

25th February 1938

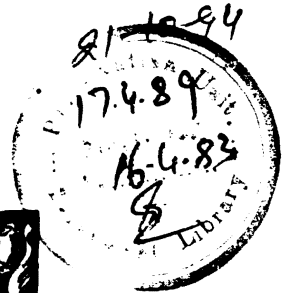
THE LEGISLATIVE ASSEMBLY DEBATES

(Official Report)

Volume II, 1938

(23rd February to 23rd March, 1938)

SEVENTH SESSION OF THE FIFTH LEGISLATIVE ASSEMBLY, 1938



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M77LAD

Legislative Assembly.

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

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

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LEGISLATIVE ASSEMBLY.

Friday, 25th February, 1938.

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

MEMBERS SWORN.

Mr. Leonard Burges Gilbert, M.L.A. (Government of India: Nominated Official.)

Mr. Harry Anderson Clifford Gill, M.L.A. (Government of India: Nominated Official.)

STARRED QUESTIONS AND ANSWERS.

(a) ORAL ANSWERS.

CORRESPONDENCE ABOUT DISPOSAL OF QUESTIONS OF JURISDICTION OF LEGISLATURES BY SPEAKERS OF FEDERAL LEGISLATURES.

490. ***Seth Govind Das**: Will the Honourable the Leader of the House be pleased to state:

- (a) whether Government have sent letters to the Governments of Canada, Australia and New Zealand, etc., enquiring as to how questions relating to the jurisdiction of the Federal and Provincial Legislatures are disposed of by the Speakers of the Federal Legislatures, especially when the Constitution Act does not specify any precise demarcation;
- (b) whether Government received replies thereto; and
- (c) whether Government will make these papers available to this House?

The Honourable Sir Nripendra Sircar: Government have had no correspondence with the Dominions on the subject. They have, however, obtained through the proper channels a statement of the position prevailing in Canada and Australia and a copy thereof is laid on the table

Statement.

The following two questions were put to the United Kingdom High Commissioners in Australia and Canada. It was explained, in putting the questions that they arose

out of the coming into force of the Government of India Act of 1935 with its provision for the statutory demarcation of powers between the Central and Provincial Legislatures.

(1) Is there any machinery which can be utilised for declaring *ultra vires* at the earliest stage Bills, particularly those of Private Members, which are either plainly, or alleged to be, outside the competency of the Legislature in which it is desired to introduce them: for instance, has the Speaker or Committee on Standing Orders any special powers in this connexion?

(2) If the practice is to deal with such questions on the floor of the House as questions of order, does the initiative rest with any Member or only with the Speaker or Members of the Government?

So far as the Commonwealth House of Representatives is concerned the reply received from Australia is as follows:

"No Standing Orders or other machinery exist in either the Commonwealth or the State Parliaments which can be utilised for declaring *ultra vires* at the earliest stage Bills which are outside the competency of the Legislature, because the Standing Orders have been adopted on the assumption that no legislation beyond the limits of the Constitution would be attempted.

It would, however, be in accordance with the principles of Parliamentary practice for the Speaker to take action, either when the motion for leave to introduce a Bill was made, or at first reading stage when the contents of the Bill are known, to rule the motion or measure out of order on the grounds that the Bill would initiate legislation outside of competency of the Parliament.

The initiative in raising the question of order could be taken by the Speaker, a Minister or any Member of the House.

• It would, of course, be competent for the House to dissent from the Speaker's ruling."

So far as the Commonwealth Senate is concerned, the answer to question No. 1 is said to be in the negative. The reply given to question No. 2 was that the practice of the Senate would be for the matter to be dealt with as a question of order. The initiation in such a case would rest either with the presiding officer or with any Senator. The question would be determined in the first place by a ruling given by the presiding officer; but, as it is open to a majority of the Senate to dissent from any ruling, the ultimate decision might be that of the Senate itself.

The foregoing replies come from the Clerks of the House of Representative and of the Senate respectively, who stated that, to the best of their knowledge, the position would be the same in the case of the Parliaments of the several States of Australia.

Under the Standing Orders and rules of the House of Commons of Canada a public Bill is required to be read a second time before it is committed to one of the Standing Committees; and it would be open to any member on motion for the introduction of the Bill or second or third reading to raise a question as to the legislative competence of the Parliament of Canada to enact it. If objections to the Bill on constitutional grounds whether urged on motion for its introduction or second or third reading carried judgment of House the Bill would not of course be introduced or received second or third reading. A Public Bill, particularly a Government measure, may be passed even in the face of vigorous opposition based on constitutional objections. Questions of legislative competence often raise issues of nicety in the interpretation of the text of the British North America Act and of the decisions upon which lawyers well versed in constitutional law, not to speak of laymen, may, and frequently do, entertain different opinions. Hence, where Bills, though opposed on constitutional grounds, are nevertheless passed, the validity of the legislation becomes a matter for determination by the Courts in Proceedings in which the issue of legislative competence is raised.

The practice in Canadian Provincial Legislative Assemblies appears to be similar: that is to say the Standing Orders and rules and forms of proceedings of these bodies

do not provide any special procedure for determination of a question as to the legislative competence of the Provincial legislature to enact provisions of a Bill not objections to a Bill on the ground of constitutional incapacity to enact it can be raised and if raised the question whether they are to prevail would be settled in the last resort by a vote of the House.

The answer given from Canada to the second question is that the initiative of raising a question of order as to the competence of the Legislature to pass a proposed Bill would lie with any member of the House.

The result appears to be that practice and procedure in Canada and Australia—the two Dominions whose Constitution in this respect is most closely analogous to that of India—would appear to afford no warrant for any attempt to establish by Standing Orders or otherwise a position in India which would enable the presiding Officer of a Chamber of the Indian Legislature himself to rule out of order any Bill on grounds of it being *ultra vires*, but that there is ample precedent in both Dominions for raising such a question either as a point of Order or as a ground of objection to Bill and when such a question is raised the decision upon it is in the last resort that of the Chamber itself.

RELEASE FROM GOVERNMENT CONTROL OF THE IMPERIAL COUNCIL OF AGRICULTURAL RESEARCH.

491. *Seth Govind Das: Will the Secretary for Education, Health and Lands please state:

- (a) whether it is a fact that the Imperial Council of Agricultural Research will in the immediate future free itself from the direct control of Government and function as a non-official body.
- (b) the average total annual cost of the Council, and for all its activities;
- (c) the amount contributed towards maintenance by the provinces as apart from that of Central Government's contribution;
- (d) since when the institution will be released from the control of the Central Government; and
- (e) what will be the exact position after being released from the control of the Central Government?

Sir Girja Shankar Bajpai: (a), (d) and (e). I would refer the Honourable Member to the answer to Mr. Muthuranga Mudaliar's question No. 354 answered on the 17th February, 1938.

(b) A statement showing the cost of the Imperial Council of Agricultural Research on its administrative side, and the grants made to it for research work from 1929-30 to 1936-37 is laid on the table of the House.

(c) Provincial Governments do not contribute to the funds of the Imperial Council of Agricultural Research. They do, however, contribute to individual schemes.

Statement showing the expenditure incurred on the administration side of the Council and the grants made to it by the Government of India for research work upto the year 1936-37.

	1929-30.	1930-31.	1931-32.	1932-33.	1933-34.	1934-35.	1935-36.	1936-37.
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
(A) I. C. A. R. Department (Administration Side).	1,33,901	2,38,275	2,25,891	1,96,139	2,21,414	2,26,802	2,92,934	3,11,352
(B) (i) Grants for Agriculture and Animal Husbandry Research.	15,00,000 (First instal- ment of lump sum grant of 25 lakhs.)	5,00,000	5,00,000	5,00,000	5,00,000	5,00,000	5,00,000	23,56,400*
(ii) Grants for Sugar Re- search.	..	10,00,000	..	1,50,000	2,50,000	2,50,000	2,50,000	1,75,000 2,80,000†

* Rs. 5,00,000 Annual recurring grant.

Rs. 10,00,000 Balance of lump sum grant of Rs. 25 lakhs.

Rs. 8,56,400 Special grant.

† For repairs to Mushari sugar research station.

‡ Special grant.

IMPOSITION OF QUOTA SYSTEM ON CERTAIN IMPORT TRADE INTO MALAYA.

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

- (a) whether it is a fact that His Majesty's Government have imposed the quota system on certain import trade into Malaya with effect from the 1st January, 1938; and
- (b) the extent to which Indian trade with Malaya is likely to be affected as a result of the restricted quota system?

Mr. H. Dow: (a) Yes.

(b) Indian trade with Malaya will not be adversely affected by the quotas in question which do not apply to India.

LOSS TO INDIAN MERCHANTS DUE TO RENGOKAI DECISIONS OF THE JAPAN COTTON SPINNERS' ASSOCIATION.

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

- (a) whether Government have received representations from the Indian Merchants' Chamber drawing their attention to the Rengokai decisions of the Japan Cotton Spinners' Association;
- (b) what is the probable loss to the Indian merchants on account of these decisions; and
- (c) whether Government have taken any action in the matter?

Mr. H. Dow: The Honourable Member's attention is invited to starred question No. 345 by Mr. Manu Subedar and the answer given to it by me on the 17th February, 1938.

Mr. T. S. Avinashilingam Chettiar: May I know, Sir, if Government are satisfied that, according to the communiqué they have issued, that for cotton to be shipped under the 1937 contracts, the exchange permit will issue at current market rates?

Mr. H. Dow: Government are not aware of any orders to the contrary. The difficulties that have arisen have been merely due to the provision of exchange, and there has been no suggestion of repudiation of these contracts.

Mr. T. S. Avinashilingam Chettiar: Have Government received any representation from commercial bodies pointing out that permits are not issued according to 1937 contracts?

Mr. H. Dow: No, Sir.

Mr. Manu Subedar: Can the Honourable Member give us any further information since he gave a reply to my question.

Mr. H. Dow: No, Sir, I have no further information since replying to the Honourable Member's question a few days ago.

PRIVILEGES OF THE CENTRAL LEGISLATIVE ASSEMBLY.

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

- (a) whether the motion regarding the privileges of the House, passed by this House was considered by Government; and
- (b) if so, what action Government have taken in the matter?

The Honourable Sir Nripendra Sircar: (a) and (b). The Honourable Member is presumably referring to the adoption by this House of Sardar Sant Singh's amendment to the Resolution moved by me on the 23rd August, 1937. On this assumption he is referred to the reply given on the 20th September, 1937, to Mr. Satyamurti's starred question No. 878.

Mr. T. S. Avinashilingam Chettiar: Have they considered this matter?

The Honourable Sir Nripendra Sircar: Whether we have considered it or not is in the answer which I have given to Mr. Satyamurti.

REORGANISATION OF THE DEPARTMENT OF COMMERCIAL INTELLIGENCE AND STATISTICS.

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

- (a) whether there are any proposals to reorganise the Department of Commercial Intelligence and Statistics to make it more efficient and up-to-date; and
- (b) whether any steps have been taken in this direction?

Mr. H. Dow: (a) I would invite the Honourable Member's attention to pages 124—126 of the Proceedings of the meeting of the Standing Finance Committee held on the 11th February, 1937 which give the required information. A copy of these Proceedings is in the Library.

(b) An Economic Adviser to the Government of India has recently been appointed.

Mr. T. S. Avinashilingam Chettiar: May I know, Sir, apart from the appointment of an Economic Adviser, whether any actual steps have been taken in this direction?

Mr. H. Dow: No, Sir, no further steps have been taken yet.

Mr. Manu Subedar: Have Government decided to put the Department of Commercial Intelligence and Statistics under the Economic Adviser?

Mr. H. Dow: It is part of the department, of which the Economic Adviser will be the head.

RAISING OF THE PRICE OF COTTON.

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

- (a) whether any of the Provincial Governments have made any representations to the Government of India to take steps to raise the price of cotton;

- (b) whether they have made any recommendations in this matter other than imposition of import duties, if so, what are the recommendations; and
- (c) whether Government have come to any conclusion in the matter?

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

(b) and (c). No, Sir.

Mr. T. S. Avinashilingam Chettiar: Am I to understand, Sir, that the Provincial Governments have not given any other suggestions than the imposition of an import duty?

Mr. H. Dow: That is the answer I have given to part (b) of the question.

Prof. N. G. Ranga: What is the decision of the Government of India,—to accept the recommendations of the Provincial Governments?

Mr. H. Dow: The answer to part (c) of the question is "No, Sir".

Mr. T. S. Avinashilingam Chettiar: May I know whether Government expect to come to a conclusion before this Session of the Assembly is over?

Mr. H. Dow: On that I can give no information I am afraid.

Prof. N. G. Ranga: Have Government studied the Report submitted by the Sub-Committee appointed by the Indian National Congress on this particular subject?

Mr. H. Dow: That is a question, I think, which has already been answered in this House.

Mr. T. S. Avinashilingam Chettiar: In view of the fact that the marketing season will soon be coming, will Government consider the advisability of coming to a conclusion early?

Mr. H. Dow: Government will naturally come to a conclusion as soon as possible.

CREATION OF AN ALL-INDIA SUGAR CONTROL BOARD.

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

- (a) whether there is a proposal to create an all-India Sugar Control Board on the lines of the Indian Central Cotton Committee;
- (b) what the personnel of such a Board will be;
- (c) what its functions will be; and
- (d) whether the Provincial Governments concerned have been consulted over it and whether they have agreed to the constitution and the functions of such a Board?

Sir Girja Shankar Bajpai: (a) to (c). I would invite the Honourable Member's attention to the answer given on the 1st of this month to Professor Ranga's unstarred question No. 6.

(d) Provincial Governments have been consulted but replies are not yet complete.

Prof. N. G. Ranga: In the meanwhile what has happened to the five lakhs of rupees set apart last year?

Sir Girja Shankar Bajpai: The disposal of that money will be considered in the light of the replies received.

Prof. N. G. Ranga: Is it the intention of the Government to set apart another five lakhs this year also, because last year during the Budget Session I remember the Honourable Member saying that this was to be an annual grant for a period of five years.

Sir Girja Shankar Bajpai: I think, Sir, for that my friend had better wait until tomorrow evening.

RELEASE FROM GOVERNMENT CONTROL OF THE IMPERIAL COUNCIL OF
AGRICULTURAL RESEARCH.

498. ***Mr. Manu Subedar:** (a) Will the Secretary for Education, Health and Lands state if there is any proposal before Government to abolish the Imperial Agricultural Research Council as a Department of the Government of India and to turn it into a semi-official body maintained by a grant from the Central Revenues?

(b) Do Government propose to consult the House before taking any decision on any such proposal?

Sir Girja Shankar Bajpai: (a) and (b). Attention of the Honourable Member is invited to my reply to starred question No. 354 asked by Mr. C. N. Muthuranga Mudaliar.

APPOINTMENT OF MR. SALT AS THE ENTOMOLOGIST TO THE GOVERNMENT OF
INDIA.

499. ***Mr. Manu Subedar:** (a) Will the Secretary for Education, Health and Lands state if it is a fact that one Mr. Salt is going to be appointed for the post of entomologist under the proposed Sugar Control Board?

(b) If so, what are the terms and conditions under which he has to work, and what will be his functions?

(c) Is this the same Mr. Salt, whose appointment was turned down by the Imperial Agricultural Research Council at their last meeting?

(d) What were the reasons given for turning down his appointment, and how has it come about that a man, who was not found suitable for the same purpose, has now been chosen for the same kind of job?

Sir Girja Shankar Bajpai: (a) By the proposed Sugar Control Board, the Honourable Member presumably means the proposed Central Sugar Committee. There is no proposal to appoint Mr. Salt to any post under that Committee.

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

Mr. Mohan Lal Saxena: Is there any other post to which Mr. Salt is going to be appointed?

Sir Girja Shankar Bajpai: I know only of proposals relating to my department and certainly there is no proposal to appoint Mr. Salt to any post so far as my department is concerned.

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

500. ***Mr. Mohan Lal Saksena:** (a) Will the Honourable the Law Member be pleased to state whether the attention of Government has been drawn to the public agitation in Merwara against the transference of the villages proposed to be transferred to the Darbars of Jodhpur and Udaipur?

(b) Has the attention of Government been drawn to the statement of Pandit Jawahar Lal Nehru on the subject, published in the *Hindustan Times* of the 4th February?

(c) Is it not a fact that a resolution was passed in the Provincial Political Conference held in January opposing the transference?

(d) What steps have Government taken to safeguard the political rights enjoyed by the people of these villages?

(e) Are Government prepared to reconsider their decision in view of the opposition of the people and not to transfer the administration of the villages to the two Darbars?

(f) What is the total amount of revenue derived from these villages and how much expenditure in administration will be reduced by the transference of these villages?

(g) What is the total number of villages and the population of the villages?

The Honourable Sir Nripendra Sircar: (a) to (d). I would refer the Honourable Member to the Press Communiqué which was issued to the Press for publication on the 3rd February, 1938, copies of which are available in the Library of the House.

(e) No, Sir.

(f) Rs. 77,000 and Rs. 1,000 (approximately) per annum respectively.

(g) 118 and 53,886 respectively.

Mr. Mohan Lal Saksena: May I know what steps Government took to consult non-official opinion on this question?

The Honourable Sir Nripendra Sircar: I submit it does not arise from this question. If my friend gives me notice, then I can inquire and give more details.

Mr. Mohan Lal Saksena: It arises from (c).

The Honourable Sir Nripendra Sircar: (c) asks whether a Resolution was passed in the Provincial Political Conference. That does not enable me to answer his question as to what steps have been taken by Government to consult public opinion.

Seth Govind Das: Are Government aware that public opinion was and is against this transfer?

The Honourable Sir Nripendra Sircar: That is my friend's opinion, I know.

Seth Govind Das: Does the Honourable Member know that public opinion is against this transfer?

The Honourable Sir Nripendra Sircar: I do not admit it, simply because my friend says so.

Mr. K. Santhanam: May I know if there is any proposal to transfer further villages?

The Honourable Sir Nripendra Sircar: I must ask for notice.

Mr. Mohan Lal Saksena: With reference to part (a) of the question, there is no reference in the communiqué about this—whether the Government have taken any steps to consult public opinion?

The Honourable Sir Nripendra Sircar: The answer is 'Yes'.

EXCISE DUTY ON SUGAR.

501. ***Mr. M. Ananthasayanam Ayyangar:** (a) Will the Commerce Secretary state the total amount of excise duty collected on sugar since the duty was imposed?

(b) Have any, and if so which, of the sugar factories been closed during the year 1937-38?

•(c) In view of the agreement not to export sugar, do Government propose to consider the abolition of the duty?

(d) Is any portion of the duty earmarked for research in sugar-cane production and subsidy to cane-growers associations?

(e) What is the amount, if any, granted to the Madras Presidency during the year 1937-38 for cane research and to help cane-growers there, and how was it spent?

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

GRANT TO THE MADRAS PRESIDENCY FOR HELPING THE HANDLOOM INDUSTRY.

502. ***Mr. M. Ananthasayanam Ayyangar:** Will the Commerce Secretary state the amount which was granted to the Madras Presidency during 1937-38 to help to handloom industry, and how was it spent by the Government of that Province?

Mr. H. Dow: Rs. 68,800.

Government have no information as to how the money is being spent as reports for the current year 1937-38 will not be available till next year.

Mr. M. Ananthasayanam Ayyangar: May I know whether any directions have been given by the Central Government as to how this money ought to be spent by the Provincial Governments?

Mr. H. Dow: Yes, Sir.

Prof. N. G. Ranga: Is there any proposal to increase this grant?

Mr. H. Dow: I am not aware of any such proposals.

Maulvi Abdur Rasheed Chaudhury: May I know if any grant has been given to Assam?

Mr. H. Dow: I shall require notice of that. I think there has been a grant to Assam but I cannot tell the amount off-hand.

Prof. N. G. Ranga: May I know whether at the last Conference of Provincial Representatives they wanted an increase of this grant for the handloom industry?

Mr. H. Dow: I cannot remember, but I should think it very likely. My experience of these conferences is that provincial representatives always want more.

NEGOTIATIONS REGARDING THE TUNGABHADRA PROJECT.

508. ***Mr. M. Ananthasayanam Ayyangar:** (a) Will the Labour Secretary state at what stage are the negotiations regarding the Tungabhadra irrigation project in the Madras Presidency?

(b) Have any agreements been reached between Hyderabad and Mysore States and the Bombay and Madras Governments? If so, what are the terms? If not, what are the points of difference?

(c) What may be the cost of the project, and do the States contribute any portion of the cost?

Mr. A. G. Clow: (a) and (b). The Honourable Member is referred to the reply which I gave on the 14th February to parts (a) to (d) of Prof. N. G. Ranga's question No. 242.

(c) The cost of the headworks is estimated at nearly 3½ crores to be shared equally between the Governments of Madras and Hyderabad. The cost of the canals in British India, estimated at about 8½ crores, is to be borne by the Government of Madras.

Prof. N. G. Ranga: In view of the fact that the area covered by this project has had to suffer from famine for very many years, will the Government of India consider the advisability of themselves taking up the initiative in bringing about an agreement between these contending Governments?

Mr. A. G. Clow: In answer to the Honourable Member's previous question, I pointed out that negotiations between Madras and Hyderabad are in progress and will be continued during the summer and the Government of India see no need to take any further action.

Mr. M. Ananthasayanam Ayyangar: May I know how long the negotiations have been going on.

Mr. A. G. Clow: They were certainly in progress last year.

Mr. M. Ananthasayanam Ayyangar: When does the Honourable Member expect the negotiations to conclude?

Mr. A. G. Olow: I am not in a position to say.

Mr. M. Ananthasayanam Ayyangar: Will it conclude before the end of the year?

Mr. A. G. Olow: I am unable to say.

Mr. M. Ananthasayanam Ayyangar: Will the Government consider the advisability of referring the matter to the Governor General for settlement if no agreement is arrived at between Madras and Hyderabad?

