in a Railway building, the cost of which is not known.

(b) A 4-roomed building was originally provided for the Boys' Primary School at Adra, but this building has since been transferred to, and is now being occupied by, the upper primary classes of the High School. No pucca building has been provided at Railway expense for the Girls' School. Temporary arrangements have, however, all along been made for the accommodation of the Boys' Primary and Girls' Schools.

CONSTRUCTION OF QUARTERS FOR TEACHERS OF BENGAL NAGPUR RAILWAY SCHOOLS.

69. (a) Teachers in Railway schools are not entitled to free quarters according to the rules now in force, but free quarters are placed at the disposal of the teaching staff on the Bengal Nagpur Railway in cases where such are available.

(b) The numbers of teachers at the Schools mentioned above and the numbers of quarters made available for them are as follows:

	Number of teachers.	Number of quarters.
Khargpur	57	42
Adra	30	11
Chakardharpur	30	nil.

(c) The Agent, Bengal Nagpur Railway, has reported that no rented houses are available within the boundaries of the railway settlements at Khargpur and Adra, but Government have no information as to whether houses are available for leasing outside those settlements.

(d) The possibility of providing quarters for certain of the Indian Schools' teaching staff at Chakardharpur is at present under investigation, but the money available for building quarters is limited and there are large numbers of railway employees for whom quarters have not yet been provided for want of funds.

INTRODUCTION OF A FASTER TRAIN *via* LOOP LINE FROM HOWRAH TO DELHI.

147. (a) No.

(b) and (d). If a through fast train to Delhi was run *via* the loop it would either be necessary to extend one of the existing trains which run *via* the loop or to divert a main line train to the loop. The Agent reports that the traffic from and *via* the loop does not justify either of these alternatives.

(c) No, but Government understand that public opinion has been in favour of the extension of these trains to Patna, which has been arranged.

(e) No, the Bandel-Barharwa section is subject to a greater speed restriction than the Sahibganj loop.

THE INDIAN DOCK LABOURERS' BILL.

The Honourable Sir Joseph Bhowe (Member for Commerce and Railways): Sir, I move:

"That the Bill to give effect in British India to the Convention concerning the protection against accidents of workers employed in loading and unloading ships be referred to a Select Committee consisting of Mr. Abdul Matin Chaudhury, Mr. Uppi Sahib Bahadur, Sirdar Sohan Singh, Bhai Parma Nand, Mr. S. G. Jog, Lala Hari Raj Swarup, Mr. Lalchand Navalrai, Khan Sahib Shaikh Fazal Haq Piracha, Sir Leslie Hudson, Mr. Goswami M. R. Puri, Mr. N. M. Joshi, Mr. A. Ra'sman and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

The principle of the Bill, Sir, is to empower the Government of India to make regulations for the safety of workers employed in loading and unloading ships and to provide through a system of proper inspection for

the carrying out of those regulations in accordance with standards internationally accepted and embodied in the draft convention of the International Labour Conference. Sir, this House has always accorded the most generous sympathy towards the consideration of measures intended for the improvement of the lot of workers in this country. It is, therefore, I think, unnecessary for me to make any lengthy speech in commending this measure to the House, a measure the humanitarian intention of which is so evident. The occupation of the dock worker, particularly stevedores and labourers engaged in loading and unloading ships, is undoubtedly a most hazardous occupation, as any one will realise who has watched the working of cargoes into and out of ships. In Great Britain, the occupation of the dock worker is definitely classed as a dangerous trade, and it is governed by special regulations which are known as dock regulations. Up to the present India has had nothing on the lines of these dock regulations, and a good many other countries are in the same position as India. The detailed provisions of the International Convention which I have referred to follow generally the provisions of the English dock regulations which are generally recognised as furnishing a reasonably complete code for the safety of the worker, a Code, Sir, which has stood the test of experience.

If Honourable Members will turn to the Bill, they will see that the main provision is clause 5 under which power is taken to make regulations to ensure the safety of the workers in all essential respects such as the provision of lighting and fencing of dangerous approaches, the protection of hatchways, the measures necessary to see that hoisting machines are in safe working condition and that the machinery is operated by competent persons, the provision of first-aid to injured workers and of rescue appliances for workers who fall into the water and a number of other matters covered by the Convention.

Clause 6 gives power to the Local Governments to make rules providing for inspection. I may observe here that the intention is that the work of inspection should largely be carried out through the agency of the factory inspectors appointed by Local Governments under the Indian Factories Act.

There is only one other matter, Sir, that I should like to refer to quite briefly. The International Convention provides a somewhat elaborate code of rules having regard to conditions which exist in the large maritime ports where the work of loading and unloading is done through means of the most modern machinery. Now, Sir, such conditions exist in India only in the major ports and perhaps in one or two of the largest of our minor ports. India has a large number of very small ports, as have other countries of the world, the condition of which is such that it would be impossible to apply to them an elaborate code of rules which were designed to meet the case of larger and more fully equipped ports. For that reason the Convention confers on member Governments the power of granting exemptions in certain cases in respect of either the whole or part of the provisions of the Convention, and clause 11 of the Bill provides for the exercise of such power by the Governor General in Council according to the provisions of the Convention itself.

I have little further to add in commending the principle of this Bill to the acceptance of this House. I would only express the view that, when this measure passes into law and is placed upon the Statute-book, it will

[Sir Joseph Bhore.]

be a very valuable and very important addition to that body of legislation which has been passed by this House in aid of the manual workers of this country.

Sir, I move.

Mr. President (The Honourable Sir Shanmukham Chetty): Motion moved:

"That the Bill to give effect in British India to the Convention concerning the protection against accidents of workers employed in loading and unloading ships be referred to a Select Committee consisting of Mr. Abdul Matin Chaudhury, Mr. Uppi Sahib Bahadur, Sirdar Sohan Singh, Bhai Parma Nand, Mr. S. G. Jog, Lala Hari Raj Swarup, Mr. Lalchand Navalrai, Khan Sahib Shaikh Fazal Haq Piracha, Sir Leslie Hudson, Mr. Goswami M. R. Puri, Mr. N. M. Joshi, Mr. A. Raisman and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

Mr. Abdul Matin Chaudhury (Assam: Muhammadan): Sir, I rise to say just a few words in support of this motion. The Convention to which this Bill refers was originally adopted in the year 1929, and, in that year, you, and my Honourable friends, Mr. Clow, Mr. B. Das and Mr. Joshi attended the Convention representing the various interests from India. I had the privilege of working in the Sub-Committee which dealt with this particular Convention. Though on the occasion of voting the Government of India remained neutral, my Honourable friend, Mr. Clow, on behalf of the Government of India gave the assurance that the Government of India would co-operate to the fullest extent in giving effect to the provisions of this Convention. And this Bill redeems that pledge, and I am glad to note with satisfaction that, after considering the various interests concerned, the Government of India have thought it fit to ratify this Convention.

As the Honourable Member-in-charge of the Bill has pointed out, the work of dock workers involves great hazard and it is responsible for a number of accidents every year in many ports in India. ^{For} in the civilized countries very elaborate regulations have been devised for the protection of dock workers. There they have adopted safety provisions for the protection of the workers on board the ship as well as in their access from board the ship to the shore, and it is satisfactory that the Government of India are bringing up their regulations into line with other civilized countries. There is only one point on which I would like to seek information. If I remember rightly, when the Convention was being discussed, the Government of India were rather hesitant about applying this Convention to the case of inland docks. I should like to know whether they would apply this Convention to the case of maritime ships or to ships engaged in inland navigation also.

Mr. A. Raisman (Government of India: Nominated Official): Sir, having had some opportunity of dealing with the details of this matter, I am in a position to answer the question asked by my Honourable friend, Mr. Abdul Matin Chaudhury. The question of restricting the scope of this Convention to maritime docks and maritime ports was, as my Honourable friend is no doubt aware, discussed at the Conference itself, and a number of countries including Holland, which has a large system of inland navigation, were, as far as I remember, not in favour of having the Convention applied fully to their inland wharves and ports. As a result of the discussion, it was considered that it would be better not to limit the

Convention to maritime ports only, but to adopt a more general criterion for the exclusion of ports and docks to which the application of the Convention may not be practicable or suitable. So, the criterion, which was finally adopted and which, in effect, is embodied in this Bill, was that member countries should have the power to exempt any port or place, dock, wharf, quay, etc., at which the processes are only occasionally carried on or the traffic is small and confined to small ships. Now, that, Sir, would exclude the whole of the inland navigation or the inland ports of India, because none of them are places at which the processes are continually carried on or the traffic is large, and, in particular, the ships in which cargo is carried on the inland waterways are smaller than those contemplated by the Convention. To give an example, one of the main provisions is that, where the hold is more than five feet deep, special means of access should be provided. I believe I am right in saying that in our inland vessels the holds are never as much as five feet deep, so that the whole of that part of the Convention which deals with working in those holds and access to them is inapplicable. Again, clause 11 (b) of the Bill gives us power to exclude any specified ship or class of ship, and it would probably be under that sub-clause that the Government of India would act in exempting from the Convention ships engaged in inland navigation until such time at any rate as the larger type of vessel to which these provisions might suitably be applied comes to be employed on our inland waterways.

Sardar Saif Singh (West Punjab: Sikh): Sir, I am not intervening in this debate for the purpose of opposing the motion for the simple reason that I have had very little experience of these matters, but there is one thing in the Bill to which I want to draw the attention of the members of the Select Committee when they come to consider the various clauses of the Bill, and that is clause 12. I raise my voice of protest against such provisions even in ordinary Bills, because I find that a practice is growing up to defend and protect the public servants in season and out of season. This clause reads:

"No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Act."

Really, when a legislation is made, it is intended thereby that the proceedings or powers given under that legislation shall be exercised in accordance with the provisions laid down in the Bill or Act itself. If the powers are not exercised in accordance with the provisions of the Bill, there does not seem to be any reason for enacting the measure at all. If the provisions of the Act are actually adhered to, there is no reason why the public servant should be afraid of suffering any consequences by the exercise of the powers under the Act itself, but if he does not conform to the strict provisions of the law, then I do not think he should be protected against the consequences of his acts if the acts themselves are illegal. We are already suffering in India from the overdose of protection afforded to the public servants. Their illegal acts cannot be called in question either in Civil Court or in Criminal Court. The result in all cases is that Government servants do not act strictly in accordance with law, but are still immune from consequences. The time has come when the voice of protest should be raised against giving too much protection to public servants. I will request the members of the Select Committee, when they are dealing with this matter, to look into these provisions and see whether there is any necessity for a provision like this in the Bill.

