

3rd April 1939

# THE LEGISLATIVE ASSEMBLY DEBATES

(Official Report)

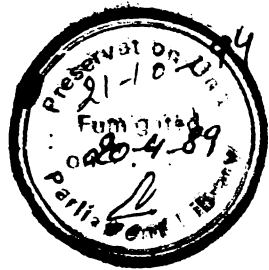
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Volume IV, 1939

*(30th March to 15th April, 1939)*

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## NINTH SESSION OF THE FIFTH LEGISLATIVE ASSEMBLY, 1939



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# LEGISLATIVE ASSEMBLY.

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

*Deputy President :*

25 AUG. 1939

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*Assistants of the Secretary :*

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KHAN SAHIB S. G. HASNAIN, B.A. (*From 10th April, 1939*).

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

*Committee on Petitions :*

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MR. A. AIKMAN, C.I.E., M.L.A.

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

SYED GHULAM BHIK NAIRANG, M.L.A.

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

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# LEGISLATIVE ASSEMBLY.

*Monday, 3rd April, 1939.*

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.

The Honourable Mr. A. G. Clow, C.S.I., C.I.E. (Member for Railways and Communications); and

Mr. J. S. Hardman, M.L.A. (Government of India: Nominated Official).

## STARRED QUESTIONS AND ANSWERS.

### (a) ORAL ANSWERS.

#### CO-ORDINATION OF LABOUR LEGISLATION THROUGHOUT INDIA.

**1457. \*Mr. T. S. Avinashilingam Chettiar:** Will the Honourable the Labour Member state:

- (a) whether Government have finished consideration of the matter of co-ordination of labour legislation throughout India;
- (b) if so, whether they have consulted the Provincial Governments concerned; and
- (c) if so, whether they propose introducing legislation in the near future?

**The Honourable Sir Muhammad Zafrullah Khan:** (a) No.

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

**Mr. T. S. Avinashilingam Chettiar:** I understood the Honourable Member to say that Government have under consideration the question of co-ordination of labour legislation throughout the province. May I know whether the Government of India are consulting the Provincial Governments while they are considering this question?

**The Honourable Sir Muhammad Zafrullah Khan:** I have explained before at what stage the matter is; it has not yet been concluded.

**Mr. T. S. Avinashilingam Chettiar:** May I know whether Government have not yet come to the conclusion whether this co-ordination is to be done or not?

**The Honourable Sir Muhammad Zafrullah Khan:** If they had come to the conclusion that co-ordination could not take place, they would not have gone on with the consideration of the matter.

**Prof. N. G. Ranga:** May I know whether Government intend to convene a conference between the Central Government and the Labour Ministers of the provinces in the near future in order to bring about co-ordination in regard to labour legislation?

**The Honourable Sir Muhammad Zafrullah Khan:** I am unable to give a definite answer to that.

**Prof. N. G. Ranga:** Is the possibility of such co-ordination being considered?

**The Honourable Sir Muhammad Zafrullah Khan:** Yes, the possibility is under consideration; but it is no more than a possibility at present.

#### ENCOURAGEMENT TO INDIA'S MERCHANT NAVY.

**1458. \*Mr. S. Satyamurti:** Will the Honourable the Commerce Member please state:

- (a) whether his attention has been drawn to the leading article in the *Hindu* of the 10th February, entitled "Support for India's merchant navy";
- (b) whether, with a view to increasing the naval defence of India, Government are considering any steps to encourage a merchant navy controlled and owned by Indians;
- (c) whether the Government of India have any proposals to subsidise an Indian merchant navy; if so, what they are; if not, why not;
- (d) whether he is aware that even in England the Chamber of Shipping has put forward proposals demanding subsidies under various heads totalling 8½ millions sterling a year;
- (e) whether he is aware that the Government in England have also been called upon to insist on a greater proportion of timber exports from Russia being carried in British ships;
- (f) whether he is aware that the Government of Great Britain in other trades also was called upon to make arrangements for securing the carrying trade to British bottoms by the securing of every kind of bargaining power available to them; and
- (g) whether the Government of India propose to do anything on similar lines with regard to Indian shipping?

**The Honourable Sir Muhammad Zafrullah Khan:** (a) Yes.

(b) The question of encouraging Indian shipping generally is constantly engaging the attention of the Government of India.

(c) No, Sir. The Government of India have not found it possible, for financial and other reasons, to consider any schemes for the further development of the Indian Mercantile Marine which involve the grant of subsidies.

(d), (e) and (f). Government have seen newspaper reports to this effect.

(g) Government have at present no such proposals.

**Mr. S. Satyamurti:** With reference to part (c), may I know whether, apart from financial reasons, what are the other reasons which my Honourable friend has in mind when he said that for financial and other reasons the Government of India have not found it possible to consider any scheme?

**The Honourable Sir Muhammad Zafrullah Khan:** There are many complications in the situation, as the Honourable Member is aware.

**Mr. S. Satyamurti:** Is the existence of vested interests one of the obstacles in the way of Government taking some steps in this behalf?

**The Honourable Sir Muhammad Zafrullah Khan:** I do not know whether the Honourable Member is right in putting it in that way. These things have been ventilated very often in the House and the various considerations that arise are known to the House.

**Mr. S. Satyamurti:** As regards financial reasons, may I know whether Government have made any rough calculation as to the extent of financial help required, and can the Honourable Member give the House some information as to the extent of financial help required in the initial stages?

**The Honourable Sir Muhammad Zafrullah Khan:** No, Sir.

**Mr. S. Satyamurti:** What are the financial reasons on which Government have come to the conclusion that Government can do nothing in this direction?

**The Honourable Sir Muhammad Zafrullah Khan:** The financial reasons are that Government are not able to spare any amount for this purpose.

**Mr. S. Satyamurti:** Have Government considered the amount of money that is exactly required, and can the Government give some reasons why they cannot find that money?

**The Honourable Sir Muhammad Zafrullah Khan:** Having settled the exact amount once, if they embark upon this policy, larger and larger amounts will be required.

**Mr. Brojendra Narayan Chaudhury:** May I know whether the attitude of the Government of India will not harm the national industry by competition among Indian owners themselves?

**The Honourable Sir Muhammad Zafrullah Khan:** I have answered questions on that point on several occasions already.

†1459\*.

#### PREFERENCE GRANTED TO REMINGTON TYPEWRITERS.

**1460. \*Mr. Abdul Qaiyum:** (a) Will the Honourable Member for Labour be pleased to state if it is a fact that preference granted to Remington typewriters in 1931 is now being interpreted as a monopoly for them by the Controller of Stationery?

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†This question was withdrawn by the questioner.

(b) Has the Controller of Stationery received definite instructions to reject requisitions for other typewriters on the approved list, or is he using his own discretion?

(c) How many Underwood and Royal typewriters were purchased by the Government of India in the years 1936, 1937 and 1938?

(d) Are these typewriters still on the approved list?

**The Honourable Sir Muhammad Zafrullah Khan:** (a) No.

(b) In pursuance of the policy of encouraging a firm which undertakes even partial manufacture in India as against one which does not, preference has been given to Remington typewriters; but the question is being re-examined.

(c) One Royal typewriter in 1936, one Underwood typewriter in 1937 and *nil* in 1938.

(d) Yes.

**Mr. T. S. Avinashilingam Chettiar:** What is the assembling work that is done in Calcutta?

**The Honourable Sir Muhammad Zafrullah Khan:** They do a certain amount of assembling of parts in their factory.

#### MANUFACTURE OF TYPEWRITERS IN INDIA.

1461. **\*Mr. Abdul Qaiyum:** (a) Will the Honourable Member for Labour be pleased to state whether Government have consulted expert opinion as regards the feasibility of starting a genuine industry for the manufacture of typewriters in India?

(b) How much capital would be required for this?

**The Honourable Sir Muhammad Zafrullah Khan:** (a) Government are advised that it is not possible at present to manufacture all typewriter parts in India.

(b) I am unable to give an estimate.

**Mr. Abdul Qaiyum:** Have Government made any enquiry on the subject, and are they prepared to publish the result of that enquiry?

**The Honourable Sir Muhammad Zafrullah Khan:** The last enquiry made was after the receipt of the Honourable Member's question and it is not necessary to publish the results of the enquiry as the total demand in India really would not make it a profitable venture to set up all the machinery that may be necessary to manufacture all the parts in India.

**Mr. Abdul Qaiyum:** Will the result of this enquiry be supplied to all Members of this House?

**The Honourable Sir Muhammad Zafrullah Khan:** I have just supplied it.

**Mr. Manu Subedar:** What is the total demand?

**The Honourable Sir Muhammad Zafrullah Khan:** I cannot give that without notice.



**Mr. S. Satyamurti:** What is the value of the parts which, according to the expert advice available to the Government, can be manufactured in India on an economic scale?

**The Honourable Sir Muhammad Zafrullah Khan:** I would require notice.

**Mr. M. Ananthasayanam Ayyangar:** May I know if the Calcutta company which assembles these parts is a branch of the original company in America or an independent Indian company?

**The Honourable Sir Muhammad Zafrullah Khan:** I do not know the technical relationship between the two companies.

#### USE OF REFRIGERATING VANS.

1462. **\*Mr. Brojendra Narayan Chaudhury:** With reference to the statement laid on the table in reply to starred question No. 1140, of the 17th March, 1939, to the effect that "a further commercial experiment is under consideration", will the Secretary for Education, Health and Lands please state:

- (a) whether the commercial experiment regarding refrigerated rail transport will be conducted under the direction of his own Department or of the Railway Department;
- (b) whether the object of the commercial experiment is to find out whether the thing can be done within reasonable costs; whether this is the only aspect in which the commercial experiment differs from the scientific experiment;
- (c) whether the volume of traffic expected will be taken into consideration in making the commercial experiment;
- (d) whether his Department has no connection with marketing of agricultural produce;
- (e) whether there is any all-India Association or Board in connection with marketing of agricultural produce; and
- (f) if so, the constitution and functions of the Board and its relation with his Department?

**Sir Girja Shankar Bajpai:** (a) No decision has yet been reached but both Departments will be concerned.

(b) Not entirely: the question of modifying the design and equipment of the van has also to be considered.

(c) Yes, if the experiment is made.

(d)—(f). The Education, Health and Lands Department is not responsible for marketing policy. The House is aware, however, that on account of the all-India importance of the marketing of certain commodities, a central marketing organisation, with branches in the Provinces, was created in 1935. The activities of this organisation are reported annually in the reports of the Imperial Council of Agricultural Research and the special survey reports which the Principal Marketing Officer has already issued.

**Mr. Brojendra Narayan Chaudhury:** May I know the exact sphere of relationship between the Central Government and the Provincial Governments regarding marketing to places outside the provinces?

**Sir Girja Shankar Bajpai:** I think, Sir, whether it is inside or outside the provinces, broadly speaking the sphere of the Central Government is to investigate and suggest means of co-ordination.

**Mr. Brojendra Narayan Chaudhury:** Is it a fact that the Central Government meets the salary of the Provincial Marketing Officer also?

**Sir Girja Shankar Bajpai:** Speaking from memory I wish to say that the Government of India pay for the Central Marketing staff and the Provinces pay for their own staff out of grants made to them.

**Prof. N. G. Ranga:** Is the Central Marketing Office kept in close and constant touch with the various loans and sales societies that are being started in various provinces under the ægis of the Marketing Officers?

**Sir Girja Shankar Bajpai:** I cannot say specifically with regard to the classes of societies which the Honourable Member mentioned. I do know this that the Principal Marketing Officer and his lieutenants try to maintain the closest practicable touch with the provincial organisations?

**Prof. N. G. Ranga:** Will Government consider the advisability of publishing the annual report of the working that is being carried out by the various agricultural marketing societies that are coming into existence and which are working in the various provinces?

**Sir Girja Shankar Bajpai:** Sir, if my Honourable friend will be so good as to let me have his suggestion in writing, I shall see what we can do about it.

#### STATEMENT OF THE MADRAS PREMIER IN RESPECT OF FEDERATION.

**1463. \*Mr. S. Satyamurti:** Will the Honourable the Leader of the House please state:

- (a) whether his attention has been drawn to the following statement of the Premier of the Madras Government in the Madras Assembly on 20th February, 1939:

“It is impossible for the Governments of Provinces to function with self-respect if an irresponsible but increasingly active Central Government continues to sit over them in all important matters, unwilling and unable to throw off the force of habit and the conventions of previous practice”;

- (b) whether the Government of India have been addressed by the Madras Government that this state of affairs should be altered;
- (c) whether the Government of India communicated to the British Government in England the opinions of the Madras Premier and of the Madras Legislature in respect of the proposed Federation; and
- (d) whether the attention of the Government of India has been drawn to the fact that the Premier of Madras stated in the Madras Legislative Assembly recently that the Madras Government have not been consulted by the Government of India in respect of the Federation; if the Madras Government were not consulted, why not?

**The Honourable Sir Nripendra Sircar:** (a) Yes.

(b) No.

(c) Copies of the resolutions adopted by the Madras Legislature together with the debates thereon were forwarded to the Secretary of State for India.

(d) Yes. As regards the second part of the Honourable Member's question I would invite his attention to the reply I gave to part (c) of Mr. T. S. Avinashilingam Chettiar's starred question No. 40 on the 1st February, 1938.

**Mr. S. Satyamurti:** With reference to part (a), may I know whether the Government of India have taken any further action on that statement of the Madras Premier, by way of addressing the Secretary of State on this behalf?

**The Honourable Sir Nripendra Sircar:** No, Sir.

**Mr. S. Satyamurti:** In view of the very strong statement made by a responsible Premier, may I know why Government have taken no further action?