Mr. A. G. Olow: That is a hypothetical question.

ASSIGNMENT OF SITES IN NEW DELHI BY PUBLIC AUCTION.

504. ***Mr. K. Santhanam:** Will the Secretary for Education, Health and Lands be pleased to state:

- (a) whether any sites in New Delhi have been assigned during the last two years by any method except public auction; and
- (b) whether there is any proposal to assign such sites without public auction?

Sir Girja Shankar Bajpai: (a) and (b). Information has been asked for and will be furnished to the House when available.

Mr. Lalchand Navalrai: May I know if any minimum price is fixed for the sale of these sites?

Sir Girja Shankar Bajpai: These matters are regulated by the Land Development Officer under the direction of the Chief Commissioner, so far as I know there is no minimum price fixed.

Mr. K. Santhanam: Is it the general rule to allot sites by public auction?

Sir Girja Shankar Bajpai: Yes.

Mr. K. Santhanam: Have there been any exceptions to this rule?

Sir Girja Shankar Bajpai: If there have been, they have been in accordance with the declared policy of Government.

Mr. Manu Subedar: Have there been any complaints of favouritism in the allotment of plots in New Delhi.

Sir Girja Shankar Bajpai: Complaints of favouritism would only arise if there had been any deviation from Government policy.

Seth Govind Das: May I know if any plots have been sold without auction?

Sir Girja Shankar Bajpai: I am getting information as to whether any plots have been sold in that way.

COMPETITION BETWEEN BRITISH AND INDIAN SHIPPING COMPANIES CARRYING HAJ PILGRIMS.

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

- (a) whether his attention has been drawn to a leading article in the *Hindustan Times*, dated the 3rd February, 1938, under the heading "Indian shipping in Haj Traffic;

- (b) whether it is a fact that when the Scindia steamers, the *El Medina* and the *Englestan*, were taking pilgrims from Karachi, the "Mogal line"—a British concern—reduced the return fare from Karachi to Jedda from Rs. 172 to Rs. 20;
- (c) whether it is a fact that the fares were raised soon after the Scindia steamers had left; and
- (d) what steps Government have taken to stop this ruinous and uneconomic rate cutting?

Sir Girja Shankar Bajpai: (a) Yes.

(b) to (d). The attention of the Honourable Member is invited to the reply given by me to parts (a) and (b) of starred question No. 350 on the 17th February, 1938, and to the supplementaries arising out of that question.

Mr. Abdul Qaiyum: Is it a fact that the fares were raised as soon as these steamers left? I think this question has not been answered.

Sir Girja Shankar Bajpai: What I said was that Government had seen press reports to the effect that there had been changes in the fares but that they did not get any formal representation from the interests concerned.

Mr. Abdul Qaiyum: After seeing the press reports, did Government inquire whether the allegations were correct.

Sir Girja Shankar Bajpai: My answer to this question is covered by what I said in answer to a supplementary by Mr. Chaudhury, namely, that it is for the interests concerned to make representations to the Government first.

Mr. Abdul Qaiyum: With reference to (b), do Government propose to take any action at all.

Sir Girja Shankar Bajpai: Government will not move in the matter unless they have formal representations from the interests concerned.

Prof. N. G. Ranga: Why not?

Mr. F. E. James: Is it not a fact that this ruinous and uneconomic rate cutting was actually started by the Scindia Company?

Sir Girja Shankar Bajpai: That, I think, is asking for an expression of opinion.

Mr. F. E. James: It is a fact.

RESOLUTIONS PASSED BY PROVINCIAL LEGISLATURES AGAINST THE ESTABLISHMENT OF FEDERATION.

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

- (a) which Provincial Governments have informed the Government of India that their Legislatures have passed resolutions against the establishment of Federation as envisaged in the Government of India Act, 1935;

- (b) whether the Government of India have forwarded such representations to His Majesty's Government in the United Kingdom; and
- (c) whether they have given any remarks while forwarding those resolutions and if so, what their nature is?

The Honourable Sir Nripendra Sircar: (a) The Government of Madras.

(b) and (c). The Provincial Government requested the Government of India to forward copies of the Resolutions adopted by the Legislative Assembly and the Legislative Council to the Secretary of State, and this has been done.

Mr. Badri Dutt Pande: Have the Government of India made any recommendation?

The Honourable Sir Nripendra Sircar: I am not prepared to disclose whether any recommendation has been made but I am not aware that any recommendation has been made.

Sardar Mangal Singh: Have the Government of India, while forwarding the Resolutions, mentioned the fact that the Indian National Congress, the Moslem League and the Mahasabha are all against Federation?

The Honourable Sir Nripendra Sircar: We have said nothing about the Indian National Congress or the Mahasabha or any other bodies.

Mr. Mohan Lal Saksena: Have Government received any representation from the U. P. Government?

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

Mr. K. Santhanam: May I know whether any of the Provincial Governments have requested the Government of India to support its attitude towards Federation?

The Honourable Sir Nripendra Sircar: That is covered by my answer.

Mr. Mohan Lal Saksena: Has any Provincial Legislature supported the Federation?

The Honourable Sir Nripendra Sircar: I want notice.

Mr. Mohan Lal Saksena: What about Bengal?

(No reply.)

ELECTIONS TO THE FEDERAL COUNCIL OF STATE.

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

- (a) whether Government have issued, or propose to issue, instructions to the Provincial Governments regarding the preparation of the electoral rolls of the Federal Council of State; and

- (b) whether the general elections of the Federal Council of State will be held this year; if not, whether they will be held next year?

The Honourable Sir Nripendra Sircar: No instructions have been issued to the Provincial Governments for the preparation of the electoral rolls of the Federal Council of State; but I am not in a position to make any statement on the other points raised by the Honourable Member.

Mr. Lalchand Navalrai: May I know if any instructions have been given for the preparation of rolls for the Central Legislative Assembly?

The Honourable Sir Nripendra Sircar: That is not in the question.

Mr. Lalchand Navalrai: It arises out of the question. Is it "yes" or "no"?

The Honourable Sir Nripendra Sircar: It does not arise out of the question. I can neither say "no" nor "yes"; my submission is that the question was directed to the subject of the Council of State, and I have given all the information possible.

AMALGAMATION OR TRANSFERENCE OF BUSINESS BY LIFE INSURANCE COMPANIES.

508. ***Sardar Mangal Singh:** Will the Commerce Secretary please state:

- (a) the number of life Insurance Companies which had amalgamated or had transferred their businesses during the last ten years;
- (b) the number of life Insurance Companies which have notified to the Government of India their intention to amalgamate or transfer their business since 27th January, 1937;
- (c) whether it is a fact that the common cause of such amalgamation or transference of business had been the fact of their being defaulters in the matter of payment of deposits;
- (d) whether it is a fact that the directors of those life insurance companies which have notified their intention to Government but have not yet been able to go through all the legal formalities are being threatened with prosecution for being defaulters in the matter of payment of their deposits; and
- (e) whether the Companies under amalgamation are required to complete their separate deposits; if so, whether Government have considered that in that case almost all such Insurance Companies would be forced to go into liquidation?

Mr. H. Dow: On the assumption that the Honourable Member is referring only to insurance companies incorporated in British India, the answers so far as Government are aware, are as follows:

- (a) None.
- (b) Five.
- (c) Yes.

- (d) Default in respect of deposits and consequently Government's warning of legal action against the Directors, etc., usually occur before, and not after, the announcement of the Company's intention to amalgamate.
- (e) The answer to the first part of the question is in the affirmative. The second part of the question is a matter on which Government have no desire to express an opinion.

Mr. M. Ananthasayanam Ayyangar: Will Government consider the desirability of postponing the demand for deposits until the new Act comes into force?

Mr. H. Dow: No, Sir.

Mr. M. Ananthasayanam Ayyangar: Have not Government received a representation from the various companies that they are unable to comply with this demand for deposits to such a large extent, that they are likely in many cases to amalgamate with other companies, and that they want time to pay this deposit until the amalgamation is made?

Mr. H. Dow: Under the new Act, a deposit is also required.

Mr. M. Ananthasayanam Ayyangar: Are Government aware that under the new Act the deposit instead of thirty-three and one-third per cent. has to be paid in instalments of particular, definite amounts?

Mr. H. Dow: I am afraid that does not absolve Government from the duty of enforcing the existing Act until the new Act comes into force.

Mr. M. Ananthasayanam Ayyangar: Are not Government aware that by their insistence on making immediate deposits they will force some of the smaller companies to go into liquidation?

Mr. H. Dow: No, Sir, Government are not aware of that.

COMING INTO FORCE OF THE INSURANCE ACT, 1938.

509. ***Sardar Mangal Singh:** Will the Commerce Secretary please state:

- (a) when the Insurance Act, 1938, will come into force; and
- (b) when the rules made thereunder will be laid before both the Chambers of the Central Legislature?

Mr. H. Dow: (a) and (b). No decision has yet been taken on these matters.

Seth Govind Das: When is it expected to be done—before the conclusion of this Session?

Mr. H. Dow: I am afraid I can give no opinion on that matter.

APPOINTMENT OF MR. SARGENT AS THE EDUCATIONAL COMMISSIONER WITH THE GOVERNMENT OF INDIA.

510. ***Mr. Mohan Lal Saksena:** (a) Will the Secretary for Education, Health and Lands be pleased to state if it is a fact that Mr. Sargent, Director of Education in the Essex County Council, has been appointed as Educational Commissioner, in succession to Mr. Parkinson? If so, on what terms?

(b) What are the duties of the Educational Commissioner, and what are the emoluments of the post?

(c) Was the post either advertised in India or England? If so, were any applications received, and were they considered by the Public Services Commission?

(d) Has Mr. Sargent been given a much higher salary than Mr. Parkinson? If so, how much?

Sir Girja Shankar Bajpai: (a), (c) and (d). Government are not yet in a position to make any statement regarding the appointment of a successor to the present Educational Commissioner.

(b) To advise and assist the Government of India in educational matters.

Mr. Lalchand Navalrai: May I know if the question whether an Indian should be appointed is also under consideration?

Sir Girja Shankar Bajpai: Every relevant consideration is under examination.

Mr. Mohan Lal Saksena: Is no correspondence going on between Mr. Sargent and the Government of India?

Sir Girja Shankar Bajpai: I have already said that I can make no statement in the matter because, as my Honourable friend is aware, while the selection for this appointment is in the consideration stage, it is confidential, and it is contrary to the public interest to make any statement.

Mr. Abdul Qaiyum: Are Government prepared to state that no Englishman will be appointed to this post?

Sir Girja Shankar Bajpai: I can add nothing to the statement I have made.

Mr. Mohan Lal Saksena: Is the Honourable Member aware that some-time ago the Honourable the Home Member, in reply to a question of mine, stated that instructions had been issued to all the Departments that unless no Indian of the requisite qualifications was available, no European would be appointed?

Sir Girja Shankar Bajpai: The Honourable Member may rest assured that the declaration of policy referred to by the Honourable Member will be borne in mind by Government.

Prof. N. G. Ranga: Will Government advertise for this post?

Sir Girja Shankar Bajpai: This post has never been advertised in the past and is not likely to be advertised in the future.

Mr. M. Asaf Ali: Why not?

Sir Girja Shankar Bajpai: Because an officer with administrative experience is required.

Mr. Mohan Lal Saksena: Are Government aware that in the *Amrita Bazaar Patrike* a news has appeared that the Government are corresponding with one Mr. Sargent?

Sir Girja Shankar Bajpai: I am not responsible for statements which appear in the press, Sir.

Mr. T. S. Avinashilingam Chettiar: Are Government in a position to deny that?

Sir Girja Shankar Bajpai: I would refer the Honourable Member to the answer I have already given on this subject.

Dr. Sir Ziauddin Ahmad: May I know how many changes have been made in this office during the last five years?

Sir Girja Shankar Bajpai: Two, I believe.

Mr. Abdul Qaiyum: What steps are being taken with a view to preventing the appointment of a foreigner?

Mr. K. Santhanam: Do the Government of India think that it is essential to continue this post?

Sir Girja Shankar Bajpai: Yes, Sir.

Mr. Mohan Lal Saksena: When is the appointment likely to be made?

Sir Girja Shankar Bajpai: The vacancy does not occur till November.

Prof. N. G. Ranga: Will the Central Advisory Board of Education be consulted in making this appointment?

Sir Girja Shankar Bajpai: That Board does not meet until December next.

Mr. Abdul Qaiyum: Is the Honourable Member not aware that Indians now refuse to be educated by foreigners any more?

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

PRODUCTION OF PETROL IN INDIA.

511. ***Mr. Lalchand Navalrai:** (a) Will the Commerce Secretary be pleased to state if there are possibilities of production of petrol in India?

(b) Have Government made any research to find out places in India where petrol could be dug out? If so, which are those places?

(c) What is the production of petrol in India itself and Burma, respectively, in comparison to its importation from outside India?

Mr. A. G. Chow: (a) Yes. Petrol is produced in considerable quantities in India.

(b) Petrol is not a natural product and is extracted from petroleum (crude mineral oil) and from natural gas. It is produced from wells in the Attock district of the Punjab and in the Lakhimpur district of Assam. The Geological Survey have made a study of the oil-fields of India and the results are given in the Memoirs of the Geological Survey of India, Volume XI, parts 2 and 3.

(c) The production of petrol, including benzine and other dangerous spirit, during the year 1936, amounted to 16,731,000 gallons in India and 77,797,000 gallons in Burma. The imports of dangerous petroleum, that is petroleum flashing below 76°F., including petrol, benzine and benzol, amounted to 1,959,000 gallons, the quantity imported into Burma being negligible.

Mr. Lalchand Navalrai: May I ask the Honourable Member if he can tell me which are those places in view now for the research? Have these places been spotted, at which work is to be done?

Mr. A. G. Olow: I am afraid I cannot follow the Honourable Member's question.

Mr. Lalchand Navalrai: The Honourable Member said that there are some places in the Punjab where this petrol comes from. I am asking—in India, are there any other places also in view which may be investigated into?

Mr. A. G. Olow: The interests concerned are always on the lookout for fresh sources of supply either in fresh areas or by going to town horizons.

Mr. Lalchand Navalrai: Is the Honourable Member in a position to tell me those places which are in view?

Mr. A. G. Olow: The Honourable Member will have to apply to the enterprises concerned.

Mr. Manu Subedar: In view of the military importance of petrol and the possible termination of arrangements with Burma in future, may I ask what steps the Government are taking to have the production of petrol in India increased? Are Government taking any active steps in the matter?

Mr. A. G. Olow: The amount of petrol production naturally depends on the state of the markets and on exploration.

Mr. M. Ananthasayanam Ayyangar: Are Government trying to take up the production of petrol departmentally?

Mr. A. G. Olow: No, Sir.

APPOINTMENT OF A COMMISSION TO ENQUIRE INTO THE QUESTION OF MARRIAGE BETWEEN EUROPEANS AND ASIATICS IN SOUTH AFRICA.

512. ***Maulvi Syed Murtuza Sahib Bahadur:** (a) Is the Education Secretary aware that the Government of the Union of South Africa have appointed a Commission to enquire into the question of marriage between Europeans and Asiatics?

(b) Is it a fact that during the last three years the total number of marriages between the Europeans and the Asiatics was only 14 or thereabout, and that this figure shows a decrease of three when compared with that of the previous three years?

(c) Is it a fact that out of two million Europeans in South Africa only five persons a year contracted mixed marriages?

(d) Have Government instructed the Agent General to take up a strong attitude in the matter?

(e) If not, do Government propose to do so now?

Sir Girja Shankar Bajpai: (a) I lay on the table a copy of the terms of reference to the Mixed Marriages Commission which has been appointed by the Government of the Union of South Africa.

(b) and (c). The South African Indian Congress stated in evidence before a Select Committee of the Union House of Assembly in March, 1937 that they knew of only 14 marriages between Europeans and Asiatics in the Transvaal of which five were contracted after 1930.

(d) and (e). Both the Government of India and the Agent General have informed the Union Government that in their view there was no necessity for the appointment of such a Commission.

Terms of reference to the Mixed Marriages Commission appointed by the Government of the Union of South Africa.

That a Commission be appointed to investigate and report upon the question of marriages in the Union between Europeans and non-Europeans and to determine whether :

- (1) such marriages are on the increase or are likely to increase; and
- (2) are sufficiently numerous to be seriously detrimental to the welfare of the Union and the future composition of the population;

and to recommend whether it is necessary that any further steps should be taken to discourage such marriages.

Maulana Zafar Ali Khan: May I know whether there is a tendency on the part of the Union Government of South Africa to prevent mixed marriages between Europeans and Asiatics, not on the plea of religion, but on the plea of the bar of colour?

Sir Girja Shankar Bajpai: I have no doubt, Sir, that the prejudice against mixed marriages in South Africa is racial.

Seth Govind Das: Are Government aware that Mr. Kaji, Secretary of the South African Indian Congress, had given assurances to the Union Government that the European girls in the service of Indians there would be dismissed, and asked that this Commission which was going to be appointed should not be appointed, and that on that assurance the Union Government had agreed not to appoint a commission, and in spite of it they have appointed this Commission?

Sir Girja Shankar Bajpai: Sir, this Commission relates to mixed marriages and not to the employment of Europeans by Asiatics.

Seth Govind Das: Is the Honourable Member not aware that the reason why this Commission was to be appointed was that the Europeans were in the service of Indians and the Government were afraid that the European girls would get married by Indians, and on the assurance of Mr. Kaji it was decided, at that time, that no Commission on the question of mixed marriages would be appointed and the Union Government has gone back upon that assurance?

Sir Girja Shankar Bajpai: I recognise that my Honourable friend, after his recent visit to South Africa, has acquired a great deal of knowledge about local circumstances, but he will permit me to say that in this particular case he is rather mixing up two matters.

Seth Govind Das: I shall again ask the Honourable Member whether it is not a fact that the Union Government had given an undertaking to Mr. Kaji and it was on account of that assurance that no Commission on the question of mixed marriages was appointed?

Sir Girja Shankar Bajpai: If my Honourable friend will take the trouble to refresh his memory on what happened last year in South Africa, he will realise that there were two Select Committee appointed by the Union Houses of Parliament, one to deal with the question of mixed marriages and the other to deal with the question of employment of Europeans by Asiatics. The two matters are entirely distinct.

Seth Govind Das: And after that assurance it was decided that this Commission will not be appointed: is the Honourable Member aware of that fact?

Sir Girja Shankar Bajpai: I am not aware of that fact.

Seth Govind Das: Will the Honourable Member write to the Union Government to ascertain whether it is a fact or not?

Sir Girja Shankar Bajpai: If my Honourable friend will furnish me evidence in support of the statement that the Union Government had made such a promise, I will take up the matter with the Union Government.

Mr. T. S. Avinashilingam Othettiar: Have the Government received any replies to the representation?

Sir Girja Shankar Bajpai: The fact that the representation that there should be no Commission has not been accepted is evident from the fact that the Commission has been appointed.

Mr. Abdul Qaiyum: What is the attitude of the Government of India towards these marriages?

Sir Girja Shankar Bajpai: That does not arise out of this question.

DIRECTORSHIP OF THE INDIAN INSTITUTE OF SCIENCE.

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

- (a) whether it is a fact that the offer of Directorship of the Indian Institute of Science was made to Rao Bahadur Venkatesachar long before the Council decided to remove Sir C. V. Raman from the Directorship;
- (b) whether it is a fact that he was, in the alternative, offered the Professorship of Physics and Dr. Fowler the Directorship;
- (c) whether these two gentlemen voted for the removal of Sir C. V. Raman; and
- (d) whether it is a fact that Mr. Venkatesachar has not got even a Doctorate in research?

Sir Girja Shankar Bajpai: (a) and (b). Government have no information.

(c) The Council of the Institute unanimously decided that Sir C. V. Raman should not remain as Director of the Institute.

(d) Yes. Rao Bahadur Venkatesachar has, however, been appointed Officiating Director as a purely temporary measure, pending the appointment of a permanent Director.

Mr. C. N. Muthuranga Mudaliar: What is the answer to part (d)?

Sir Girja Shankar Bajpai: I have said that he has been appointed as a temporary measure only pending the appointment of a permanent Director.

Mr. K. Santhanam: Has that gentleman got a Doctorate in Research?

Sir Girja Shankar Bajpai: He may not have a Doctorate in Research. If he had the Doctorate in Research, possibly he would have been appointed permanently and not temporarily.

Mr. K. Santhanam: Has he got any qualification for carrying out even temporary research?

Mr. President (The Honourable Sir Abdur Rahim): I cannot allow such personal questions to be put. The qualifications of individual persons cannot be discussed in this manner on the floor of the House.

PHYSICS LABORATORY IN THE INDIAN INSTITUTE OF SCIENCE.

514. ***Mr. C. N. Muthuranga Mudaliar:** (a) Will the Secretary for Education, Health and Lands please state where the Physics laboratory is situated at present in the Indian Institute of Science?

(b) Is it proposed or is it under contemplation to remove it to the workshop? If so, what are the reasons? Who is in charge of the Physics Department at present, and is he being consulted about the removal?

(c) Is there any University or place of research in India where the Physics laboratory is situated in a workshop?

Sir Girja Shankar Bajpai: Government have no information, except that Sir C. V. Raman is in charge of the Physics Department.

Mr. C. N. Muthuranga Mudaliar: Is it not a fact that the Physics Laboratory is going to be removed from its present site to a different place?

Sir Girja Shankar Bajpai: I should like to submit, Sir, for the consideration of the House the fact that this is an Institute which is only in receipt of a grant-in-aid from the Government of India and that Government ought not and cannot make themselves responsible for its day to day administration. I am not prepared to make the inquiry.

Mr. C. N. Muthuranga Mudaliar: If the authorities are not carrying on the administration of the Institute properly, is it not the duty of the Government to stop the grant that is given to it?

Mr. President (The Honourable Sir Abdur Rahim): That is a matter of argument. I cannot allow this matter to be discussed now.