Raja Bahadur G. Krishnamachariar (Tanjore *cum* Trichinopoly: Non-Muhammadan Rural): Sir, I join with my friend, Sardar Sant Singh, in inviting the attention of members of the Select Committee to this very very insidious provision which has come to find a place in all the later Acts of the Legislature. I believe there are cases to the effect that when the provisions of an Act are not strictly conformed to, the officer who exercises the power under the Act cannot be said to have acted in good faith, which means, I suppose, with due care and attention. Those decisions are on one side, but, as a matter of fact, when you file suits and when you are prepared to show that these powers have not been exercised properly, with due care and attention, and, in certain cases, against the provisions of the Act, the preliminary objection raised by the pleader for the Government is that such a suit does not lie, *vide* section so and so, and that is upheld in spite of the protest of the plaintiff that he is prepared to prove his case. I can give two instances where flagrant acts were committed by Government servants and they were dismissed. Fortunately there is the High Court before which these two cases are still pending. If you act with due care and attention, why should any protection be given, I cannot understand. We have been told time and again in the case of repressive legislation that an honest man, a loyal man and a man with no seditious ideas at all need not apprehend any injury from the provisions of the Act. Sir, the sting of the clause is in its tail when it says that not only the man who does exercise his power in good faith should be protected, but who intends to do it in good faith. The way to a certain place is paved with good intentions and it is absolutely impossible, I am speaking as a lawyer of some experience, though not of great eminence, to prove before a Court what a man actually intended. What you are supposed to have intended is variously interpreted by judges. It is bad enough to excuse people who exercise their powers in good faith, but surely it is inexcusable to extend that power in the case of persons who intended to do it in good faith, but did not do it in good faith. Therefore, I would make a special request to those Honourable Members who are in the Select Committee to see that this provision is deleted and that the usual course that will be adopted in the case of lesser mortals be also adopted in the case of Government servants who, when exercising their powers, ought to do so with greater care and attention.

The Honourable Sir Joseph Bore: Sir, I have very little to add to what I have already said. This is not the occasion for me to enter into a discussion of the merits of the points raised by my Honourable friends. I have no doubt that the Select Committee will consider very carefully the arguments which they have adduced, but I would like to bring to the recollection of the House one fact and that is that to the best of my remembrance it was the Select Committee on the Assam Tea Districts Labour Bill that *suo motu* added a provision of this nature. We are merely following the precedent set by the Select Committee in that case.

Mr. President (The Honourable Sir Shanmukham Chetty): The question is:

"That the Bill to give effect in British India to the Convention concerning the protection against accidents of workers employed in loading and unloading ships be referred to a Select Committee consisting of Mr. Abdul Matin Chaudhury, Mr. Uppu Sahib Bahadur, Sirdar Sohan Singh, Bhai Parma Nand, Mr. S. G. Jog, Lala Hari Raj Swarup, Mr. Lalchand Navalrai, Khan Sahib Shaikh Fazal Haq Piracha, Sir Leslie Hudson, Mr. Gowami M. R. Puri, Mr. N. M. Joshi, Mr. A. Rastman and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

The motion was adopted.

RESOLUTION *RE* NON-RATIFICATION AND NON-ACCEPTANCE
OF DRAFT CONVENTIONS AND RECOMMENDATION CONCERNING
INVALIDITY, OLD-AGE AND WIDOWS' AND ORPHANS' INSURANCE.

The Honourable Sir Frank Moyce (Member for Industries and Labour): Sir, I beg to move:

"That this Assembly, having considered the Draft Conventions and the Recommendation concerning invalidity, old-age and widows' and orphans' insurance adopted at the Seventeenth Session of the International Labour Conference, recommends to the Governor General in Council that he should not ratify the Draft Conventions nor accept the Recommendation."

As this House is doubtless aware, my Honourable colleague, the Commerce Member, and I have been very closely associated during the last two months. This morning, however, our ways have parted. More fortunate than I, he has successfully advanced a Bill designed to give effect to a Convention adopted by the International Labour Conference. I, on the other hand, have to request this House to adopt a recommendation to the Governor General in Council that he should not ratify no less than seven Conventions. Six of which are covered by this Resolution. These Conventions, I may remind the House, were adopted by the last Session of the International Labour Conference which met at Geneva in June. That Session was opened by Sir Atul Chatterjee in his capacity as Chairman of the Governing Body. Sir Atul also acted, as he had done on many previous occasions, as the senior Government Delegate for India and, I am very glad, at the outset of the few remarks I have to make this morning, to have this opportunity of paying a tribute to the very valuable services he has rendered both to India and to international labour by his long association with the International Labour Organization. He has now held every office of importance which the Conference can confer on the representative of any country and he has played a very large part in creating at Geneva an understanding of, and a sympathy with, Indian aspirations and Indian difficulties in the realms of labour and in acting as an ambassador of Indian thought abroad. (Hear, hear.)

Now, Sir, in the course of discussions on labour questions in this House it is always evident that there are two schools of thought. Of one of them, my Honourable friend, Dr. Ziauddin Ahmad, who is not here at the moment, is the protagonist. That school holds that in the matter of labour legislation Government goes too far and too fast. The other school is led by my Honourable friend Mr. Joshi, who also is not with us today, though not for the same reasons as Dr. Ziauddin. That school contends that Government in these matters proceed at a snail's pace. I think I may claim the support of the House as a whole for the view that our progress in the amelioration of labour conditions is as fast as our circumstances justify, and I would only say that it is a matter of regret to me that, on this occasion as on one or two other occasions recently, it has not been possible for us to translate into action the conclusions which have been reached by the International Labour Conference. As Honourable Members are well aware we are engaged on an extensive programme of legislation for the benefit of labour in this country, but, fortunately or unfortunately it does not always run along the lines which have been dominating the minds of those who meet and deliberate at Geneva.

[Sir Frank Noyce.]

I have circulated to all Honourable Members copies both of the Conventions and of the Recommendations we are considering today and of the report on the Conventions prepared by the Government delegates. The Conventions look distinctly more formidable than they really are. As I have said, there are no less than six of them covered by this Resolution and one by the Resolution which I shall be moving presently, but the six which are the subject of this Resolution consist to a very large extent of a repetition of similar provisions; for example each of the first two Conventions consists of 30 articles. Of these articles twenty-eight are identical in the two Conventions and the remaining two are not entirely different. Twenty of these articles are repeated in the third Convention and only two articles in the fourth Convention differ from those in the third. The fifth and sixth Conventions again are very similar to those which precede them, and a large number of the articles in the preceding Conventions appear in this pair of Conventions. Finally, there is a recommendation supplementing all the six Conventions. I do not propose to weary the House by discussing in detail the articles of these Conventions, because the object of the whole group can be explained in very few words. Once it is grasped, it will, I think, be evident that the ratification of the Conventions by India is not, in present circumstances, a practical proposition. The Conventions are designed to set up a system of insurance schemes. The first Convention is designed to provide a scheme of old-age insurance for industrial, commercial, professional and other workers. The second Convention seeks to do the same for agricultural workers. The third and the fourth Conventions relate to schemes of invalidity insurance, in other words, to pensions to those who are permanently incapacitated by ill-health. Those two Conventions relate to invalidity and insurance for industrial, commercial, professional and other workers on the one hand and for agricultural workers on the other. The last two Conventions, the fifth and the sixth, are designed to secure schemes of widows' and orphans' pensions for the same two groups. The cardinal features of all the schemes are similar. Each scheme is to be compulsory and each scheme is to provide benefits at least equivalent to those specified in the Convention. For example, the maximum starting age for old-age pensions is fixed at sixty-five and orphans are to get pensions in respect of the death of either parent up to the age of fourteen at least. The schemes are to be contributory; the employer and the employee must both contribute and the public authorities must also contribute. Provision is made in all the Conventions that the maintenance of non-contributory schemes shall constitute compliance with the Convention, but as this is limited to schemes already in existence, it does not apply to this country.

Now, Sir, it follows from what I have said that if we were to ratify these Conventions, we should be obliged to set up a system of insurance applicable to nearly all the people employed in this country. We should be obliged to provide them with old-age pensions; we should be obliged to provide them with pensions if they became unfit for work, and we should also be obliged to provide pensions for women and children in the event of their death. I think, Sir, I have only to say this to enable the House to realise that the obstacles in our way are insuperable. Honourable Members will, I think, be able to form some picture in their own minds of the organisation that we should require. That organisation would involve the collection of subscriptions by some means from persons in every village in India. It would involve the collection of contributions from

their employees, and it would also involve the expenditure of public money on a stupendous scale if the contribution of the public authorities was to form any substantial portion of the total. In addition, it would involve the distribution of an enormous number of pensions throughout the length and breadth of this country. I feel sure, Sir, that Honourable Members, however much they may sympathise, as I do, with the objects underlying these Conventions, will agree with me in regarding them as absolutely impossible of attainment in the circumstances which prevail in India. There is no Government, Central or Provincial, which could find the money. I am quite certain that employees would very greatly resent any system of regular deductions from their already small incomes and I am equally certain that employers would find themselves saddled with a burden compared with which their existing obligations to their labour would appear "trifles thin as air". Finally, in a country like India, the administrative expense would be out of all proportion to the benefits that would be received. It is for these reasons, Sir, that I find myself compelled to ask this House to support this motion. Sir I move:

Mr. President (The Honourable Sir Shanmukham Chetty): Resolution moved:

"That this Assembly, having considered the Draft Conventions and the Recommendation concerning invalidity, old-age and widows' and orphans' insurance adopted at the Seventeenth Session of the International Labour Conference, recommends to the Governor General in Council that he should not ratify the Draft Conventions nor accept the Recommendation."

Mr. Abdul Matin Chaudhury (Assam: Muhammadan): I must say at once, Sir, that I realise the difficulties of the Government in giving effect to this Convention. These Conventions cover a very extensive field and, in the backward industrial condition of our country, it is difficult to give effect to them as they cover such a wide range of workers, industrial workers, workers in commercial undertakings, all domestic servants, all engaged in liberal professions and all the agricultural labourers. I do recognise the difficulty. Therefore, I shall confine myself only to indicating the direction in which Government usually can take some action.