**The Honourable Sir Nripendra Sircar:** I have informed the House that copies of the resolutions adopted by the Madras Legislature together with the debates have been forwarded to the Secretary of State for India, and we have taken no notice of the very violent language which has been used, because we are believers in non-violence in language.

**Mr. S. Satyamurti:** I am grateful to my Honourable friend for this pathetic faith in non-violence, represented by one lakh and 80,000 troops in British India. I am now asking whether, apart from this faith in non-violence, Government have taken any steps, and if they have not, the reasons why they have not taken any steps on the statement of the Madras Premier, who is a responsible Minister in charge of the administration of one of the biggest provinces in this country.

**The Honourable Sir Nripendra Sircar:** It is a matter of opinion as to whether any action should be taken on that statement, and I have already said that no action has been taken. I do not believe I am called upon to reply to the matter of troops. We are sending more troops to the United Provinces.

**Mr. S. Satyamurti:** I never said a word about troops being sent. If my Honourable friend wants to make a speech to the Congress Governments, he may do so, but I only referred to the troops in British India. But, with regard to clause (d), may I know if my Honourable friend's answer,—he will correct me if I am wrong,—that he cannot share with the House the information as to whether the Provincial Governments are consulted or not still holds good?

**The Honourable Sir Nripendra Sircar:** The reason I gave in answer to the question I referred to was that the Government of India were under no statutory obligation to do the consultation which is suggested.

**Mr. S. Satyamurti:** I thank the Honourable Member; but may I know whether, apart from statutory obligations, Government propose in the discharge of their political responsibilities to consult the Provincial Governments, specially as they are major units of the proposed Federation?

**The Honourable Sir Nripendra Sircar:** As we have got the debates we have got the resolutions. We do not seek for any further light.

#### SEGREGATION LEGISLATION IN SOUTH AFRICA.

**1464. \*Mr. Abdul Qaiyum:** Will the Secretary for Education, Health and Lands please state:

- (a) the latest position about the proposed segregation legislation in South Africa;
- (b) whether Swami Bhawani Dyal, President of the Natal Indian Congress, has met him in connection with segregation legislation;
- (c) whether Government have read his suggestion in the *Statesman* of the 19th March, 1939, that a deputation on behalf of the Government should at once proceed to South Africa, where a round table conference should be held; and
- (d) the view of Government with regard to the suggestion contained in part (b) and the reasons for their decision?

**Sir Girja Shankar Bajpai:** (a) I would invite the attention of the Honourable Member to the reference to South Africa in the statement which I made in this House on the 16th March in the course of the debate on Mr. T. S. Avinashilingam Chettiar's cut motion. The matter is still under correspondence with the Union Government.

(b) and (c). Yes.

(d) Government will take all relevant suggestions into account.

**Mr. Abdul Qaiyum:** May I know if it is a fact that the proposed legislation is even more drastic than the previous one?

**Sir Girja Shankar Bajpai:** As far as I know, no proposals have so far materialised.

**Mr. Abdul Qaiyum:** May I know if it is one of the proposals that where 75 per cent. of the votes are forthcoming Indians can be segregated?

**Sir Girja Shankar Bajpai:** I answered that question when the short notice question of Sir Raza Ali was asked more than a month ago.

**Mr. Abdul Qaiyum:** May I know if any progress has been made since the 16th March with this proposed legislation?

**Sir Girja Shankar Bajpai:** There has been no progress with legislation. I have already informed my Honourable friend that no proposals have materialised so far.

**Mr. Badri Dutt Pande:** Is it the intention of Government to send a small deputation there to discuss these affairs?

**Sir Girja Shankar Bajpai:** I regret to say that while the matter is still under correspondence with the Union Government I cannot disclose what plan would eventuate.

**Seth Govind Das:** Is it a fact that on account of this proposed legislation an agitation called non-European front is gaining ground in South Africa in which the Indians, the coloured people and the aborigines of that country are going to take part?

**Sir Girja Shankar Bajpai:** As my Honourable friend is aware, we have a representative of the South African Indian Congress in this country. I have had a discussion with him and he has not given me any indication of any such common front.

**Seth Govind Das:** What are those effective measures which Government propose to take to stop such legislation in South Africa, besides this correspondence which they are having with the Union Government?

**Sir Girja Shankar Bajpai:** My Honourable friend must wait and see.

**Mr. S. Satyamurti:** Have Government any information, such as has been published in the press, that the Union Government have already made up their minds to introduce anti-Indian legislation?

**Sir Girja Shankar Bajpai:** So far as I know the Union Government of South Africa have not made up their mind on any concrete form of legislation.

**Mr. S. Satyamurti:** When did Government last hear from the Union Government on this matter?

**Sir Girja Shankar Bajpai:** I think three days ago.

**Mr. S. Satyamurti:** May I know whether the Government of India have satisfied themselves, from the latest information which is available to them, that the Union Government of South Africa have not made up their mind to introduce legislation on those lines?

**Sir Girja Shankar Bajpai:** If I did not have sufficient material on which to base the answer that I have already given, I would not have given it.

#### COMPENSATION TO INDIANS FOR LOSSES IN BURMA RIOTS.

**1465. \*Mr. Manu Subedar:** (a) Will the Secretary for Education, Health and Lands please state whether the Government of Burma or the Secretary of State for Burma has now accepted the principle that compensation should be given for the loss of life and property and for injuries to Indian residents of Burma?

(b) When did the Government of India write on this subject first, when were their reminders sent, and has the principle been rejected?

(c) What do Government propose to do with regard to the legitimate claims of Indian nationals in Burma on this subject?

(d) Are Government considering any proposals for economic reprisals with Burma, including the giving of notice of the termination of the Trade Agreement, in view of the reluctance of the Government of Burma to accept the principle of compensation?

**Sir Girja Shankar Bajpai:** (a) to (c). I have nothing to add to what I stated in reply to supplementary questions to Mr. Brojendra Narayan Chaudhury's starred question No. 832 on the 7th March, 1939.

(d) The attention of the Honourable Member is invited to the reply given by the Honourable the Commerce Member to supplementary questions that arose out of Mr. Satyamurti's starred question No. 1203 on the 21st March, 1939.

**Mr. Manu Subedar:** May I know whether Government are going to sit quiet under the continued neglect of their request with regard to the principle of compensation to the Indian citizens of Burma in connection with the loss of life and property?

**Sir Girja Shankar Bajpai:** No, Sir. I may remind my Honourable friend that all that the Government of India are doing at the moment is to await the report of the Braund Committee.

**Mr. Manu Subedar:** With regard to clause (d). may I know whether any other form of economic reprisals has at all been considered by Government in view of the continued and studied neglect of the Government of Burma and the Secretary of State for Burma to concede the reasonable request of Government as to the principle of compensation?

**Sir Girja Shankar Bajpai:** My Honourable friend must rest content with what I have already said, namely, that the question of compensation is under review and will be taken up as soon as the report of the Braund Committee is received.

**Mr. Manu Subedar:** The report of the Braund Committee does not deal with whether compensation should be given or not. I want to know whether the Government of India who have already made a request, according to the Honourable Member's reply, eight months ago, are going to press for that principle of compensation being recognised immediately, and if not, whether they are going to consider any economic reprisals.

**Sir Girja Shankar Bajpai:** My Honourable friend has been informed previously by me that the question of compensation naturally involves a study of the background as also of the amount of damage which is to be claimed. Both these questions are expected to be dealt with in the report of the Braund Committee.

**Mr. S. Satyamurti:** May I know if the question of giving notice of the termination of the Indo-Burma Trade Agreement is being considered by Government?

**Sir Girja Shankar Bajpai:** I must refer my Honourable friend to the replies which the Honourable the Commerce Member gave on the 21st March to this supplementary question.

## DIFFICULTIES OF INDIAN EXPORTERS TO NEW ZEALAND.

**1466. \*Mr. Manu Subedar:** (a) Will the Honourable the Commerce Member please state whether Government have received any representation, or have any information, with regard to the difficulties of Indian exporters to New Zealand through the imposition of import licence restrictions?

(b) Is it a fact that these restrictions are applied to India and not to the United Kingdom?

(c) What are the items exported to New Zealand from India?

(d) Is it a fact that hand-made basket-ware, brass-ware, carpets, cricket and hockey balls and other output of cottage industries in India have hitherto been exported to New Zealand without any difficulty?

(e) Have the Government of India any communication with the Dominion Office, or the Government of New Zealand, with regard to the treatment of Indian trade in that Dominion?

(f) Are Government prepared to look into the matter and secure for Indian exporters to New Zealand a fair and equal treatment?

**The Honourable Sir Muhammad Zafrullah Khan:** (a) and (b). Government have received no written representation, but I understand that one merchant has complained personally to the Commerce Secretary alleging both difficulties and discrimination, and has promised to make a detailed representation, which has not yet been received.

(c) The Honourable Member is referred to Volume II of the Annual Statements of the Sea-borne Trade of British India, copies of which are in the Library.

(d) Government have no information to the contrary.

(e) No.

(f) Government will certainly be prepared to look into the matter if any instances of Indian exporters experiencing difficulty in exporting goods to New Zealand are brought to their notice.

**Mr. Manu Subedar:** Are the Government of India under any obligation, treaty or relation with the Government of New Zealand in the matter of trade?

**The Honourable Sir Muhammad Zafrullah Khan:** I would require notice of that.

**Mr. Manu Subedar:** With reference to the reply itself, may I know whether it is open to the Government of New Zealand to discriminate against goods from India?

**The Honourable Sir Muhammad Zafrullah Khan:** In a general way I would answer "no". But as the Honourable Member would probably want to know the specific trade relationship between New Zealand and India I would ask for notice.

## APPOINTMENT OF AN INDIAN TRADE AGENT AT KABUL.

**1467. \*Mr. Abdul Qaiyum:** Will the Honourable Member for Commerce please state:

(a) whether at present there is an Indian trade agent at Kabul;

- (b) if not, when the last incumbent left that country, *i.e.*, Afghanistan;
- (c) whether the post is going to be filled up soon; if so, when the announcement is likely to be made; and
- (d) whether the Indian trade agent there is under the Commerce Department or the Foreign Secretary?

**The Honourable Sir Muhammad Zafrullah Khan:** With your permission, Sir, I may point out that this question and question No. 1478 should have been addressed to the Foreign Secretary.

**Mr. Abdul Qaiyum:** I think on one occasion the Honourable the Commerce Member stated that, in matters of trade, this particular agent was under the Commerce Department.

**The Honourable Sir Muhammad Zafrullah Khan:** Yes; but administratively he is under the Foreign Secretary.

**Mr. Abdul Qaiyum:** May I know if other trade agents also are similarly under the Foreign Secretary or whether this particular trade agent has been singled out for this treatment?

**The Honourable Sir Muhammad Zafrullah Khan:** Indian Trade Commissioners abroad are under the Commerce Department.

**Mr. Abdul Qaiyum:** May I know the reason why an agent who deals entirely with trade matters has been placed under the Foreign Secretary?

**Mr. President** (The Honourable Sir Abdur Rahim): The Honourable Member cannot go on putting questions like that.

**Mr. Abdul Qaiyum:** I will explain my difficulty

**Mr. President** (The Honourable Sir Abdur Rahim): The Honourable Member has got the answer: the question ought to be addressed to the Foreign Secretary.

**Mr. Abdul Qaiyum:** May I just say one word? The Honourable the Foreign Secretary distinctly said on one occasion that he was under the Commerce Secretary.

**Mr. President** (The Honourable Sir Abdur Rahim): If the Honourable Member will see, as regards this particular trade agent it is the Foreign Secretary who is competent to give the answer: that is the reply of the Commerce Member.

#### MANUFACTURE OF POWER ALCOHOL FROM MOLASSES.

**1468. \*Sri K. B. Jinaraja Hegde:** Will the Education Secretary be pleased to state:

- (a) whether Government are aware that the Mysore Government passed an Act compelling the sale of petrol mixed with alcohol manufactured in the State out of the molasses; and



- (b) whether the Central Government propose to watch this experiment and call for details with a view to encouraging the manufacture of alcohol out of molasses in British India?

**Sir Girja Shankar Bajpai:** (a) Yes.

(b) The Government of India will follow with interest the progress of this experiment.

**Prof. N. G. Ranga:** What action is proposed to be taken by the Government of India on the recommendation of the Tariff Board that suitable action is needed by the Central Government also in order to encourage this wholesale mixture of petrol and alcohol manufactured out of molasses in order to encourage the sugar industry?

**Sir Girja Shankar Bajpai:** I am not aware of any such recommendation by the Tariff Board.

**Prof. N. G. Ranga:** Am I to understand that Government have not considered the various recommendations made by the Tariff Board?

**Sir Girja Shankar Bajpai:** Government have considered such recommendations of the Tariff Board as have come up before them.

**Prof. N. G. Ranga:** Is it not a fact that the Tariff Board has recommended that the Central Government should give every possible encouragement for the manufacture of this power alcohol and also for the mixture of petrol with this power alcohol in order to encourage the sugar industry?

**Sir Girja Shankar Bajpai:** That particular recommendation has not come under my notice.

#### REPORT OF THE IMPERIAL SHIPPING COMMITTEE ON BRITISH SHIPPING.

**1469. \*Mr. K. Santhanam:** Will the Honourable the Commerce Member be pleased to state whether the Government of India have received a copy of the Thirty-eighth Report of the Imperial Shipping Committee on British shipping in the Orient, and if so, will he be good enough to lay a copy of the same on the table?

**The Honourable Sir Muhammad Zafrullah Khan:** Government have received the Report and have placed copies in the Library.

**Mr. K. Santhanam:** May I know how the Imperial Shipping Committee was constituted and by whom?

**The Honourable Sir Muhammad Zafrullah Khan:** The Imperial Shipping Committee was constituted, I imagine, by His Majesty's Government.