Dr. Sir Ziauddin Ahmad: Is it not a fact that the Physics Department was opened in the Institute after the appointment of Professor Raman?

Sir Girja Shankar Bajpai: That is so.

(Some Honourable Members wanted to put more questions about Sir C. V. Raman.)

Mr. President (The Honourable Sir Abdur Rahim): I must point out that further discussion of this nature now is undesirable.

Mr. M. Ananthasayanam Ayyangar: Sir, we feel strongly in the matter and an adjournment motion is also going to be moved on this very subject.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member can move an adjournment motion if he likes, but I cannot allow a discussion of this kind during question hour.

CRITICISMS OF THE IRVINE COMMITTEE REPORT.

515. ***Mr. C. N. Muthuranga Mudaliar:** (a) Will the Secretary for Education, Health and Lands please state whether it is a fact that Sir C. V. Raman submitted a criticism of the Irvine Committee Report? Will Government please lay a copy of it on the table of the House? If not, will they kindly state their reasons?

(b) Is it not a fact that the Government of Mysore held that the Irvine Committee drew a picture darker than the circumstances warranted?

Sir Girja Shankar Bajpai: (a) Sir C. V. Raman's comments on the Irvine Committee Report are regarded as confidential and Government are not prepared to lay a copy thereof on the table of the House.

(b) The views of the Mysore Government also are regarded as confidential.

Mr. K. Santhanam: When the Government of India have considered it advisable to publish the Irvine Committee Report why should they not also publish Sir C. V. Raman's comments on it?

Sir Girja Shankar Bajpai: I do not think that the Government of India can be accused of having been guilty of any unfairness in publishing only those documents which they thought would serve the object of securing a more peaceful atmosphere at the Institute.

REDISTRIBUTION OF UNIVERSITIES FOR REPRESENTATION ON THE COUNCIL OF THE INDIAN INSTITUTE OF SCIENCE.

516. ***Mr. C. N. Muthuranga Mudaliar:** (a) Will the Secretary for Education, Health and Lands please state if it is a fact that the Sewell and Irvine Committees recommended a more equitable distribution of Universities than exists at present for purposes of representation on the Council of the Indian Institute of Science, Bangalore?

(b) Is it not a fact that at present the Northern group consists of three Universities, the Central seven, the Eastern two and Southern five? When was this distribution made, and do Government propose to consider the desirability of redistributing in accordance with the changed conditions?

Sir Girja Shankar Bajpai: (a) Yes.

(b) The grouping of Universities for representation on the Council of the Indian Institute of Science, Bangalore, has recently been changed. According to the new arrangement, the North Western and North Eastern groups include three Universities each and the Central and Southern groups six Universities each.

STRIKES AND LOCK-OUTS IN MILLS OF DELHI.

517. ***Mr. Sri Prakasa:** Will the Labour Secretary state:

- (a) if it is a fact that there have been for some time past strikes or lock-outs or both in some of the mills at Delhi;
- (b) if any official or non-official agencies have maintained any censorship on the press so that news regarding these may not be published;
- (c) what the exact situation at the present moment is and what the causes have been that have led to these troubles;
- (d) what action, if any, Government have taken to bring about an amicable understanding in the interest of all concerned; and
- (e) what assistance, if any, Government have given by supplying policemen and other official agencies in this connection, and in whose interest this has been done?

Mr. A. G. Clow: (a) A dispute has been in progress in the Birla Mills.

(b) There has been no official censorship and I have no information of any non-official agency exercising a censorship, but the Honourable Member is possibly in a better position than I am to ascertain the facts.

(c) The mill is working with more than half its strength. The immediate cause of the strike was intensive agitation on the part of certain persons but a series of twelve demands were formulated shortly before the strike: the bulk of these related to questions affecting remuneration.

(d) This is a matter for the Chief Commissioner who has kept in close touch with both parties through the Superintendent of Industries.

(e) The Chief Commissioner has afforded police protection since 14th February to those who wished to work.

Prof. N. G. Ranga: Is it not a fact that in spite of the fact that the strike has been going on for the last one month, both the United Press and the Associated Press have been gagged and prevented from publishing the news of the strike or the sufferings of these people whenever any reports were made to them?

Mr. A. G. Clow: Not by the Government of India. I can only suggest, as I suggested to my Honourable friend, Mr. Sri Prakasa, that the Honourable Member is in a better position to ascertain the facts.

Prof. N. G. Ranga: Then, why is it that the Government have not so far used their good offices to bring about a settlement between these two contending parties in the strike although the strike has been going on for the last one month?

Mr. A. G. Clow: I would refer the Honourable Member to the answer I gave to part (d) of the question.

Mr. Mohan Lal Saksena: Has the attention of the Honourable Member been drawn to the recommendations of the Bombay Textile Committee regarding the wages?

Mr. A. G. Clow: I fail to see the connection between that and the present question.

Mr. N. M. Joshi: May I ask whether the Government of India will make inquiries as regards the prevailing rates of wages in Delhi?

Mr. A. G. Clow: No, Sir, I see no need for it: besides, that question hardly arises out of this.

Bhai Parma Nand: Is it not a fact that most of the workers have gone back to the Mills except a few people who are bent on mischief?

Mr. A. G. Clow: I said in reply to part (c) that the mill, I understand, is working with more than half the strength.

Mr. T. S. Avinashilingam Chettiar: Has any of the parties concerned made representation to the Government of India to take action under the Trades Disputes Act?

Mr. A. G. Clow: No formal application was received. A suggestion was, I think, received but the matter is not one for the Governor-General in Council.

Dr. Sir Ziauddin Ahmad: In connection with the supplementary question asked by Prof. Ranga in which he said that the local papers only published the view point of the employers and not that of the labourers, will the Government take steps to see that the labourers' view point is properly published?

Mr. A. G. Clow: I am not aware that the local papers have published the view points of either party.

Mr. K. Santhanam: May I know whether in view of the fact that the news agency is subsidised by the Government of India, they are not bound to supply information about such public matters to the Government of India?

Mr. A. G. Clow: Obviously news agencies must exercise discretion as to what matters are likely to interest their readers.

Mr. K. Santhanam: Have they been supplying any information on this point?

Mr. A. G. Olow: The news agencies supply to the newspapers and not to me.

Mr. K. Santhanam: Do not the Government of India get copies of the news supplied to newspapers?

Mr. A. G. Olow: I do not see the news agencies' reports.

Mr. N. V. Gadgil: In the interest of industrial peace in this country will the Government take steps to bring about a settlement between the parties concerned?

Mr. A. G. Olow: I would refer the Honourable Member to the reply I gave to part (d).

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

Mr. Sri Prakasa: Is it a fact that there have been *lathi* charges?

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

UNSTARRED QUESTION AND ANSWER.

ACQUISITION OF LAND AND PROPERTY IN CONNECTION WITH THE OLD DELHI CITY IMPROVEMENT.

43. **Khan Sahib Nawab Siddique Ali Khan:** Will the Education Secretary please state whether it is a fact that under the Land Acquisition Act Government can acquire only such land or property as is necessary for a public purpose? If so, do Government propose to allay the fears of the public regarding the wholesale acquisition of land and property in connection with the Old Delhi City Improvement?

Sir Girja Shankar Bajpai: Enquiries have been made, and a reply will be furnished to the House in due course.

STATEMENTS LAID ON THE TABLE.

Information promised in reply to starred question No. 820, asked by Mr. Mohan Lal Saksena on the 27th September, 1937.

GOVERNMENT ADVERTISEMENTS GIVEN TO NEWSPAPERS.

(a) Rs. 53,889/12/-.

(b) The names of the newspapers are given in the annexure to this reply.

(c) The circulation of most newspapers in India is known only to their proprietors. It is believed that about 30 of the newspapers named have a circulation of over 5,000.

(d) In default of accurate information it is not possible to say which newspaper has the lowest circulation. Three newspapers named are believed to have a circulation of about 500 and the payment of these newspapers amounted to Rs. 942/12/-, Rs. 24/- and Rs. 30/-.

ANNEXURE.

The Hindustan Times, Delhi.
 The Hitavada, Nagpur.
 The Eastern Times, Lahore.
 The Civil and Military Gazette, Lahore.
 The Leader, Allahabad.
 The Khyber Mail, Peshawar.
 The Hindu, Madras.
 The Statesman, Calcutta.
 The Star of India, Calcutta.
 The Pioneer, Lucknow.
 The Times of India, Bombay.
 The Madras Mail, Madras.
 The Indian Nation, Patna.
 The Bombay Chronicle, Bombay.
 The Daily Gazette, Karachi.
 The Amrita Bazaar Patrika, Calcutta.
 The Rangoon Gazette, Rangoon.
 The Indian Medical Record, Calcutta.
 The Tribune, Lahore.
 The Indian Medical Gazette, Calcutta.
 The Journal of the Indian Medical Association, Calcutta.
 The National Call, Delhi.
 The Sunday Standard, Bombay.
 The Times of Assam, Dibrugarh.
 The Statesman, New Delhi.
 The Daily News, Nagpur.
 The Justice, Madras.
 The Sind Observer, Karachi.
 The Rangoon Times, Rangoon.
 The Indian Social Reformer, Bombay.
 Sree Venkateswar Samachar, Bombay.
 Dhyani Prakash, Poona.
 Bombay Samachar, Bombay.
 Sumyukta Karnatak, Belgaum.
 Vividha Vritta, Bombay.
 The Swadesh Mitram, Madras.
 The Andhra Patrika, Madras.
 The Manorama, Calicut.
 Kanteerava, Mangalore.
 Musalman, Calcutta.
 The Whip, Calcutta.
 Ananda Bazar Patrika, Calcutta.
 Basumati, Calcutta.
 Viswamitra, Calcutta.
 Asrejadid, Calcutta.
 Indian Finance, Calcutta.
 Indian Monthly Magazine, Calcutta.
 The Advance, Calcutta.

Lakmanya, Calcutta.
 Janasakti, Sylhet town.
 Jugaberi, Sylhet town.
 The Searchlight, Patna.
 Hitaishi, Arrah.
 The Nabasakti, Patna.
 The Ittihad, Patna.
 Bharat, Allahabad.
 Pratap, Cawnpore.
 Aj, Benares.
 Sarfaraz, Lucknow.
 Hamdam, Lucknow.
 Abhyudaya, Allahabad.
 United India and Indian States, Delhi.
 The Arjun, Delhi.
 The Tej, Delhi.
 The Watan, Delhi.
 Swarajja, Khandwa (C. P.).
 Hindustan, Delhi.
 The Navyug, Delhi.
 The Millat, Delhi.
 The Pilot, Amritsar.
 The Khalsa Review, Lahore.
 Biswabandhu, Lahore.
 The Inqilab, Lahore.
 The Milap, Lahore.
 Pratap, Lahore.
 Virbharat, Lahore.
 Khalsa Sewak, Amritsar.
 Sarhad, Peshawar City.
 The Frontier Advocate, Peshawar City (Weekly).
 The Hindu, Karachi.

Information promised in reply to part (b) of starred question No. 64, asked by Sardar Mangal Singh on the 1st February, 1938.

INDIAN SUGAR EXPORTED TO BURMA.

The quantity of Indian sugar exported to Burma during the last quarter of 1937 was 6,189 tons.

Information promised in reply to unstarred question No. 15, asked by Prof. N. G. Ranga on the 3rd February, 1938.

WITHDRAWAL OF RECOGNITION OF THE GREAT INDIAN PENINSULA RAILWAY WORKERS' UNION.

(a) On the 3rd October, 1932.

(b) A number of times.

(c) Government understand that the Agent, Great Indian Peninsula Railway, decided last on the 4th March, 1937, not to restore recognition to the Union on the grounds that the Union had not complied with certain conditions set out by him for its recognition.

(d) Yes.

(e) The Honourable Member is referred to the reply given to starred question No. 978, asked by Mr. S. Satyamurti, in this House on the 6th March, 1936.

Information promised in reply to unstarred question No. 24, asked by Mr. Brojendra Narayan Chaudhury on the 9th February, 1938.

EXPORT QUOTAS OF TEA ALLOTTED TO INDIA.

A statement giving the information promised in reply to unstarred question No. 24 by Mr. Brojendra Narayan Chaudhury on the 9th February, 1938, in so far as it is available, is laid on the table.

Statement.

Season.	Total allotment of Indian overseas export quota (under International Tea Agreement.)	Total allotment of export quota to estates which did not produce any tea.	Percentage Column 3 bears to Column 2.	Total allotment of export quota to estates which did not produce tea to full extent of export quota granted.	Percentage of export quota by which they fall short in relation to Column 2.
1	2	3	4	5	6
	lbs.	lbs.		lbs.	
1936-37	308,930,902	3,796,615*	1.22	11,923,374*	1.18
1937-38	328,526,133	†	†	†	†

* Export Quota and production figures in respect of small growers are not included in the above statement as the latter are not available.

† It is not possible to furnish this information, as the production of estates is not yet known and will not be known for sometime.

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

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

"That this Assembly do proceed to elect, in such manner as may be approved by the Honourable the President, a member to represent this House on the Council of the Indian Institute of Science, Bangalore, for the period 1938-40 (both years inclusive) in pursuance of the provisions of Clause 11 (Secondly) of the Scheme for the Administration and Management of the Properties and Funds of the Institute, which was published in the Gazette of India with the Notification of the Department of Education, Health and Lands, No. F. 53-1/37, dated the 2nd December, 1937."

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

"That this Assembly do proceed to elect, in such manner as may be approved by the Honourable the President, a member to represent this House on the Council of the Indian Institute of Science, Bangalore, for the period 1938-40 (both years inclusive) in pursuance of the provisions of Clause 11 (Secondly) of the Scheme for the Administration and Management of the Properties and Funds of the Institute, which was published in the Gazette of India with the Notification of the Department of Education, Health and Lands, No. F. 53-1/37, dated the 2nd December, 1937."

Mr. M. Ananthasayanam Ayyangar (Madras ceded Districts and Chittoor: Non-Muhammadan Rural): Sir, I rise to oppose this motion. All is not well with this Department of the Government of India. The one man, who has really contributed to the growth of that Institute and who has laboured hard to put India on scientific map of the world, is sought to be removed not only from Bangalore but from the shores of India itself. All kinds of restrictions are being placed and the Government of India are looking on silently, as if helplessly. Far from trying to discourage these persons who are trying to keep this eminent scientist out without allowing him to get on with his business, the Government of India are keeping silent. Any number of restrictions and impediments are being placed in the way of Sir C. V. Raman. I am sorry to say that the Government of India instead of discouraging such tactics are encouraging them. Sir, with respect to the appointment of Rao Bahadur Venkatesachar we tabled a number of questions and even this day a question was put regarding his qualifications. The Honourable Secretary to the Department of Education, Health and Lands dexterously avoided answering the question with regard to his qualifications. The Honourable Member ought to have stated to the House plainly whether this Rao Bahadur Venkatesachar possesses any Doctorate degree. The Honourable Member has burked that issue and complacently says that the period of directorship of this Venkatesachar is only temporary. I submit the Honourable Member must have given a straightforward answer to that question. As the House is aware, there is no dearth of qualified Doctors in this country, and surely men much better qualified than this Venkatesachar could be found to fill the post of Director of the Institute though temporarily. This gentleman is making things very bad for Sir C. V. Raman to get on in the Institute. It is said that at one of the meetings of the Council of the Institute this gentleman, Rao Bahadur Venkatesachar, was induced to vote against Sir C. V. Raman's continuance as Director and the price for his vote was that he should be appointed in the temporary vacancy. This allegation has not been denied on the part of the Government.

Sir, another question has been put this morning by my Honourable friend, Mr. Mudaliar, to which there has been no square answer. The Government evade the issue by simply saying that it is not the duty of the Government to get into the details of the working of the administration because it is not directly a department of the Government of India. The serious charge that is levelled against that Committee is that they are seeking to remove the Physics Laboratory, which has been built up by the able energies of Sir C. V. Raman, from its present site and it is sought to be shifted to the workshop or near the cattle shed. Is it not necessary that Sir C. V. Raman should be allowed to continue as Physics Professor and that he should be given proper facilities for conducting his research work. The Government of India are contributing a large sum of money

to this Institute. Is it not the duty of the Government to give a proper and square answer to questions put on the floor of the House regarding the working of the Institute. Has the Honourable Member in charge of this Department taken care to write to the Committee at Bangalore to find out if the allegations are true. It is not right for the Honourable Member to take shelter under the plea that it is an absolutely administrative matter in which the Government could not interfere. Is it the intention of Government to allow Sir C. V. Raman to remain in the Institute and if so, should he not be given proper facilities to carry on his research work in proper surroundings? I charge the Government with gross neglect of duty in not looking into the affairs of the Institute and in not warning the Committee to behave better.

The next point that I wish to raise is about the Irvine report. The report no doubt has been published. What is the action which the Government have taken? What are the recommendations which the Government have approved and what they have not approved? The Honourable Members of the Assembly are kept absolutely in the dark as to the recommendations which have been approved by the Government and those which have been disapproved. Sir, the few instances that I have given to the House are enough to show that the Government of India have not been dealing squarely and properly with this Committee. Therefore, I feel that any further representation from this Assembly on that Committee as contemplated in this Resolution will be an utter waste, and the Member who is elected to that Committee will be merely a figure head and the money that is contributed to that Committee will be a sheer waste. I, therefore, wholeheartedly oppose this Resolution.

Mr. C. N. Muthuranga Mudaliar (South Arcot *cum* Chingleput: Non-Muhammadian Rural): Sir, in supporting my friend, Mr. Ayyangar, I have no wish to oppose the election of a Member of this Assembly to the Bangalore Institute. The Institute at Bangalore is primarily meant to advance scientific research in this country. The one man that is of any importance in the scientific world is Sir C. V. Raman; the other so-called Professors are not fit to be called Professors. Many of them who are in the Institute do not know what research is. Those men are fit to be called only lecturers or tutors and these people are raised to the eminence of Professorship. The Government of India are voting away every year 1½ lakhs to this Institute and yet the Honourable Member in charge of the Department of Education, Health and Lands says that it is none of our concern to look into the affairs of this Institute. No doubt this Institute is being administered by a Council. Let us see how this Council functions. The object of this Council primarily was to get rid of Sir C. V. Raman altogether from the Institute, and as my Honourable friend, Mr. Ayyangar, has said, from the shores of India altogether. I have been taking some interest in this Institute. Last year, I tabled a number of questions and I was given the same kind of answers that were given today on the floor of the House. The Council of the Institute, perhaps on the intervention of this Government and of the Government of Mysore, prevailed upon Sir C. V. Raman to remain as a Professor at the Institute, though he was asked to resign the post of Directorship. Here I am not concerned with the personnel. I am not here to support Sir C. V. Raman or deprecate the other professors remaining there. My concern is to place

[Mr. C. N. Muthuranga Mudaliar.]

the Institute on a sound footing and on a footing equal to that of the other Research Institutes in the scientific world. The Council is now interested in getting rid of Sir C. V. Raman altogether from the Institute. They are now asking him to remove his Physics Laboratory to the workshop, a most insignificant place where no research could be carried on. The removal of the Physics Laboratory to a different place would mean a cost of Rs. 6,000 to the tax-payer and yet the Council of the Institute proposes to remove the Laboratory simply to drive Sir C. V. Raman away from the scene of his activities. That is the position.

Now, a word about the Chemistry department. This department is in charge of one Mr. Subramaniam. He has till now been a lecturer and he is now sought to be raised to the position of a Professor. The Council of the Institute has referred his papers to two eminent Scientific Professors in the West, one of them being Sir John Russell under whom Mr. Subramaniam worked as a student. Even Sir John Russell has not had a good word to say of this man. The other Professor Sir Gowland Hopkins, Professor of Biochemistry in the Cambridge University and Nobel Prize winner to whom his papers were sent for scrutiny declared his work crude, trivial and diffuse, not Biochemical and that it was regrettable that the Professor did not represent Biochemistry. He also recommended that he should not be made a Professor. This is the opinion of two eminent scientists about this Chemistry Professor. Yet the Council of the Institute has appointed him on probation for four years, two of which have to be spent in a foreign country; while Dr. Fowler a member of the governing council is appointed to act in his absence. This gentleman has already spent a number of years in a foreign country and he has been doing service in the Institute for the past eight years; and if he is still not fit to be a professor, I do not know how his sojourn in a foreign country for two more years will make him fit for a professorship. That is how matters have been going on there; and there are other professors whose papers have not even been referred to any expert or referee, and yet they are confirmed in their position. That is the state of things in the Bangalore Institute now, an Institute which was started with the best of intentions, with the view that India should be in line with other countries in the matter of scientific researches. For the last three years this Assembly has been sending Dr. Deshmukh as our representative, and now he tells me that he is fed up with that Institute, that there is nothing doing there and that he is not going there again. In these circumstances which Member on this side of the House will agree to go there and sit there as a dummy? The Government of India must take more interest and they must place the Institute on a firm foundation as a first class research institute. Then alone will any committee be of any use; otherwise, the Government of India must refuse to make any grant to the Institute. It is not a small sum that is given; it is an enormous amount that is being voted away every year. I have been taking great interest in this Institute and have been asking questions, but I have not had any satisfactory answers so far, and many questions that I asked were not answered because it was said that they were not of public interest, and many a question tabled by me has been disallowed on the score that it was not a matter of public concern. Sir, I oppose this motion.

Dr. Sir Ziauddin Ahmad (United Provinces Southern Divisions: Muhammadan Rural): Sir, it is neither desirable nor is it fair to discuss

on the floor of the House the qualifications of individual professors in this Institute. We require an expert knowledge to do that and I think very few of us can profess to have that expert knowledge in any of those branches represented by the Indian Institute of Science. The point before us simply is that as the Government of India contribute a substantial amount to this Institute, whether we should also be authorised to have some representation on the Institute. My Honourable friend's proposal simply is that the managing committee of that Institute should have a representative of this House in order to watch over the interests of the Indian tax-payer. That is the substance of this Resolution. I have served on previous occasions on this committee, and I know from my own personal experience that the Education Secretary of the Government of India supported Sir C. V. Raman to an extent which I thought was rather unfair. I know they do support him and there cannot be any excuse for being in any way unfair to the administration of the Bangalore Institute. Sir, I support the motion.