I do not think it is necessary for me to argue the case for social insurance in India. Government themselves recognise the need of protection of their employees in old age from starvation and in Government departments and, in some of the railways, they have got the old-age pension and provident fund schemes. But, Sir, an overwhelming majority of the Indian workers are unprotected by any scheme of insurance, and nowhere the need for this insurance is greater than in India. Indian workers generally as a class earn so low wages that they find it difficult to lay aside something for their old age. Therefore, when they become old, they find themselves in a miserable condition. According to our old Indian custom, the joint family system provided some sort of insurance for the old age, but, nowadays, owing to the influx of the workers to industrial centres, that system is tumbling down and there is nothing to take its place. Besides, the incidence of sickness among the Indian workers is higher than in any other country, because of the low standard of the life of the workers, the low wages they earn and of the conditions in which they live. So, the case for some kind of social insurance stands on a very strong ground in the case of Indians. I must say that Government have not been unsympathetic in the matter, but their sympathy has not resulted

[Mr. Abdul Matin Chaudhury.]

in any practical benefit to the workers. When, in the year 1927, the Convention regarding sickness insurance was being discussed, Government pointed out, just as they are pointing out today, the practical difficulties in the way and expressed their sympathy with the ideals underlying it. Now, at the instance of the Government of India, some of the Local Governments instituted an inquiry about the feasibility of some scheme of insurance and, if my information is correct, the United Provinces Committee have favoured some sort of scheme, not only for sickness insurance, but also for old age, for marriage and for other social events. That only shows that responsible people in India do not consider the schemes of social insurance as beyond the scope of practical politics. I have got only one suggestion to make with regard to this. I recognise, as I said before, the difficulty of the Government in giving effect to this Convention, but they can make a beginning in this way. Why not introduce legislation for compulsory insurance of all workers engaged in factories who come under the Factories Act? That will be a beginning and a step in the right direction. Unless you take the initiative, conditions are not likely to improve.

Sirdar Harbans Singh Brar (East Punjab: Sikh): Mr. President, I do not understand why Government are so hesitant for such a long time to provide these amenities to the poor labourers in this country, such as, the benefit of insurance. People who are generally well provided for during their period of employment to save and provide for needs in emergencies for their children and for themselves if they are disabled are still given pensions after their retirement. But these poor, unprovided for labourers in factories and other places, where conditions of employment also affect their health and the period of longevity of their lives, and who draw very small wages just enough to give them food to carry on with and nothing at all to save and provide for for times of emergency, are absolutely neglected. Almost all countries have by now introduced this form of insurance where the employer and the employee both contribute and the State also plays its part in providing insurance for old age and other sort of invalidity pensions to the workers in the factories and other places of employment. But the chief delegate of India, who played such a prominent part in the International Conference for uplifting the conditions of labour in the world, is hesitating to ratify those Conventions because he feels that India is not yet in a position to introduce these insurance schemes in the scheme of its industrial world. I should have thought that this time, when we are providing so much protection to an industry and the industrialists, we must ask them to contribute by an Act of Legislature towards the insurance schemes which the Government may put forward for being adopted in this country by means of which the industrialists and the persons employed in the industries may contribute a portion of their pay for providing insurance for old age and invalidity and after death to their children or widow. We shall have to fix the old-age limit much lower if we want to benefit anybody in India than is the case in other countries, because the average age in India is much lower than in foreign countries due to weakness on account of poor health and climatic conditions, and so on. I think it is time that the Government should try to consider as early as possible to put forward some schemes so that we may be able to make a beginning for introducing the insurance schemes at least in the manufacturing areas concerning people who are employed in factories and other industrial concerns and thus help to carry out the duty we owe to the poor labourers in the industrial field.

and add to the work done by the International Labour Conference by ratifying the Convention which they may in future adopt. I have not any idea to oppose the motion of my Honourable friend at this moment, because I quite realise his helplessness, but I would suggest to him that he should try at the earliest possible opportunity to give effect to the suggestions made by the Deputy President and myself.

Sardar Sant Singh (West Punjab: Sikh): Sir, I rise to support the motion of my Honourable friend, the Member for Industries and Labour, but at the same time I want to take this opportunity of placing my view on this report before the Government. This International Labour Conference deals with questions which are open for discussion by Members of this House and, as I understand them, they do not relate to the foreign policy of the Government of India the discussion of which is barred to the Members of this House. If it be so, there is no reason why the delegation to such a Conference is nominated by the Government without consulting this House. From the present bulletin supplied to us I find that the Government of India Delegation consisted of several members, two of them, Sir Phiroze Sethna

Mr. President (The Honourable Sir Shanmukham Chetty): The Chair cannot allow the Honourable Member to discuss on this Resolution the bigger policy involved in the choice of delegates to the International Labour Conference. An opportunity is afforded to this House, for that purpose when the Government of India come before the House for a vote for incurring the expenditure connected with their contribution to the International Labour Conference. On the present occasion the discussion must be strictly confined to the specific issue raised in the Resolution.

Sardar Sant Singh: I submit to your ruling, Sir, but I should like to know whether I am permitted to discuss what the Delegation did there in the Conference itself?

Mr. President (The Honourable Sir Shanmukham Chetty) With reference to the specific motion before the House, the Honourable Member will be perfectly entitled to refer to the attitude taken up by the delegates of India in the Conference.

Mr. Amar Nath Dutt (Burdwan Division Non-Muhammadan Rural): And condemn them.

Sardar Sant Singh: In this connection I find that this particular Delegation consisted of three Indians and four Englishmen. The members of the Delegation took part in the discussions on the motions before the Conference. But when it came to voting, the greatest credit to this Delegation is that they abstained from voting. Now, as I am not to discuss the policy of the Government in appointing them, I may point out what their achievements are in this Conference. The first question that came up was relating to the hours of work, and the report at page 17 says "We did not take part in the final voting".

The Honourable Sir Frank Noyce: Sir, I would ask your ruling whether the Honourable Member is not now bringing up matters outside the scope of the Resolution in referring to other questions which were before the International Labour Conference such as the reduction of hours of work.

Mr. President (The Honourable Sir Shanmukham Chetty): The Chair thought the Honourable Member was going to refer to the attitude of the delegates with regard to the specific issues raised in this Resolution.

Sardar Sant Singh: I am coming to those issues. These are the questions which have been discussed in the bulletin supplied to us and, under each head, there is a part assigned to our Delegation there as regards voting. I am referring to this.

Mr. President (The Honourable Sir Shanmukham Chetty): The Honourable Member may make a passing reference, but he must confine himself to the attitude of the Delegation to the specific question raised in this Resolution. He might certainly make a passing reference to other matters.

Sardar Sant Singh: This particular motion refers to the recommendation concerning invalidity, old-age and widows' and orphans' insurance. This particular issue is discussed at page 18 of the bulletin. The attitude of the Delegation on this issue was as reported in the bulletin: "We abstain from taking part in the final voting on the Draft Conventions which were adopted." When discussing the next question, I will refer to the similar attitude of our Delegation therein. My submission is that if the Government of India were unable, and it was perfectly clear that the Government of India would be unable, to give sanction to the Resolutions or Conventions adopted in the Conference, it was the duty of the delegates to make the position of the Government of India clear before the delegates of the other countries so that there might be no occasion subsequently for any misunderstanding between other countries and this country. After going through this report what strikes one is that at the time of discussions the Delegation did not take courage in their hands and did not actually oppose the Resolutions in the Conference itself. At this stage it will be interesting to note that the Chairman of the Delegation actually on one occasion administered a mild rebuke to the Director when he tried to give expression to his ideas about industrial development in this country and there he is reported to have said in the speech quoted in Appendix A:

"If industrialism is bound to come in the East, as I believe it is bound to come, it should be the function of this Conference to see that it is accompanied by an improvement in conditions of work and in standards of living. If the movement in the East is properly guided, betterment of conditions, betterment of the standards of living of eastern countries will be the result. It should be the task of this Organisation to see that the industrialisation of the East is not checked, and, at the same time, to help towards the attainment of improved conditions and improved standards of living in eastern countries. I think everyone now recognises that if this Organisation is to achieve permanent results, it must think and act not only in the terms of the West, but also in the terms of the East."

Now, this was perfectly justified at the time when the question of Eastern countries coming in competition in industrial line with Western countries was being discussed. Similarly, if the other delegates had been Indians and in touch with the conditions in India, and if they had cared to place the point of view of Indian economic interests, they should certainly have taken the first opportunity to disabuse the minds of the other delegates not to pass such a Convention or Recommendation thereby avoiding the trouble to the Government of India to come to the House for their non-ratification. My submission is that a system by which the Government of India put themselves in that position is wrong. If we are

to avoid future international misunderstanding, the Government of India should adopt measures after consulting this House, so that the Delegation would have the authority of Indian opinion behind them and not the opinion of the great Mughal sitting at Whitehall.

Mr. S. C. MITRA (Chittagong and Rajshahi Divisions: Non-Muhammadan Rural): Mr. President, I know, as at present placed, the Government of India have no other alternative but to pass such a Resolution. So we shall have also no other course but to support them. But, at the same time, I would like to ask the Government, though they may have great sympathies for the old and sick workers, the widows and orphans of labourers, what have they done during all these years to ameliorate their condition? If anybody requires assistance or help from the State or from public bodies, it is certainly the poorer people in a poor country like India. Government always pose themselves as trustees of the poverty-stricken millions in this country.

I remember I raised this question about old age pension in one of my budget speeches and put interpellations in the Assembly subsequently: the answer of the Government generally was that it was a matter for the Provincial Governments; as if, by merely saying that it did not concern them so much, the Central Government could wash their hands clean. As my friend, Sardar Sant Singh, has said, the attitude of the gentlemen who represented India in the International Conference was not to take any part by voting in this Convention. As I read it, I find in para. 36, it is said:

"This subject also was before the Conference for a second discussion."

So it seems clear that this matter is being considered by this International Conference for some years. It goes on to say:

"All the Governments, which sent detailed replies to the questionnaire framed by the Office on the basis of the decisions reached last year, were in favour of framing international regulations laying down the principle of compulsory insurance, and the Office had put forward proposals for the adoption of 6 Conventions and 2 Recommendations on the subject. The scheme followed in regard to the proposed Conventions was to deal separately with each of the risks of invalidity, old age and death, and in addition to provide a distinction between those employed in agriculture and others."

I would certainly have accepted the sincerity of purpose of the Government had they tried in years past to do anything for the old and sick and the widows and orphans of the labourers. What is the meaning of this sympathy from the mouth of the Honourable gentleman in charge of Industries to say that he has got full sympathy as much as anybody else in this House? What has he done in this direction to bring in legislation, being in charge of the Industries and Labour Department, to provide against the starvation of old and sick workers throughout India? I think a word in that direction telling us specifically what has been done will show real sympathy more than any mere words. I find in the report itself it is said:

"As regards financial resources the principle laid down was that insured persons and their employers should contribute. Assistance by the public authorities was also to be given."

[Mr. S. C. Mitra.]