**Mr. K. Santhanam:** May I know if there was any representation of Indian shipping interests in that committee?

**The Honourable Sir Muhammad Zafrullah Khan:** I have answered that on previous occasions but if the Honourable Member wants an answer again he had better put down a question.

**RELATIONS BETWEEN THE UNITED KINGDOM AND INDIAN OWNERS OF SHIPPING.**

**1470. \*Mr. K. Santhanam:** (a) Has the Honourable the Commerce Member noted the following observations made by the Imperial Shipping Committee in their Thirty-eighth Report recently published?

“We attach great importance to an improvement in the relations between the United Kingdom and Indian owners of shipping engaged in Indian trades”.

“It must be admitted that there is an initial distrust to be overcome, the result partly of competition in the past between Indian owned and United Kingdom owned shipping enterprises”, and

“The aspirations of India to enter into the field of shipping operations are natural and should be fairly met in a co-operative spirit by the United Kingdom lines”.

(b) If the answer to part (a) be in the affirmative, will the Honourable Member be pleased to state what steps the Government of India have taken, or propose to take, to improve the relations between the United Kingdom and Indian owners of shipping engaged in Indian trades and to see that the United Kingdom lines co-operate with them in making India realise her aspirations for the building up of an Indian mercantile marine?

**The Honourable Sir Muhammad Zafrullah Khan:** With your permission, Sir, I will reply to questions Nos. 1470, 1472 and 1473 together.

The reply to part (a) of these questions is in the affirmative.

As regards part (b) of these questions, the position is that the Government of India have not had time to study the report of the Imperial Shipping Committee which, as the Honourable Member is aware, was published as recently as the 11th March. Meanwhile, I am unable to say what conclusions the Government of India are likely to reach on the specific matters raised in these questions. In so far, however, as action in connection with the Indo-British Trade Agreement is concerned, I would refer the Honourable Member to the speeches made by me on the 27th and 28th March in connection with the motion regarding that Agreement.

**Mr. K. Santhanam:** Am I to understand that the Government of India are in active consultation with the British Government with reference to the matters concerned in the report?

**The Honourable Sir Muhammad Zafrullah Khan:** I have said that the Government of India have not come to any decision in regard to them: they have not been able to conclude their consideration of them.

**Mr. K. Santhanam:** May I know if His Majesty's Government formally referred that report to the Government of India for opinion?

**The Honourable Sir Muhammad Zafrullah Khan:** I do not think so.

**Mr. Mann Subedar:** Has any request been received by the Government of India to contribute a share to the subsidy which is being proposed to be given to the British shipping by the United Kingdom Government?

**The Honourable Sir Muhammad Zafrullah Khan:** Not so far as I am aware.

#### CARGO AND PASSENGER TRADE CARRIED BY INDIAN SHIPPING.

**1471. \*Mr. K. Santhanam:** (a) Will the Honourable the Commerce Member be pleased to state the volume, as well as the value, of cargo and the number of passengers carried during the last three years, giving separate figures for each year, in the maritime trade between (i) India and Japan, (ii) India and Australia and (iii) India and United Kingdom?

(b) Will the Honourable Member be pleased to state the share of the above cargo and passenger trade carried by Indian shipping?

**The Honourable Sir Muhammad Zafrullah Khan:** (a) Such information as is available is contained in the "Annual Statement of the Sea-Borne Trade of British India with the British Empire and Foreign Countries, Volume II", copies of which are in the Library.

(b) As far as Government are aware, no Indian ships are engaged in the trades referred to.

#### SECURING OF LEGITIMATE SHARE IN THE OVERSEAS TRADE OF INDIA.

**1472. \*Mr. K. Santhanam:** (a) Has the attention of the Honourable the Commerce Member been drawn to the following observations in the Thirty-eighth Report of the Imperial Shipping Committee:

"The Netherlands East Indies Government considered it essential that the Netherlands line should retain a place in the traffic between the two countries, and made it known that a satisfactory solution of the shipping problem was a *sine qua non* for the conclusion of a trade agreement".

"In an Ordinance of May, 1935, the Netherlands East Indies Government took powers to regulate the carriage of imports from foreign countries so as to secure that a certain proportion of such imports was conveyed under the Netherlands flag".

"It is worthy of note, in this connection, that during the recent disputes between the shipowners of Japan and the Netherlands East Indies, the Netherlands East Indies Government, mainly by legislation giving administrative power to ensure the carriage under the Netherlands flag of a proportion of imports into the Netherlands East Indies, did, with the exercise of patience, successfully assist the Netherlands shipowners to arrive at a settlement with the Japanese competitors on the basis roughly of half and half".

(b) If the answer to part (a) be in the affirmative, will the Honourable Member be pleased to state what steps the Government of India propose to take in connection with the Indo-British Trade Agreement, or in any other trade agreements, or by any other legislative method referred to above, to enable shipping owned, controlled and managed by nationals of the country to secure their legitimate share in the overseas trade of India?

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†For answer to this question, see answer to question No. 1470.

### SAFEGUARDING AND PROMOTION OF THE INTERESTS OF NATIONAL SHIPPING.

†1473. \***Mr. K. Santhanam:** (a) Has the Honourable the Commerce Member noted the following recommendation in the Thirty-eighth Report of the Imperial Shipping Committee:

“In order to strengthen the bargaining power of the British lines in their negotiations with their competitors, the provision of some financial assistance towards the costs of operation may have to be considered by the Governments concerned and possibly also some such action as making facilities for the sale of foreign goods dependent upon an equitable apportionment of carrying trades”.

(b) If the answer to part (a) be in the affirmative, will the Honourable Member be pleased to state if the Government of India are prepared to consult the Legislature before they take any action either in the direction of financial assistance or an equitable apportionment of carrying trades, and what steps they propose to take to safeguard and promote the interests of national shipping in that connection?

### PUBLIC HEALTH OF INDIA.

1474. \***Mr. Brojendra Narayan Chaudhury:** Will the Secretary for Education, Health and Lands please state:

- (a) the total amount of money spent by the Central Government for public health purposes since the Government of India Act, 1919, came into force up to last year;
- (b) the year in which the post of the Commissioner of Public Health was created;
- (c) the extent to which mortality per *mille* in British India has decreased or increased in the last year as compared to the year 1919; and
- (d) whether the effects of any widespread serious epidemics were visible in the year 1919 or during the last year?

**Sir Girja Shankar Bajpai:** (a) About 2½ crores of rupees.

(b) The post of Sanitary Commissioner with the Government of India was created about the year 1864. The Director General, Indian Medical Service, held the office in addition to his own duties from 1880 till 1904 when the posts were again separated. The designation was then changed to Public Health Commissioner with the Government of India.

(c) The rate of mortality per *mille* in British India excluding Burma decreased from 35.5 in 1919 to 22.4 in 1937. Complete figures for 1938 are not yet available.

(d) The effect of epidemics was visible in certain parts of the country in both the years, but to a lesser extent in 1938 than in 1919.

**Shrimati K. Radha Bai Subbarayan:** May I ask if the Public Health Departments in the centrally administered areas are under the direct control of this Commissioner?

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†For answer to this question, see answer to question No. 1470.

**Sir Girja Shankar Bajpai:** No. The Public Health Commissioner with the Government of India functions merely as adviser to the Central Government. Each of these centrally administered areas has its own Public Health Officer.

**Shrimati K. Radha Bai Subbarayan:** What are the duties of the Public Health Commissioner here?

**Sir Girja Shankar Bajpai:** That, I think, is rather a large question. He is concerned not merely with advising the Government of India in regard to public health matters arising in the centrally administered areas, but he is also Secretary of the Central Advisory Board of Public Health: he represents India on the Health Committee of the League of Nations: he looks after port quarantine arrangements, and so on and so forth.

**PUBLICATIONS REGARDING PLANNING, ETC., AND COST OF CONSTRUCTION OF BUILDINGS, ETC., OF NEW DELHI.**

**1475. \*Mr. Brojendra Narayan Chaudhury:** Will the Secretary for Education, Health and Lands please state:

- (a) whether there are any publication or publications available to Members of the House regarding:
  - (i) architecture in the planning of New Delhi and standard plans for houses;
  - (ii) land leases in New Delhi, terms of lease, quantity of land held by Princes and the terms; total quantity disposed of and to be disposed of;
- (b) if not, whether he will lay on the table a detailed statement regarding the above mentioned subjects;
- (c) the amount spent up to last year in the construction of New Delhi for:
  - (i) Government buildings; and
  - (ii) land acquisition and land improvements;
- (d) the returns up to last year from the expenditure mentioned in part (c);
- (e) whether there is a planning office; if so, where it is located; and
- (f) whether he is prepared to make available to Members of the House copies of last year's report of the planning office?

**The Honourable Sir Muhammad Zafrullah Khan:** The information is being collected and will be laid on the table of the House in due course.

**AMOUNT SPENT ON THE MUNICIPAL AMENITIES OF NEW DELHI.**

**1476. \*Mr. Brojendra Narayan Chaudhury:** Will the Secretary for Education, Health and Lands please state the total amount spent up to last year from the foundation of the capital city from Central Government's funds for the municipal amenities of New Delhi?

**Sir Girja Shankar Bajpai:** The information required by the Honourable Member has been called for and will be laid on the table of the House as soon as possible.

### APPOINTMENT OF AN INDIAN TRADE AGENT AT KABUL.

**1477. \*Sardar Sant Singh:** (a) Will the Secretary for Education, Health and Lands please state if Government have taken any steps to appoint a commercial minded person as Trade Agent in Kabul to develop trade and bring about better trade relations between the two countries? If not, why not?

(b) If any steps are being taken, will Government state the duties that will be allotted to him?

(c) Will the work be under the Commerce Department or the External Affairs Department, as was the case with the First Trade Agent, Mr. Aslam Khatak?

**Sir Girja Shankar Bajpai:** The question should have been addressed to the Foreign Secretary.

### TRADE AGREEMENT WITH AFGHANISTAN.

**1478. \*Sardar Sant Singh:** Will the Honourable the Commerce Member please state what progress has been made in negotiating a trade pact with Afghanistan?

### DELAY IN THE REGISTRATION OF JOINT STOCK COMPANIES.

**1479. \*Sardar Mangal Singh:** Will the Honourable the Commerce Member please state:

(a) whether Government are aware of the fact that there is an unusual delay in the registration of joint stock companies; and

(b) whether the Honourable Member is prepared to issue instructions to take suitable steps to expedite the work of registration of the joint stock companies?

**The Honourable Sir Muhammad Zafrullah Khan:** (a) No such cases have been brought to the notice of the Government of India.

(b) No, but I am prepared to consider any specific complaint which the Honourable Member may make.

### RACIAL DISCRIMINATION IN THE MAYO COLLEGE, AJMER.

**1480. \*Pandit Sri Krishna Dutta Paliwal:** (a) Will the Honourable the Leader of the House be pleased to state the amount of grant paid to the Mayo College, Ajmer, annually?

(b) Is it a fact that European masters in the above college are recruited on a salary higher than the initial pay of the Indian Educational Service? If so, why?

(c) Is it a fact that, in addition to his pay, every European master is allowed a rent-free house, a free chowkidar, a free sweeper and free supply of water and electricity?

(d) Is it also a fact that every European assistant master is allowed a chaprasi, though he has hardly any office work to do?

**\*For answer to this question, see answer to question No. 1467.**

**\*Answer to this question laid on the table, the questioner being absent.**

(e) Are any of the amenities mentioned in part (c) above allowed to the Indian masters also? If not, why not?

(f) Are Government prepared to make the payment of the annual grant conditional on the abolition of all distinctions between European and Indian masters?

**The Honourable Sir Nripendra Sircar:** (a) Rs. 53,190.

(b) Since 1931 no member of the I. E. S. has been recruited to the College. English members of the staff recruited since that time are servants of the College recruited by the College authorities on the terms considered suited to their age and attainments and necessary to attract suitable recruits for the particular duties required.

(c) They are allowed a rent free house, a free chowkidar and free water. They are not allowed a free sweeper or a free supply of electricity.

(d) All assistant masters, whether Indian or European, are allowed a *chaprassi*, if their official duties require one.

(e) Until recently the members of the Indian teaching staff were not residential except in special cases and they were then given free quarters in the College. Recently a certain number of houses were built in the College at the special request of other members of the Indian staff who asked to be provided with houses on rental. These houses were built in accordance with the rentals proposed by the staff and the rentals are much lower than those payable for houses of similar size elsewhere in Ajmer. The houses were built by the College out of its capital and the College is not in a position to forego a return on the capital spent. Members of the Indian staff occupying such houses get water practically free from an electric well pump installation specially made for the houses. As the houses are all built together in one group, separate chowkidars for each house are not necessary but a chowkidar paid by the College exercises general supervision at night. Several members of the Indian staff have quarters in Boarding Houses in the College rent free.

(f) No invidious distinctions exist.

**Prof. N. G. Ranga:** What are the lowest and the highest salaries paid to European members of the staff there?

**The Honourable Sir Nripendra Sircar:** I have not got the information before me, I am afraid.

#### PAY OF THE PRINCIPAL OF THE MAYO COLLEGE, AJMER.

1481. **\*Pandit Sri Krishna Dutta Paliwal:** (a) Will the Honourable the Leader of the House please state on what salary the present Principal of the Mayo College, Ajmer, was first appointed?

(b) What is his present pay?

(c) When is he due to retire?

(d) In addition to his pay, what other sum or sums does he get from his wards or pupils?

(e) Is this additional income of the Principal taxable?

**The Honourable Sir Nripendra Sircar:** (a) Indian Educational Service, Junior Selection Grade.

- (b) Indian Educational Service Senior Selection Grade after promotion.
- (c) Not yet settled.
- (d) This is a private matter settled with the parents concerned.
- (e) Yes.