Mr. K. Santhanam (Tanjore *cum* Trichinopoly: Non-Muhammadan Rural): Sir, I do not wish to take much time of the House but I should like to add two or three things to what has been already said by other speakers. As Dr. Ziauddin has pointed out, it may not be quite fair to discuss individual merits; but it is necessary for this House to be assured that the atmosphere of the Institute is favourable for research work being done. Otherwise, there is no meaning in our being represented there and there is no meaning in this House making any grants. At present there is no such atmosphere there. For instance, the students have been actively encouraged for the last so many years to take part in these factions among the professors. They have been carrying tales from one professor to another; they take sides, some with one professor and some with another, I am not concerned as to which party was at fault; but as a matter of fact the students have been encouraged to desert their proper sphere of work to take part in this faction-mongering. Again, all sorts of obstructions are set up in the way of this research work. I hear that in the recruitment of assistants many difficulties are being placed in the way of Sir C. V. Raman, even in this own Physics Department. It may be due to his fault or to somebody else's fault. But the point I want to bring out is that today the atmosphere is not favourable for research work, and until the Government of India can give us an assurance that some active steps will be taken to restore the proper atmosphere for research work, I suggest that we ought not to send up any representative there.

Dr. G. V. Deshmukh (Bombay City: Non-Muhammadan Urban): Sir, I must reluctantly take part in this debate, knowing both sides of the question as I do. To begin with, I will frankly admit that so far as the Bangalore Institute is concerned, it is not in a good state. Ever since I was sent there by this House I have found that affairs there are not as they should be. (*An Honourable Member*: "Rotten.") I did not like to use that word, but I have no hesitation in agreeing that they are rotten to the core. I also think that the Honourable Member in charge of the Department of Education, Health and Lands might have answered the questions which were put to him by this side of the House, for this reason that it is not a personal question. It is a question of public importance. After all, the representative whom you send from here is not sent by one Party or the other, although he may be put up by a certain Party, but the

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whole House sends that representative. Secondly, the grant which is given to this Bangalore Institute is from the public revenues, and as such this House representing the public of this country has a right to know how the affairs of that Institute are being conducted. Therefore, I entirely agree with my colleagues here when they strongly resent the answers which were given by the Department of Education, Health and Lands and their not giving the proper reports on the plea that they were confidential or that they could not be placed before the House. I think no harm will be done by having as full a publicity as is possible. I go a step further and say that if full publicity had been given to the affairs of this Institute right from the beginning we would not have found ourselves in the position in which we find ourselves today.

Now, what is the position? The motion moved by the Honourable Member is to send a representative. I am strongly of the opinion that a representative should be sent. I do not think my Honourable friend, Mr. Ayyangar, and the other friends who have spoken on this subject can honestly and sincerely believe that no representative should be sent. I take it that it was an expression of resentment that they felt at the attempt that was being made to hide everything and carry on behind the *purdah*. What would have been lost by publishing the Irvine Committee's report? I have seen that report and although I do not entirely agree with every suggestion made in it, I still think that the suggestions made were very valuable. I am not going into the details. . . .

Sir Girja Shankar Bajpai: Sir, I may just point out to the Honourable Member that the Irvine Committee's report was published in November, 1936.

Dr. G. V. Deshmukh: Granting that it was published there was no reason for the Honourable Member to tell this House that Sir C. V. Raman's views were confidential. After all if it was a public report, as the Honourable Member maintains now, then surely the views which were given on that report by the Director of this Institute might as well have been published, unless there was some technical ground that he was actually a servant of the Institute or a Director of the Institute. But I

12 Noon. say, this Institute being a public institution and of very great national importance, there is no reason why everything that is connected with that Institute should not be made public. Now, Sir I take it that the Irvine Committee's report went thoroughly into the administration of the Institute and certainly suggested some main reforms which were absolutely necessary for its welfare. Sir, in spite of the greatness of Sir C. V. Raman—I am second to none in my admiration of him—from the experience I gained of the working of the Institute, I could easily say that the combination of administrative and research duties which were devolved on Sir C. V. Raman—which was possibly on account of his own attempts or which was possibly due to circumstances—were too great for any human being. As your representative I had occasion to represent to Sir C. V. Raman and the Committee itself: I suggested to Sir C. V. Raman,—I could not understand how research mentality and administrative mentality could go together,—that the administrative duties should be separated from research work, so that he, as a distinguished research

scientist, would be able to give his whole heart and time to research and not allow his time to be wasted on petty administrative duties. Well, Sir, unfortunately due to circumstances, Sir C. V. Raman was not agreeable to it and preferred administration.

I feel I should be failing in my duty if I do not tell the House the exact state of affairs. To my very great regret Sir C. V. Raman's tendency was to stick more to the administrative duties and neglect research duties. I cannot understand how both the duties can be fulfilled. Another thing was Sir C. V. Raman is a very distinguished person in his own line, I may call him an expert, and experts, whether they are Government of India experts or experts anywhere else, have a tendency to appropriate everything to themselves, thinking that nobody else in the world knows anything. The experience of this House is well known with regard to experts: when we on this side of the House bring forward anything which is good, practical and according to good common sense we usually find the so-called official experts turn it down and Government take their strength on the report of experts. Well, Sir, Sir C. V. Raman is no exception to this theory of experts. He has the same mentality of all experts, and thought that whatever suggestions were made by the Governing Body were not as they should be; and it is this expert mentality that is responsible for the mess in which the Institute finds itself today. A good deal has been made about the physics laboratory being turned out from its present position. Again, like experts, Sir C. V. Raman, when he went to this Institute, thought that the whole of research was concentrated on the physics side, and, therefore, whether it was money, or whether it was apparatus, or whether it was building, it was given only to physics and physics alone, and many other departments of the Institute were absolutely neglected—neglected to the extent of depriving them of even their apparatus. If at the present time when the two departments have been separated, the other people are trying to put the physics department in its proper position—by proper position I mean that the Institute of Science should not consist of physics only and other subsidiary branches, but that all the branches should be of equal importance—I do not see how we can grumble. For instance, a subject like organic chemistry was entirely neglected.

After all it cannot be denied that this Institute is being run at the expense of the nation. Tatas gave a princely donation, and Government are giving a handsome contribution every year. It cannot be thought that this Institute should not have national importance. I know that many commercial bodies and many practical scientists made applications to this Institute in the régime of Sir C. V. Raman asking for some kind of help for industry or in the carrying on of research which could be made applicable to the practical problems of the country. The scientist took up a very exalted attitude and answered that it was entirely for pure science and that they could not be bothered with little things. Now an attitude such as that was very unreasonable, and I hope that in future this attitude will be safeguarded against. All said and done, the benefits of pure science would not have been made available today had it not been made applicable to the problems of every day, and therefore, whenever in future this Institute is called upon to help in the solution of the problems of the nation—industrial or commercial—it should be the duty of the Institute to help in their solution. In that régime the physics

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branch occupied a central position, and if it is put back in its proper position, I do not see why we should have any cause to complain. The workshop was brought from a building outside right in the central position, and even the main building was utilised for physics. An important subject like organic chemistry was entirely neglected, and neglected to the extent that we did not even have a professor of organic chemistry for the last three or four years, and education in organic chemistry was left to assistants. Now, surely everybody knows that organic chemistry forms a very important part of research work, especially if you look at it from the point of view of national problems, and to my mind it was amazing that an important subject like organic chemistry and even inorganic chemistry had been neglected.

An Honourable Member: Was it there before Sir C. V. Raman?

Dr. G. V. Deshmukh: I am not blaming only Sir C. V. Raman. I found that the whole research work in that Institute was being carried on on very wrong lines. I saw one of the professors engaged in carrying on research work with a monoplane: he was all the while trying to rise up in the air in a small aeroplane: he was also very highly paid.

An Honourable Member: Is he still alive?

Dr. G. V. Deshmukh: I think he is still at the same place. I could not see public money being wasted on researches like this. Many of the professors and Sir C. V. Raman were not getting on on good terms with one another: there was absolutely no co-operation, I may go still further and say there was no co-ordination, there was quarrel and wrangle, each went his own way, and it seems they waste their own time and waste the money of the public. At the same time when persons like Sir M. Visweswaraya and others ask for certain problems to be solved, the answer that is given is—this is for pure science, and for nothing else. We had an electric department in that Institute. I hope the House will not mind my going into details because, Sir, my intention is not to condemn the Institute. It is in that spirit that I want to put all the matters before this House. Otherwise, I would not have taken part in these deliberations. I say that in spite of these princely donations of Tatas and in spite of the money that is spent on this institution, this institution has not produced anything worth the while in all the years that it has been in existence in this country. To begin with I am not going into the details as I have nothing to say against Sir C. V. Raman: we had European directors, three or four of them before Sir C. V. Raman and they did not do anything worth the name. All that they did was to be there for a certain number of years, draw their pay—and I make this statement deliberately here—and no research worth the name was conducted in this institution; and it is from that point of view that I want to draw the attention of this House and tell them "Please do not allow this kind of thing to continue in future. You must keep a more vigilant eye on this institution, not only to see that the institution serves its purpose but will be of great importance to India at large and it is capable of doing it."

To give the House a very small instance, there was opened an electrical department in this institution, and this department was of very great use: it might have been of very great use from the abstract point of view of science, but from the practical point of view it was of very great use and it

was training men who were brilliant men in the electrical line and they were finding employment all over the country. Yet in the last three or four years this department was narrowed and it almost came to disappearing point. This is the kind of thing which I think this House should not allow and, therefore, we must keep a more vigilant eye so as to see that this Institution is doing something worth its name, and that it carries out the project of the first donor who gave his money and also the project for which we are spending such large amounts of money. I pointed out to the professors who were there "This is all very well for you to talk about pure and abstract science, but you will not be working merely for pure and abstract science unless you get your pay every month. This Institution is for helping towards nation-building and increasing the resources of the nation and the wealth of the nation, as well as increasing research work and science. Otherwise this is merely a decoration to the country and it is certainly not serving any useful purpose". If you have one or two men coming from this Institution and they have certain opportunities and make an international reputation, in my opinion it does not satisfy the main or important intention of national institution like this, because that man or men would produce these researches anywhere. In my opinion research work is not necessarily conducted in highly equipped laboratories and in places on the hill tops. Research work when it comes, comes as an inspiration from within: it will often-times come in a small laboratory; and all this idea of having research places at Kasauli and Dehra Dun in cold climates and hill tops is, I think from the research point of view, all nonsense. If you were to look at the research that has been done in this world, whether it is by Lister, whether it is by Pasteur and other research men, you will find that they worked in small and crowded places, in dirty and dingy atmosphere, and that is where the real research work was done

Mr. President (The Honourable Sir Abdur Rahim): I think the Honourable Member is somewhat going away from the subject matter of the motion.

Dr. G. V. Deshmukh: It has a bearing on this point for this reason that I want to urge that this House should not concentrate on the so-called research work but that this institution should be utilised in future for the practical needs of the country. That is the relevance of the point and, therefore, what I say is this: do not have an eye only on the so-called abstract research work, but see to it that this institution also fulfils its promise of helping the nation, and I think from that point of view this motion of Sir Girja Shankar Bajpai of appointing a member from this House should not be opposed. If anything, let our vigilance be greater and now that my friend, Mr. Ananthasayanam Ayyangar, knows the exact position I hope that he will not persist in opposing this motion in appointing a member from this House.

Mr. M. S. Aney (Berar: Non-Muhammadan): Sir, the peculiar turn which the debate has taken in the speeches made by my two esteemed friends on the Congress Benches at the beginning has compelled me to make a few observations. Nobody in this country could be more proud of the achievements of an eminent scientist like Sir C. V. Raman than my humble self. If there are any two scientists in India who have done anything to secure an honoured place for India in the world of science,

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they are the late Sir J. C. Bose and Sir C. V. Raman, and therefore anything said about them on the floor of this House must be said with great caution and with a due sense of responsibility; and, therefore, I am sorry to see that there should have been a debate in which the name of Sir C. V. Raman should have been dragged at all in connection particularly with the present motion. What were the facts which compelled Sir C. V. Raman to sever his connection with the directorate are matters still not sufficiently known to us, and anyhow I do not think it will be profitable to carry on any discussion on that point on the floor of this House. Whatever may be the reasons our respect for that great man will remain unshaken and undiminished; but it is a pity that circumstances should have been of such a nature that it was impossible for him to maintain his connection with the directorate of an institution of that nature.

Having said so much, I was unable to understand the attitude taken up by some of my honourable friends on the Congress Benches with regard to the Resolution itself. Supposing that there was something wrong done by the committee itself in its attitude towards Sir C. V. Raman, how does it justify that we should have no committee at all or that we should not send our representative on that committee from this House? If anything, as my Honourable friend, Dr. Deshmukh, has put it, there is greater need of vigilance on the part of this House and that vigilance can be exercised only by sending our proper representative to work on that committee. If the Honourable Member had stated that instead of the one member we are now sending, we should send two it would be understandable; but to say that we do not wish to send any one is to take an attitude of peevishness which will lead us nowhere. I, therefore, think that so far as this resolution is concerned there should be no reason for the Members of this House to vote it down, but they should proceed to elect one member to represent this House on the Committee. We are sanctioning a lot of money every year and it is our duty to our constituencies and to the Indian taxpayer to see how that money is being spent and further whether the objects with which that institute has been started and the objects with which this House has agreed to make substantial contributions every year are being carried out or not; and the only manner in which we can discharge that duty is by sending our representative from this House to see that that is done. I, therefore, think that instead of carrying on any further discussion on the undesirable question about the part of Sir C. V. Raman or the attitude of the committee towards Sir C. V. Raman, let us look at the question from the business point of view and allow this motion to be passed by the House.

Mr. Bulabhai J. Desai (Bombay Northern Division: Non-Muhammadan Rural): Sir, I would not have intervened in this matter but for the fact that certain questions of a personal nature have been introduced into the debate. However, I am able to say this much, standing detached from the points which have been discussed, that eminence in science and administrative ability may easily differ. It may not coincide in the same individual, and if we reconcile ourselves to this that while we wish to maintain the scientists in their proper position for the purpose of adding to our knowledge and incidentally to that of the world, we must not also in our zeal for good administrators entirely keep down the progress, even theoretical progress, of science, and I hope the Government of India will reconcile these two matters by keeping this House better informed, by

taking it into better confidence, so that on the one hand the object which Dr. Deshmukh has in view and with which I associate myself may be achieved, and the personal element to a certain extent for which there is a certain amount of sensitive regard may also be respected in a manner without violating the necessity and the value of managing the Institute. I hope the House will carry this Resolution. Sometimes it does happen that there is a stronger reaction to one point of view rather than to another, but that need not take us away from the main issue, namely, that if we are paying a part of our revenues, we should have a representative who would, according to the opinions expressed in this House, carry out the duties to the best of his abilities.

Sir Girja Shankar Bajpai: Sir, even though the debate started with an expression of resentment,—and I hope to show that it was somewhat unjustified,—at what I said in reply to certain questions asked this morning, I venture to suggest that it has served a very useful purpose, because it has enabled the representative of this House on the Council of the Institute for the last three years to explain the inner workings of the Institute personally and otherwise in a manner which, from the very restraint of responsibility, I should not have been able to do.

I shall deal first with the suggestion that the Government of India wishes in any way, in any particular, to withhold from this House information on questions of importance. If you will remember, Sir, in the course of the last year, I think I am not exaggerating, if I have answered one question I have answered forty questions relating to the affairs of the Institute of Science at Bangalore. And this morning, Sir, when questions were asked regarding the acting Principal, I gave the answer that he was only acting, and, therefore, it was not necessary to insist in his case on his having the same high scientific qualifications as would be expected in the case of the permanent incumbent of the post. When the question was asked as to what was happening to the Physics Laboratory in relation to the workshop, I ventured to say that this was a matter of detail which really ought to be put to the administrators of the Institute, namely, the Council of the Institute, because the House itself has invariably been very jealous of the autonomy of the other bodies which are in receipt of grants-in-aid from the Government of India. For instance, the University of Benares and the University of Aligarh are in receipt of substantial grants-in-aid from this House. But the House has never suggested that we should discuss here the position of a particular laboratory either in Aligarh or in Benares. I was really concerned to safeguard more the autonomy of a body on which this House has been represented and is going to be represented hereafter,—I was, Sir, much more concerned to safeguard that autonomy than to withhold from the House any information to which they are entitled. If I caused any resentment on account of what Honourable Members considered to be an attitude of undue secrecy on my part, I can give them the assurance that, with regard to all questions which are legitimately the concern of the Central Government and the House, any question that may be asked here will be answered with the fullness that the dignity of this House and its responsibility merit.

Now, Sir, I go on to the next question. My friend, Dr. Deshmukh, said that the Government of India has been keeping the recommendations of the Irvine Committee and the documents connected with that Committee's Report in purdah. As I intervened to point out to him, the

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Government of India published the report of the Irvine Committee, together with the resolution of the Council, passed at a meeting which my friend, Dr. Deshmukh, attended, as long ago as November, 1937. My friend asked; why was it that the report of the Government of Mysore, and even more, the observations of the Director of the Institute, Sir C. Venkataraman, were not published at the time. I have answered that question before in reply to interpellations in this House, but in order to clarify the position I shall do so again. My friend, Dr. Deshmukh, himself provided the reply. He said what has prevailed at the Institute is a spirit of quarrel and wrangle. I do not think I am giving away any secret when I say that in the main document which the Government of India have withheld from the press what prevailed and what pervaded was a spirit of quarrel and wrangle. The Government of India were anxious in the Persian phrase—to say:

Guzashtá rá salwát, ayendá rá ihtiyát.

That was what we were after, to obliterate what has happened in the past, to forget the memory of the past, and to work for peace and for the efficiency of the Institute in the future. If for that purpose the Government of India withheld the controversial documents from publicity, I do not think that they did anything for which they ought to be condemned. And, if I may say so, the decisions of the Government of India had the approval of the Council, which is the governing body of the Institute. My friend, Dr. Deshmukh, I hope, will go back to the Council of the Institute, but if he does not, and some other Member of the House goes there, and the Council of the Institute, in their wisdom, decide that these controversial documents should be released, the Government of India will have no objection to publish these documents at all. Only I think it would be fair to the House to give them this warning that, if documents, controversial in their content and tone, are published a year and half after the reorganization recommended by the Irvine Committee was undertaken, they are not likely to conduce to the restoration to that Institute of the atmosphere of peace and the atmosphere of research which every section of this House desires.

Then, Sir, we were told that the Government of India were in league with the Council to get rid of Sir Venkataraman. Well, Sir, I deny that charge absolutely. As a matter of fact, it is not necessary for me to be very emphatic or elaborate in my refutation of the charge, because it was stated, I think, by one of the Members speaking from the other side that it was the Government of India who stepped in to ensure the retention of Sir Venkataraman at the Institute. Everybody knows it, and if they do not know it, they can very well refer to the communique issued by the Council last July. There was an acute controversy between Sir Venkataraman and the Council, and the Council were first disposed to pay a sum of a lakh of rupees to Sir Venkataraman and let him go. It was the Government of India who intervened and said,—here is a scientist of international eminence, there is none to equal him in this country so far as physical research is concerned, and it is desirable for the Institute that Sir Venkataraman should be given an opportunity of staying on in the Institute. Having played that part in so far as the retention of Sir Venkataraman is concerned, I do not think it is right for the Government of India to sit under the suggestion that they have been in conspiracy with

anybody in getting rid of Sir Venkataraman. My friend, Dr. Deshmukh, has been frank, and I think this is an occasion when the Government of India also ought to be frank. Scientists have very remarkable qualities, but they have also certain qualities which make them unfit when dealing with their fellow beings; in other words, they have certain temperamental defects, and I think that if Sir Venkataraman had shown the forbearance to others which he himself expected from them, things, would have shaped differently. I do not think that it is necessary for me to pursue this question further.

I should, before I conclude, like to refer to an observation which fell from the Honourable the Leader of the Opposition. What he said was that the Government of India should endeavour to maintain the balance between applied research and pure research. Sir, the modification made in the statement of the purpose of the Institute makes that perfectly clear and it is the intention of the Government of India, to the extent that they have any control over the affairs of the Institute to ensure that every research worker in that Institute has a fair field. And if Sir Venkataraman, whose eminence I think I have already recognised, would only decide to work in peace and harmony with his colleagues at the Institute, I have no doubt that he would not only retain the distinguished laurels that he has won before but bring fresh fame and credit to himself and to the Institute to which he belongs. Sir, I have nothing more to say.

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

"That this Assembly do proceed to elect, in such manner as may be approved by the Honourable the President, a member to represent this House on the Council of the Indian Institute of Science, Bangalore, for the period 1938-40 (both years inclusive) in pursuance of the provisions of Clause 11 (Secondly) of the Scheme for the Administration and Management of the Properties and Funds of the Institute, which was published in the Gazette of India with the Notification of the Department of Education, Health and Lands, No. F. 53-1/37, dated the 2nd December, 1937."

The motion was adopted.

ELECTION OF MEMBERS TO THE COURT OF THE DELHI UNIVERSITY.

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

"That the elected members of this Assembly do proceed to elect, in such manner as may be approved by the Honourable the President, four persons from among their own members to be members of the Court of the University of Delhi in pursuance of sub-clause (5) of Statute 2 of the First Statutes of the University set out in the Schedule to the Delhi University Act, 1922 (VIII of 1922)."

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

"That the elected members of this Assembly do proceed to elect, in such manner as may be approved by the Honourable the President, four persons from among their own members to be members of the Court of the University of Delhi in pursuance of sub-clause (5) of Statute 2 of the First Statutes of the University set out in the Schedule to the Delhi University Act, 1922 (VIII of 1922)."