Some such arrangement should be made whereby the labourer, as well as the employer, should contribute and, if necessary, the State should also help. I would like to hear from the Government what steps they have till now taken in any way to meet any of these exigencies. Throughout the civilised world there are insurance provisions for the old and the sick. Our Finance Member say that the position of India is very strong, that India is ruled in a way that can bear comparison with the whole of the civilised world; but the real test of true government is, what our Government have done for the really needy and the poor? It is no use saying that we can borrow in the international market at the lowest rate of interest. If you put very heavy taxation, you might have a balanced budget; but the true test of a civilised Government is what is being done for the poor who really pay for the enormous resources of this Government? If it is necessary, Government can have 17 or 20 crores of rupees to build a New Delhi: if it is necessary for the army, this Government can meet the highest expenditure for a poor country like India, as compared with any other country in the world. The 'services' in India are perhaps the most highly paid in the world. Everywhere, when it is found necessary, Government can get money. Is it any excuse, when the question is raised for the poor labourers, who form 95 per cent. of the population in India, that money cannot be had, and Government could not find time for the last so many years to bring forward any scheme and then they could tell us how the people's representatives tried to co-operate with them in making such a measure successful. I find in the Appendix the full speech of Sir Atul Chatterjee; but we do not find even a short or brief speech of the member who represented India as labourers' representative or of any other member who represented India on this particular issue, because it is a very vital question. Unlike other ordinary questions of finance, this question vitally affects 95 per cent. of the Indian population, and it is high time that the Government take up in their hands to have some legislation providing for old age and sick insurance and some provision for the widows and orphans of the labourers. As I have said before, I fully appreciate that there is no possibility at the present stage to ratify this Convention, and we shall have to support Government in their Resolution, but, at the same time, they will be shirking their duty if they make themselves blind to the urgent necessity for having some such legislation in the near future.

Raja Bahadur G. Krishnamachariar (Tanjore cum Trichinopoly: Non-Muhamadan Rural): Sir, I wholeheartedly support the Resolution of the Honourable Member, and I congratulate the Government of India on having come to the conclusion that they have done. I am chiefly interested in agriculture, and, as a landowner, employing a large number of labourers, I am very pleased that the Government of India have realised the difficult position into which we will be placed if this extraordinarily peculiar insurance scheme is introduced amongst agricultural labourers. My friend, Mr. Mitra, referred to 95 per cent. of labourers—I suppose he had in mind

Mr. S. C. Mitra: Both agricultural and industrial

Raja Bahadur G. Krishnamachariar: a very large number of agricultural labourers: if that is so, my friend, Mr. Mitra, with all his

experience of public life, has not been able to indicate how the Government of India—I am not talking for the Government of India, they do not require my advocacy, and, therefore, leaving them alone,—how we, the landowners, are going to provide

The Honourable Sir Frank Noyce: I am sorry to interrupt my Honourable friend; I should like to assure him that the Government of India are always grateful for his advocacy.

Raja Bahadur G. Krishnamachariar: Probably when I have said what I have to say, my Honourable friend will not thank me for it. At the present moment I am concerned with the land owning classes. Already we are pressed with a 50 per cent. deduction of our net income for Government taxation—which generally works to 60 and 65 per cent.—and a road cess, land cess and numerous other cesses that come as a burden upon us, with the result that, if necessary I can prove, out of our scanty income nearly 80 per cent. goes out of our pockets including the cost of production. Added to that the depression which Government Department after Department express their helplessness to get over has reduced the prices of our produce to such an extent that it is very nearly coming to be an uneconomic thing to make any production at all, leave alone the question of a market for the little production that we are now making. Under these circumstances, 20 per cent. of the production we are making being in our hands, how my friend, Mr. Mitra, or anybody else, who has this great sympathy for the poor people,—it is not that I have not got any sympathy for these people,—but to express sympathy here is one thing and to put your hands into your pockets and translate that sympathy into action is quite another thing,—how my friends can make these poor people contribute anything? Take the case of the large proportion of landholders in India, and you will find that it is absolutely impossible to make them contribute anything. As for the labourer, it is admitted on all hands that with his poor wages of between eight and ten annas a day, it will be simply cruel to make him contribute anything, and then you go back to the Government of India. I entirely agree with my friend, Mr. Mitra's suggestion that the Government of India can find money for most of the things that do not benefit us, but if only they will extend the sympathy which the Honourable Member has shown to the poor people of India in other matters where that sympathy is most needed, for instance, in the reduction of taxation which will help both the land owner and the peasant, it would be a much better source of relief than the insurance schemes which those gentlemen over there in Geneva, without absolutely understanding the position of our country, are trying to herald the millennium by making a uniform standard of existence for all countries, of course at other peoples' expense, and not at their expense!

Now, Sir, in the olden days, old-age pensions, pensions for disabilities and other things were not felt in India, because we were living under the old fashioned joint family system, but those, who think that the old joint family system is not suited to modern conditions, that it should be broken up, and so on, are now trying to introduce all these things by legislative interference and to shatter all the old joint family system. Where did we think of old-age pensions in olden days when we were all living happily according to our own customs? The reformers have now come into the field and are trying to break up all that is old and good, because only then

[Raja Bahadur G. Krishnamachariar.]

they will succeed in introducing old-age pensions, disability pensions, widows' pension and all that sort of thing. Sir, however nice all these things may sound in England and other foreign countries, it is absolutely impossible for India, not merely now, but, as far as one can see in the future, to provide for. Therefore, I would respectfully request the Government to remember that, when they are dealing with the poor agriculturist, they should try and ease their burden, and only then their sympathy will be better appreciated. Sir, I am thankful for small mercies, that on this occasion at least the agriculturist has been relieved of a burden which was hanging over his head in pursuance of this Resolution which those carpet knights in Geneva framed for us. Sir, I support the Resolution.

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

The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. President (The Honourable Sir Shanmukham Chetty) in the Chair.

Mr. B. V. Jadhav (Bombay Central Division: Non-Muhammadan Rural): Sir, I give a very halting support to the motion brought forward by the Honourable Member in charge of Industries and Labour, and I have to congratulate him on the support he has got from my Honourable friend, Raja Bahadur Krishnamachariar, for Government's inaction in this matter. The Raja Bahadur, as a Sanatanist, always supports those who do not propose to take any action. As top dogs they will always like to remain on the top and will complain of the under dog if he makes any movement towards getting his load off. I am sorry the Raja Bahadur is not in his place and, therefore, I need not say anything further on that point.

The Honourable Member in charge of Industries has got enough sympathy for the poor worker. He is not sparing in his sympathies for the old men, for the widows, and for the orphans. But he sees insurmountable difficulties in the way of coming to their help. The landlords also were very afraid that perhaps they would be called upon to contribute something towards the alleviation of the sufferings of their poor tenants. They did not want to put their hands into their pockets in order to help those on whose labours they have thriven so well for so long a time. The complaint of the landlord is that he has been hit. The complaint of the factory owner is that he has been very hard hit, and the complaint of everybody is that he alone has been very hard hit, while the other sections of the society are doing well, and if there are any persons suffering from famine or old age or anything else, well, then, sympathy for them should be shown by somebody else. The argument put forward by the Industries Member was that, if a system of insurance were instituted, then some contribution would have to be levied upon the wages of the worker, and the worker himself would not like the idea,—he further said nor would the employer himself like the idea,—of being taxed for that purpose. The employer himself would not like to be taxed, there is no doubt about that, because we know that employers all over the world have been very unwilling to contribute anything for this purpose. But if the worker would not like to have his wages reduced, then there is something essentially wrong, and the

reason is that the wages that are paid to the workers are so very low that any cut in them will work very hard on them and they would not be able to keep body and soul together. So, I think that Government ought to go in for a minimum wage so that the poor worker may have sufficient for keeping himself and his family not exactly in comfort, but in a better condition than he is now in, and in that case it will not be difficult for him to contribute towards the insurance fund. Government in their generosity have provided pensions for their servants. The *patawala* of the Honourable Member gets a good salary and, at the end of 30 years, he is sure to get a pension. But what is the condition of the very brother of that *patawala* if he happens to have to work in a mill or in some factory? This man, the worker, the labourer will have to put in longer hours, will have to do very hard work and, at the end of 25 or 30 years, if he then lives,—because life in a factory is a very uncomfortable one and brings in disease in its train,—he is thrown off by his master, he has nothing else to fall back upon, and perhaps he will be at the mercy of his brother who may maintain him or not as he wishes. So, the Government, who are so very careful of their own servants, ought to see that the servants of other individuals or bodies are similarly provided for, and, for that purpose, old-age pensions are necessary. If the mill or factory labourer who is the bread winner of the family dies, his widow has nothing to fall back upon, his orphans are uncared for, they do not get their education and feeding, and boys of six, seven or eight have to earn their living by tending cows or doing something else, so that they remain uneducated and untrained during the rest of their lives. So, there ought to be some provision for their widows and for their orphans. As the Raja Bahadur said just now, in olden days there was not this question about the widow or the orphan or the old man, because, in the old order of things, everything was provided for. But times have changed. The British Government have come in here and, during the 150 years of their rule, things are changing. I am not at all sorry for the breaking of the joint family system. The joint family system was out of date and it was bound to go. In the old order of things, widows and orphans and old men were taken care of, and, now, in the new order of things, something ought to be done for their maintenance. It is the duty of Government now to see that something is done. Government cannot say that they are not in a position to do it. They have to make a beginning as my Honourable friend, the Deputy President, has suggested, and I am very glad to support him. Something ought to be done, and I think a beginning ought to be made for the factory labourers. The question of agricultural labour is a very difficult one and the number of agricultural labourers is immense. But the number of factory labourers is not very big and, therefore, it can be tackled with. I, therefore, urge upon the Government the necessity of doing something for old-age pensions and for pensions for widows and orphans of labourers who are working in factories. Their number will not be large and the working of this relief will not be a very difficult one. In the old days, the agricultural labourer had to work always in his field or near at home. If he had to work for a landlord, the landlord was himself in the position of a parent. If any of his tenants was starving, the granary of the landlord was opened and he was very glad to give him something out of it.

Mr. G. Morgan (Bengal: European): When was it?