**AMOUNT DRAWN BY THE EUROPEAN ASSISTANT MASTERS OF THE MAYO COLLEGE, AJMER, FROM THEIR WARDS.**

**1482. \*Pandit Sri Krishna Dutta Paliwal:** (a) Will the Honourable the Leader of the House be pleased to state what amount each of the European assistant masters of the Mayo College, Ajmer, draws from his wards in addition to his pay?

- (b) Is this additional income taxable?
- (c) If so, has income-tax been regularly recovered on this income?
- (d) Is it a fact that the amount is charged for the four months' vacation also?

**The Honourable Sir Nripendra Sircar:** (a) This is a private matter settled with the parents concerned.

- (b) Yes.
- (c) Yes.
- (d) No.

**Mr. S. Satyamurti:** May I know, Sir, if Government servants are allowed to draw private remuneration, in addition to their salaries?

**The Honourable Sir Nripendra Sircar:** That is what my answer implies with reference to these professors.

**Mr. S. Satyamurti:** May I know, Sir, if Government have got some information as to the amount he draws in addition to his pay from private sources?

**The Honourable Sir Nripendra Sircar:** No.

**Mr. S. Satyamurti:** Will Government examine the question in view of the fact that whole time Government servants are not permitted to draw remuneration for work which they want to do outside their normal duties?

**The Honourable Sir Nripendra Sircar:** Well, Sir, I shall bear that in mind, but as at present advised, we do not really want to have such an investigation.

**Mr. Mohan Lal Saksena:** What is the answer to part (b) of the question, Sir.

**The Honourable Sir Nripendra Sircar:** "Yes".



**REDUCTION IN THE PAY OF INDIAN MASTERS IN THE MAYO COLLEGE, AJMER.**

**1483. \*Pandit Sri Krishna Dutta Paliwal:** (a) Will the Honourable the Leader of the House be pleased to state whether Government are aware that the pay of the Indian masters in the Mayo College, Ajmer, has lately been reduced? If so, for what reasons?

(b) Has the pay of the European masters been also proportionately reduced? If not, why not?

**The Honourable Sir Nripendra Sircar:** (a) No. On the whole the pay has been increased.

(b) Does not arise.

**GROWTH OF LONG STAPLE COTTON IN INDIA.**

**†1484. \*Sardar Mangal Singh:** Will the Secretary for Education, Health and Lands be pleased to state:

(a) whether Government have made, or contemplate making, any effort to help the growth of long staple cotton in this country; and

(b) what these efforts are and what results are expected from these efforts?

**Sir Girja Shankar Bajpai:** (a) Yes. Full details are given in the Report of the Indian Central Cotton Committee for the year ending August, 1938.

(b) The results are given in the above-quoted report and in the Statistical Leaflet (No. 1, 5th Issue) published by the Indian Central Cotton Committee—Report on the staple length of the Indian cotton crop, 1937-38 season and in the Committee's Statistical Bulletin No. 7—Supply and Distribution of various types of Indian cotton for season 1936-37. These publications are available in the Library. The Indian Central Cotton Committee considered the matter further at a meeting on March 31st. A report of this will be issued in due course.

**IMPORT OF OPTICAL GOODS.**

**1485. \*Mr. Lalchand Navarai:** (a) Will the Honourable the Commerce Member be pleased to state the total value of optical goods imported per annum during the last five years?

(b) How many firms in India are engaged in the mass production of spectacle lenses and other optical goods, and at which places?

(c) Have Government received any application from any Indian manufacturer of optical goods asking for protection against Japanese competition? If so, what steps have been taken in this connection?

**The Honourable Sir Muhammad Zafrullah Khan:** (a) The Honourable Member is referred to pages 180-181 of the Annual Statement of the Seaborne Trade of British India with the British Empire and Foreign Countries for the year ending 31st March, 1938, Volume I, a copy of which is in the Library of the Legislature.

(b) None, so far as I am aware.

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†Answer to this question laid on the table, the questioner being absent.

(c) Yes. But the applicant firm was not entitled to protection as it was largely dependent on imported materials and did not therefore fulfil one of the principal conditions laid down by the Indian Fiscal Commission for the grant of protection.

**Mr. Lalchand Navalrai:** May I know, Sir, if Mr. Nehru was appointed to go into the question of protection to industries, and, if so, what did he do?

**The Honourable Sir Muhammad Zafrullah Khan:** That question does not arise out of this, but I have on several occasions explained how far that inquiry proceeded and why it had to be stopped?

**Mr. Lalchand Navalrai:** Will the Honourable Member enlighten me now, because that information was given to the House a long time ago?

**The Honourable Sir Muhammad Zafrullah Khan:** No, Sir, I cannot enlighten the Honourable Member now.

**Mr. Lalchand Navalrai:** Why is it, Sir, that the Honourable Member is so unkind as not to enlighten this House again?

**The Honourable Sir Muhammad Zafrullah Khan:** Because the matter has already been discussed during the present Session.

**Mr. Manu Subedar:** What is the outlook of Government with regard to those cases where a certain amount of raw material has got to be imported from abroad because it cannot be made in this country?

**The Honourable Sir Muhammad Zafrullah Khan:** The general question of policy really cannot be discussed in supplementaries, and in any case it does not arise out of this question.

#### RATE WAR BETWEEN SHIPPING COMPANIES ON THE KONKAN COAST.

1486. **\*Mr. Abdul Qaiyum:** Will the Honourable the Commerce Member be pleased to state:

- (a) whether Government are aware of the uneconomic and relentless rate-war between shipping companies operating on the Konkan coast;
- (b) the steps taken by these shipping companies in response to Government's letter of February, 1938, urging the companies to end the rate-war by coming to an amicable settlement;
- (c) whether the companies concerned have agreed to an amicable settlement either through negotiations among themselves or through arbitration;
- (d) whether in view of the inordinate delay of the companies concerned to come to an agreed settlement among themselves, Government propose to use their good offices in bringing about a settlement by calling a conference of the companies concerned; and

- (e) whether Government propose to introduce legislation with a view to ensuring the operation of economic rates to prevail in coastal shipping and to prevent cut-throat rate-war in future?

**The Honourable Sir Muhammad Zafrullah Khan:** (a) Government are aware of the existence of a rate war between shipping companies on the Konkan coast.

(b) and (c). The companies appear to have negotiated among themselves, but without success.

(d) Government recently enquired from the companies concerned whether they would be prepared to submit their case to the Commerce Member for arbitration and to abide by his decision. The replies of the companies have been received and are under consideration.

(e) No.

**Mr. Abdul Qaiyum:** May I know, Sir, if there is any chance of settlement by private negotiations?

**The Honourable Sir Muhammad Zafrullah Khan:** It is very difficult to say.

**Mr. Abdul Qaiyum:** If private negotiations fail, will Government resort to arbitration?

**The Honourable Sir Muhammad Zafrullah Khan:** That is what I have replied to in part (d). I said that recently Government inquired from the companies concerned whether they would be prepared to submit their case to the Commerce Member for arbitration and to abide by his decision. The replies of the companies have been received and are under consideration.

**Qazi Muhammad Ahmad Kazmi:** Have they agreed to abide by the decision of the Commerce Member?

**The Honourable Sir Muhammad Zafrullah Khan:** Had it been so I would have stated it in my reply.

**Qazi Muhammad Ahmad Kazmi:** Are their replies problematical, and Government cannot make up their minds whether they agree to arbitration or not?

**The Honourable Sir Muhammad Zafrullah Khan:** Their replies are not problematical. They have actually been received.

**Mr. Manu Subedar:** Failing a settlement by arbitration for which, I understand, there are certain difficulties, will Government take other measures in order to avoid a rate war which is destroying Indian shipping?

**The Honourable Sir Muhammad Zafrullah Khan:** That is a hypothetical question.

**Mr. Lalchand Navalrai:** May I know, Sir, in case the arbitration is not agreed to by the companies or it is not successful, does the Honourable the Commerce Member propose to call a conference of these people just as Sir Joseph Bhore had done in order to bring about a settlement?

**The Honourable Sir Muhammad Zafrullah Khan:** That is practically the same question as the last question put by Mr. Manu Subedar and the reply is the same.

**Mr. Mohan Lal Saksena:** Is it not a fact, Sir, that the companies have not agreed to arbitration by the Commerce Member?

**The Honourable Sir Muhammad Zafrullah Khan:** I do not think I can say that definitely; I cannot say either yes or no.

**Mr. Husenbhai Abdullabhai Laljee:** Is it not a fact, Sir, that one of the companies has already appointed an arbitrator, Mr. Vallabhai Patel?

**The Honourable Sir Muhammad Zafrullah Khan:** Not in pursuance of the suggestion made by Government.

#### SYSTEM FOR ENROLMENT OF COOLIES ON THE NORTH WESTERN RAILWAY STATIONS.

**1487. \*Bhai Parma Nand:** (a) Will the Honourable Member for Labour be pleased to state what is the system followed for enrolment of the coolies at railway stations over the North Western Railway?

(b) Who appoints and controls the jamadar of the coolies, and what are his remunerations?

(c) What does the Railway Department get from the jamadar?

(d) Will Government be pleased to state the number and communal proportion of coolies at the stations having a jamadar?

**The Honourable Sir Muhammad Zafrullah Khan:** This question should have been addressed to the Honourable Member for Railways.

#### DELHI JOINT WATER AND SEWAGE BOARD.

**1488. \*Bhai Parma Nand:** (a) Will the Secretary for Education, Health and Lands please state if it is a fact that an institution titled as the Delhi Joint Water and Sewage Board is a local body administered by the Government?

(b) If the reply to part (a) above be in the affirmative, will the Honourable Member please state who is the final appellate authority for employees of that Board in cases of dismissal, removal and discharge?

(c) Is it a fact that certain employees were involved in cases such as, interpolation or manipulation in the accounts, of stores and cash, overpayment to a contractor, and forging of documents in 1935-36?

(d) Is it a fact that these aggrieved persons appealed to the Local Government (Chief Commissioner, Delhi) and that the Chief Commissioner, who is also the President of the Institution, refused to entertain such an appeal on the plea that he had already decided the case in the capacity of President?

(e) Is it a fact that in another case an unauthorised supply order for the supply of Alumina Ferric over and above the requirements was placed on the local suppliers on the last working day of the financial year 1937-38, when the contract of that firm had to be completed on that day and the new agreement for the next year was coming into force from next morning, resulting in the reduction in the prices of aforesaid material by Rs. 13 per ton?

(f) Is it a fact that during the investigation of the case referred to in part (e) above, a shortage of 23,000 pounds was discovered?

(g) What was the personnel of the enquiry committee held on both occasions as well as the community of the accused involved in the cases?

**Sir Girja Shankar Bajpai:** With the permission of the Honourable Member I would like to answer question Nos. 1488 and 1489 together. The information required by the Honourable Member has been called for and will be laid on the table of the House as soon as possible.

#### DELHI JOINT WATER AND SEWAGE BOARD.

†1489. **\*Bhai Parma Nand:** (a) Will the Education Secretary please state whether it is a fact that the communal ratio in regard to the recruitment of staff is not maintained in the Delhi Joint Water and Sewage Board office, as well as in the subordinate offices?

(b) Is it a fact that important and responsible posts, such as, Superintendents, Assistant Superintendent, Foreman, Accountant, and Head clerk, are held by minority community men? If so, why?

#### APPOINTMENT OF REGISTRAR OF THE FEDERAL COURT AND HIS STAFF.

1490. **\*Mr. Kuladhar Chaliha:** Will the Honourable the Leader of the House be pleased to state:

(a) whether the Registrar of the Federal Court and his staff are going to be appointed; if so, when;

(b) what the necessary qualifications for the Registrar will be, and whether the appointment will be made from the legal or judicial profession; and

(c) whether consideration will be given to Provincial representation in the appointment of the Registrar's staff of the Federal Court?

**The Honourable Sir Nripendra Sircar:** The Honourable the Chief Justice informs me that the question of the appointment of a permanent Registrar of the Federal Court will not be considered until the increase in the work of the Court is such as to make the appointment advisable. Part (b) of the question does not, therefore, arise. With regard to (c) the attention of the Honourable Member is invited to the answer given by me on the 22nd February, 1939, to the unstarred question No. 19 by Mr. Sham Lal.

**Mr. Lalchand Navalrai:** May I know, Sir, if this appointment will be made through the Public Service Commission?

**The Honourable Sir Nripendra Sircar:** I said that the question does not arise out of any appointment being made now.

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†For answer to this question, see answer to question No. 1488.

## PUBLICATION OF THE RESULTS OF DR. GREGORY'S ENQUIRIES OR RESEARCHES.

1491. **\*Mr. S. Satyamurti:** Will the Honourable the Commerce Member be pleased to state :

- (a) the particular work on which Dr. Gregory is just now engaged;
- (b) whether the results, if any, of his enquiries or researches have so far been published, and if so, what they are; and
- (c) whether Government intend asking him to take in hand a comprehensive inquiry on the incidence of taxation in India direct and indirect, Central, Provincial and Local (i.e., by local bodies), and, if not, why not?

**The Honourable Sir Muhammad Zafrullah Khan:** (a) For the nature of the Economic Adviser's duties, the Honourable Member is referred to the Proceedings of the Standing Finance Committee for 11th February, 1937, pages 124/5, or for a less technical account if he prefers a more popular account, to pages 154/5 of the *Indian Information Series* for 15th May, 1938. Copies of both of these documents are in the Library of the House.

(b) The reply to the first portion is in the negative. The latter portion does not arise.

(c) The Honourable Member is referred to the replies given by Honourable the Finance Member on the 25th March, 1939, to his starred question No. 1303 and the supplementaries arising therefrom.