The motion was adopted.

ELECTION OF THE STANDING COMMITTEE FOR ROADS.

The Honourable Sir Thomas Stewart (Member for Railways and Communications): Sir, I move:

"That this Assembly do proceed to the election, in such manner as the Honourable the President may direct, of six members to serve on the Standing Committee for Roads which will be constituted to advise the Governor General in Council in the administration of the Central Road Fund during the financial year 1938-39."

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

"That this Assembly do proceed to the election, in such manner as the Honourable the President may direct, of six members to serve on the Standing Committee for Roads which will be constituted to advise the Governor General in Council in the administration of the Central Road Fund during the financial year 1938-39."

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim): I may inform Honourable Members that for the purpose of election of Members to the Council of the Indian Institute of Science, Bangalore, the Court of the Delhi University and the Standing Committee for Roads the Notice Office will be open to receive nominations upto 12 noon on Tuesday, the 1st March, 1938, and that the elections, if necessary, for the Council of the Indian Institute of Science, Bangalore, and the Court of the Delhi University will be held on Thursday, the 3rd March, while the election for the Standing Committee for Roads will take place on Friday, the 4th March, 1938. The elections, which will be held between the hours of 10-30 A.M. and 1 P.M. on each day appointed for the purpose in the Assistant Secretary's Room in the Council House, New Delhi, will be conducted in accordance with the principle of proportional representation by means of the single transferable vote.

THE INDIAN TEA CONTROL BILL.

Mr. President (The Honourable Sir Abdur Rahim): Legislative business. Consideration of the Bill to provide for the control of the export of tea from, and for the control of the extension of the cultivation of tea in, British India, as reported by the Select Committee. Clause 3.

Mr. Pande, Amendment No. 5.

Mr. Badri Dutt Pande (Rohilkund and Kumaon Divisions: Non-Muhammadian Rural): Sir, I move:

"That after part (vi) of sub-clause (1) (a) of clause 3 of the Bill the following be added:

'(vii) one Indian member to be nominated by Central Government to represent labour in the Tea Estates.'"

This is the third time that I represent the cause of the Northern Indian tea planters. I have already said that there are some 5182 tea planters in Kangra Valley and the area is ten thousand acres. Sir, I move:

Mr. H. Dow (Commerce Secretary): The amendment has none whatever to do with the Kangra Valley.

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

"That after part (vi) of sub-clause (1) (a) of clause 3 of the Bill the following be added:

'(vii) one Indian member to be nominated by Central Government to represent labour in the Tea Estates'."

Professor Ranga: If the Honourable Member goes on shifting his seat, it becomes embarrassing.

Prof. N. G. Ranga (Guntur *cum* Nellore: Non-Muhammadan Rural): Mr. President, I rise to support this amendment, and in doing so I wish to state that there are more than two lakhs of people who are employed by the tea planters in this country.

Mr. N. M. Joshi (Nominated Non-Official): Ten lakhs.

Prof. N. G. Ranga: I hope the Honourable Member in charge of this Bill will give us the total number of people employed by this industry; anyhow it lies, I think, between four and eight lakhs of people. They are very much more anyhow than the total number of planters themselves in this country and it is the vast number of people employed by this industry who are responsible for the prosperity of this industry. Sir, if this Bill is intended to continue the present prosperity of this industry, then it must be due in a very large measure to the co-operation that the planters receive from the labouring population employed on these plantations. It is a well-known fact that the labour employed on Indian tea plantations is the worst exploited in this country. I know for a fact and I hope my friends coming from Assam will bear me out that the Indian Labour employed in the Assam tea plantations do not get their fair deal, especially those employed on the European plantations. They are supposed to be represented in the local Legislature there; but most unfortunately, owing to the peculiar coercive and repressive policy pursued privately by these planters in that area, it has become impossible for outsiders to get into touch with the labour employed on the tea plantations there. Therefore, their opinion and feeling are muzzled by the employers, and the persons elected on behalf of the labour cannot at all be expected to represent their interests truly and faithfully; and I am told that these representatives happen to be Europeans and one can only imagine how their interests can really come to be truly represented on their behalf in the local Legislature if they are not able to elect their representatives without any let or hindrance by the employers themselves. It is these labourers whom I want to be represented on this Tea Control Board. It may be said that it is absolutely irrelevant to try and get these people represented on this Board but this is not so, when one comes to examine the question a little more carefully. After all, this Board is intended to work for the welfare of the whole of this tea industry.

Mr. H. Dow: The Honourable Member is referring to a Tea Control Board; there is nothing about any such Board in this Bill, and I do not know of any such body.

Prof. N. G. Ranga: They call it a Tea Licensing Committee,—a committee which is expected to work for the continued prosperity of this industry. If it is to prosper well and to help to provide profits for the tea planters themselves, then the tea planters must not only provide continued employment for the labourers but also better wages and other conditions for these people. Therefore, it is absolutely in the interest of labour and in the interest of this country that there should be perfect co-operation between the two sections of people employed in this industry if the industry is really to make a peaceful and progressive career.

An Honourable Member: What about Friday prayers?

Mr. President (The Honourable Sir Abdur Rahim): The Chair is perfectly well aware of that. Today being Friday, the House will adjourn till a quarter past two.

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

The Assembly re-assembled after Lunch at a Quarter Past Two of the Clock, Mr. President (The Honourable Sir Abdur Rahim) in the Chair.

Prof. N. G. Ranga: Sir, before the House rose for Lunch I was saying that it is only reasonable that Indian labour employed on these tea plantations should be taken in co-operation and partnership by the planters in bringing about the prosperity of this Indian tea industry. Sir, they want to control the area under tea in different provinces and over the whole of India for the simple purpose of ensuring the prosperity of this industry. It is not only because they have come to some sort of international agreement with some other countries interested in tea that they want to control the area under tea, but also because they want to satisfy themselves that by suitable restriction whenever it is needed and by an adequate expansion whenever it is possible of the area under tea it would be possible for the tea growers in this country to make adequate profits for themselves. But, Sir, when they make these profits, they will have to consider the interests of labour also. Profits can be made in three ways: one, by exploiting the consumer or serving him properly; the other, by expanding the area under tea and thus providing more labour and more employment for workers and at the same time making profits; and, third, by restricting the area under tea to such an extent that they can have not only a complete monopoly of the market for Indian tea in India as well as elsewhere, but also they can raise the prices to whatever limits they may choose, because, having the control over the area under tea, they can certainly fix whatever prices they may like to fix. It was just this point that my Honourable friend, Mr. Joshi, was making the other day when he raised the point of view of the consumer. I am looking at it from the viewpoint of labour also. Supposing they take it into their head to make their profits by restricting further the already restricted area under tea and thus bring down the total production of tea and then place only that small quantity of tea in the market and fix for it whatever price they may like, then they will have not only the consumers at their mercy but also will deprive a large number of workers of their employment because of this restriction of

area under tea. Just imagine what happens when suddenly they decide upon restricting the area under tea by about a lakh or 50,000 or even 20,000 acres? All those workers who are employed on that land will become unemployed. Even if the area is only 1,000 acres, it comes to the same thing. Now, all these workers and their employment is left entirely to the mercy of these people merely because they want to make profits for themselves. They can certainly make profits if they are to organise the marketing side of the Indian tea well and efficiently, in which case it would be possible for them to expand the area under tea. To expand the area under tea is profitable and in the interests of both the consumers and the labourers, but to restrict the area under tea is really detrimental to both these interests, but it may be profitable to the producer. Therefore if you provide one seat for the Indian labour on this Indian Tea Licensing Committee, it would be possible for the Indian labour to assure itself that its case will not go by default and its voice will be heard and its interests will also be taken into consideration before any decision is taken by this Committee in regard to any further restriction of area under tea. Whenever they think of any further restriction, it will be necessary for the other members of this Committee to satisfy the representative of labour that it is being done in the interests not only of capitalists, not only of profiteers, not only of these planters but also in the ultimate interests of labour itself; because, after all, if they can convince the labour representative that it is in the interests of the great majority of labourers themselves that a particular restriction should be made so that it will be possible for the industry as a whole to make marginal profits or decent profits, then I am sure the representative of labour will be quite convinced and will be satisfied and will be quite prepared to satisfy his constituency and also the labourers at large employed in that industry to co-operate with the planters wholeheartedly. Therefore, I maintain that it is in the interests of the industry as a whole that this much representation should be given to Indian labour employed on the plantations.

But there is the objection that is raised usually by the other side, namely, that the connection, after all, between this Indian Tea Licensing Committee and its functions and the labour employed on the Indian tea plantations is rather a very remote one and, therefore, why should we go out of our way to provide representation for these people? Are the Indian tea planters so foolish as to cut their own throats and thereby cause trouble for Indian labourers themselves? No, Sir, I am quite well aware of the fact that the Indian tea planters know their own business very well, at least for the time being. But a time may come when the Indian tea planters may follow a suicidal policy also. They may continue in this present policy of restricting the area under tea to such a degree that they may force the consumers to find substitutes for tea and the consumers may come to like these substitutes so well and so permanently that the demand for tea may permanently go down, in which case, ultimately, the Indian tea planters themselves will come to suffer. But for the present the Indian tea planters may not realise that. If they have a representative on behalf of labour also, it will be in the interests of that particular representative to see that such a policy is not pursued. Well, they may say that one representative on behalf of labour may not be able to give these people sufficient warning. If these people who are interested in making profits themselves do not know their own interests, it is just as well that the Indian labour representative also may forget the interests

[Prof. N. G. Ranga.]

of the whole industry and also of labour. It may be, but at the same time there is another additional element introduced and to that extent the risk is insured against and is minimised and so the industry cannot be expected to prosper without running this particular risk.

Secondly, Sir, the planters are anxious to make only their profits. They do not care whether their workers get their legitimate share or not. They have given sufficient evidence for this in their own past. The tea plantation labour was treated so badly in the old days that the Imperial Government of those days was obliged to pass special legislation to prevent these people from being recruited. The labourers were recruited from Assam, Orissa, Bihar and other parts of India according to the system of indentured labour that was then prevalent. So, it is quite possible for these planters to persecute the labourers and exploit them without paying due consideration to their welfare or progress or their advancement. I, therefore, want that the workers should be protected against this kind of tendency on the part of the employers. That can be done partially, I do not mean it can be done adequately in this manner, if representation was to be given to Indian labour on this Indian Tea Licensing Committee. I have, therefore, great pleasure in supporting the amendment of my Honourable friend, Mr. Badri Dutt Pande, and I hope the House will support us and see that Indian labour is given at least this much of representation on this Committee.

Dr. Sir Ziauddin Ahmad (United Provinces Southern Divisions: Muhammadan Rural): Sir, I have repeatedly pressed the case of labour on the floor of the House and I pressed, that labour had got every right to share the profit earned by any concern. But at the same time I am not like my Honourable friends here to press the case of labour in season and out of season at places where they deserve and also at places where it is not necessary for them to be represented. In this particular case, I think, the argument advanced by Prof. Ranga does not convince me. He said that there might be an occasion when substitute might be found for tea and in that case, the tea plantations will substantially diminish and labour would suffer. I think there is absolutely no fear of that. No person interested in tea and who has a liking for tea would be able to find a substitute for it. In fact it is really the tea planters who have got greater interest in this particular thing than labourers. There are certain points in which the interests of employers and employees differ. I mean that the employer sometimes wants that the whole profit should be pocketed by him and in such a case you have really to see that labour gets its due share. But in this particular case, looking into the preamble of the Bill, I say there is absolutely no difference between the interests of labour and the interests of the tea planters. I will just read a sentence from the preamble of the Bill:

"Whereas it is expedient for the purpose of implementing the agreement which the Central Government has entered into with the Governments of Ceylon and the Netherlands Indies to give effect to the provisions of the International Agreement made between associations representing the tea growers of India, Ceylon and the Netherlands Indies, to provide for the control of the export of tea from and for the control of the extension of the cultivation of tea in, British India."

Now, Sir, it is the interest of the tea cultivators to see that the sale increases in the country. It is their interest to see that they should get greater quota for the plantations and it is their interest to see that the

whole market is expanded both in India and outside India. Therefore, as far as this particular Bill is concerned, I see absolutely no difference in the interests of the tea planters and the labourers. Their interests are identical and therefore, when the interests of both the parties are identical I do not see any reason why we should have a representative of labour, because in this case, the interests are common and there is no divergence of interest between labour and the tea planters. There may be occasions when it may be necessary to provide for representation of labour, but in this particular case, I see that there is no such necessity. Whatever subjects interest the tea planters will also interest the labourers. Both of them would like to have extensive sale, extensive plantation and extensive prosperity. In this case, to my mind it seems that labour representation is unnecessary because whenever you introduce the question of labour representation, the question will immediately crop up as to who that representative should be. Should he be from the province of Assam or from the Province of Bengal or from Bihar or Orissa. I understand that most of the labourers are recruited from Bihar and Orissa. I submit that all these complicated questions will arise, if you introduce labour representation and I, therefore, see no necessity for labour representation in this particular committee.

Mr. P. J. Griffiths (Assam European): Sir, I do not propose to canvass in detail the allegations made by my Honourable friend, Prof. Ranga, regarding the conditions of a labour in the tea estates, for most of his remarks appeared, if I may say so with due respect, not to have very much bearing upon the Bill at present before the House. I will content myself with replying to him in the words used by one of his former colleagues, Mr. V. V. Giri, at the conclusion of his tour at the South Indian Tea Estates some little time ago, when Mr. Giri said, "I pray that the conditions of labour in the industries of India may soon be as good as they are in the tea estates". The tea industry as a whole has nothing to fear whatsoever from the light of day with regard to its labour conditions and our reasons for opposing this amendment are not based on any such fear, but merely on a consideration of the narrow scope of the present Bill. The Tea Licensing Committee is not a body intended to regulate the conditions of industry. It is a body which has two functions to perform. In the first place it regulates the allotment of export quota to the different estates concerned and secondly, it deals with the question of extensions of cultivation. As regards its first function, the allotment of export quota, it makes no difference whatsoever to the conditions of labour or to the amount of labour employed whether export quota is allotted to this estate or to that estate. Those estates which export tea purchase considerable quantities of export quota. If they get an extra two or three thousands of lbs. of export quota, it does not mean that they grow more tea or employ more labour—it merely means that they spend less money in buying export quota from other estates which do not export. The addition to or the subtraction from the export quota of a particular estate has no direct bearing upon the question as to the amount of labour employed by that estate.

Prof. N. G. Ranga: Ultimately it does.

Mr. P. J. Griffiths: As regards the second function of the Committee, the function of dealing with extension of cultivations, my Honourable

[Mr. P. J. Griffiths.].

friend, Prof. Ranga, appeared to be under a complete misapprehension. He spoke of the possibility that this Committee might put a restriction on the cultivation of tea to the extent of one lakh of acres. I can only suppose that my Honourable friend has not read the Bill carefully. If my Honourable friend will read the Bill, he will find that the sole functions of the Committee with regard to extensions of cultivations consist in distributing, 4,000 acres—and no more—between one estate and another. That distribution will be made as it is now made on a consideration of whether the particular estates which apply for permission to extend are in fact economically imperilled or not.

Prof. N. G. Ranga: Will this prevent any restriction?

Mr. P. J. Griffiths: The Bill, irrespective of the Committee, prevents extensions except to the extent of 4,000 acres. The Committee has no power to grant extensions of more than 4,000 acres and it is extremely unlikely that the Committee will grant less than 4,000 acres. The Committee merely decides whether estate "A" or estate "B" or estate "C" should get its particular share out of those 4,000 acres. The suggestion of my Honourable friend that the Committee can in some mysterious way cut down the cultivation by one lakh of acres is quite chimerical and for my own part, I can see no way in which a labour representative on this Committee could forward in any way at all the interests of labour. The functions of this Committee are purely technical; they allot export quota, and they allot rights to extend and the presence or absence on that Committee of any one to represent labour cannot either directly or indirectly affect the conditions under which people in tea estates work. For these reasons, I oppose this amendment.

Mr. N. M. Joshi: Sir, I rise to support this amendment. Indian labour will always remain grateful to my Honourable friend, Sr Ziauddin, for whatever support he may have given to the cause of labour in the Legislative Assembly. But the learned Doctor cannot expect Indian labour to be grateful to him for the Vice-Chancellor of the Aligarh University failing to understand the simple relation between labour representation and tea control. Sir, my Honourable friend, Mr. Griffiths, quoted Mr. Giri as saying that conditions in tea estates were better than those in many other industries. That may be what he said, but I know Mr. Giri very well and I know what he meant. I have no doubt myself that in certain respects conditions on tea estates are better than the conditions in other industries. For instance, if a man works on a tea estate he gets free and pure air, he gets light and he works in the open. I would myself like to have conditions like those to work under. Therefore, in certain respects conditions on tea estates are certainly better than conditions in other industries. I am sure my friend, Mr. Giri, never meant that wages on tea estates are higher than wages in the Bombay mills, for instance. I am sure he never meant that, Mr. Giri knows labour conditions in India too well to say that wages on tea plantations are higher than wages in other industries.

Sir, I shall be very brief in placing before you and the House the claims of labour. I fully understand that the Licensing Committee will have the function of determining which garden will have a particular amount or quantity of tea to be exported and which gardens shall have

extension of the planting ground. But, Sir, in this it is not only the interests of the tea planters which are affected but the interests of labour are also affected. There are gardens which treat their workers better than others, and the labour representative who will be on this committee will use his voice and influence to give larger quota to those capitalists who treat their workers better than others. Similarly, the labour representative on the committee in giving extended land for tea cultivation will approve of giving extension of tea cultivation to those employers who treat their employees better. I cannot understand why some people should feel that labour has no interest. Labour has every interest in seeing that the quota is distributed to those people who treat their workers well, and a quota is not given or a less quota is given to those people who treat their workers badly. Then, Sir, this committee is likely to be consulted beyond its statutory duties in several matters. As regards the regulation and control of the tea industry, there is no other body which will be consulted as regards general questions regarding tea control and tea regulation. In these matters too the labour representative must have a voice. I, therefore, feel that the case for labour representation on this committee is absolutely clear and I hope the House will agree to it.

Mr. N. V. Gadgil (Bombay Central Division: Non-Muhammadan Rural): Sir, I wish to support the amendment moved by Mr. Pande. The object of the Bill, as will be evident from the statement of objects and reasons, is to regulate the export and the control of the extension of tea cultivation. If this Bill means anything, it means that the State has undertaken to help the industry not only in the matter of distribution but in the matter of production also. If once this principle is conceded that the State has a duty for the benefit of the industry that it must interfere both in the matter of production and distribution, it is only fair to say that the State must look not merely to the capitalist, not merely to the planters in this case, not merely to the consumers, but the workers and labourers on the plantation estates as well.

Now, I was surprised at the line of argument followed by Mr. Griffiths who started by saying that no labour questions are involved. He has been sufficiently answered by Mr. Joshi. But, Sir, if you were just to take into consideration to what extent labour is involved in the consideration of this Bill, you will find that the amendment has been very properly moved. Sir, in 1934, the number of labourers employed on tea plantations was nearly 8,02,438 in addition to outside labourers, permanent and temporary, which came to about one lakh. The number increased in the year 1935. But after this committee was constituted, what has happened? Have the wages increased? No, Sir. You will find, Sir, that the average wages from the year 1929 to 1933 were as follows: For a male, Rs. 9-9-7; for a female, Rs. 7-4-9; for a child, Rs. 5-7-1. In the year 1933-34 it decreased. In the case of a male it was Rs. 6-13-6; in the case of a woman, Rs. 5-2-7; in the case of a child, Rs. 3-10-4. In the year 1934-35 it decreased further; in the case of males, Rs. 6-11-9; females, Rs. 4-13-9; child, Rs. 2-10-10. If you compare this variation with the variation in prices obtained for the corresponding period you will find that the variation in the former case is greater. If this constitution of the committee has not affected the wages of the labourers, there was no justification for claiming representation for the labourers on this committee; but as a matter of fact we find from the statistics, and they are all from the Indian Tea Statistics for the years 1934-35, that the Indian

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labourers are affected, and if the State is asked to interfere for the benefit of the industry I fail to see why the State should not secure fair labour conditions and fair wages for the labourers concerned. And inasmuch as there are no organised trade unions in Assam, which is the principal tea plantation area, it was only just that a nominated person to represent tea garden labourers should be on the committee. With these words, Sir, I support the amendment and, I am sure, that the fair-minded Commerce Secretary will accept it.

Mr. H. Dow: Sir, I believe it is, or used to be, considered one of the duties of a good judge to extend his jurisdiction; and I think I must attribute the support of this motion by my Honourable friends, Prof. Ranga and Mr. Joshi, largely to belief in that principle. Neither of them showed any knowledge of conditions of labour on any of the tea gardens.

An Honourable Member: They do know about them.

Mr. H. Dow: Well, I only say that no knowledge was shown in their speeches: it seems to me that, if they had such knowledge, they might very well have brought it forward on this occasion.

Now, Sir, when I was considering whether support ought to be given to this amendment, I put before myself two simple hypotheses. First of all, I supposed that, instead of having one labour representative on this committee, we had twelve labour representatives, and no other interests represented at all. I ask you to imagine Government nominating twelve Mr. Joshis—I cannot imagine twelve Professor Rangas—imagination cannot go as far as that—but I am quite prepared to consider that Government might nominate him as the inimitable chairman of the committee. I then asked myself, having got this committee, and assuming that their only object in carrying out the purpose of the Act is to do what they can to improve the conditions of labour, what can they do? I came to the conclusion that they could do nothing at all. I then put before myself another hypothesis. Let us suppose that we put no representative of labour on this committee, but fill the committee entirely with people whose object is to do what they can against the interests of labour. I cannot suggest Members from this House for such a committee because no such person could be found here; but supposing such a committee to be constituted, I asked myself what harm can such a committee do within the four corners of the Act to the cause of labour. I came to the conclusion that they could do no harm at all. Now, Sir, looking at the question from both these extreme points of view and arriving at such a conclusion, it seems to me that there can be no possible case for a separate representative of labour on this committee.