Mr. B. V. Jadhav: About 30 or 40 years ago. Raja Bahadur Krishnamachari would have borne testimony to that had he been in his seat;

[Mr. B. V. Jadhav.]

but then the landlord remained in his village. He was always among his people, but nowadays the landlord has left the village. He wants to be in the big towns and cities and, as my friend suggests, he is also found in this Assembly. Therefore, he has left his tenants at the mercy of his servants who are not so very sympathetic or, even if they are sympathetic, they do not know whether their master would support them in their generous actions. Formerly the landlord put his hand in his pocket to relieve the old man, to relieve the widow and the orphan. Now he has not been doing anything and, therefore, it stands to reason that, as in old days he paid in one shape for the relief of these men, so now although he does not contribute to their comfort directly, he ought to indirectly pay a cess or a tax to the Government for the benefit of the widow and the orphan and the decrepit. The landlord cannot say that this will be a burden on him, because he has all along been bearing that burden very willingly. Now he has left the village. He has come to the town and, therefore, he is not paying his usual share and so, it would not be harsh on the part of the Government to ask him to contribute something and in that way a fund for the relief of the agricultural labourer might be started. But I do not insist that the relief of the agricultural labourer should be taken in hand at once. I suggest that the Government ought to come forward to take up the case of the factory labourer who requires the assistance much more than his brother, the agricultural labourer. In a factory conditions are very insanitary. The factory labourer is not properly housed, not properly fed and not properly treated and, therefore, his life is very short. He is a prey to diseases and consequent weakness, and so on, and, therefore, it is he who deserves the sympathy of Government and of all fair minded people. So I suggest that something ought to be done in the case of the factory labourer. With these words, I lend my halting support to the motion moved by the Honourable Member.

Mr. G. Morgan: Sir, I support the Resolution put forward by the Honourable Member. In his own words he sums up the whole position. He said that we all sympathised with the objects underlying these Conventions, but that the obstacles were insurmountable. I think every one of the speakers who have spoken on this motion agrees with that position. With regard to what the Government can do in other directions, with regard to insurance in factories and for the relief of the agricultural labourers, we are all in sympathy. There is no doubt about it that every one sympathises with the position of labour and everything should be done to ameliorate its condition; but dealing with the Resolution before the House, it is perfectly impossible for India at the present moment to ratify a Convention of this description. The mere scope as detailed in the Convention will show that it is not a practical proposition so far as we are concerned in this country, however much we may sympathise with the object.

With regard to what has been put forward by my Honourable friends on my right, I know that the Government and the Department of Industries and Labour are doing their utmost to push on with labour legislation and I am one of those who think that they are proceeding as fast as is desirable at the moment. The Honourable Member in charge referred to another view, coupled with the name of Mr. Joshi, but those views at the present moment are impossible for this country to translate into action. No

doubt very soon we shall see the Government of India coming forward with proposals for old-age pensions and probably some system of insurance in factories, because that is the line on which the Government of India are working, i.e., to proceed with labour legislation. We all know that a new Factories Act has come into being, that the Workmen's Compensation Act has been passed, but we really have to be practical. We cannot take the whole of the labour legislation as is put forward by the Geneva International Conferences in a lump and put it on to this country straight away without having the money to administer those schemes, and this Convention is absolutely impracticable under present financial conditions. In this country something like 75 to 80 per cent. of the population are agricultural, and this Convention includes agriculture within its scope. It would be quite impossible to deal with the situation. I, therefore, support the Resolution as put forward by the Honourable Member.

Diwan Bahadur A. Ramaswami Mudaliar (Madras City: Non-Muhammadan Urban): Mr. President if I intervene in this debate, it is neither to express my approval of the Resolution that has been moved by the Honourable Member, nor entirely to express my disagreement of it. It is unfortunate that these Resolutions come up piecemeal, one after the other. I suggest to the Honourable Member that it would be very much better if all the work of the Labour Delegation were placed before the House on a special day for discussion and a whole conspectus of all that work might be given to the Members of the Assembly. I do not think it has been done so far. The result is, that whenever a Convention has to be ratified or whenever a Convention has to be rejected, a special Resolution is brought up, and the House is asked to confine its attention necessarily under the Standing Orders to that Resolution. It is of the utmost importance that the whole work of the Delegation, the attitude that the Government Delegation took up with respect to each of these subjects, the necessity for that attitude, the mandates which they had from this Government and the manner in which they have been discharged should be discussed on the floor of this House.

We are all anxious that Members of this House as well as people outside in this country should be interested in the work of the League of Nations and of the International Labour Office. I know that there is a great deal of feeling in other parts of the world that the masses, the public, of each country should take a greater interest in the work of this International Labour Office, and one of the reasons why Geneva is not able to make a headway is, because in many of the different Parliaments of the world steps are not taken to have a public discussion of this question. At a recent conference this question was prominently brought forward and the suggestion was specifically made that both with regard to the International Labour Office and the League of Nations steps should be taken to have discussions in the Parliaments concerned as to the best means by which public educative work might take place with reference to these Associations. As I find the Honourable the Leader of the House is here, I trust he will give us a day when we may be similarly enabled to discuss the question of the League delegation.

Now, with reference to this Labour Office itself, the employers' delegate goes back to his Association and gives an account of his work. The labour delegate goes back to his Association and gives an account of his work. Now, the Government delegates give no account of their work excepting the papers circulated to this House, and I suggest that they

[Diwan Bahadur A. Ramaswami Mudaliar.]

would be fair to themselves as well as to this House if there were to be some opportunity for the discussion of the whole work of the Government Delegation at least with reference to the International Labour Office where no question of foreign policy or other was concerned. That is my first observation with reference to this Resolution. It is perfectly true that on the Budget with reference to the vote on this matter the House can have an opportunity of raising a discussion, but, as you are aware, Sir, under the rules and practice of this House, it is impossible for this House to reach that item at all and, even if it is reached, a discussion on that must necessarily be inconclusive and of a very sporadic character. Now, I venture to make this suggestion both to the Honourable Member in charge of Industries and Labour and the Honourable the Leader of the House that with reference to the work of their Delegations, either at the International Labour Office or at the regular meetings of the League of Nations, an opportunity should be given to this House on a specified day by the Government, say an official day, to discuss the work of these Delegations. For instance, in connection with this particular Resolution I should like to have an opportunity of expressing our very great appreciation of the fact that at long last after so many years an Indian, Sir Atul Chatterjee, is the Chairman of the Executive Board of the Labour Office at Geneva.

The Honourable Sir Frank Noyce: But surely the Honourable Member has every opportunity of expressing that appreciation now. You, Sir, allowed me to do so and I am quite certain you will give the Honourable Member the same latitude.

Diwan Bahadur A. Ramaswami Mudaliar: Sir, I am not certain whether, if I go beyond the appreciation, the same latitude will be given. Now, Sir, I shall try to confine myself within the four corners of this Resolution. My friend, Mr. Morgan, seems to have been under the impression—I may be wrong and doing him an injustice—that this is one Draft Convention, and that we should either reject or approve this Convention. It is nothing of the kind. The Honourable Member's Resolution refers to a number of Draft Conventions and he has lumped them all for the sake of convenience, I take it, and because he expects the House to confirm his proposals for the rejection of all these Draft Conventions. It is perfectly true that with reference to some of these Conventions the position is as stated by my Honourable friend, but I venture to say that with reference to this the position is not quite so hopeless as the Honourable Member tried to make out, and the Honourable Member has not made out a strong case why those Conventions should not be ratified. Let me take the different Conventions. The first is the Convention regarding old-age and widows' and orphans' insurance. I will leave that aside for the time being. Coming to the Convention relating to invalidity, I should like to know whether the Government of India made any report to the International Labour Office with regard to this Convention. I find from this report that all the Governments which sent detailed replies to the questionnaire framed by the Labour Office on the basis of the decisions reached last year were in favour of framing international regulations laying down the principle of compulsory insurance, and the Labour Office put forward proposals for the adoption of two recommendations. Did the Government of India send in any detailed reply to the questionnaire of the International Labour Office on that subject?

The Honourable Sir Frank Noyce: No, Sir. Our reply was that we were not in a position to offer any useful observations on the subject as we had had no experience in regard to it in this country.

Diwan Bahadur A. Ramaswami Mudaliar: It would have been idle for me to think that the Government of India were one of those Governments which had given a favourable reply. I expected that reply from the Honourable Member.

The Honourable Sir Frank Noyce: The Honourable Member knows the conditions in this country as well as I do.

Diwan Bahadur A. Ramaswami Mudaliar: I am coming to that. I should like to know why, if the conditions are so patent and obvious, the Government Delegation took up this attitude of not voting either way when this question came up for discussion. Why was the Government delegate neutral on this subject? Sir, I remember to have read somewhere:

"Be this or that when things are said or done
Both snow and rain have friends,
But slush has none."

I ask the Honourable Member why he instructed the Government delegate to put slush with reference to all these proceedings? Either they accept a Convention or reject it, and I ask him again to consider whether that attitude of neutrality is in keeping with the dignity of his own Government. If the conditions were so patent or obvious that even a Member sitting on this side of the House must not necessarily consent to the ratification of this Convention, surely the Government Delegation at this Conference could have only one answer to give, namely, that they were not prepared to adopt these Conventions. Why did they adopt a dubious position? Why have they shoved the responsibility on to this House to say that the Draft Conventions are so hopeless that they cannot be considered seriously.

I would now take up the Convention with regard to invalidity. The invalidity Convention is with reference to persons employed in industrial, and, commercial undertakings, in the liberal professions and for out-workers and domestic servants. Now, under the Convention, a National Government has got the right of making a series of exemptions, and those exemptions are so numerous, so varied and so large that a large class of these persons can be exempted and the invalidity Convention would only apply to a very limited class if every one of those exemptions is put into operation. I would ask the Honourable Member why he says that this Convention is so hopeless in present circumstances that it cannot be at present applied? Could it not be applied to industrial workers? There is a clause which says that a National Government can exclude the liberal professions, there is a clause which says that they can exclude a large number of domestic workers, and there is a clause by which persons who get a salary of more than a definite amount, to be fixed by the National Government, can similarly be excluded. With reference to all these exceptions, the Honourable Member must surely make out a case why he thinks that it is impossible to apply this particular Convention to invalidity pensions, pensions of workers employed in industrial concerns. Now, the employers are concerned in it, the wage-earners are also concerned in it and I want to repudiate at once the suggestion made by my friend, Raja Bahadur Krishnamachariar, for

[Diwan Bahadur A. Ramaswami Mudaliar.]

whom I have very great respect in other matters, that the wage-earner would not be willing to part with a certain amount of his wages to build up a fund like this, an insurance fund

Raja Bahadur G. Krishnamachariar: What is the Honourable Member's authority for that?

Diwan Bahadur A. Ramaswami Mudaliar: In this country we know that many private employers have a system of provident fund, a fund into which the employee pays a certain amount and the employer pays a certain amount.

Raja Bahadur G. Krishnamachariar: I was only talking of the agricultural labourer.