**Mr. S. Satyamurti:** With reference to the answer to part (a) of the question, I do not want the description of the general nature of his duties, but the question asks what is the particular work on which Dr. Gregory is just now engaged. I should like to have some information as to the exact nature of the work on which this gentleman is just now engaged as a matter of fact?

**The Honourable Sir Muhammad Zafrullah Khan:** The nature of his work is the same as described in the nature of his duties.

**Mr. S. Satyamurti:** Does my friend say that Dr. Gregory is just now engaged in doing all the duties referred to in the proceedings of the Standing Finance Committee or in the *Indian Information Series* to which he referred?

**The Honourable Sir Muhammad Zafrullah Khan:** No.

**Mr. S. Satyamurti:** I ask for some definite information as to the exact duties he is doing now, what are the problems he has taken in hand, whether he has arrived at any results or if the results of his inquiries or researches have been published, or what are the subjects in question on the study of which he is just now engaged?

**The Honourable Sir Muhammad Zafrullah Khan:** I am not willing to give any further information with regard to these specific questions because that might open the way for numerous supplementaries.

**Mr. F. E. James:** May I know, Sir, if Dr. Gregory has commenced the examination of the incidence of the revenue duties which was promised by the Honourable the Finance Member some weeks ago?

**The Honourable Sir Muhammad Zafrullah Khan:** I would require notice of that.

**Mr. S. Satyamurti:** May I put another supplementary question, Sir? My friend may not like my putting supplementaries.

**The Honourable Sir Muhammad Zafrullah Khan:** I have not said that I do not like supplementaries. I merely said that it would open the way for further supplementaries on the details of the work upon which he may be engaged, and therefore I do not consider it advisable to specify the particular work on which he may be engaged.

**Mr. S. Satyamurti:** So far as I am concerned, I shall not put any supplementaries, regarding the details of his work, but will my friend inform the House as to the exact nature of the work on which, or the subjects generally on which, Dr. Gregory is just now engaged?

**The Honourable Sir Muhammad Zafrullah Khan:** The nature of the work is covered by his duties.

**Mr. S. Satyamurti:** Subjects?

**The Honourable Sir Muhammad Zafrullah Khan:** The particular subjects I am not prepared to specify.

**Mr. S. Satyamurti:** With reference to part (c) of the question, may I know whether Government propose to take on hand this question,—as far as I remember, the last we heard was that they had come to no decision on the matter,—but may I know if Government are considering the question of putting Dr. Gregory on special duty for conducting a comprehensive inquiry on the incidence of taxation in India direct and indirect, Central, Provincial and Local?

**The Honourable Sir Muhammad Zafrullah Khan:** Regarding that, detailed information was given by the Finance Member on the occasion to which I have referred.

**Mr. S. Satyamurti:** I know that they were not taking up the enquiry just now. What I want to know is whether Government propose to examine the matter again and put Dr. Gregory on special duty in regard to this matter in view of its urgent importance.

**The Honourable Sir Muhammad Zafrullah Khan:** Even that was answered on the last occasion.

**Mr. S. Satyamurti:** What was the answer?

**The Honourable Sir Muhammad Zafrullah Khan:** "I think the Honourable Member had better address that question to my successor. I have had a discussion with the Economic Adviser and recommended him to take up that matter with my successor as early as possible". That is the Finance Member's answer.

**Mr. S. Satyamurti:** But you are answering that question!

**The Honourable Sir Muhammad Zafrullah Khan:** I am answering, and in my answer I have referred to this reply.

**Dr. Sir Ziauddin Ahmad:** May I know whether Dr. Gregory has written any memorandum—it may or may not be published—and submitted it to the Government on the nature of the work which he has already done?

**The Honourable Sir Muhammad Zafrullah Khan:** I do not think he has prepared a memorandum upon the nature of the work he has already done.

**Mr. S. Satyamurti:** What has he done?

**The Honourable Sir Muhammad Zafrullah Khan:** A good deal.

#### MOTION FOR ADJOURNMENT.

#### KIDNAPPING OF FIVE FRONTIER HINDUS BY ARMED TORIKHEL WAZIRIS OF THE TRANSBORDER AREA IN THE BANNU DISTRICT.

**Mr. President** (The Honourable Sir Abdur Rahim): Order, order. The Chair has received notice of a motion of adjournment of the business of the Assembly from Mr. Abdul Qaiyum to discuss a definite matter of urgent public importance and of recent occurrence, namely, "the kidnapping of five frontier Hindus by armed Torikhel Waziris of the transborder area from village Sargraha Muhammad Khan in the Bannu District". Bannu district is in the Frontier province?

**Mr. Abdul Qaiyum** (North-West Frontier Province: General): Yes.

**Mr. President** (The Honourable Sir Abdur Rahim): There is some difficulty the Chair is feeling. These kidnappings are not very infrequent occurrences, and if an adjournment motion could be moved with regard to such occurrences, the business of the House will perhaps have to be adjourned very frequently.

**Mr. Abdul Qaiyum:** The other day, a deputation came from that area consisting of the Frontier Hindus and they are really alarmed at these raids; in fact, they were expecting a raid any minute. This raid is evidently attributed to transborder tribesmen for whom the Government of India are responsible. They have come into the British territory and tried to kidnap several persons, out of whom two have been recovered. This is a matter of urgent public importance, because it has created a state of alarm.

**Mr. President** (The Honourable Sir Abdur Rahim): But these things do so often occur unfortunately in that province. If by means of an adjournment motion the Honourable Member could put a stop to it and persuade these gentlemen to give up what seems to be their ordinary avocation, the Chair would be glad to consider it, but. . . .

**Mr. Abdul Qaiyum:** But I propose to censure the conduct of the Government of India



**Mr. President** (The Honourable Sir Abdur Rahim): Then, the Honourable Member will have to censure the Provincial Government.

**Mr. Abdul Qaiyum**: It has nothing to do with the Provincial Government. This is a misunderstanding which I should like to remove, because the Government of India are responsible for the tribal area, and the Provincial Government are the victims of the inefficiency of the Central Government inasmuch as with all the troops and constabulary they cannot stop these people from coming into the settled districts.

**Mr. President** (The Honourable Sir Abdur Rahim): It may be, the Provincial Government are helpless, then they must try to help themselves in any way they can. The Chair disallows the motion.

### THE COAL MINES (STOWING) BILL—*contd.*

**Mr. President** (The Honourable Sir Abdur Rahim): The House will now resume consideration of the following motion:

"That the Bill to make further provision for safety in coal mines, as reported by the Select Committee, be taken into consideration."

**Mr. Brojendra Narayan Chaudhury** (Surma Valley *cum* Shillong: Non-Muhanmadan): Sir, on the last day I had started to make the suggestion that no assistance should be given for stowing, and if any colliery was going to close, the mine would be forfeited to Government. Government will then put the colliery to auction. The abandoning collier will have the right to bid. I am sure, in many cases, that person who is a malingerer will be one of the bidders. There are mines which are voluntarily stowing at their own cost. I make this proposal, because I believe that the Coal Committee and the Honourable the Commerce Member are unduly frightened by apprehensions about closure of mines. The Honourable the Commerce Member admits that "all necessary measures of safety irrespective of the fact that the cost thereof may be prohibitive should be borne by the colliery owner himself." He cannot ask the Government to raise money for him, in whole or in part, by levy of a cess which falls ultimately upon the consumer of coal or upon his brother colliery owners who do not require stowing. That colliery owner who does not require stowing cannot be asked to come into the common pool. The predicament of the colliery owner, if any, who, being unable to meet the cost of stowing, has to close, is of his own making. For him the coal in the pillars does not exist since he cannot extract that coal by his own resources. That coal in the pillars may still be a reserve for the nation if the State can pay the additional cost of extraction. In that case, the State should get the entire profits, since the nation pays for the cost of extraction. There is no reason why the wretched exhausted colliery owner should make any profit out of State assistance. He has in the past by his "persistent evasion and breaking of regulations" (see page 215 of the Report) jeopardised the safety of the labour force and in many cases caused their death.

In spite of the drop in coal prices from before 1925, that is, from 1923 onwards, he has by working indiscriminately to lower down raising costs for high grade coal, leaving the slack to accumulate in the pit, succeeded in the year 1935 to reduce cost by 50 per cent. and thereby raise his profit by cent. per cent. If Honourable Members will look at the statistics given at

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page 25 of the Report of typical high grade collieries, they will find that in Company No. I, costs have gone down from Rs. 5-5-0 to Rs. 2-10-0, and dividends increased from 12½ to 22½ per cent. In Company No. II, you have the same figures, and every one of these nine typical companies has reduced cost by about 50 per cent., and one even up to 65 per cent. The unrecovered slack soaked by rain water emits gas, the principal cause of fires. I had this from people living near Raniganj who are not interested in mines. These are the people who are sought to be assisted. Do they desire this charity, because they have made their pile and made mines unsafe? It must not be supposed that they are all Europeans. A good half of them are Indians, although of the bigger variety. I have calculated from the Grading Board's Report, 1937, that there are 123 graded collieries, —58 Indians and 65 Europeans. These 123 collieries raise more than half the total quantity. The other 334 which will come under the operation of this Act raise less than half. I have counted Martin and Company as Indian, although the 1938 Calcutta Resolution of the Congress Working Committee might not have given Martin the status of an Indian.

It is the selected grade collieries which have not only been making, but increasing profits since 1925 onwards, in spite of the drop in coal prices. From a comparison of the figures given at pages 242 and 243 of the Report, it will be seen that in 1919, 86 collieries had a monthly average output of 11,767 tons. In 1935, their number decreased only by 14, but the output has gone up to 12,394 tons. This about the Big Brothers. They have, by increase in output of superior coal, been driving the small brothers out of existence. Figures will prove it. In 1919, 288 collieries had an average monthly output of 345 tons. Of these, 165, that is more than half the number, have had to close down by 1935. Those that have still remained in the field could increase their output by only 15 tons, that is, by only 6 per cent. as against 16 per cent. increase of the Big Brothers. This is in a nutshell the history of the industry. The big ones and the graded ones constantly increase output far in excess of demands. The result is that the inferior coal mostly raised by small concerns is unsaleable and the inferior producers have had to close down.

Mr. Whitehead, Chairman of the Indian Mining Association, Calcutta, at the last general meeting, said:

"There appears to be no demand whatever for second class coal, but prices of first class coal have been reasonably maintained."

I had this from the *Statesman* of the 19th March last.

We want conservation. The Coal Committee has discussed conservation at every page of the Report. The Coal Mining Committee admitted that resources in second class coal are unlimited. They estimate the life of coking coal at 62 years, and of good quality coal at 122 years only. I ask this House, is it conservation to waste short life limited reserve of good coal indiscriminately for all purposes by shutting out from the market inferior coal in unfair competition? The price of grade 1 is 2/12 and that of grade 2, is 2. Prices may vary at pitmouth, but the Calcutta prices are almost the same. We urgently require to legislate restrictions of output of high grade coal and encourage the use of inferior coal wherever possible. That is real conservation. The so-called safety device of this Bill will accentuate that already grave situation by giving a subsidy to encourage increased extraction of coal in the pillars which are mostly of superior quality. What is the harm if we leave the coal in the pillars to be extracted in future in

quantities strictly according to need for use and not the thirst of the collieries for high dividends. The Honourable the Commerce Member said that conservation and safety are two sides of the same coin. I say here his safety-assistance contradicts and defeats conservation. It will perpetuate in a higher degree the use of the superior coal for all purposes by putting the producers of superior coal in an artificially strong financial position *vis-a-vis* the inferior coal producer.

He probably realises the situation. The Government of India, Department of Industries and Labour letter No. 955, dated Simla, the 17th June, 1936, says:

"Collieries where sand stowing is not required will gain a substantial advantage over others. (*This is only a natural advantage which should not be grudged*). In so far as the need for sand stowing was based on consideration of safety, the disparity in cost would call for no remedial action for the coal owner who is not in a position to mine, with due regard to safety,—should not be allowed to mine at all. Again, in so far as it was calculated in the light of all factors involved to be profitable in the long run, no question of compensation should arise."

I ask the Government of India to stick to this correct position. May I know why they have gone back upon their own resolution? The Honourable the Commerce Member has half-heartedly put forward certain excuses. I will now examine them. I fail to discern the intelligence and acumen with which we are familiar in his utterances. His No. 1 argument is this. He quotes the Mining Committee criticising his own position that financially weak collieries should close down—in his own words "Those who cannot mine with safety should not mine at all". This is what he quoted from the Mining Committee's report:

"We are definitely of opinion that this is not practical politics (*The Experts of the Committee dare teaching politics to the Commerce Member of the mighty Government of India*), more especially as it would prejudice safety because the mines that were shut down would not be inspected and no one would know what was going on inside them."

May I know, who would go inside to inspect the 203 mines  
12 NOON. out of 640 which have closed down from the year 1919 in Jharia and Raneeunge? Will the owners of the 203 abandoned mines be induced by offer of another subsidy to meet the working losses to come back and again work the collieries and keep them safe from collapses and fires? Collapses and fires are by no means the monopoly of those collieries which are required to stow. The fires are mostly due to leaving slack, i.e., dust and broken pieces of coal in the kine. By all means, prevent that by legislation and finding a market for slack coal by restricting the superior variety output. All this talk of insurance against fire and collapses in abandoned mines by subsidy is sheer nonsense. Mr. Joshi, I think, should note that this question does not affect the safety of workers as there will be no workers within an abandoned mine, and my Honourable friend, Prof. Ranga, should also note this. As regards his argument No. 2, viz., that "stowing is required in a number of coal mines, and if all such mines were to be required to adopt stowing compulsorily and have to cease operations owing to their inability to meet the cost, it will involve hardship on the workers who will be thrown out of employment", well, this is sop for our old children, Mr. Joshi and Prof. Ranga. I am sure, even children will not fail to discern that to keep up the supply in the market, other collieries in the neighbourhood, who are not required to stow, will raise more coal, as also collieries which closed down before, in the face of

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keen competition, will reopen immediately. Increase and decrease in raisings are accommodated without delay to the demands of the market. I will guarantee the dismissed workers immediate and full employment in the next colliery. From the figures I have already produced and the quotation from Mr. Whitehead's speech, it should be apparent to all that every owner is eager to sell as much coal as he can and, therefore, to raise as much as he can.