Mr. Joshi made one point: he said that if he were on this committee, he would insist on giving a larger quota to those people who gave extra food to their labourers and otherwise bettered the conditions of their labour. I should like to point out that the principles on which the quotas are to be given, are laid down in section 14 of this Act, and this is certainly not one of the principles, so Mr. Joshi could do nothing to help labour. I do not think he could help at all, but even taking him at his own valuation, he must admit that he could only do anything to help by abandoning the principles laid down in the Act. I think I have fairly successfully shown that there is no reason for the appointment of a representative separately to represent the interests of labour under this Act. I therefore oppose the amendment.

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

"That after part (vi) of sub-clause (1) (a) of clause 3 of the Bill the following be added:

'(vii) one Indian member to be nominated by Central Government to represent labour in the Tea Estates'."

The Assembly divided:

AYES 46.

Abdul Qaiyum, Mr.
Aney, Mr. M. S.
Asaf Ali, Mr. M.
Ayyangar, Mr. M. Ananthasayanam.
Banerjee, Dr. P. N.
Bhagavan Das, Dr.
Chaliha, Mr. Kuladhar.
Chatterpadhyaya, Mr. Amarendra Nath.
Chaudhury, Mr. Brojendra Narayan.
Chettiar, Mr. T. S. Avinashilingam.
Chetty, Mr. Sami Vencatachelam.
Das, Mr. B.
Das, Pandit Nilakantha.
Desai, Mr. Bhulabhai J.
Deshmukh, Mr. Govind V.
Gadgil, Mr. N. V.
Govind Das, Seth.
Gupta, Mr. K. S.
Hans Raj, Raizada.
Jedhe, Mr. K. M.
Jogendra Singh, Sirdar.
Joshi, Mr. N. M.

Kailash Behari Lal, Babu.
Lahiri Chaudhury, Mr. D. K.
Lalchand Navalrai, Mr.
Mangal Singh, Sardar.
Misra, Pandit Shambhu Dayal.
Mudaliar, Mr. C. N. Muthuranga.
Paliwal, Pandit Sri Krishna Dutta.
Pande, Mr. Badri Dutt.
Parma Nand, Bhai.
Raghubir Narayan Singh, Choudhri.
Ramayan Prasad, Mr.
Ranga, Prof. N. G.
Rao, Mr. Thirumala.
Saksena, Mr. Mohan Lal.
Santhanam, Mr. K.
Sheodass Daga, Seth.
Sikandar Ali Choudhury, Maulvi.
Singh, Mr. Gauri Shankar.
Singh, Mr. Ram Narayan.
Sinha, Mr. Satya Narayan.
Som, Mr. Surya Kumar.
Sri Prakasa, Mr.
Subedar, Mr. Manu
Varma, Mr. B. B.

NOES 55.

Abdul Hamid, Khan Bahadur Sir.
Abdullah, Mr. H. M.
Abdur Rasheed Chaudhury, Maulvi.
Ahmad Nawaz Khan, Major Nawab Sir.
Aikman, Mr. A.
Ayvar, Mr. N. M.
Azhar Ali, Mr. Muhammad.
Bajoria, Babu Bainath.
Bajpai, Sir Girja Shankar.
Bewoor, Mr. G. V.
Bovle, Mr. J. D.
Buss, Mr. L. C.
Chanda, Mr. A. K.
Chapman-Mortimer, Mr. T.
Clow, Mr. A. G.
Craik, The Honourable Sir Henry.
Dalal, Dr. R. D.
Dalpat Singh, Sardar Bahadur Captain.
Dow, Mr. H.
Fazl-i-Haq Piracha, Khan Bahadur Shaikh.
Fazl-i-Ilahi, Khan Sahib Shaikh.
Ghiasuddin, Mr. M.
Ghulam Bhik Nairang, Syed.
Gilbert, Mr. L. B.
Gill, Mr. H. A. C.
Griffiths, Mr. P. J.
Grigg, The Honourable Sir James.

James, Mr. F. E.
Jawahar Singh, Sardar Bahadur Sardar Sir.
Jehangir, Sir Cowasji.
Kamaluddin Ahmed, Shamsul-Ulema.
Kushalpal Singh, Raja Bahadur.
Lloyd, Mr. A. H.
Mackeown, Mr. J. A.
Mani, Mr. R. S.
Mehr, Shah, Nawab Sahibzada Sir Sayad Muhammad.
Menon, Mr. A. P.
Metcalf, Sir Aubrey.
Miller, Mr. C. C.
Ogilvie, Mr. C. M. G.
Rajah, Raja Sir Vasudeva.
Scott, Mr. J. Ramsay.
Sen, Rai Bahadur N. C.
Sher Muhammad Khan, Captain Sardar Sir.
Sircar, The Honourable Sir Nripendra.
Slade, Mr. M.
Smith, Lieut.-Colonel H. C.
Spence, Mr. G. H.
Staig, Mr. B. M.
Stewart, The Honourable Sir Thomas.
Sundaram, Mr. V. S.
Thorne, Mr. J. A.
Umar Alvi Shah, Mr.
Walkar, Mr. G. D.
Ziauddin Ahmad, Dr. Sir.

The motion was negatived.

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

"That in part (b) of sub-clause (1) of clause 3 of the Bill after the word 'by' occurring in the second line the words 'and from among' be inserted."

The object is this. In the composition of the Licensing Committee two members have to be elected by tea planters owning tea estates, and under sub-clause (e) one member is to be elected in the prescribed manner by Indian owners of tea estates in Southern India. I object to giving representation to two members by election to the tea planters in Northern

India and one to the tea planters of Southern India. As the 3 P.M. clause reads, at present it is not incumbent upon an Indian being elected to represent these interests, and so I want to make it clear by saying that Indian tea planters shall have the power to elect two members from among themselves, and not from outsiders. In Southern India, Sir, there are a small number of tea planters, about two thousand. Any outsiders who are not Indians might persuade them to elect them, non-Indians, to represent their interests. I am trying by this Bill to make the intentions of the framers of the Bill more clear. Unfortunately, the words "from among themselves" were left out in the Select Committee, and by this amendment I want to make the position more clear. I have another amendment in No. 9 to clause 3 for the same purpose. I, therefore, hope that the House will accept this amendment.

Mr. H. Dow: Sir, on behalf of the Government, I should like to say that we have no objection to this amendment.

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

"That in part (b) of sub-clause (1) of clause 3 of the Bill after the word 'by' occurring in the second line the words 'and from among' be inserted."

The motion was adopted.

Mr. F. E. James (Madras: European): Sir, I have an amendment after the eighth amendment. It has been circulated and, I understand, is an agreed amendment. The amendment is:

"That in part (c) of sub-clause (1) of clause 3 of the Bill, for the word 'two' the word 'three' be substituted."

There is subsequently an amendment to secure representation on the Licensing Committee for the owners of tea gardens in the Kangra Valley and other districts in the north. This I should have been obliged to oppose, as the acceptance of that would have upset the balance of the Committee as between the interests in the north and the interests in the South. But I understand that my friends are prepared to accept the amendment which I have now moved, and therefore I am prepared to support the amendment which stands later, I believe, in the name of Mr. Pande. I, therefore, hope that this amendment will be agreed to by the House.

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

"That in part (c) of sub-clause (1) of clause 3 of the Bill, for the word 'two' the word 'three' be substituted."

Mr. M. Ananthasayanam Ayyangar: Sir, after I received notice of this amendment an hour ago, I have tabled another amendment. I agree with my friend, Mr. James, that there should be weightage for Southern India, but the question is whether it should be by the representation of European interests or Indian interests, or there should be a separate representation for the small holders of tea estates as suggested by a later amendment. Mr. James wants support for his amendment so as to give representation to Kangra Valley tea planters whose number, as he says, is two thousand, and who have small holdings and, therefore, they must have separate representation, and therefore, by his amendment, he wants to plead for weightage for Southern India tea planters. But Mr. James has said that the other representation will be given to the United Planters Association of Southern India. My amendment is instead of giving this to that association, it should be given to the small holders of tea estates in Southern India, just as one member has been sought to be added for the Kangra Valley holders in Northern India: there are 2,000 and more Badaga planters in Southern India to whom special representation should be given. If my Honourable friend, Mr. James, agrees with me, we can have an amendment to his amendment. My amendment seeks merely to carry out his object of giving weightage to Southern India, and I am carrying out the intention of the framers of the amendment who wanted to give special representation to the Kangra Valley holders. I intend to give a like representation to the Badaga small holders in Southern India. If he chooses to accept this amendment I have no objection to put these two amendments together, to give more representation to Southern India.

Mr. F. E. James: May I answer that, Sir?

Mr. President (The Honourable Sir Abdur Rahim): Since a suggestion has been made, I think, the Honourable Member can indicate his attitude.

Mr. F. E. James: I am in some difficulty because I have not seen the particular amendment. I would ask my Honourable friend, Mr. Ayyangar, not to press his point, because we had come to an agreement this morning with other Members in the House and with the various Parties, and I am not able to alter that agreement without further consultation with them and also with Government. I would also point out to my Honourable friend, Mr. Ayyangar, that as far as the interests of the small holders in South India are concerned, they are already represented in two ways: first of all there is a member elected in the prescribed manner by Indian owners representing tea estate of South India excluding Travancore

Mr. President (The Honourable Sir Abdur Rahim): I do not think the Honourable Member can make a second speech. He is only to say whether he is unable to accept the suggestion.

Mr. F. E. James: I am afraid I am unable to accept the suggestion. I hope my Honourable friend will withdraw his amendment.

Mr. M. Ananthasayanam Ayyangar: I will not take up the time of the House, Sir. Because I had notice of Mr. James' amendment only

[Mr. M. Ananthasayanam Ayyangar.]

recently, I have tabled my amendment which has now been circulated to the House; and I would suggest that in the interests of the small grower this matter may stand over and we can reach an agreed solution. If that is put off we can do as we like later.

Mr. H. Dow: Sir, I would just like to make the position of Government clear in this matter. In the course of my speech moving for consideration, I laid some stress on the necessity of securing a certain balance of interests in the committee, and I pointed out how, in three different ways from which the representation of minority interests might be considered, Government had gone as far as they felt they could in giving weightage to these interests. There has been considerable pressure to add to the committee another member, particularly representing small growers in the Kangra Valley and other districts in the North. That amendment Government would have felt bound to oppose on this very ground that it would upset the balance of the committee; but they were prepared to be party to a compromise by which the smaller and the Northern growers would be given an additional member, provided that could be balanced by securing additional representation to the South and to the larger estates. Now, the smaller estates in the south are already provided for on the committee, and therefore Government would not be prepared to lend their weight to the compromise if the amendment moved by my friend, Mr. Ayyangar, is substituted for that which has just been moved by Mr. James.

Prof. N. G. Ranga: Sir, I wish to say only this. Mr. Dow was just now saying that one member is already given to the small growers in Southern India, but the Bill only says this: "one member to represent tea estates in British India". That does not mean that he will be elected specially by the small growers alone. He will be nominated by the United Planters Association

Mr. H. Dow: The Indian estates are the smaller estates in Southern India.

Prof. N. G. Ranga: It says here:

"Two members to be nominated by the United Planters Association of Southern India, one to represent tea estates in British India, and one to represent tea estates in Indian States."

Even in sub-clause (e), it does not mean that all owners of Indian tea estates are small. There are big owners and small owners, and that is the distinction I am making. In regard to the Kangra Valley the principle has now come to be accepted that because they are small people and they have some special interests as contrasted with the interests of the big tea growers they ought to be given some special representation and, therefore, Government have rightly, I think, agreed with the suggestion made by my Honourable friend, Pandit Badri Dutt Pande, that they should be given one member on the committee. On the same principle I want one member at least to be set apart for the small tea growers in Southern India. If there are 5,000 in the Kangra Valley, there are nearly as many in the Nilgiris coming from the ranks of the Badagas. The Kangra Valley people have been at least able to send their representative to this place: they have organised themselves in

some way or other, but the Badagas have not been able to organise themselves and they are not able to send any representatives here and that is why, I am afraid, their case is likely to go by default; and many of them are poor people. It is these people who need some special representation. I should have thought that when the Government had agreed to give one member to the Kangra Valley tea planters, and that rightly, they would be willing to give

Mr. M. S. Aney (Berar: Non-Muhammadan): What was the agreement? With whom did Mr. James reach an agreement?

Prof. N. G. Ranga: I do not know. But even then my contention is this: it is quite possible when this agreement was being reached that the idea of the existence of the small Badaga tea planters was not borne on mind, and it is quite possible when they agreed that one member was to be given to the Kangra Valley planters, let us give one more to Southern India. But I am now presenting this particular fact to the House that here are the small people: their interests are special as contrasted with the interests of the big tea planters, and, therefore, they ought to be given some special representation; and since one additional member is to be given to Southern India I want that member to be confined to these small tea planters instead of simply saying that one member is being given anyhow to the Indian planters in Southern India. Therefore, coming again to the question of balance between these two interests which are interested in this, I can only say this. Let him remember the quota of representation that his community has been able to gain as a result of this communal award in Bengal, in proportion to the total numbers of Europeans in that province. Having got such over-representation in Bengal and other provinces, I do not see any reason why he should complain when we come here and ask in the name of Indian nationhood and also in the name of our Imperial economic status for one more membership for these small helpless Badagas.

Mr. James was telling me a few minutes ago that after all the Badagas are properly represented and properly looked after. He told me that he knew more about the Badagas than I do. That may be so. I can only state that I was sent specially by the Madras Government in 1928-29 to inquire into the economic condition of these Badagas. I submitted a report to the Madras Government and they generally agreed with my recommendations and one of my recommendations was that the Madras Government should take special steps to encourage these people in growing tea, because I considered that it was one of the most paying subsidiary employments for them and the Madras Government decided to give whatever encouragement they could to implement that recommendation, and started co-operative credit societies and it is these people who have suffered a lot owing to the activities of the Tea Licensing Committee and the controlling of the area under tea during the last five years. That is the reason why I want these people to be specially protected. What are the reasons why Mr. Dow has come here with this Bill? I hope he will be a dove of peace and give us the representation. He said that it is because so many complaints have reached the Government of India in regard to the claims of these small growers that he found it necessary to come here and ask for the appointment of an Indian Chairman for this Committee. I would like him to remember

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that and agree to give us the representation we want. After the passing of this Bill, it will not be possible for these Badagas to increase their individual acreages under tea or for more of them to grow this tea. To that extent it is really a hardship. That is why I ask Mr. Dow and Mr. James to agree to provide for this one additional membership in sub-clause (c) of clause 3 (1) for the small growers of Southern India. All you have got to do is to say in sub-clause (e) one member to be elected in the prescribed manner by Indian owners of tea estates to represent tea estates in Southern India excluding Travancore owned by Indians and one member to be elected in the prescribed manner by the Badaga planters of Nilgris. That will be quite enough and I hope that Government will see their way to accept the amendment.

Sir Cowasji Jehangir (Bombay City: Non-Muhammadan Urban): As I understand the position, it is this. There was some difference of opinion amongst ourselves, as to whether the Kangra growers should have representation on this Committee and I heard different opinions expressed on this point. There were some who thought that the Kangra growers did not produce that quantity of tea which justified their having representation but in order to meet the wishes of many of our Honourable friends, who represent that part of India in this House, it was argued that we should give in on this point and allow the Kangra growers to have representation of this Committee. Then arose the point as to the proportions between the north and south of India, and to solve the problem, Mr. James came forward with a suggestion that in 3(c) one membership should be added, whereby the proportion between the north and the south would be maintained. I understand that he consulted different Parties, and since there was some difference of opinion, it appeared a good solution and I said, that if Kangra could get representation by this method, we would agree. Now, my Honourable friend, Professor Ranga, has brought forward the claim of Badagas. May I ask how much tea they produce?

Prof. N. G. Ranga: We do not have accurate figures now. More than 10,000 acres. The European Group know it if they care to tell us.

Sir Cowasji Jehangir: I have just made inquiries and I have been informed that they produce about half a million pounds against Kangra producing 2 million pounds. When we thought that two millions was not an amount sufficient to justify inclusion on the Committee, I think we must come to the conclusion that half a million does not justify inclusion. Now, what is the representation that Prof. Ranga wants.

Prof. N. G. Ranga: It is two millions and more.

Sir Cowasji Jehangir: May I ask him to read (e). It says:

"one member to be elected in the prescribed manner by Indian owners of tea estates to represent tea estates in Southern India excluding Travancore owned by Indians."

I understand that this includes Badagas.

Prof. N. G. Ranga: There are bigger fellows.

Sir Cowasji Jehangir: Is it correct to state that Badagas are in (e)?

Some Honourable Members: Yes.

Sir Cowasji Jehangir: My friend has already got what he wants.

Prof. N. G. Ranga: There are non-Badaga Indians who own big estates there. Badagas can be out-voted.

Sir Cowasji Jehangir: (e) was inserted in the Bill in order to give representation to Badagas. I was drawing the attention of my friend to (e). He would not read it. He went on reading (c). I am told on reliable authority that Badagas come under (e).

Now, that is a very different proposition to what my Honorable friend really asked for. Professor Ranga completely confuses the issues. What my Honourable friend, who intends to move an amendment which has not yet been circulated, wants is, that they should not have one but two. That is the point.

Prof. N. G. Ranga: No, no. One for Badagas and one for non-Badagas.

Sir Cowasji Jehangir: If my Honourable friend will consult his own friends, he will understand what my Honourable friend, who has tabled some amendment which has not yet been circulated, wants, *vis.*, that they should get two and not one.

Mr. M. Ananthasayanam Ayyangar: The South India tea planters want to have two representatives.

Sir Cowasji Jehangir: One has already been given. My Honourable friend, Professor Ranga, asked for one, but one had been given already in the Bill.—he has been granted that long before his attention was drawn to the Bill. Now the point really for consideration is—is there a justification for having two instead of one? That is the main point and if the Badagas have only half a million pounds of tea as against Kangra producing two million pounds, which gets one member, I do think that no case has been made out for that increase. What Professor Ranga has been demanding in this House, in a speech of twenty minutes, is already there in the Bill, and what my Honourable friend, who intends to give notice of an amendment, wants, is twice that representation, which is not justifiable.

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

“That in part (c) of sub-clause (1) of clause 3 of the Bill for the word ‘two’ the word ‘three’ be substituted.”

The motion was adopted.

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

“That in part (e) of sub-clause (1) of clause 3 of the Bill after the word ‘by’ occurring in the second line the words ‘and from among’ be inserted.”

Sir, I need not elaborate this matter in any detail. The arguments advanced regarding amendment No. 7 hold good in regard to this amendment also; that is, the representative being an Indian, merely elected by

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Indian tea owners, the question is whether he should be an Indian or not. That is the object of the amendment.

Mr. H. Dow (Commerce Secretary): Sir, I accept the amendment on behalf of the Government.

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

"That in part (e) of sub-clause (1) of clause 3 of the Bill after the word 'by' occurring in the second line the words 'and from among' be inserted."

The motion was adopted.

Mr. Badri Dutt Pande: Sir, I beg to move:

"That after part (e) of sub-clause (1) of clause 3 of the Bill the following be inserted:

(f) one member to be elected by owners of tea gardens of Kangra, Dehra Dun, Kumaon, Bihar and other unrepresented Tea Estates'."

Sir, I will not make any speech as I think this is an agreed amendment. So, I move.

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

"That after part (e) of sub-clause (1) of clause 3 of the Bill the following be inserted:

(f) one member to be elected by owners of tea gardens of Kangra, Dehra Dun, Kumaon, Bihar and other unrepresented Tea Estates'."

The motion was adopted.

Maulvi Abdur Rasheed Chaudhury (Assam: Muhammadan): Sir, I beg to move:

"That part (f) of sub-clause (1) of clause 3 of the Bill be omitted."

The idea behind this amendment is that there should be no official Chairman of the Licensing Committee. Sir, in the original Bill introduced in this House this clause did not appear; it was only in the Select Committee that this clause was inserted. It was inserted on the initiative of the Government Member and many of us disagreed, but, Sir, I should say that one of our Party got tempted when he heard that the official Chairman would be an Indian. So he went over to the side of the Government and by his vote this was carried. Immediately afterwards he found out the mistake and to the Select Committee's Report he gave a minute of dissent. That is the history of how this clause was inserted. By inserting this, the Government Member indicated that there should be one Indian Civil Service man and preferably an Indian as Chairman of the Licensing Committee. That was the idea of the Government Member. Sir, at that time on our side we made it clear that we did not want an official Chairman of the Licensing Committee. Anyone with any experience of business will, I think, admit that in business matters the less of interference by the Government, the better for all concerned. Whenever Government deal with business matters, they always make a mess of the things without any comparative advantage to the business concerned.

Now, in Assam we have got one factory inspector and one boiler inspector. Well, this factory inspector will come and will always make this

suggestion and that suggestion, and will say, "do this" and "do that", without caring whether the doing of that thing would be to the advantage of the industry at all. Now, I must make myself clear. The inspector of factories would come and say, "you must prepare a lavatory after this pattern". Sir, when he gives the instructions, there is no other alternative but to carry out his orders. But after we spend thousands of rupees and prepare a lavatory on the pattern suggested by the inspector, we find that our coolies do not use it. They have got their old habits of the jungle and they won't use these lavatories. Similarly, in the case of the boiler inspectors also, we have seen that whenever they come on inspection, they do not make any improvement in any matter for the industry. So, Sir, we are convinced that the less of interference there is by Government with business, the better for the Government and the better for the tea industry. This is one of the reasons why we are opposed to having an official Chairman of the Licensing Committee. Then, Sir, so far as the work of the Chairman is concerned

Dr. P. N. Banerjea (Calcutta Suburbs: Non-Muhammadian Urban): Government is going to accept this amendment, so please do not make a long speech.