Diwan Bahadur A. Ramaswami Mudaliar: My friend, if he had gone through this Convention, would have found that there is a clause with a view to differentiating the agricultural from the industrial labourer. Then, with reference to this old-age insurance itself, there is a Draft Convention for the non-agricultural labourer and there is a Draft Convention concerning old-age insurance for those engaged in agricultural undertakings. Do you think the conditions of this country are such that the problem is too vast for all including the agricultural labourers? There is a clause which relates to non-agricultural labour, to industrial labourers, why do you not ratify that? The problem as a whole is still of a manageable size, and I venture to think that within the next few years, if steps can be taken with reference to it, it will not be impossible to adopt the Convention with reference to non-agricultural and predominantly industrial workers. Industrial workers, I may assure

my friend, are not at all unwilling to contribute something to build up an invalidity insurance fund and, for the present, I wish to restrict myself to the position of invalidity funds. I have not heard the Honourable Member making out a case with reference to that. Unfortunately I was not present when the Honourable Member moved his Resolution but, from such inquiries as I have been able to make from my Honourable friends, I do not think any case has been made out with reference to this particular Convention as applied to the labourers in industrial pursuits. So we cannot possibly reject this Convention as if it was of no concern at all. My Honourable friend, Raja Bahadur Krishnamachari, seemed also to imply that these Western nations meet at Geneva, do not take into consideration at all the conditions that are applicable to oriental countries and Eastern countries, put forward certain absurd propositions which may be all right with reference to them, but which look ridiculous on the face of them with reference to foreign countries and, no regard should, therefore, be had of these Conventions. My Honourable friend, the Member in charge, knows it perfectly well that the International Labour Office makes a vital distinction between various countries, and those conditions are modified suitably to be made applicable to local conditions with reference to many matters. Conditions in the East are especially taken into account and the draft Conventions in many cases are suitably modified in order to make it possible for such Conventions to be applied to foreign countries. Therefore, it is no use having general prejudices without a

knowledge of the work that is going on at the International Labour Office and the kind of discussions that are going on there. There is one more reason why there should be greater publicity with reference to this work and greater opportunity for the Members to acquaint themselves more thoroughly with what is taking place and what is being said by the various Delegations.

I cannot now refer to the next Resolution which seems to me even more curious than the present one. We shall have a discussion on it when it comes forward, but I do venture to think that the Honourable Member may reconsider his position with reference to the invalidity insurance, and find out whether, if not now, within the next year or two, he may not be in a position to bring forward more definite proposals with reference to that Convention.

Mr. A. G. Olow (Government of India: Nominated Official): Mr. President, I do not think any of the Members who have spoken so far has opposed the Resolution, but a good many of them have suggested that, while not ratifying the Conventions, it was time we made a start of some form of social insurance. Most of them have followed the lead of the Honourable the Deputy President who suggested that sickness insurance was probably the best form of insurance on which to start—a view which is a very reasonable one, possibly the only one that can be adopted. Unfortunately, sickness insurance falls outside the scope of these Conventions, as the Deputy President himself realised, but it is not a subject on which we are entirely idle. The Standing Advisory Committee attached to our Department is dealing with the recommendation of the Whitley Commission on this subject. It has already had one discussion on the question and, in the course of this Session, it will have before it further material collected from England. At the same time, I cannot promise that there will be any very comprehensive advance in this direction, because I am afraid I do not share the views of the last speaker that the workers are very ready and willing to contribute money to build up funds for purposes of this kind. I would like to give the House a very small actual experience of last year in this connection. We tried to start a scheme at Khewra where, as Honourable Members are aware, the Government of India own a salt mine. We worked out a scheme by which Government, in addition to paying the whole cost of the medical attention, were to provide half the cost of the financial benefits, that is, the actual proportion of wages—which was, I think two-thirds wages in this case—to be given when the workman was ill. We asked the miners to contribute the other half, which was to be their only contribution, and we estimated that it would come to half an anna in the rupee of wages. They quite emphatically, and practically unanimously, declared they would have nothing to do with it; and Government felt that they really ought not, under the circumstances, to make the deductions compulsory, particularly as they have certain legislation for preventing other employers from making certain compulsory deductions under consideration. I do suggest to those Honourable Members who have spoken, I may say, more for the workers than as representing the actual views of the poor classes of this country that you have to educate public opinion a great deal more in the whole conception of insurance before the kind of deductions that are contemplated by these Conventions will be generally accepted.

My Honourable friend, Sardar Sant Singh, made some rather curious observations on what happened at Geneva. After informing the House

[Mr. A. G. Clow.]

that the Delegation consisted of four Englishmen and three Indians, he went on to accuse them of lack of courage. Actually the Delegation consisted of six, four Indians and two Englishmen, the leading Government delegate, the employers' delegate and the workers' delegate being all Indians. I think the Honourable the Leader of the Opposition rather echoed the suggestion that in not voting on the Convention they were showing a lack of courage. He recognised, of course, as my Honourable friend, Sardar Sant Singh, did not, that they were acting under instructions. But was there any lack of courage exhibited? You have a set of Conventions which are apparently acceptable to the great bulk of countries who happen to be European. Those countries want these Conventions, because they find it suits their conditions to have them. India happens to find that it does not suit her conditions. Is she, therefore, to stand up and say: "Because our conditions are such that these Conventions are not acceptable, therefore we will do our best to see that you have no Convention at all." Surely there is no lack of courage in saying that, as this matter apparently suits the bulk of the countries but does not suit us, we will be placing India in a false position if we support the Convention, but we ought not to oppose it. That, I think, was the line that the Government delegate took.

Then, my Honourable friend, Sardar Sant Singh, went on to refer to the "rebuke" which he apparently thought Sir Atul Chatterjee had delivered to the Director of the International Labour Office. I think this impression of his must have been founded on a very hasty reading of Sir Atul Chatterjee's speech. He begins by a very warm eulogy of the Director for his excellent report; and in the passage to which my Honourable friend referred he was alluding not to any remarks of the Director, but to the remarks of a number of other speakers who had spoken on the Director's report. Some of them, as he explains, had expressed an apprehension with regard to the effects on the West of the industrial competition of foreign countries. Sir Atul Chatterjee went on to say that that development was inevitable, a view with which, I am sure, every Member in this House will agree. The Director had not at any time suggested the contrary view.

I think the last speaker in the course of his remarks said that we were "shoving the responsibility" on this House and wanted a discussion not merely on Conventions, but on the Conference in a sort of general way. The responsibility is shoved on the House by the Treaty of Versailles and it is not a very easy Treaty to alter. We have to put these Conventions before the House within a year of the close of the Conference or at the outside 18 months and we have to get the view of the House upon them. That is all we are doing by means of these Resolutions and I think the Honourable Member will agree that practically all the important subjects discussed at Geneva come up sooner or later. It is perfectly true that we have at times to deal with them piecemeal, but today at least we are dealing with all the Conventions that were passed at the last Session of the Conference.

Mr. Amar Nath Dutt: Sir, with my Honourable friend, Mr. Jadhav, I have also to give a halting support to the Resolution before the House.

The object with which the Conventions and the Recommendations concerning invalidity, old-age and widows' and orphans' insurance were

adopted at the Seventeenth Session of the International Labour Conference is highly laudable and no one who has any grain of humanity in him can oppose such a Recommendation unless it be on the ground of impracticability or unsuitability to the conditions of the country to which it is going to be applied. We have been told that it is not only unsuitable, but it is also impracticable at the present moment. I also realise the difficulty of introducing at the present moment any sort of insurance either in the factories or among the agricultural labourers at the present moment. At the same time I cannot but feel sorry that the only provision from dire starvation that is possible to be made for the wage-earners upon whose labour we, the so-called bourgeois, live has not been made. It is our bounden duty to see that these wage-earners were not put to difficulty in order to get their daily bread owing to invalidity or old-age or of widows and orphans. My Honourable friend, Mr. Jadhav, had a fling at the Sanatanist views of Raja Bahadur Krishnamachariar. This was neither the occasion nor the time to discuss the views of Sanatanists on the floor of the House. We are here concerned purely with economic questions and whether or not the conditions of the country are such that we can recommend to the Governor General in Council to accept the Recommendation of the Seventeenth Session of the International Labour Conference. If the Raja Bahadur has spoken from the point of view of the Zamindar, I think he has not overlooked the claims of agricultural labourers upon whose labour depends the existence of his zamindari. My Honourable friend, Mr. Jadhav, probably misunderstood him and I do not want to take up the brief on behalf of the Raja Bahadur, because I know he is strong enough to hold his own against any combatant that may make his onslaught against Sanatanism or his cherished views. But I felt, when Mr. Jadhav was speaking he was dealing with an infinitesimally small proportion of the wage-earners of the country. It seemed that the idea of some of the Members is that it is not applicable to agricultural labourers, it is only applicable to factory labourers. Sir, the factory labourers form a very infinitesimally small part of labourers and wage-earners of India. If you really want to make provision for the destitute and if you do not want to remove the squalid poverty of the labourers it is your bounden duty to provide for all classes of labourer. For myself I will not make any distinction between a factory labourer and an agricultural labourer, because I myself have lived among agricultural labourers in villages, and I know their conditions. If some of my friends who come from towns with their knowledge of factories, if they go to far off villages, they will find the conditions there are more appalling. In the towns they do not get all the necessaries of life, because of their extravagance due to intemperate habit and immoral character, but the same complaint does not apply to agricultural labourers who live in villages. They are temperate in their habits and they have no temptations of any kind which we have in the slums of towns. In spite of that, their conditions are such that they can hardly get even enough salt to mix with their rice or *chapati*. If it is not possible to make any provision for these poor wage-earners and agricultural labourers in the villages, it is hardly necessary to attempt only to improve the condition of those who have been dragged from villages into factory life. I, for one, do not believe in industrialisation of the country and I do not think that any good can result from it. If I had any power, I would have destroyed all the tall chimneys on the banks of the Bhagirathi which drags men from villages to these slums in towns where they live such immoral and vicious lives which not only ruins their health, but is at the root of their poverty, these being foreign institutions which

[Mr. Amar Nath Dutt.]

have been introduced into this country by the influx of foreigners. I wish that it may be possible for us to eliminate the factories and factory labour from this country so that we may preserve our ancient culture and civilisation, for which the Raja Bahadur has pleaded, and so that we will not have to go to Geneva to have recommendations from these Conferences.

Mr. B. V. Jadhav: Can we go back to the old traditions?

Mr. Amar Nath Dutt: Yes. Although I am not a reformer of the type of my Honourable friend, Mr. Jadhav, I believe that we can go back to the old days if we really wish. Be that as it may, I am submitting that we have no other alternative but to support the present Resolution though, as I have already submitted, giving it a halting support.