These considerations should also allay the apprehensions in his third argument that the output of coal will be affected with the result that the consumers might eventually have to pay much more for their requirements of coal than the additional liability imposed on them by excise duty under this Bill. It may be that the price of soft coal for domestic fuel will increase and the cess will fall on the consumer, because it is made from inferior coal, and keen competition between superior and inferior coal is absent in this case. The cess may thus restrict consumption of soft coke. Further, about the incidence of this tax in the case of coal, on whom will it ultimately fall? My Honourable friend, Dr. Sir Ziauddin Ahmad, has quoted from the Report that "the impact of the cess will fall on the consumer but its incidence will be determined by the market conditions of demand and supply". This is but economist's truism. The present condition of demand and supply being what I have described—keenest competition amongst producers to find a customer even for a lump of coal—will cause the entire burden to be thrown on the producer at present and so long as present conditions prevail. I say, is it fair that the inferior collieries which have no markets, making no profits, working at a loss in the hope of better times in future, should pay,—not for their own benefit but for the benefit of a few favoured collieries which have been and are making huge profits by driving inferior coal from the market, simply because their huge profits must not diminish, by the cost of compulsory stowing? It is a notorious fact that the raising cost per ton diminishes in proportion to the increased volume raised. This is the reason for indiscriminate extraction resulting in unsafe conditions in the mines for which stringent safety measures are required, and for which the Coal Mining Committee was appointed. It is well-seated, having created a virtually monopolistic condition owing to their large volume of output and consequent decreased cost per ton enabling them to under-sell the inferior coal producer, offering a price for selected coal equal to the price of inferior coal who are going to be assisted out of this cess against the under-dogs. The cess at any rate should be levied mainly from the producers of superior quality coal, because the profits of the industry come at the present moment only from superior coal. My amendment No. 23 on the Final List provides for this. The least the House can do is to accept the amendment which proposes discriminatory rates based on varying ability to pay and on varying benefits to be derived by the two sets of collieries. I have calculated that it will be sufficient to raise about thirty-eight lakhs. The Government of India require about forty lakhs (see paragraphs—24 and 25 of letter of 7th July, 1938). The fund will be augmented by customs duty leviable under clause 6 of the Bill.

As regards the engineering and financial aspect of stowing, I am glad to be able to support the criticism of my Honourable friend, Mr. Aikman, that "the Mining Committee has failed to consider the great

mining and engineering difficulties involved in their sweeping recommendations for compulsory stowing on a large scale". Mr. Aikman then proceeds:

"As an instance of the difficulties to be overcome I would mention just two. The problem of sand supply and problem of finance. In regard to the former, I know of no one familiar with conditions in the Jharia and Raneeunge fields who would agree with the suggestion that the existing sand supplies in that area are anything like adequate for stowing on the scale visualised by the Committee. I shall not weary the House with details, but I hope that they will believe me when I say that ample evidence is forthcoming in support of my statement. Again, over the question of finance, the Committee talked in generalities quite unrelated to hard facts of the case and, to my mind, showed a serious lack of appreciation of the financial issues involved."

This is the view of all the Englishmen in the Jharia and Raneeunge fields. The grandiose scheme of fifty lakhs capital company to import aerial ropeways from England and the opportunity to dump British manufactures has failed to attract the gentlemen in the coal industry. The Government also do not believe in the scheme (see paragraphs 20—23 of their letter of the 7th July, 1938). Therefore, I can safely leave the matter here with the remark that to me also this scheme of sand supply, although strangely supported by the provision in this Bill to supply sand in kind, looks very much like the swindle of the "Pit Prop Syndicate" in the detective novel of that name. Those situated near the river, who can get sand conveniently at their door, are already stowing pits, wherever suitable, without asking for a subsidy. They do not complain that the stowing is prohibitive to them. So, even to the most credulous view, assistance is not required in every case and to the same extent. Now, what is the test? What is the measure of assistance required? Several Honourable Members in this House have made various suggestions in the amendments such as one-third, one-half, two-thirds the cost. Accepting the principle laid down by my friend, Dr. Sir Ziauddin Ahmad, that "we are creating funds for the benefit of the nation", as also the principle laid down by the Government of India that safety is a matter of individual concern, I hope the House will realize that we cannot admit any claim to assistance for stowing so long as the concern is making profits of even a pice on the whole business, no matter if the cost of stowing has drastically reduced its profits. I hope the House will accept my amendment No. 38, which says:

".....Provided that the value of such grant in any one year shall not exceed losses of the concern in that year due to working the mines inclusive of depreciation."

I hope the House will accept this amendment. I am afraid the Honourable the Mover stresses too much the so-called agreement in the Select Committee and getting through the work in surprisingly short time. I am told that he had many more surprises. I am informed that he has received a memorial from 184 Indian collieries supporting drastic power for the Inspector to compel safety, but strongly protesting against cess and State charity out of the Cess Fund. I do not know whether the Members of the Select Committee acted under anybody's instructions. If so, they should have examined the credentials of their advisers and should have noted the views of the Indian Chamber of Commerce, Calcutta, Bengal National Chamber of Commerce, Calcutta, Federation of Indian Chambers of Commerce and Industry, New Delhi, Bihar Chamber of Commerce, Patna, and of the Indian Colliery Owners Association, which constitute all the Associations of Indians engaged or interested in the coal industry. All these Associations utterly condemn levy of cess for assistance in stowing. They

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should have taken a lesson from the careful study of Chapter I of the Coal Mining Committee's Report where they will find from the correspondence between the Secretary of the Coal Mining Committee and the three leading Associations of Calcutta who represent practically the whole industry, Indians and Europeans, that conditions being different from mine to mine, it was impossible for any of the Associations to speak in one voice. Support to this Bill, so far as the coal industry is concerned, is obviously from a few individuals who are likely to receive assistance in stowing, and that support even is not very enthusiastic. Many concerns will never require any stowing; many others are not likely to get assistance in the near future. Therefore, the bulk of the industry are against it although there is no collective opinion. There can be none. The last surprise of the Honourable the Commerce Member must have been Mr. Aikman's estimate of the sand supply scheme and the "generalities" on the finance of the scheme. My surprise is how Mr. Aikman having said those things could still commend the Bill to the House. If sand supplies are not available or far more costly than the Committee's estimates, why tease the tax payer for nothing? There will be very little stowing. This Bill may benefit a few undeserving concerns, but the bulk of the Fund will be returned to the Government of India.

I join my voice with that of Dr. Sir Ziauddin Ahmad in pressing upon the Government nationalisation of mines which is the only effective means for conservation as also safety. I press for working towards that end on the lines suggested in the minority report. I for myself have more confidence in the views of the Government Geologist, Dr. Krishnan, than upon the views of the Inspector of Mines or the Revenue Commissioner or the professor member of the Committee. The only argument that the Majority could advance against the minority is that it would take ten years to complete a scheme of nationalisation. The Government of India have taken two years since the signing of the Mining Committee's Report to produce this ill-conceived, halting measure. The inordinate delay is explicable when we remember that the Government in 1936 were of contrary views. People delay doing things which are against their convictions.

To sum up: (1) I want the Inspector to be specifically authorised to order stowing and to be warned to enforce the old Safety Act strictly irrespective of consequences upon the individual owner. (2) I do not think cess or fund is necessary. Responsibility for safety is the individual concern. (3) Subsidy not to abandon mines is not the proper way to deal with safety in abandoned mines. You cannot stop abandonment necessitated by one and a hundred reasons except by penal legislation which would be ultra-Hitlerian. Other means must be sought, such as, removal of slack coal and provision for proper ventilation to gases. (4) If the Bill is at all to be proceeded with, I want discriminating rates of cess. (5) Also that the assistance in stowing shall not exceed the actual loss of the year for the whole concern.

Above all, we require restriction of output of superior quality coal strictly to requirements for legitimate purposes only. That way lies safety, conservation and salvation of inferior coal owners, who are the most numerous of the industry. We cannot jeopardise the future of the great national industry, the coal industry, by eating up our very limited resources of cooking coal for steam raising and other lower purposes.

**Mr. Kuladhar Chaliha** (Assam Valley: Non-Muhammadan): Sir, we are by habit and training opposed to any measure that emanates from the Government Benches, and I think I shall be giving a mild shock to the Honourable Member when I say that I am giving partial measure of support to this Bill. The main thing that we should look after is the safety of the mines as well as the safety of the workers. Owing to numerous accidents in different mines in recent years it has become absolutely essential that there should be some measure of legislation in order to protect the lives of men as well as to conserve the coal which is a national asset. As such, I welcome the measure, but I am only sorry that the Commerce Member has not seen his way to include Assam and the Punjab in the Bill. On abstract principles I believe these two provinces ought to have been included in the Bill but I think the Honourable the Commerce Member has gone to the realities and realised that things are so different in these two provinces that this Act should not apply there. But I shall presently show to the House the figures of accidents and deaths in Assam and I hope I shall be able to convince the Honourable the Commerce Member that he should see his way to introduce a measure for the safety of the coal mines in Assam and the Punjab as well. I shall just refer to the figures giving the death rates in those two provinces. The Honourable Member will be surprised to know that the death rate per 1,000 employed in Assam in 1934 was 4.02; in 1935, 1.97; in 1936, 1.89; in 1937, 2.74. Now, what is the number of serious accidents? I have got the figures for this class of accidents also. In 1934, the death rate per 1,000 was 32.50; in 1935, 59.71; in 1936, 32.39; and in 1937, 52.96. The number of people employed in Assam mines is only about 2,000 and the accident rate so high. I will, therefore, ask the Commerce Member to think of a legislation for the protection of people who work in the mines of Assam. I confess that our total production of coal is only one per cent. of the British Indian output but, all the same, when we are concerned with the lives of men, we cannot be oblivious of their safety. As such, I shall request the Honourable the Commerce Member to see that some sort of enactment is undertaken for Assam and the Punjab also because the death rate there also is high enough; for the sake of comparison I will mention that it was only 3.36 in 1935, 3.93 in 1936 and 3.93 in 1937 in Bengal, Jharia 3.87 in 1937, Bokaro 3.84 (1937) Karanpura 4.01 (1937) and Giridih 12.98 (1937). In the Punjab, it is, of course, 5.83. As such, I have made out a case for the Honourable the Commerce Member to have some legislation in Assam and also in the Punjab. The present legislation has been undertaken on account of various accidents in different collieries which have been mentioned by my Honourable friend, Mr. Brojendra Narayan Chaudhury, and I would like to give the House a few figures which, I hope, will not be tiring.

In 1934 in Poriapur colliery an accident occurred and six were killed. In 1935, an accident occurred in Bagdigi colliery and 19 were killed and seven were injured. In 1935, there was an accident in Jokiabad colliery and 62 were killed. In Lovobad there were two accidents, in one eleven were killed and in the other 35 were killed there. The greatest accident occurred in Poidih colliery where 209 were killed outright. In order to secure the safety of the workers, this legislation is absolutely necessary.

[Mr. Kuladhar Chaliha.]

There is also another point of view; this legislation is for the conservation of coal itself. It is said that in all countries there are large reserves of coal, but in India coal is much less. I find from the report of the Coal Committee that the reserves in the United Kingdom are 194,355 million which will last for 400 years. In America we have three billion metric tons which will last for 600 years. In France, there are 20,000 million tons sufficient to last for 400 years. The reserve in India is only about 20,000 million tons of which only 5,000 million tons are of good quality. Therefore, in order to secure this conservation, stowing seems to be more or less necessary. The only point that is necessary to be considered is what should be the rate of cess which should be levied under this Bill. We find that the Indian and the European owners differ on this point. They have not come to any unanimous agreement in this matter and yet, from the point of view of coal itself, it is a national asset and I think we should have some sort of cess for the conservation of so valuable a national asset. I have mentioned in my amendment that the cess may be two annas per ton and that should be sufficient for the time being for the purpose of the Government.

It is the considered view of the people in all countries that coal should be nationalised and in the United Kingdom itself more and more steps are taken in order to have State control over it. In Germany there is a scheme of socialisation of coal itself. Even in France they want to nationalise coal mines. In India we should try to nationalise the coal mines. The coal committee say that the Jharia coal fields and the Ranee-gunj coal fields are worth about 13½ crores and if the Government pay that amount, the entire asset will belong to the Government of India. I submit the Government should think over the question and buy up the entire coal fields so that the safety of the labourers can be looked into properly and the coal is duly conserved. I trust that the cess will be reduced to two annas per ton as I have suggested in my amendment and I hope the House will see that the cess is not fixed at the same rate as in the Bill. With these words, I support the motion.

**Mr. Muhammad Nauman** (Patna and Chota Nagpur *cum* Orissa Muhammadan): Sir, speaking on this Bill for stowing, I have no hesitation in supporting the Bill which aims at the measures for the safety of workers in the industry. I should like to add that such security to coal industry itself is also of some importance. The coal industry of this country has not been at all prosperous for the last few years and no effort should be made to increase the burden and thus exhaust the resources unless it has reached a stage where no alternative is possible. Is this stowing measure absolutely necessary or not? That is the question which ought to be examined by the House. In 1936 ample powers were given to the Chief Inspector of Mines under section 19 (1) A of the Indian Mines Act empowering him to take stringent measures regarding the working and non-working of coal mines for the safety of the workers. The pertinent question arises as to whether the Chief Inspector did all that he could do and whether the accidents were only acts of God and that no amount of negligence could be attributed to him and whether he did his part of the duty to the best interest and to the best of his intelligence.