Maulvi Abdur Rasheed Chaudhury: Sir, I am getting the assurance that it will be accepted by the Government and, therefore, I do not want to continue my speech. I move.

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

"That part (f) of sub-clause (1) of clause 3 of the Bill be omitted."

Mr. H. Dow: Sir, I should like to make clear the position of Government with regard to this amendment. The proposal to appoint an official Chairman is one that, when introducing the Bill, I said would probably be brought forward in the Select Committee, and the Select Committee have inserted the proposal. Later on there is amendment dealing with a proposal to establish an Appeal Tribunal. Government are opposed to that mainly on the ground of expense, and my main object in suggesting this clause was to provide a somewhat cheaper remedy. I should like to make it clear that in any case Government would not support both proposals, and I am prepared to believe that neither is really necessary. It was intended to assist as far as possible the small growers in appeal cases, and the object of Government in suggesting an official Chairman was that if the proposal for the Appeal Board was not carried, an Indian officer of Government might be put in this post. Now, there are not a very large number of these appeals. The number last year was only four, and it has been very small in other years. I am quite prepared to admit that if this Chairman were to have as his principal duty the dealing with these appeals, he would not be a very overworked officer. I am, therefore, prepared to withdraw this proposal, but I should like to make it clear at the same time that Government will oppose the proposal to set up a Tribunal.

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

"That part (f) of sub-clause (1) of clause 3 of the Bill be omitted."

The motion was adopted.

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

"That in sub-clause (2) of clause 3 of the Bill for the words 'As soon as may be' the words 'Within three months' be substituted."

This is practically a consequential amendment due to the amendment made in clause 4 by the Select Committee. Unfortunately, they were not able to carry this amendment because the early portion had already been disposed of and then they made an amendment in clause 4. The words of sub-clause (2) of clause 3 are as follows:

"(2) As soon as may be after the commencement of this Act, the Central Government shall publish in the official Gazette the names of all members of the Committee."

Then, in clause 4, sub-clause (1) it is said:

"If any authority or body fails to make within two months any nomination or election which it is entitled to make"

In the original Bill it was said:

"If any of these authorities fail to make a nomination within a reasonable time, the Central Government may itself make nomination."

In the Select Committee in place of "reasonable time" a period of two months was introduced. When that period was limited, then it is necessary that the period within which the Committee as a whole is constituted ought also to be limited to a period of three months. I have given one more month to the Central Government to fix up the names of all these persons and issue a Gazette notification constituting the Committee. Therefore, with a view to carry out the amendment that was carried out later on, I have given notice of this amendment which is a consequential one.

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

"That in sub-clause (2) of clause 3 of the Bill for the words 'As soon as may be' the words 'Within three months' be substituted."

Mr. H. Dow: Sir, I am prepared to accept this amendment on behalf of Government.

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

"That in sub-clause (2) of clause 3 of the Bill for the words 'As soon as may be' the words 'Within three months' be substituted."

The motion was adopted.

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

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

The motion was adopted.

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

Clause 4 was added to the Bill.

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

"That clause 5 stand part of the Bill."

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

"That in clause 5 of the Bill after the words 'The Committee' the words 'shall elect a Chairman from amongst its members, and' be inserted."

Honourable Members: This amendment will be accepted by Government, so please do not make a speech.

Mr. Brojendra Narayan Chaudhury: In that case I simply move it without a speech.

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

"That in clause 5 of the Bill after the words 'The Committee' the words 'shall elect a Chairman from amongst its members, and' be inserted."

Mr. K. Santhanam (Tanjore *cum* Trichinopoly: Non-Muhammadan Rural): Sir, I wish to make just one observation. We have accepted the deletion of clause 3 (f) though we had a chance of an Indian official being appointed. Now, I would like the European Members here to make a generous gesture and say that they would co-operate in electing an Indian for the chairmanship of this Committee. They may be in a majority membership, but they would be demonstrating their solidarity with Indians by supporting the election of an Indian non-official chairman. I would like to have an assurance on this behalf and then we shall be a happy family.

Dr. P. N. Banerjee: May I make another suggestion, that there should be a convention to the effect that Indians and non-Indians would be elected alternately?

Dr. Sir Ziauddin Ahmad: May I just say one word? The members of the Committee have not yet been selected and I do not know how we in this House can bind the future members of this Committee.

Mr. H. Dow: Sir, I should like to point out that this amendment simply restores the position as it stood in the original Bill before clause (f) which has just been deleted was inserted. It is, therefore, simply a consequential amendment, and Government are prepared to accept it.

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

"That in clause 5 of the Bill after the words 'The Committee' the words 'shall elect a Chairman from amongst its members, and' be inserted."

The motion was adopted.

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

"That clause 5 of the Bill, as amended, stand part of the Bill."

The motion was adopted.

Clause 5, as amended, was added to the Bill.

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

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

"That after sub-clause (2) of clause 6 of the Bill the following be added:

'(3) All such by-laws shall be placed on the table of both Houses of the Central Legislature and may be amended or annulled by resolutions passed by the Central Legislature.'"

Sir, I need not say much in support of this amendment. The object of this is quite evident. We want to see that this House and the other House will have an opportunity of scrutinising these by-laws which may

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be framed according to this Act by the Tea Licensing Committee that is to come into existence. I hope the Government will see their way to accept this amendment.

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

"That after sub-clause (2) of clause 6 of the Bill the following be added:

- '(3) All such by-laws shall be placed on the table of both Houses of the Central Legislature and may be amended or annulled by resolutions passed by the Central Legislature.'

Mr. H. Dow: Sir, I oppose this amendment. Sir, it seems to me to be quite unsuitable that by-laws which deal with matters of routine should be treated in this manner. We have a Committee, and if the Committee, which we have just constituted with so much care, is not going to be allowed to deal with questions of its own procedure and minor appointments and functions, then it seems to me that it would be a very poor committee indeed. To suggest that the valuable time of this Legislature should be wasted in scrutinising by-laws which deal with such minor matters is, I suggest, entirely improper. Government, therefore, oppose this amendment.

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

"That after sub-clause (2) of clause 6 of the Bill the following be added:

- '(3) All such by-laws shall be placed on the table of both Houses of the Central Legislature and may be amended or annulled by resolutions passed by the Central Legislature.'

The motion was negatived.

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

"That clause 6 stand part of the Bill."

The motion was adopted.

Clause 6 was added to the Bill.

Mr. President (The Honourable Sir Abdur Rahim): Clause 7.

Mr. Brojendra Narayan Chaudhury: Sir, I beg to move:

"That for sub-clause (2) of clause 7 of the Bill the following be substituted:

- '(2) (a) The Central Government shall constitute a Tribunal of Appeal which shall consist of three members one of whom shall be retired judge of a High Court and one shall be a barrister-at-law or an advocate.

- (b) It shall be the duty of the Tribunal of Appeal to hear and determine appeals of any persons aggrieved by orders of the Licensing Committee under section 14 of this Act.

- (c) The Central Government shall prescribe by rules—

- (i) the time within which and the manner in which appeal shall be preferred;
- (ii) the forms to be used and the fees to be paid in preferring appeals;
- (iii) the procedure to be observed at the hearing of appeals;
- (iv) the remuneration to be paid to members of the Tribunal of Appeal; and
- (v) generally for all matters connected with or incidental to the matters specifically enumerated in this sub-section or to the hearing and disposal of appeals.

- (d) The decision of the Tribunal of Appeal on any matter of question brought before it by way of appeal shall be final and conclusive for the purpose of this Act."

Sir, in the Bill before us the power of revision from the decision of the Licensing Committee has been reserved to the Governor General in Council. That the Governor General in Council has not been able to give satisfaction to all the planters and particularly to the Indian planters—the small planters—is admitted by the Honourable Member of the Government also. As I said the other day, it is common ground amongst us, between the Government Members on the other side of the House, the big European planters in front of me and the non-officials on this side of the House, that there are many grievances of planters which have stood unremedied for the last four or five years. I am not going to weary the House by narrating these grievances and discuss whether they are real or not. I am thankful to the Honourable Mr. Dow for admitting that the feeling of these grievances exists and that they should be remedied. The House has just now heard from the Honourable Mr. Dow what his remedy is for the removal of some of the evils. His pet scheme of the official Chairman has been given up by the House. If we want to remove all the grievances, we cannot but vote now for the setting up of a tribunal like the one suggested in my amendment. I am glad that the Honourable the Government Member has confined the discussion of the merits of my proposal to a very small compass. He said only a few minutes ago that the main objection to a Tribunal of Appeal is on the ground of excessive cost. He had suggested the proposal of an I. C. S. chairman which he thinks would be less costly. Sir, we have heard that if an I. C. S. chairman is to be appointed, we have to get a senior man in the service and his salary would come to about Rs. 30,000. Together with his travelling allowances, I am sure that the cost of the official Chairman would not come up to less than half a lakh per annum. I admit that these figures are rough figures, mere estimates. Let me now try to show what the tribunal proposed by me in my amendment would cost. We claim no originality for this proposal. Such a Tribunal of Appeal has been worked in Ceylon, which is also under the tea export control scheme by the International Agreement, for the last five years and it is being worked very satisfactorily at a very small cost. This proposal for some such board of tribunal was strongly recommended by the London Sub-committee and that is the committee which represents the tea growers in India in entering into the International Agreement. That Committee strongly recommended a Board of Appeal. I will tax the patience of the House for a few minutes by reading the recommendations of that Committee:

“The Joint Sub-Committee consider that, in the event of claimants being dissatisfied with the ruling of the Licensing Committee in respect of their claims they should have a right of appeal therefrom. It is the opinion of the Joint Sub-Committee that this right to state a case, either in person or by Counsel, will facilitate and help to create a better atmosphere than exists at present owing to the feeling that there is, in practice, no actual right of appeal against the decision of the Licensing Committee.”

So in the opinion of this expert body, about the so-called right of appeal which is reserved under this Bill to the Government of India, there is really no right of appeal. I may inform this House that the Government of India are not very much inclined to hear appeals. Generally an appeal comes up to Simla or Delhi by post. The Secretary or the Under-Secretary calls for the papers and an explanation from the Licensing Committee at Calcutta; and after going through these papers they pass their order. And the order is generally very brief and is to the effect that the Governor General in Council having gone through the papers sees no reason to differ from the decision of the Licensing Committee. The

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appellants are not allowed to be heard by Counsel. Sir, it is ridiculous to call this procedure an appeal when the complainant is not allowed to appear either himself or, in case he feels diffident, by a lawyer to put forward his case. If it is to be an appeal in actual fact the complainant must be heard in person or through Counsel. Then let me proceed with this quotation:

"In Ceylon appeals from the orders of the Licensing Committee are preferred to a Board of Appeal of three members, an *ex-Judge* of the High Court, a Barrister-at-Law and a Commercial Member. The Joint Sub-Committee are of opinion that a Statutory Board of Appeal of a similar nature should be set up, to which claimants could appeal from orders of the Licensing Committee, and before whom they could appear either in person or by Counsel."

Sir, I do not know for what reasons the big tea planting associations in India, particularly the Indian Tea Association Calcutta are now against this recommendation.

I shall now go into the matter of cost of the cases in Ceylon. I shall read from the Administration Report of the Tea Export Controller of Ceylon for the year 1935-36. In the accounts I find that fees to members of the Board of Appeal amounted to Rs. 3,625 only. That is the only item of cost that I find regarding the Board of Appeal in the abstract accounts. And then as regards the number of cases the report says that the Board met thirty-one times during the year and disposed of 108 appeals relating to estates, of which seventeen were successful, and 4 P.M. 568 appeals relating to small holdings, of which 194 were successful.

Mr. President (The Honourable Sir Abdur Rahim): Order, order. There is an adjournment motion to be taken up at 4 o'clock.

MOTION FOR ADJOURNMENT.

MOLESTATION OF AN INDIAN GIRL AND FIRING ON RESCUERS BY EUROPEAN SOLDIERS IN MUTTRA DISTRICT.

The Honourable Sir Nripendra Sircar (Leader of the House): Sir, before the motion is taken up I want to inform the House what I informed the Chair at 3 o'clock, as soon as I got the information, that a charge-sheet was put up before the Magistrate and he has taken cognisance of the case. The matter is now *sub-judice*.

Maulvi Syed Murtuza Sahib Bahadur (South Madras: Muhammadan): Sir, yesterday when I wanted to move this motion the case was not *sub-judice* and I was not allowed to move it because there were the Railway Budget demands to be disposed of. You fixed 4 o'clock today for this motion, and even now I will not discuss the merits of the case but will put before the House the lack of discipline on the part of the military.

Mr. President (The Honourable Sir Abdur Rahim): It cannot be moved under the circumstances now disclosed. Yesterday I admitted the motion and directed that it should be taken up today as the demands for grants of the Railway Budget had to be passed. Today we are informed by the Honourable the Leader of the House that as a matter

of fact the subject matter of the motion is now *sub-judice* as a charge sheet has been put up before the Magistrate in connection with the case.

Mr. M. Asaf Ali (Delhi: General): Sir, on a point of order, I am not quite certain what exactly the Leader of the House means by saying that a charge-sheet has been placed before the Court.

The Honourable Sir Nripendra Sircar: I said that a charge-sheet has been placed before the Court and the Magistrate has taken cognisance of the case.

Mr. M. Asaf Ali: Under section 190?

The Honourable Sir Nripendra Sircar: Yes, under section 190.

Mr. President (The Honourable Sir Abdur Rahim): The Leader of the House has made it clear that a charge-sheet has been filed and the Magistrate has taken cognisance of the case under section 190 of the Criminal Procedure Code. Therefore, the matter is *sub-judice* and cannot be discussed in the House.

Mr. Brojendra Narayan Chaudhury will now proceed with his speech.

THE INDIAN TEA CONTROL BILL—*contd.*

Mr. Brojendra Narayan Chaudhury: Sir, when we were about to adjourn, I was talking about the cases in Ceylon. The Board there disposed of 108 appeals relating to big estates and 568 appeals relating to small holdings: and the fees to members of the Board amounted to only Rs. 3,625. We have been told that here in one year the number of appeals was four or five, but I say in the year preceding it was 34. Whatever the exact number may be it is a fact that the number of appeals in India at present under the control scheme is much smaller than in Ceylon, although I believe that when a Board of Appeal is set up the number of appeals will increase. But in any case I am sure that the number of appeals will not exceed the number that they had in Ceylon in the year 1935. The rate at which the judges of this tribunal are paid in Ceylon, as I find from this report, is about Rs. 50 a day. We have to pay double the amount to our judges here. A wholtime body which will sit from day to day is not required, because the nature of the duties will be such that all the appeals will be concentrated within a month or so and can be disposed of within two months. At the beginning of the year the Licensing Committee will issue the quotas. It is after the Licensing Committee will have issued the final quotas that appeals will be moved. The appeals will have to be heard within a month or two, or at any rate before the month of October, in regard to the additions to be given to the quotas for the quotas to be utilised for export. The only point at issue regarding the amendment before the House is the question of cost. I will leave it to the House to judge what the cost should be. Could we not be assured from the actual experience of Ceylon what the cost will be: it is about Rs. 4,000, and our cost cannot be more than double of the cost in Ceylon. So, whichever way you look at it the cost of the Tribunal cannot be high. It will be much less than the cost of an official Chairman. As you have rejected the proposal for an I. C. S. chairman, I should like

[Mr. Brojendra Narayan Chaudhury.]

to tell the House there is no other alternative open to us than to support the Appeal Board if we are really determined on redressing grievances. The Government, European interests and ourselves are already pledged-bound to remove them. With these words, I move the amendment.

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

"That for sub-clause (2) of clause 7 of the Bill the following be substituted:

- '(2) (a) The Central Government shall constitute a Tribunal of Appeal which shall consist of three members one of whom shall be retired judge of a High Court and one shall be a barrister-at-law or an advocate.
- (b) It shall be the duty of the Tribunal of Appeal to hear and determine appeals of any persons aggrieved by orders of the Licensing Committee under section 14 of this Act.
- (c) The Central Government shall prescribe by rules—
 - (i) the time within which and the manner in which appeal shall be preferred;
 - (ii) the forms to be used and the fees to be paid in preferring appeals;
 - (iii) the procedure to be observed at the hearing of appeals;
 - (iv) the remuneration to be paid to members of the Tribunal of Appeal; and
 - (v) generally for all matters connected with or incidental to the matters specifically enumerated in this sub-section or to the hearing and disposal of appeals.
- (d) The decision of the Tribunal of Appeal on any matter of question brought before it by way of appeal shall be final and conclusive for the purpose of this Act."

The Honourable Sir Nripendra Sircar (Law Member): Sir, I hope the House will not accept this amendment. I think the House will have an idea of the reality of the situation if I am allowed to state that during the last five years there were only 29 appeals. The acreage covered by these 29 appeals was only 750 acres. On the crop basis the sale value, if I may say so, of the subject matter of these appeals would be about Rs. 16,000. It is merely a drop in the ocean. Sir, it is the experience of everybody, I believe, that by having recourse to law Courts and tribunals, whether they are presided over by High Court judges or by others, the man with a longer purse has a pull over his poorer rival. I have personal experience of that. Having regard to the very few cases and extremely petty cases, the House can realise who are the persons who are likely to have recourse to appeals. Will the House be really helping by enacting that for these extremely petty cases, occurring at rare intervals, they should take the trouble of engaging lawyers to appear before a tribunal. Apart from any question of delay which is necessarily involved in going before a judicial tribunal

An Honourable Member: Why do you grudge lawyers their fees?

The Honourable Sir Nripendra Sircar: I do not know. Even if he is paid more than Rs. 20 a day, it is not worth while for my friend to shift from here for a case of this kind. Sir, it is really in the interests of the litigants: I think I made clear to the House that there are very few cases and very petty cases and this heavy machinery is not worth while installing for this purpose. After all this House has taken great care in improving the constitution of the committee, this House has also just now provided that the chairman will be an elected chairman, and having taken

all these precautions about it, and having regard to the facts which I have disclosed before the House, I hope no part of the House will agree to instal a tribunal of this kind for hearing appeals in cases of this nature.

Mr. Akhil Chandra Datta (Chittagong and Rajshahi Divisions: Non-Muhammadan Rural): The Honourable the Leader of the House has just now said that in an appeal a man with a long purse has always got an advantage over a man with a lean purse. May I invite his attention to this aspect of the question, namely, that here is an appeal in which there are not two parties: it is not a case of A *versus* B: there is only one party, and that is the party who feels aggrieved by the orders passed by the Licensing Committee under section 14.

The Honourable Sir Nripendra Sircar: May I explain? The Honourable Member has misunderstood me. I am not suggesting there will be two parties, a plaintiff and a defendant, but the process of litigation, engaging counsel, preparing briefs and other costs, all that may not hurt a man with a long purse, but the poor man will fail.

Mr. Akhil Chandra Datta: I am glad of the explanation, but merely because there will be an appeal, it does not necessarily follow that a counsel will have to be engaged. The appellant can put his case before the Tribunal, and if a man with a heavy purse will engage a lawyer, why grudge the lawyer his fee? Let him earn some fee by doing some good to his client.

The Honourable Sir Nripendra Sircar: If there was a prospect of a big fee I would have supported it.

Mr. Akhil Chandra Datta: Yes, all the lawyers in this country are not so fortunate as Sir Nripendra Sircar with regard to the amount of fees. There is one thing about these appeals. In ordinary appeals we have judicial orders passed after taking evidence, but here we have *ex parte* orders. What are these orders? They involve very considerable interests. A particular order may involve interests of thousands of rupees.

The Honourable Sir Nripendra Sircar: No.

Mr. Akhil Chandra Datta: With regard to this question of quota and other methods, if he will excuse a personal allusion, shall I tell the Leader of the House that only the other day, some people from Assam approached me in Calcutta and wanted to place an appeal before the Central Government? Well, I asked for a certain fee which I shall not mention, but they offered Rs. 1,000. If it had been acceptable to me I should not have come here. If a man offers Rs. 1,000 there must be some reason, the interests at stake must be more than Rs. 1,000. Those who are concerned in this matter and those who have got anything to do with these tea estates and export quotas know that very substantial interests are involved in these cases; otherwise the Government idea was this: the appeal should be heard by the permanent official chairman. That proposal having been dropped what is the alternative? We had to make our choice between these two authorities—a revising authority there must be—and the whole question is now whether it should be the Central Government as proposed in clause 7 (2), or a board of appeal as proposed in this amendment. The Joint Sub-committee in London gave reasons at

[Mr. Akhil Chandra Datta.]

length as to why it is very inconvenient to have an order revised by the Central Government. I shall not repeat those arguments. I should think that this proposal which has come after very mature deliberation from the Joint Sub-committee in London representing the tea interests of the north and of the south, in fact of the whole of India, is one which is certainly entitled to some weight and consideration. I support the motion.

Dr. Sir Ziauddin Ahmad: Sir, we have been talking on the floor of the House about two white elephants. One white elephant is called the Railway Rates Advisory Committee, but this House was not responsible for it—it was established by the executive action of the Government. The second white elephant is what is called the Federal Court. That Court is sitting and I do not know they have got any case. But this Federal Court has to be there on account of the Government of India Act for which this House is not responsible. We are now making an attempt to establish a third white elephant by a motion of this House, and that is the Tribunal now proposed under this amendment. This amendment proposes a tribunal consisting of a High Court Judge as the President and a barrister or advocate. The salaries of these officers will come to Rs. 15,000 a month or Rs. 2 lakhs a year. For what purpose are they going to incur this expenditure of 2 lakhs? We have been told by the Honourable the Leader of the House that during the last five years there were only 29 cases, which works out to about six cases per annum. I think many of us who are lawyers here would not mind supporting this amendment if they can become members of this Tribunal, because it really means a good income, a sure salary and little or no work. What is the amount involved? We were told that the total amount involved is about Rs. 15,000. Is it justifiable to incur an expenditure of Rs. 2 lakhs a year in order to decide cases amounting to about Rs. 15,000 per annum

Dr. P. N. Banerjee: They may be remunerated by fees: they need not be a permanent body.