The Honourable Sir Frank Noyce: Sir, I have listened with great interest to the discussion, but I must confess that it has left me in a somewhat confused condition. I gather that I have only been accorded the half-hearted and halting support of the House or rather of the great majority of the House. The general attitude of the House towards my motion seems to be "we think that Government ought to do something, but we do not quite know what". During the luncheon interval, I made some very hasty researches and I should like, if I may, to bring the House up against the hard facts of the situation. I found, while studying the last census report, that there were in India nearly eight million people over the age of 65: of those we may take it there are three-quarters in British India. Now, it is obviously quite impossible to say how many of them have been employed in industries and agriculture to which the Conventions we have under consideration today would apply. Then, again, we should have to exclude almost all females, who are probably more than half those six millions. But if we put it, that no more than 20 per cent. of those six millions were employed in occupations to which the old-age pensions Convention would apply, we shall get a figure which would involve an annual payment of over rupees seven crores, assuming that you gave them a pension of Rs. five a month. A pension of Rs. five a month would involve the payment of a sum of Rs. seven crores on the very moderate estimate I have given of the number of people that would be affected. I think that that shows the magnitude of the problem we are faced with and I think it is correct to say that old-age pensions would be only a small part of the burden. You have got the widows' and children's pensions; you have got the pensions for invalidity. I would ask the House where the money to pay for schemes like these is coming from.

My Honourable friend, the Leader of the Opposition, in a speech delivered with his usual eloquence, wanted to know why we could not separate one Convention from another. He picked out the invalidity Convention as the one to which he thought we might adhere. I would venture to remind him that the ratification of a Convention means the necessity for immediate action. If my recollection serves me rightly, I think that, in this case, if two or three States ratify the Convention, it comes into immediate operation. We may safely assume that the ratification of two or three States will be secured in the near future; and I would ask my Honourable friend how it would be possible to bring this Convention into operation in

the time permitted even if the money were forthcoming. The administrative difficulties are insuperable. My Honourable friend knows as well as I do that the turnover of labour in this country is very great. In Western countries, the employees stay in the same employment for many years together: many of them possibly for a lifetime. In how many cases does that happen out here? Even if our financial position were infinitely better than it is and we saw some prospect of money forthcoming to pay for schemes of this character, how are we to get the statistical material on which to work? My own view is that we should find that the invalidity Convention was the most difficult to work from the administrative point of view. As regards the burden on industry, I should like to draw the attention of the House once more to the fact that these Conventions are framed on the basis of contributions—contributions from the employer, contributions from the employed and contributions from Government. My Honourable friend, Mr. Clow, has shown the reluctance of the employed to make their contribution. Members on the other side know as well as I do, in present financial conditions, how reluctant Government would be to make their contributions; and, as regards the employers, we have only recently passed the Workmen's Compensation Bill; we have before us the Factories Bill which, owing to the fact that its most important provisions relate to reduction of hours, is bound to some extent—I would go further and say to a very large extent—to involve additional burdens on the employers. I would ask the House once more to consider how far we should be justified in inflicting any further burdens on the employers in the present state of the industry and in the present conditions of financial depression. I should like to express my agreement with my Honourable friend, the Deputy President, in the view that, when the time comes, it would probably be expedient and convenient to make a beginning with schemes for factories as it is there that we can get the best material and on which to work and are likely to find the administrative difficulties involved less than in other occupations. But I do suggest that that time is still a considerable distance off and I feel myself that our best line of advance lies in the direction of formulating schemes for sickness insurance in industrial employment. As my Honourable friend, Mr. Clow, has explained, that is a subject which is engaging our attention, though I must honestly confess, as he has done, that the road is long and that the way is going to be very difficult. Meantime we in this Department will, I trust with the support of the House, go on our way with our measures to improve labour conditions, not perhaps as rapidly as some Members opposite whose sympathy with labour has been so forcibly expressed today could wish, but I hope as rapidly as is consistent with conditions in this country, looking at them as a whole.

Mr. President (The Honourable Sir Shanmukhain Chetty): The question is:

"That this Assembly, having considered the Draft Conventions and the Recommendation concerning invalidity, old-age and widows' and orphans' insurance adopted at the Seventeenth Session of the International Labour Conference, recommends to the Governor General in Council that he should not ratify the Draft Conventions nor accept the Recommendation."

The motion was adopted.

**RESOLUTION RE NON-RATIFICATION AND NON-ACCEPTANCE
OF DRAFT CONVENTION AND RECOMMENDATION CONCERN-
ING FEE-CHARGING EMPLOYMENT AGENCIES.**

The Honourable Sir Frank Noyce (Member for Industries and Labour):
Sir, I beg to move the following Resolution:

"That this Assembly, having considered the Draft Convention and the Recommendation concerning fee-charging employment agencies adopted at the Seventeenth Session of the International Labour Conference, recommends to the Governor General in Council that he should not ratify the Draft Convention nor accept the Recommendation."

The Convention with which this Resolution, which my Honourable friend, the Leader of the Opposition, has described as of a somewhat curious character, is concerned, is both shorter and simpler than those we have just been discussing. I hope I shall succeed in convincing him that the Resolution has the fullest justification.

The main object of the Convention is to secure the abolition of all employment agencies which are conducted with a view to profit within a period of three years from the date on which the Convention comes into force for the States which ratify it. During that interval, the existing agencies are to be carefully controlled and no new agencies are to be allowed to come into existence. Further, those agencies which are not conducted for profit are only to work under licence, are to be officially supervised and have their scales of charges limited. Nor is it necessary that agencies should charge fees to employees to come under the ban. Agencies which charge fees to employers are also to be eliminated. Even persons, companies, institutions or organisations which assist people to find employment free of all charge and without making any profit have to file a declaration with the competent authority. Honourable Members may find it a little difficult to understand—as I do myself—why the Conference should have been so anxious to curb, control or eradicate private employment agencies. It is perfectly true that from time to time those seeking employment are victimised by fraudulent organisations which take money from them under a pretext of finding employment without having the means or even the intention of doing anything adequate in return. Cases of this kind are not entirely unknown in this country. They have probably come under the observation of a great many of us here and they have undoubtedly occurred in every country of any importance. The anxiety of the Conference to prevent the possibility of workers being exploited by fraudulent or unsatisfactory agencies is intelligible, but I venture to express the hope that most Honourable Members will agree with me that the proposals embodied in the Draft Convention go far beyond anything that is necessary for this purpose. Even in those countries where the criminal law is not adequate to prevent possible abuses, it would have been possible to prohibit the charging of fees to the workers, and this was a course which the Government of India suggested to Geneva, but which was not adopted.

Now, Sir, it seems to me that in adopting this extremely drastic Convention, the Conference has been actuated not by a desire to prevent fraud, but by an anxiety to ensure that the organization of the labour market should become a direct responsibility of the State. If Honourable Members will refer to the Recommendation, they will see that the Draft Convention is intended to supplement the provisions of a Convention and Recommendation which were adopted at the first Session of the

Conference in Washington in 1919. The object of the earlier Convention was the establishment of a system of free employment agencies, and the Recommendation was that measures should be taken "to prohibit the establishment of employment agencies which charge fees or which carry on their business for profit". The present Convention thus represents an endeavour to secure that free public employment agencies shall be the only form of agencies permitted to operate.

Now, Sir, I have nothing whatever to urge against the extended use of free public employment agencies. Agencies of one type have proved very valuable in western countries, and under our various Famine Codes we maintain agencies in this country which have proved of no less value. But I cannot myself see—possibly I shall receive some enlightenment in due course from my Honourable friend, the Leader of the Opposition,—I cannot myself see that the existence of free employment agencies affords an adequate reason for preventing any one else from engaging in this very useful form of work and receiving reasonable remuneration for his service. In any case I am satisfied that there is no sufficient ground for legislating in India on the lines of this Convention when we have so many more, far more, important questions occupying our attention in my Department, and I trust that the House will endorse this view. Sir, I move.

Mr. President (The Honourable Sir Shanmukham Chetty): Resolution moved:

"That this Assembly, having considered the Draft Convention and the Recommendation concerning fee-charging employment agencies adopted at the Seventeenth Session of the International Labour Conference, recommends to the Governor General in Council that he should not ratify the Draft Convention nor accept the Recommendation."

Mr. Abdul Matin Chaudhury (Assam: Muhammadan): Sir, I do not find myself in agreement with the Government of India in their decision not to ratify this Convention. The Government of India favour the abolition of agencies which charge fees to the workers, and this for the simple reason that it leads to the exploitation of the workers, and I do not understand why they cannot extend the same principle to the agencies that charge fees to the employers, because the agencies that charge fees to the employers are as much liable to abuse as the agencies that charge fees to the workers

The Honourable Sir Frank Noyes: The employers can look after themselves far better than the workers.

Mr. Abdul Matin Chaudhury: The Honourable Member then said that there was not sufficient ground for legislation on this Convention. I am surprised at this statement. No one knows better than my friend, Mr. Clow, the standing scandal of the licensed broker system in regard to seamen, an agency, that charges fees to the employers

Mr. A. G. Clow (Government of India: Nominated Official): May I interrupt the Honourable Member? This Convention does not apply to seamen.

Mr. Abdul Matin Chaudhury: I was merely giving the House an example of an agency that charges fees to the employer in order to show how this is liable to abuse. My friend, Mr. Clow, himself knows this, because he was the Chairman of the Seamen's Recruitment Committee, and his Report revealed such a scandalous state of affairs that the Government of India thought it wise to expunge the first three paragraphs from it before publishing the Report. If the condemnation of Mr. Clow of an agency that charges fees to the employer is not sufficient to convince the Government of India, I do not think that anything I shall say will have any better effect.

The Honourable Member has referred to the Washington Convention of 1919. That Convention has been ratified by the Government of India, and it follows as a logical sequence that this Convention should also be ratified by the Government of India. Having ratified the Washington Convention of 1919, I think it is in the fitness of things that the Government of India should ratify this Convention also.

Then, Sir, there is another reason why they should ratify this Convention. Owing to the prevalence of unemployment in this country, a large number of service securing agencies have cropped up like mushrooms in various parts of the country, and the unfortunate unemployed lured by the prospect of employment often fall victims to these agencies. If this Convention is ratified and legislative effect is given to it, it will put a stop to a lot of abuse.

Mr. S. C. Mitra (Chittagong and Rajshahi Divisions: Non-Muhammadian Rural): Sir, on this question my inclinations are more with the Honourable Member who moved this Resolution than on the side of the Honourable the Deputy President. I do not understand why the service securing agencies should be abolished, or if they are not permitted to charge any fees, I don't see why it should be regarded that they are not for the good of the labourers. We know that in this country the illiterate labourers do require some intelligent people to look after their interests, to secure better terms and to provide work for them. If there is any abuse, there are the penal laws of the country to deal with them.