Now, Sir, in the circumstances of the accidents that happened, the Government feel that this Bill should be brought forward. Now, Sir, I want to read a part of the letter which was addressed by the Federation



of Indian Chambers of Commerce and Industry to the Commerce Department, Government of India, on this topic:

"The Indian Mining Committee appointed in October 1936 to enquire into the methods of extracting coal underground stated that the maximum amount of coal was drawn during their first workings for the last 15 to 20 years by the special and first class grade colliery owners without any due regard to the consequences of such extractions in the collieries concerned."

Now, Sir, I ask whether the Chief Inspector was alive to these facts. Did he take all possible steps in consideration of this? Did he inform the different Managing Agents and the owners of the collieries about the danger. Considerable profits were made from these huge outputs during these years and, naturally, these owners and Managing Agents did not take into serious consideration the dangers that it entails. The colliery owners did not observe all the rules and regulations of the Mining Act and in some of the Jharia and Raneegunj coalfields a state has been reached in which continued extraction of coal from pillars by ordinary methods has become impossible in some cases and in others would involve serious danger to those engaged in the work. If the requirements of the law were observed by these colliery owners this new proposal would not have been brought and hence in their breach the whole industry should not be made to pay for their careless workings, and any expenditure which these colliery owners are now called upon, under the Mining Act, to meet with a view to observe the regulations should be an item of expenditure for those individual colliery owners and should not be a general burden on the coal industry.

This is the view which the commercial community has expressed in this reference from time to time. I should say that these views seem reasonable—of course, there might be difficulties—in the sense that when certain collieries have reached the stage where nothing is possible except stowing, that is an inevitable thing whatever be the extent of the penalty.

Now, Sir, the proposal of taxing the coal all round at four annas maximum actually amounts to taxing the consumers of the coal which will have to be paid by all those industries in India which utilise coal for generating their power which, indirectly, will amount to taxing the people through industries. At a stage when our industries are as yet in their infancies and when all sorts of direct and indirect taxes are being hurried on to the consumers in India in the way of restricting free trade by protective duties and otherwise, they should not be compelled to pay more than what is absolutely impossible to avoid. That is my argument and nothing further. It is always the duty of the State to study all the implications and the effects that the Bill may bring and I should hardly think that the coal industry has reached a point where this legislation is absolutely inevitable for the entire mining sections of this country. It may be necessary for certain particular mines and only those should have been made responsible and to penalise the whole industry seems rather indiscriminately condemning the innocent with criminals for no fault of theirs but for easy working of a certain measure; I should think this is equitable.

Now, Sir, it reopens the question of the comparative capacities of the different coal mines. Unfortunately the position of the coal industry is this that most of the inferior collieries are in the hands of the Indians and all the higher grade and first grade collieries are in the hands of Europeans. However, we should examine the position between Indians

[Mr. Muhammad Nauman.]

and Europeans. Most of the superior grade coal produced in mines is owned by them and controlled by European interests; and to the best of my information,—I speak subject to correction,—most of the accidents have occurred in these European managed coal mines. I think it would be very hard for these mines which produce lower grade and ungraded coal and it would be very hard on the consumers of this class of coal. It is argued that discrimination is not possible. It may be difficult but when the question of the existence of such an important industry of a country is involved the difficulties should be overcome by the State by certain measures which would not cripple the whole industry. I agree it may be difficult; I have not gone into the question very deeply, but the State is in a position to examine the whole question more exhaustively and find out whether there is any possibility of making such discrimination which is the only possible thing in the interest of the industries which utilize coal and which have to exist in this country. I certainly agree with my Honourable friend, Sir Ziauddin, that it is demand and supply which control the prices in every country, and I further say that as there is no immediate substitute, in spite of increased prices, the coal industry would not be ruined for all time at once. But there is certainly no getting away from this fact that other parts of the world where there are bigger coal producing areas and with more advantageous resources of passage may begin to dump this country with foreign coal unless some other measures are introduced immediately, and, at all events, the consumers will have to pay a higher rate to contribute about 50 lakhs to the Government. Now, Sir, I want to give the exact position on the figures of tonnage and the income. I have been given this by one of the Chambers of Commerce in Calcutta, and I want to read it out to the House, and suggest that even on discrimination of 4 as. and 2 as. Government can very well undertake the project:

“1936 : Output of coal in British India excluding Assam and Punjab.—20,222,089 tons.

Output of collieries (European managed 65 and Indian 58) having selected grade certificates.—11,072,918 tons.

Approximate income from collieries mentioned above at 0-4-0 per ton.—Rs. 27,68,229.

Output of collieries having grade I and lower grades and ungraded coal.—9,149,171 tons.

Approximate income from collieries mentioned above at 0-2-0 per ton.—Rs. 11,43,646.

Total approximate income—Rs. 39,11,875.

(1) The above income has been calculated on output (Tons 20,222,089) and not on despatch which amounted to tons 19,290,487 which will give an income of approximately Rs. 37,37,200.

(2) During 1937 output of coal in British India was tons 21,915,823 and in 1938 it was even higher, i.e., about 24 tons; hence the despatch would be proportionately heavier than in 1936. Hence it can safely be estimated to give an income of at least Rs. 38 lakhs if not more.

(3) Besides the above income there shall be a good income under clause 6 of the Bill, i.e., customs duty.

(4) The Government of India according to paras 24 and 25 of their letter of 7th July 1938, desired an income of Rs. 40 lakhs only at the maximum.”

And the figures that I am giving brings in almost the same figure, viz., about 40 lakhs.

Now, Sir, the position that I want to explain is this that unless some sort of discrimination is made it will be very hard on these collieries which

are producing lower graded coal. My Honourable friend, Mr. Aikman, is looking at me and perhaps he is not feeling comfortable at my suggestions. I should like to hear his views later when he gets up, this, however, is what has been conveyed to me by the different Chambers of Commerce and the members of the commercial community as their considered opinion: I have personally no interest in the coal industry, but having long connections with commerce and trade of this country this is the information, that I have been given by commercial organisations; In view of these opinions I certainly think that it will be very hard on those mines which produce lower grade coal to be taxed on one and uniform way. With these few suggestions, I support the Bill in a restricted way.

**Babu Kailash Behari Lal** (Bhagalpur, Purnea and the Sonthal Parganas: Non-Muhammadan): Sir, the idea of Government in bringing forward this Bill is to secure safety of miners and conserve the resources of coal supply to the nation, and the Bill has to be examined from these two points of view. There can be no two opinions about the importance of safety of miners, and conservation also is a national concern which should have the support of all. But we should not run away with ideas only. The safety of miners should, of course, be secured, but we have to see whether the proposed measure is likely to secure the ends in view. My Honourable friend, Mr. Joshi, representing labour, is jubilant over it, and, of course, from the point of view of the safety of the miners, it is all right. But he should have gone deep and, as a matter of fact, he has gone deeper and he has shown to Government that all the recommendations of the Mining Committee have not been incorporated in this Bill, if at all there is anxiety for the safety of miners; and he has shown several important items from the report of the Coal Mining Enquiry Committee which in the interest of the safety of the miners should have been incorporated. But they are left out and I think, perhaps Mr. Joshi ought to have been wiser as to why the Government, which is so anxious to rush in with this Bill, has left out those items although they are in the interests of the safety of the miners. .

**Mr. N. M. Joshi** (Nominated Non-Official): They are on the side of the capitalists.

**Babu Kailash Behari Lal**: Yes. This little good which this measure proposes should have been taken with a grain of suspicion by Mr. Joshi. When I judge the measure from that point of view I find that this stowing measure is a double edged one. It has to be examined whether this stowing is for the benefit and safety of miners only or has some other purpose behind it. It looks as if it is in the interests of those who have to work in the mines; but the way in which it is being rushed through leads one to suspect; and lest I be charged with suspecting everything that is brought forward by this Government, I will show how the Government has been rushing this measure. The idea originated in 1936 and a letter was addressed by the Government of India to the different interests in June, 1936. The Coal Mining Committee was appointed by the end of 1936. The Report of this Committee came in April, 1937, and since then, the Government addressed the Provincial Governments in 1936. The different mining associations and federation and others gave their replies by the end of 1936. The Government of Bengal wanted time to submit their views; but on the 24th December, 1938, the Government intimated that a conference would be held on the 18th January, 1939. On the 18th January a conference was

[Babu Kailash Behari Lal.]

held and on the 30th of January the minutes of the conference was received. On the 8th of February the Bill was introduced and on the 13th February, 1939, the Bill was referred to Select Committee and on the 17th February the Select Committee finished its business, although it was originally intended that it should finish on the 28th of February. Of course, there is no doubt that if there is a genuine desire on the part of the authorities to do good to the men working in the mines, they should really hurry up such measures. But knowing the past of the Government and their anxiety to do good in such matters, we suspect a little when there is hurry; and when we go through the papers our suspicion is confirmed still further; because although in the previous letters of Government, when this idea about this measure was initiated there is mention of this that it is intended for mines which have not been worked in the interests of safety and which have extracted too much coal and extracting more would endanger the lives of miners: that was the view first held. But, subsequently, that idea seems to have been abandoned and the Government have come to this conclusion that this safety measure should be applied in such a way that all colliery owners should bear the burden equally so that the mines I have referred to will receive the best of help by this measure. That surely makes us look at this Bill with some amount of suspicion. Of course, they say they cannot discriminate and decide at this stage that only those mines should bear the burden who are in immediate necessity because this is a kind of insurance measure. We understand what is an insurance measure. We know although all the insured have to pay premium but only those get the benefit who become entitled according to the rules of insurance. But, of course, even in insurance, insurers ascertain what kind of man they should insure. We have never seen an insurer insuring a consumptive man or a man on the death bed. Here we find a case like that. The colliery owners who have exhausted their mines and those who have brought themselves to such a condition that they immediately want such help by stowing are now lending support to the Government in this measure and Government now say that they are anxious that those who have paid the premiums should get the help. But I would ask the Government to consider this question: knowing fully well that the person to be insured has become consumptive or is on his death bed, should they not tell the person that he is not going to be insured or benefited in any way unjustly? Of course, the persons affected say that stowing is a measure calculated to bring safety to the miners and also to encourage conservation to some extent; but for God's sake, do not tax all indiscriminately, so that those who are going to be benefited immediately may prosper at the cost of those who are not in need of stowing at present: those who are going to be benefited have derived already the greatest amount of benefit in the past and they are likely to derive in the immediate future greater benefit than those who are going to be saddled with this taxation: they will be wiped off on account of this competition and increased cost of production.

Then, there is a technical difficulty also. As Mr. Aikman has said there may be difficulty in finding sand. Other friends also have doubted how far this measure will help in the conservation of coal resources or even in the matter of safety. We must, therefore, proceed cautiously, and if there is any risk of wasting and embarking upon this measure without understanding the full implication of it, then it is much better that the whole matter is gone through by experts, because there may be difficulty about finding sand and other difficulties of technical nature. I am told there

are very few countries —perhaps no country—where such measures have been taken up on this scale, even in places where there are larger mines than in India.

Then, Sir, there is another point. One can understand that this measure can lead to conservation by wiping off from the field of competition those who are now working in the mines at a heavier cost and those who will have to bear the burden of this taxation. If this is the idea of conservation of the resources of coal supply, then, of course, it will surely help, but in justice to the coal mineowners, Government should take into account the fact that it will not be in the interest of conservation, rather it will be in the interest of further exploitation of the resources of the country as well as of the consumers, and considering these two points it is always safe to be just and not to be over anxious and cautious for conservation so that one section of the people may be unjustly victimised while the other section of the people may be unduly favoured. Of course, I would have given my wholehearted support to the point of view put forward by my friend, Mr. Joshi, as I belong to a province where questions relating to coal mines can be understood only in the light of the interests of the labourers. As a matter of fact, one of my friends just asked me if these questions relating to coal can be understood by a Biharee?— I confess that this coal problem or the subject or object of coal is not so much of interest to Biharis. Of course, I could have even said that if these coal mines had not been discovered, it would have been of greater advantage to Bihar rather than these coal mines have been discovered and are being worked. So I can understand the coal question from the point of view of labourers, and I would have given my whole-hearted support, but as I find there is some intrinsic defect underlying this measure, the measure should have been circulated for opinion and opinions should have been obtained from all points of view, technical as well as administrative. That would have helped the Government much better instead of rushing through this measure. Even at this stage Government can do a little justice as has been proposed by some of the amendments that discrimination should be adopted in such a way that those coal mines that are not likely to get any benefit in the immediate future should be taxed less than those who are to have immediate benefit who should, of course, be saddled with a greater burden. With these words, Sir, I give my half-hearted support.

**Prof. N. G. Ranga** (Guntur *cum* Nellore: Non-Muhammadan Rural): Sir, I give my general support to this Bill. I wish that this Bill had been introduced even a year ago. The kind of demand that it proposes is long overdue. We want compulsory stowing, but the difficulty is, whether this compulsory sand stowing should be financed by all the producers of coal or by only those whose mines have to get this particular benefit. If all the mines are owned by the State or even controlled by the State, then, certainly, the case for making everybody contribute equally as much as any one else to the financing of sand stowing is very strong, but if, on the other hand, there are a large number of coal producers who have derived profits from coal mining for a long number of years and who, today, are obliged to carry on this sand stowing, then it is rather hard, I admit, on the others to be asked to contribute equally to the cost of this compulsory sand stowing. At the same time, it has to be recognised that in emergencies, when national resources are at stake, and lives of large numbers of workers are in jeopardy, we cannot very well make such nice distinctions as between those who make profits and those who are not able to make

[Prof. N. G. Ranga.]

such big profits, or those who have been in the trade for a long time or those who are just getting into it; but on the whole, there is certainly some case, I concede, for making some sort of discrimination in regard to those people who today make profits out of coal mining and who, at the same time, need sand stowing in their own mines and see that these people are not paid all the cost of sand stowing as the others who are not able to make any profits at all but on the other hand are even losing money and who need for their mines sand stowing. If it is at all practicable and possible, I want the Government to consider the need for this particular discrimination.