The Honourable Sir Nripendra Sircar: May I make one correction? It is not Rs. 15,000 per annum. This Rs. 16,000 is the value of all the 29 cases for five years, so that for one year it is only Rs. 3,000.

Dr. Sir Ziauddin Ahmad: Thank you for improving my argument. We are asked to spend in five years 10 lakhs in order to decide cases worth Rs. 15,000. That is the true position. My friend says that the income will come from the fees to be paid by the tea planters. May I remind him that the entire amount comes from the pocket of the consumers ultimately? It matters little how it comes, but it comes from the same class of persons. We have been condemning on the floor of the House the Rates Advisory Committee: we have not been in favour of establishing a Federal Court without cases; and here we are asked to establish a tribunal costing 2 lakhs a year to try cases worth Rs. 3,000. It is not worth while to establish it for this small amount. A good deal has been talked about justice. In a matter of this kind we require more of common sense and an expeditious decision. The proposed amendment will, to my mind, have several disadvantages: firstly, it will be very expensive—quite an unnecessarily expensive burden on the cultivators: secondly, it will involve enormous delay in deciding these cases; and

thirdly, it is doubtful whether the decision will always be in favour of the aggrieved person. With these words, I oppose the amendment.

Mr. Bhulabhai J. Dessai (Bombay Northern Division: Non-Muham-madan Rural): Sir, there are many elephants, I agree, both white and black; but the question now really is only whether we should not provide some means by which injustice, so far as the aggrieved person is concerned, may be mitigated or relieved against; and while I recognise the force of what the Honourable Leader of the House said, the simpler way is not to create any more elephant but to go to the actual High Courts of the provinces, to whom an appeal may lie; because as far as I see the inclusion of a retired judge may not be very desirable; he may be too old for the purpose; let us have an actual judge doing his work: so far as I know the qualifications of a judge, he has to be either an advocate or a barrister of a certain standing. I believe the purpose of the Mover will be met if instead of this elaborate procedure to which objection can be easily appreciated, something simpler is done. I quite agree that maintaining a tribunal like this for the class of cases which my Honourable friend pointed out, may be quite an unnecessary institution, being too costly; but we have, for instance, in the case of land acquisition tribunals an appeal or power of revision to the High Court: it has been now further amended and appeals are allowed even to the Privy Council. I am not suggesting that in these cases you should make any such provision; but there is no reason why a Judge of the High Court of the province in which the dispute arises should not be the authority to whom an appeal would lie from any of these decisions at the instance of the aggrieved person, or to the High Court of the province. I hope that the additional expense will not be incurred. As I said it will be like an elephant, and we have already instances of people sitting down, constituting tribunals doing nothing. I know it. It exists even in this very city itself, but that is a different matter altogether, so that I would not suggest an addition. But what I would suggest,—and it is a fair solution which will meet what my friend, Sir Nripendra Sircar, said,—is that we need not have a tribunal which will cost a great deal without having enough work to do, because if these figures point to anything, they merely point to this, that there is not big enough interests in them or a large enough amount at stake to employ him or me or even the Honourable Mr. Akhil Chandra Datta. I appreciate that, but I also know that in the High Courts advocates of a fair amount of standing can be found for a very reasonable fee to plead the cause of their clients. So, there need not be any difficulty as regards the lawyers nor about constituting a white or black elephant. I would, therefore, suggest to the Honourable Member in charge of this Bill that it is really in consonance with the idea of some relief from injustice, if it exists, that he should agree to a very simple measure, namely, that an appeal shall lie to the High Court of the province in which the case has arisen at the instance of the person aggrieved. That is all you want. You don't want elaborate rules of procedure. After all, there are Bills and Bills, and in Bills of this nature, supposing the machinery that has been suggested is found to be a little too elaborate and to which objection can reasonably be taken, it is never too late in a matter of this kind for the Honourable Member in charge of this Bill to accept the amendment, and it can be moved as an agreed amendment.

Mr. President (The Honourable Sir Abdur Rahim): Has such an amendment been agreed upon? Has it been drafted?

Some Honourable Members: It can be drafted.

Mr. H. Dow: Sir, it will not take me very long to deal with the points which have been made by the gentlemen opposite in support of this proposal. I will first deal with the suggestion made by Mr. Brojendra Narayan Chaudhury that these appeals, which at present lie with the Government, are dealt with in a perfunctory manner. I think it was his suggestion that the Under Secretary simply sent for the papers from the Licensing Committee and passed orders rejecting the appeal. Now, Sir, I would like to tell the House that during the time I have been in charge of the Department,—and for some time indeed before I was Secretary of the Department,—I have dealt with every one of these appeals personally. I have spent most of my time neither in Secretariat nor in Legislative Assemblies, but as a District Officer, and if I am unable to put my case as eloquently as some of the gentlemen opposite, they may remember that most of my time has been spent in places where forensic eloquence was of very little use. But I have had a great deal to do with the small cultivator, in whose interest I understand this proposal has been made. As I mentioned before, it seems to me a matter of very great importance that the small cultivator should not only have his case understood, but should feel that his case is being understood, and it was on that ground that I originally put forward the suggestion, which has not found favour with the House, that these appeals should be dealt with by an Indian District Officer of experience. I cannot see that any benefit is going to result to the small cultivator of tea, either from this Tribunal, or from the suggested appeal to a High Court which has been put forward in its place by the Honourable the Leader of the Opposition. Leaving aside the small cultivator for the moment, I should like to point out that as regards the rest of the industry,—and after all the owners of big estates are also interested in the distribution of quotas,—80 per cent. of the industry are definitely opposed to the setting up of any such tribunal. The Honourable the Deputy Leader stated that the London Joint Sub-committee was in favour of this proposal and had themselves brought it forward. It is perfectly true that, at a preliminary stage, they brought forward a suggestion that some tribunal of this character might be set up, but when they investigated the matter further, they withdrew the suggestion, and the London Sub-committee are now entirely opposed to it.

It has been estimated that the cost of this Tribunal will be somewhere between 2 and 2½ lakhs of rupees. The Honourable the Leader of the House has already given you the figures for the last five years of the estates which have actually appealed. It works out at an average of 350 acres a year. The cost to the litigant would, therefore, be somewhere in the neighbourhood of Rs. 700 an acre, which is a great deal more than the value of any difference in the export rights which he could possibly hope to obtain; no estate could stand expenditure on that scale. Nor do I think that the matter would be materially improved, if we looked at it from the point of view of the small cultivator, by allowing an appeal to a High Court. The small cultivator is very distant from these places, and he could hardly hope to have his case put forward properly without a great deal of expense, from which he is saved at present. References have been made to Ceylon, and it has been pointed out that there are a large number of appeals in Ceylon and the system works well. It is very largely because the circumstances in Ceylon are entirely different. If it

were a question here of dealing with a very large number of appeals concentrated in a small area, that would be an entirely different case, but I cannot see why because Ceylon has an institution something of this nature, we should set up such a Committee in entirely different circumstances. For these reasons, Sir, Government oppose the motion.

Mr. Akhil Chandra Datta: Sir, may I point out there is every prospect of an agreed solution, and so can we finish the Bill today?

The Honourable Sir Nripendra Sircar: I think Mr. Dow made it perfectly clear that there are no chances of an agreed solution. He made it clear in his speech that there are no chances of the Government agreeing to the suggestion which fell from the Honourable the Leader of the Opposition.

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

“That for sub-clause (2) of clause 7 of the Bill the following be substituted :

- (2) (a) The Central Government shall constitute a Tribunal of Appeal which shall consist of three members one of whom shall be retired judge of a High Court and one shall be a barrister-at-law or an advocate.
- (b) It shall be the duty of the Tribunal of Appeal to hear and determine appeals of any persons aggrieved by orders of the Licensing Committee under section 14 of this Act.
- (c) The Central Government shall prescribe by rules—
 - (i) the time within which and the manner in which appeal shall be preferred;
 - (ii) the forms to be used and the fees to be paid in preferring appeals;
 - (iii) the procedure to be observed at the hearing of appeals;
 - (iv) the remuneration to be paid to members of the Tribunal of Appeal; and
 - (v) generally for all matters connected with or incidental to the matters specifically enumerated in this sub-section or to the hearing and disposal of appeals.
- (d) The decision of the Tribunal of Appeal on any matter of question brought before it by way of appeal shall be final and conclusive for the purpose of this Act.”

The Assembly divided :

AYES 46.

Abdul Qaiyum, Mr.
 Aney, Mr. M. S.
 Asaf Ali, Mr. M.
 Ayyangar, Mr. M. Ananthasayanam.
 Banerjee, Dr. P. N.
 Bhagavan Das, Dr.
 Chaliha, Mr. Kuladhar.
 Chattopadhyaya, Mr. Amarendra
 Nath.
 Chaudhury, Mr. Brojendra Narayan.
 Chettiar, Mr. T. S. Avinashilingam.
 Chetty, Mr. Sami Vencatachelam.
 Chunder, Mr. N. C.
 Das, Mr. B.
 Das, Pandit Nilakantha.
 Datta, Mr. Akhil Chandra.
 Desai, Mr. Bhulabhai J.
 Deshmukh, Dr. G. V.
 Deshmukh, Mr. Govind V.
 Gadgil, Mr. N. V.
 Govind Das, Seth.
 Gupta, Mr. K. S.
 Hans Raj, Raizada.
 Jedhe, Mr. K. M.

Jogendra Singh, Sirdar.
 Kailash Behari Lal, Babu.
 Lahiri Chaudhury, Mr. D. K.
 Mangal Singh, Sirdar.
 Misra, Pandit Shambhu Dayal.
 Mudaliar, Mr. C. N. Muthuranga.
 Paliwal, Pandit Sri Krishna Dutta.
 Pande, Mr. Badri Dutt.
 Parma Nand, Bhai.
 Raghubir Narayan Singh, Choudhri.
 Ramayan Prasad, Mr.
 Ranga, Prof. N. G.
 Rao, Mr. Thirumala.
 Saksena, Mr. Mohan Lal.
 Santhanam, Mr. K.
 Sheodass Daga, Seth.
 Singh, Mr. Gauri Shankar.
 Singh, Mr. Ram Narayan.
 Sinha, Mr. Satya Narayan.
 Som, Mr. Suryya Kumar.
 Sri Prakasa, Mr.
 Subedar, Mr. Manu.
 Varma, Mr. B. B.

NOES 56.

Abdul Hamid, Khan Bahadur Sir.
 Abdullah, Mr. H. M.
 Abdur Rasheed Chaudhury, Maulvi.
 Ahmad Nawaz Khan, Major Nawab Sir.
 Aikman, Mr. A.
 Ayyar, Mr. N. M.
 Bajoria, Babu Baijnath.
 Bajpai, Sir Girja Shankar.
 Bewoor, Mr. G. V.
 Boyle, Mr. J. D.
 Buss, Mr. L. C.
 Chanda, Mr. A. K.
 Chapman-Mortimer, Mr. T.
 Clow, Mr. A. G.
 Craik, The Honourable Sir Henry.
 Dalal, Dr. R. D.
 Dalmat Singh, Sardar Bahadur Captain.
 Dow, Mr. H.
 Essak Sait, Mr. H. A. Sathar H.
 Fazl-i-Haq Piracha, Khan Bahadur Shaikh.
 Fazl-i-Ilahi, Khan Sahib Shaikh.
 Ghiasuddin, Mr. M.
 Gilbert, Mr. L. B.
 Gill, Mr. H. A. C.
 Griffiths, Mr. P. J.
 Grigg, The Honourable Sir James.
 James, Mr. F. E.
 Jawahar Singh, Sardar Bahadur Sardar Sir.

Jehangir, Sir Cowasji.
 Kamaluddin Ahmed, Shamsul-Ulema.
 Kushalpal Singh, Raja Bahadur.
 Lloyd, Mr. A. H.
 Mackeown, Mr. J. A.
 Mani, Mr. R. S.
 Menon, Mr. A. P.
 Metcalfe, Sir Aubrey.
 Miller, Mr. C. C.
 Mody, Sir H. P.
 Murtuza Sahib Bahadur, Maulvi Syed.
 Ogilvie, Mr. C. M. G.
 Scott, Mr. J. Ramsay.
 Sen, Rai Bahadur N. C.
 Sher Muhammad Khan, Captain Sardar Sir.
 Siddique Ali Khan, Khan Sahib Nawab.
 Sircar, The Honourable Sir Nripendra.
 Slade, Mr. M.
 Smith, Lieut.-Colonel H. C.
 Spence, Mr. G. H.
 Staig, Mr. B. M.
 Stewart, The Honourable Sir Thomas.
 Sundaram, Mr. V. S.
 Thorne, Mr. J. A.
 Umar Aly Shah, Mr.
 Walkar, Mr. G. D.
 Yamin Khan, Sir Muhammad.
 Ziauddin Ahmad, Dr. Sir.

The motion was negatived.

Mr. Kuladhar Chaliha (Assam Valley: Non-Muhammedan): Sir, I move:

"That after sub-clause (2) of clause 7 of the Bill the following new sub-clause be inserted:

'(8) If any party is aggrieved by any order of the Licensing Committee under sections 14, 28, 29, 30 he shall have the right to refer the case in the prescribed manner to a Board of Arbitrators consisting of three members one of whom at least shall be an Indian formed in the following manner:

(i) one member to be nominated by the Licensing Committee;

(ii) one member to be nominated by the Government of Assam;

(iii) one member to be nominated by the Government of Bengal;

and the decision of the Board shall be binding on the Licensing Committee'."

I thought that this House would accept the kind of tribunal which Mr. Chaudhury suggested in his amendment. Having failed in that, I think we now fall back upon this. My submission is this that the Indian Tea Licensing Committee working in Calcutta, since 1934, has not been functioning properly and they have absolutely failed to do justice to the Indian tea-growers of Assam, Kangra and South India. My Honourable friend, Sir Nripendra Sircar, told us that there were something like 29 appeals only but I can inform the House that many people did not come before the Central Government on account of the extra expense, trouble and labour they would have had to incur for this purpose. I have a list here from which I find that about 28 estates could not get a quota from the Licensing Committee and it was not possible for these estates to come up and prefer an appeal in Simla or Delhi. There was the Chow-

dang estate with 17 acres. It was at first thought that some quota should be allotted to it but that was subsequently refused. I shall read out a list of these. Baganibari—not allowed an export quota. Simlitola, a very small estate, not allowed. Chowdang, an estate of 17 acres, not allowed. Duliabari, an estate of four acres, no export quota allowed. Maheshbari, an estate of seven acres, no export quota allowed. Amrajjan estate of 31 acres, no export quota allowed. Baruagon estate of two acres, no export quota allowed. There are about twenty-nine of these, and on account of the difficulty of the committee not being accessible to them, they could not get any export quota. I have already got a list of twenty-nine but there are so many that it will be rather impossible to tell the whole story about their difficulties. Here we have heard from Mr. Badri Dutt Pande that in Kangra alone there were so many owners of estates who could not move at all from their places to come to the Licensing Committee in order to get their export quota. It is really difficult if not impossible for the small tea-grower to come before the Central Government. In fact, the Committee which is functioning in Calcutta has very often done injustice to the Indian growers. My friend, Mr. Dow, has given us information that 80 per cent. of the growers did not want an appellate board, but he has forgotten to tell us how many of them were Indians and how many Europeans. Eighty-five per cent. are European and only fifteen per cent. are Indians and, as such it is just possible that the Europeans did not want it but he did not mention that other percentage which supported an appellate board. It is said in the arguments advanced that an appellate board would be a very costly one. Now the Ceylon appellate board in 1933-34 was costing only seven thousand rupees, and the statement giving us a figure of two lakhs was rather surprising. I should say rather fictitious. If a proper appellate board were constituted, much less than seven thousand rupees would be necessary. You will find in the case of the Ceylon Board of Appeal that there was a disposal by the Board of appeals in 1935-36 of a lot of work. Fifty-eight sittings were held during the year 1934-35. I shall quote from the report itself:

"The Board held 58 meetings during the year of assessment 1934-35, and disposed of 267 appeals relating to estates, of which 33 were successful, and 500 relating to small holdings, of which 114 were successful."

So, we find that in disposing of 767 appeals, that cost only Rs. 7,000, and as such, the argument put forward against the Board of Appeal is most untenable; and, I think with regard to the proposition of a Board of Arbitrators the same argument will be put forward. My submission to this House is that without a Board of Arbitrators the small tea-growers will be left at the mercy of the Licensing Committee, who, being elected from amongst the bigger tea-growers, would naturally have no sympathy whatever with the smaller tea-growers. If a board of arbitrators is created, then we know that it will be a sort of check on the Licensing Committee, and, as soon as they know that there is some body to revise their orders, the Licensing Committee will be very very careful in doing injustice: and, as such, I ask this House that the proposition of a board of arbitrators should be supported. Under the circumstances and under the conditions prevailing at the present moment, I think the House should not in any way object to the creation of a board of arbitrators. Sir, it is a very very modest proposition and I do not think the Government Member, if the Government have the good of the small tea planters at

[Mr. Kuladhar Chaliha.]

heart, should object to it at all. The only ground why the big tea-growers should object is, it seems, that they have a sort of malicious greed and do not wish well of the small Indian tea planters. They want, it seems, to drive the small Indian tea planters to penury and ruin. They seem to adopt this attitude,—why should the small tea-growers exist at all? Sir, in Assam there are many people who cultivate their own land and after some time grow ten, fifteen or twenty acres and they grow a decent tea garden. Now, should you ruin them, or should you not give them protection? And what is the protection you are giving? If the Licensing Committee rejects their quota, the only alternative for them is to come to Simla before the high gods, and that is an impossibility for them. It is easy enough for the bigger folk to come up to the Commerce Member or the Commerce Secretary. But if the smaller folk were to try to come up and see these high gods, probably they will be kept out by the chaprassis. What then is our remedy? The European tea-planter comes up and says, “well, Mr. Dow, can I come in and have a talk with you? I have some trouble”, and Mr. Dow tells him, “what can I do for you?” Will he say the same thing to the smaller Indian tea-grower coming from the interior of Assam, South India or Kangra? Sir, my submission is it is impossible for such people to come up to Simla and talk to Mr. Dow. In fact I have not yet been able to have a talk with him in order to ventilate our grievances because, I have not been introduced to him, and what about the small tea-grower owning an estate of two or three acres? I asked Mr. Griffiths to introduce me to Mr. Dow, and no doubt I shall get my chance but what about the small man owning two or three acres? Sir, if you want to be just and proper, you must concede my proposition. You have rejected a very fine proposition made by my Leader, Mr. Desai and by my friend, Mr. Chaudhury and the alternative is, if you wish to be just and kind and good to our people, for you to accept this proposition, which I ask you to do in all earnestness, so that you may do a little justice to the poor people far away in South India, far away in Kangra district and far away in the wilds of Assam.

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

“That after sub-clause (2) of clause 7 of the Bill the following new sub-clause be inserted :

“(3) If any party is aggrieved by any order of the Licensing Committee under sections 14, 28, 29, 30 he shall have the right to refer the case in the prescribed manner to a Board of Arbitrators consisting of three members one of whom at least shall be an Indian formed in the following manner :

- (i) one member to be nominated by the Licensing Committee;
- (ii) one member to be nominated by the Government of Assam;
- (iii) one member to be nominated by the Government of Bengal;

and the decision of the Board shall be binding on the Licensing Committee’.”

Mr. Badri Dutt Pande: Sir, there is a proverb which says: It is a long long way to Tipperary and I say it is a long long way to Delhi and Simla. My Honourable friend, Mr. Dow, just said that 12 Joshis are not wanted and 12 Rangas are not wanted meaning thereby that only one Dow and one Clow and one Griffiths are sufficient. They may manage or mis-manage our affairs and they may represent or misrepresent our views, but they are sufficient. They are self-sufficient, self-appointed and self-composed

representatives of the Indians. Sir, a man from Kangra, which is 500 miles off, cannot be expected to come to Delhi or Simla. Similarly, a man from Assam will find it difficult to come to Delhi or Simla. They should have some justice near at hand.

Mr. H. Dow: Can he go to Calcutta to appear before this Tribunal?

Mr. Badri Dutt Pande: Assam people have relatives in Calcutta but they have no relatives in Delhi or Simla. The roads of New Delhi are very misleading: even I am misguided and am lost in the wilderness when I go alone. I find myself a stranger in this Viceroy's New Delhi, so what to say of the poor villager who does not know where to go and appeal. Here, the Members opposite do not even talk to us politely and how can you expect them to talk to the small cultivators. Ceylon is a small island and yet it has got a Tribunal, but the bigger India—the wider India—the greater India, as was said by the late Mr. Ramsay Macdonald, when drawing the Princes into the Federation, is denied the benefits of this Tribunal. I, for myself, am unable to understand this logic.

5 P.M. In fact, there is no logic at all. The proposal of an appeal to the High Court that was made by our talented Leader was to meet the problem half way, but even his solution was not found to be acceptable by the Government. They want to have everything to themselves. It is the Bengal Chamber of Commerce which wants to dominate over all this tea business. We do not want to ruin this tea industry in any way but we must tell them that it is our own industry. We do not want to ruin anybody in this industry; we do not want to be a sort of obstacle on the path of anybody, but we do want that the interests of the small tea grower, the interests of the labourer and also the interests of the foreign trade should be protected. We want all that. We have not received protection at the hands of the tea planter. A tea planter and an Afghan money-lender with his *danda* are the same to our labourers. They are just like kith and kin in their dealings with our people. They are very rough.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member can resume his speech on the next day for this Bill.

The Assembly then adjourned till Five of the Clock, on Saturday, the 26th February, 1938.