I was rather surprised to find that it is proposed to exclude the seamen from this Convention. I hope the Government or anybody else who was present in that Conference will explain why this Convention should not apply to seamen also, nor can I understand why, in these days of unemployment, the service securing agencies should be discouraged in any way. On these grounds, Sir, I support the Resolution, but at the same time I should like to say this. I find that here also, our representatives in the Convention did not take any part. "We did not take part in the final voting"

An Honourable Member: As usual.

Mr. S. C. Mitra: Yes, as some of my friends says, as usual. If I could follow my friend, Mr. Clow's argument, it would appear that on particular matters, where he thought that other countries should be permitted to adopt methods convenient to them, our representatives remained neutral, but I do not know why in matters immediately concerning this country they did not take part in the final voting. Sir, I have carefully gone through other matters, and I find that our representatives

did not take part in the final voting, in almost all of them. If that be so, I think the easiest way is to save some money to this poor country by not sending any representation at all. But on the whole, I think that the Convention should not be accepted by India.

Mr. G. Morgan (Bengal: European): Sir, I support the Resolution put forward by the Honourable Member. I have very little to remark in supporting this Resolution except to ask what could be put in its place? I have had a great deal to do with labour in Eastern Bengal, and I do not know of any agency that we could put in its place if we did away with the so-called fee-charging employment agencies. The *sardar*, and employment agencies of that description, have practically, as far as my work was concerned, supplied the whole of the labour, and there is no way in which the free movement of labour, so far as I know, could be brought about under any agency by which fees would not be charged, and where those agencies would come from unless they were set up by Government. I do not know. Government would have to pay the *sardar* to go about the country for labour. Labour does not move freely from place to place; it moves into certain centres and *sardars* collect that labour and bring it down to centres of employment. I do not know of any possible way in which we could meet the situation if we were to ratify this Agreement. Therefore, Sir, I support the Resolution.

Raja Mahadur G. Krishnamachariar (Tanjore cum Trichinopoly: Non-Muhammadian Rural): Sir, there are a few matters which I have not been able to understand in connection with this Resolution. Does it or does it not apply to a set of people called *kanganies* that we have in Southern India? I believe it does, because, from my Honourable friend, Mr. Morgan's speech, which referred to the *sardar*, *kangany* is a counterpart of the *sardar* in Southern India. I happen to know a little bit of the way in which the *kanganies* collect labour for Ceylon, how they are huddled together in their depôt near Dhanushkodi and then shipped on to Colombo there to find that practically 50 per cent. of their earnings are devoured both in repaying the advance to these *kanganies* and by various other little charges which nearly make up more than 50 per cent. of their wages. Besides they are given glowing accounts of the way in which they would be treated in this colony. But when they go and join the plantations there, they find that their conditions are far worse there than those that obtain in their own homes from where they were most of them literally kidnapped, that is to say, kidnapped in this sense, removed from their centres after a great deal of misrepresentation. There are certain places, one of them is Trichinopoly, where these unfortunates are collected. Once a man gets into the clutches of a *kangany*, it is absolutely impossible for him to get out. He finds the truth a little later even before he is put into the train to go to Colombo, but he is not allowed to go home, because he has already come into the grip of the *kanganies*; he has already received some advance which advance he is unable to repay and is never able to repay even after getting into Colombo. That, Sir, is my information, and I think it is the experience of most of our South Indian people from whose places these labourers have been taken away. I have had instances of persons taken from my own farm who had gone to Colombo, who had suffered misery and who were not able to save all that fabulous fortune which they were told was only in wait for them in Ceylon. They come back broken

[Raja Bahadur G. Krishnamachariar.]

and shattered in health and in morals, and, Sir, unfortunately for them they are not able to slip back into the position in which they were before they went, with the result that the amount of suffering that the families of these persons undergo is simply indescribable. I am not exaggerating the position. I have no interest in either supporting or opposing this proposition. But, Sir, no one who knows anything about the *kanganies* will hesitate to support the Convention.

Now, there is another set of people who recruit labour for the Assam tea plantations. With them it is even worse so far as labour from South India is concerned, and I believe it is not difficult to collect at least 50 cases within the last ten years which have gone to a Criminal Court in connection with these labour recruiting agencies. I have got lands as so many other persons have, and at times the difficulty that we experience in finding labour is simply indescribable. If these gentlemen start large plantations, why they should be helped with the perpetuation of these agencies, who, in nine cases out of ten—I am not exaggerating, I am quite prepared to prove it, given a chance—in nine cases out of ten recruit their men out of false representation and take them away to distant places where they cannot effectively make their representations regarding the troubles and tribulations that they undergo, I can never understand. Why should these agencies exist? Labour is free. Capital is free. The employer is free. If the employer is willing to pay, if he is really honest in his payment, there is no end of labourers at all. The fact of the matter is that he tries to get these men through an agency which probably he himself knows in many cases is not quite straight. Therefore, if this Convention will apply to the *kanganies* and others who would not be free to indulge in their pranks in kidnapping these unfortunate labourers from their own homes, I submit, it is a good thing to reject the portion of the Convention relating to it. That, Sir, is my submission to this House.

Mr. Amar Nath Dutt (Burdwan Division: Non-Muhammadian Rural): I also support the Resolution which has been moved by the Honourable Member for Industries and Labour. In a country like India, where unemployment is growing daily more and more and the unsophisticated villagers do not find employment, you cannot expect that there will be an agency to find employment for them without getting some remuneration. Such people on earth are rarely to be found who would render service for others without any remuneration whatsoever. Of course, the class against which my Honourable friend, the last speaker, the Raja Bahadur, spoke—I am not aware of the evil he was speaking of, but I am aware of another evil in my own province, and I think Mr. Morgan will bear me out when I speak of the *arkatis*, by whom coolies were recruited from Bengal villages. If the Draft Convention had referred to the abolition of that despicable body of cooly recruiters who were a menace to humanity, to religion and to morality. I would be the first man to support the Government if they brought in a Resolution to ratify the same. But so far as I see from the wording of the Resolution, I do not find anything there which relates either to the cooly *arkatis* of Bengal or that despicable class of people about whom my Honourable friend, the Raja Bahadur, spoke. That being so, I think this Resolution will have the whole-hearted support of every one in this House not excepting my Honourable friend, the Deputy President.

Mr. Gaya Prasad Singh (Muzaffarpur cum Champaran: Non-Muhamadan): Sir, I also rise to support the Resolution before the House. Reasons have been advanced by my Honourable friends, Messrs. Morgan and Mitra, and other speakers; and so I need not enter into details. My Honourable friend, the Raja Bahadur, has related the story of a class of people in his part of the country whom he regards as an undesirable class of persons. May I remind him that there is another class of persons,—*pandas*—who guide pilgrims to temples, and they also charge regular fees? Will my Honourable friend, with his orthodox conservatism, be prepared to support a proposal which seeks to do away with that class of persons?

Raja Bahadur G. Krishnamachariar: I will support to do away with every kind of fraud?

Mr. Gaya Prasad Singh: My Honourable friend says that he is prepared to support any proposal which seeks to do away with fraud. Now, there is the Indian Penal Code which is open for the conviction of any person who resorts to fraud. Now, take the priestly class, for instance. I am not going to stigmatise that class of people as frauds. I have got very great respect for some of them. That is a class which requires reform, and, consistently with the views he has expressed, I should expect the Raja Bahadur to bring forward a concrete suggestion for at least curbing the admitted abuses of that class of people.

Now, there was a Bill some times back seeking to regulate the employment of labour in the tea plantations of Assam. I was a member of that Select Committee, and I do not remember any proposal which was then brought forward seeking to do away with the fee charging agencies. In these days of unemployment, the existence of some sort of agency like that is at the worst a necessary evil and I do not see why the Draft Convention should try to do away with that. I read in the papers that have been supplied to us:

"The Committee then decided that the fee-charging employment agencies, conducted with a view to profit, should be abolished within three years from the date on which the Convention came into force.

Under Article I 'fee-charging employment agency' means employment agencies conducted with a view to profit, that is to say, any person, company, institution agency or other organisation which acts as an intermediary for the purpose of procuring employment for a worker or supplying a worker for an employer with a view to deriving either directly or indirectly any pecuniary or other material advantage."

Now, that is very comprehensive indeed. It not only brings within the clutches of the law any one who directly induces another to seek employment, but also indirectly. I, therefore, submit that this is too comprehensive a provision and it is well that we should not ratify this Recommendation. With these few words, I support the Resolution before the House.

The Honourable Sir Frank Moyce: I should only like to say that I am very glad to find that this motion has received more wholehearted support than my previous one.

Mr. Abdul Matin Chaudhury: Will the Honourable Member tell us, so that the House may understand the full implication of what it is voting

[Mr. Abdul Matin Chaudhury.]

for, whether the *kangani* system and the *arkati* system to which reference has been made come under the category of the agencies which charge fees to the employers?

The Honourable Sir Frank Noyce: Does the Honourable Member refer to the recruiting of labour for the tea plantations in Assam?

Mr. Abdul Matin Chaudhury: I am referring to the *kangani* system alluded to by the Raja Bahadur and the *arkati* system which was in existence. The House should understand, whether, by supporting this motion, they are voting for the continuation of this system.

The Honourable Sir Frank Noyce: I can assure the Honourable Member that, in voting for this Resolution, the House is not voting for the continuance of any system. I cannot speak with any certainty in regard to the *kangani* system of recruitment for labour in Ceylon. I regret that my Honourable friend, the representative of the Department of Education, Health and Lands, is not here to advise the Honourable Member on that point. My own impression is that emigration to Ceylon is under very close control and I cannot believe that abuses in regard to it are at all extensive. At the moment, the problem has solved itself to a very large extent by the fact that emigrants to Ceylon have diminished so seriously in number. I can speak with more certainty about the *arkati* system in Bengal. I think that that has entirely disappeared as all recruitment of labour for the tea plantations in Assam is now strictly regulated under the provisions of the Act which this House passed last year. My Honourable friend, the Raja Bahadur, could not have been in the House when that Act was under discussion. He would have realised, I think, that it is a very far reaching Act and that there is little danger of abuse. If any extensive abuses in regard to the recruitment of labour to Assam occur, the Act confers on Government the most drastic powers to deal with them.

Mr. President (The Honourable Sir Shanmukham Chetty): The question is:

"That this Assembly, having considered the Draft Convention and the Recommendation concerning fee-charging employment agencies adopted at the Seventeenth Session of the International Labour Conference, recommends to the Governor General in Council that he should not ratify the Draft Convention nor accept the Recommendation."

The motion was adopted.

The Assembly then adjourned till Eleven of the Clock on Friday, the 24th November, 1933.