I have, however, to state that the Royal Commission on Labour has itself reported in 1929-30 that till then the accidents in mines had not shown any signs whatsoever of any diminution, and I find, Sir, from the Coal Mining Committee's Report itself that up till 1935 the number of accidents was going up and also the number of deaths was on the increase. Therefore, the need for this compulsory sand stowing is very great and it must be achieved as soon as possible.

But, Sir, when we come to the larger question of ways and means by which safety in coal mines can be assured, and also when we consider the question that the national resources represented by our coal mines have to be protected, we find that the Government have been very very indifferent indeed. Sir, the Coal Mining Committee had recommended that there should be a greater and larger direct control over the manner in which these mines are worked in this country with a view not only to prevent these accidents, but also to prevent the large wastage that is taking place in our national resources as represented by coal. India, Sir, is very poor in her coal resources, and at the present time in every country which has any industrial ambitions at all, coal is extremely prized and badly needed, and I find that a very good authority on the point states that our coal owners had not been very careful in utilising these services to the best advantage, rather they have been very callous and have been wasting our coal resources in this country, that they have been thinking only of the immediate benefit and advantage, without caring for the national interest. But the Government have not come forward till now with any measure whatsoever intended to protect our national resources and see to the proper utilisation of our coal resources in this country. I hope, Sir, that the Government will take the earliest possible steps to see that the nationalisation of mines, which has been recommended by the minority report here, is carried out at the earliest possible moment so that sand stowing can be achieved at a smaller cost than is estimated now, and also the coal extraction is carried on really in the interest of the nation and the interests of the workers are properly protected.

Moreover, we find that today the coal industry is being subsidised by the Government of India. The Government of India have their own railway collieries, but they do not work them to their fullest capacity because of their chicken-heartedness in regard to the needs of these private coal mines. They want these private coal owners to make as great profits as possible and that is why they keep their production to the minimum level. And that is a wrong policy. Not being satisfied with that, the Government are imposing a revenue duty of ten annas per ton on coal, coke, patent fuel and so on. In that way also the coal industry

is deriving protection from the Government. In addition to these two, Government now want that all coal mine-owners should come into the scheme of compulsory sand stowing. This sort of subsidising a private industry in which these owners have been making appreciable profits is a bad policy and really amounts to a wrong diversion of public resources into private pockets.

I find that even in this particular Bill Government are rather partial towards these various owners. If the object of the Government is really to ensure greater safety of these miners, I fail to see why they have not made any provision whatsoever for representation of labour on this particular Coal Mines Stowing Board which is proposed here. Is it meant that merely because these people are all wage earners they have no interest whatever in safety in coal mines, or is it meant that because they are wage earners they have no right whatever of representation on a Board whose sole object is to collect this money, utilise it on compulsory sand stowing, ensure safety and thus help the nation also to conserve its own national resources? This is a very, very one-sided view point of the Government, and I hope that it is not too late for the Government to reconsider their own position and try to provide for adequate representation for labour on this particular Board as is suggested by me or even by Mr. Joshi.

**Mr. N. M. Joshi:** Why even?

**Prof. N. G. Ranga:** I suggest that there should be three representing labour to be appointed to this Board whereas Mr. Joshi who is a moderate wants only one member. I hope that at least his moderation will be appreciated by Government and that they will agree to his amendment at least if they cannot very well swallow my own amendment. Again, there is the other point,—why is it that Provincial Governments are kept out of this particular Board? Is it meant that Provincial Governments have no interest whatsoever in safety in mines or in the conservation of coal resources in all our mines? Certainly it will be the task of our Provincial Governments, if the Central Government were to fail to achieve that object, to nationalise these mines and thus prevent the profiteering that is going on and also safeguard the interest of labour both in regard to wages and also their safety. The Provincial Governments which ought to be primarily interested in this kind of work should not be kept out of this particular Board. It is wrong, I think, in principle and also as a matter of policy. The Central Government as well as this particular Board would be strengthened in their work if they were to avail themselves of the co-operation on this Board of the representatives of the various Provincial Governments which are interested in the matter.

I hope that the Honourable Member when he passes on this portfolio to his successor will advise him to cause much less delay than there has been till now, and to sponsor a Bill which will give effect to the other equally important recommendations, and some, even more important recommendations of the Coal Mining Committee so that the coal mining industry will come to be properly rationalised, properly organised and its marketing organisation—its grading, its internal organisation and administration—will be modernised and systematised with a view not only to increase their own profits but also increase the wages of the labourers and their safety. Sir, I support the Bill.

**Some Honourable Members:** Let the question be now put.

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

"That the question be now put."

The motion was adopted.

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

"That the Bill to make further provision for safety in coal mines, as reported by the Select Committee, be taken into consideration."

The motion was adopted.

Clause 2 was added to the Bill.

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

"That clause 3 stand part of the Bill."

**Mr. N. M. Joshi**: Sir, I beg to move:

"That after part (r) of sub-clause (2) of clause 3 of the Bill, the following be inserted:

'(r) one person appointed in accordance with sub-section (e) of section 10 of the Indian Mines Act'."

The second part of clause 3 lays down the constitution of the Board. It is to administer the fund collected out of the cess as well as to give grants for the purposes of sand stowing to different mines, and also to carry out such objects as regards safety in mines as the Government of India may, by notification, assign to this Board. Sir, the proposal made by Government in this Bill omits some of the vital interests which must be represented on this board. You all know that this Bill is intended to safeguard safety in mines and it is the miners who work in the mines who are more interested in the safety than those people who invest their money for the production of coal. Naturally, everybody would accept that the miners should be adequately represented on such a board. This question of the constitution of the board was considered by the Coal Mining Committee which recommended the establishment of the Indian Mining Board. That committee recommended a board of the nature of an expert board, that is a board consisting of experts as opposed to what we might call a representative board, that is a board consisting of the representatives of the employers, the cess payers or the consumers and last but not the least of labour. Unfortunately, the Government of India did not accept the recommendation of the committee. The Government decided upon a representative board. The committee recommended that if the Government of India appoint a representative board, then certain interests must be represented on that. I shall read only two or three lines from the report of that committee. The committee in paragraph 278, on page 144 of their report, state that the first question in connection with the constitution of the statutory authority is whether it should be a representative or an expert body. If it is to be an expert body, they recommended that the following interests could claim representation, namely, the Government, the Mines Department, the Geological Survey, the Railway Board, Royalty receivers, mine owners, colliery managers, labour and consumers. You will thus clearly see that the committee which considered this question recommended the representation of labour on this Board. I do not know why the Government of India have not accepted this recommendation of the mining committee. I have stated the functions which this Board is expected to perform. One of the functions is the administration of this



Act. The second function is grant of stowing materials and other assistance for stowing operations. In order that this board should do this function of distributing grants for sand, etc., in a proper manner, so that safety will be safeguarded, it is necessary that there should be a representative of labour on this Board. If the Board consists of a majority of the representatives of mine owners, their tendency will be to save money out of this fund and not give sufficient grants for the purpose of stowing.

You may ask, after the cess is once paid, what is the interest of the mine owners in not giving sufficient grants. It is true that the cess will be collected and the fund will accumulate but if the fund is not spent and much savings accumulate, the mine owners will be able to go to Government and say that the rate of cess imposed is too large and unnecessary. Therefore, the rate of cess should be reduced. That is the danger of leaving the whole administration of that fund in the hands of the representatives of employers. I have no doubt in my mind that if the board consists of a majority of representatives of mine owners, after two or three years, the mine owners will go to Government and say "The fund has accumulated too much." We cannot spend it. Therefore, please reduce the rate of cess."

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

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

**Mr. B. M. Joshi:** Mr. Deputy President, when we adjourned for lunch I was pointing out why there should be a representative of labour on the Board which is to be constituted under this Bill, and I showed that in the distribution of grants to various mines for the purpose of stowing, the help of a labour representative was necessary in order that adequate help should be given to the mines to introduce sand stowing. Then there is another reason why a labour representative will be useful on this Board. That reason is that the Board, besides giving grants to various mines for the purpose of sand stowing, will also consider questions of safety which may be referred to this Board by the Government of India. Sir, if this Board is also to consider questions of safety generally which the Government of India may refer to them, then, certainly, a labour representative must be there on the Board. I, therefore, feel, that the Government of India have done a great injustice to the miners in Indian mines in not securing their representation on this Board. Sir, my amendment, therefore, proposes that there should be at least one representative of labour on this Board, and that representative should be appointed in accordance with sub-section (e) of section 10 of the Indian Mines Act. That section provides that the labour representative on the Mining Board which is to be constituted under the Indian Mines Act should have two representatives, and that section provides for the method of selecting the labour representatives. I do not wish to go into the method; the method is such that if there is a strong trade union in the mining area, that union should elect the two representatives. If there is not a very strong union but if it is a union with a membership of more than one thousand, one of the two representatives should be elected by the union and one should be nominated by the Government. That is the method of electing labour representatives as proposed by the Mines Act.

[Mr. N. M. Joshi.]

I propose that there should be at least one representative of Indian labour appointed on this Board, because the Board, besides distributing the grants, will also consider general questions of safety. My Honourable friend, Prof. Ranga, said that my amendment is a very moderate one. Well, Sir, I am always very moderate and I am not ashamed of being a moderate. Sir, I do not know why the Government of India should have omitted to secure a place for a labour representative on this Board. I have already pointed out that the Indian Mining Committee has already recommended that if a Board should be constituted then the labour interests must be safeguarded. As a matter of fact, under the Indian Mines Act, a Board is to be constituted to consider, not ordinary questions of distributing grants to various mines or questions of safety, but the Board appointed under the Indian Mines Act has to perform more important duties, and the Board has to approve or disapprove or suggest amendments to the regulations which the Government of India may make or may propose for the safety of coal mines and miners. The Board appointed under the Mines Act thus not only considers individual questions of giving grants but considers general questions of regulations for the coal mines. The Mining Board under the Mining Act may consider an important question like the compulsory use of safety lamps in mines. That is likely to cost something to the Indian mine owners, but a question of sand stowing is not left to a Board constituted under the Indian Mines Act in which labour is, if I may say so, properly represented. I would like Members of the Assembly to examine what the constitution of this Board under the Indian Mines Act is. The Board appointed under the Indian Mines Act to consider such an important question as regulations for safety in mines has three representatives of Government,—the chairman, the chief inspector of mines and a person not being a chief inspector of mines nominated by the Central Government. There are three representatives of Government on that Board, there are two representatives of employers and two representatives of labour. The Board which is appointed under the Indian Mines Act has got seven members out of which three represent Government or are nominated by Government, two are to represent employers or the owners and two represent labour; that is out of seven, labour has two representatives and employers have two. The right of labour to have equal representation with the employers is recognized under the Indian Mines Act, in the appointment of the Board under that Act. I do not see why the Government of India should have in this case entirely ignored the labour interests. It is true, Mr. Deputy President, that even under the Indian Mines Act, some years ago, no representation was given to labour. But, Sir, this question was considered by the Royal Commission on Indian Labour. The latter went thoroughly into this question of the right of labour to have a representative on the Mining Board and, in accordance with the recommendation of the Royal Commission, the Government of India amended the Indian Mines Act and provided equal representation to labour on the Mining Board appointed under the Indian Mines Act. Sir, as this question has been gone into by the Royal Commission, I think the Government of India will not omit to have a representative of labour on this Board. Sir, such Boards for the welfare of labour are not appointed only in India but there are other countries where such Boards are appointed, for instance, in Great Britain. They have legislation for constituting a Miners Welfare Fund. Now, the Committee which manages the

Miners Welfare Fund in Great Britain is constituted in such a manner that labour is properly represented on that Board. I, therefore, feel that when we constitute a Board in order to safeguard the welfare of Indian labour, the claim for labour to be represented on that Board should be recognised. That claim was recognised by the Government of India themselves under the Indian Mines Act. I, therefore, feel that the Legislature should accept the amendment which I have proposed. Sir, I do not wish to say anything more on this subject but I hope that my amendment will be accepted.

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

"That after part (v) of sub-clause (2) of clause 3 of the Bill, the following be inserted :

'(vi) one person appointed in accordance with sub-section (e) of section 10 of the Indian Mines Act'."

**The Honourable Sir Muhammad Zafrullah Khan** (Member for Commerce and Labour): Sir, I am afraid I must oppose this amendment mainly for the reason that it would upset the composition of the Board which has been agreed upon between the different interests who would be directly affected. Mr. Joshi with the same eloquence and persistence with which he has moved this motion moved an amendment to the same effect in the Select Committee but it was not accepted by the Committee. I do submit that Mr. Joshi is carrying matters a little too far when he says that it is the miner who is principally affected by the decisions that might be arrived at. In one sense he is, of course, affected. All this trouble is being taken in the interests of the miner, but it does not appear to me that any of the activities of the Board are likely to be of a kind as the result of which the miner's interest might be adversely affected. I, therefore, hope that Mr. Joshi will not persist in the attempt to upset a matter which has the largest amount of support among the interests who are directly concerned.

**Prof. N. G. Ranga**: Sir, I rise to support this amendment. I charge this Government for trying to go back upon its own policy of affording equal representation to labour on all such bodies which are brought into existence for the conservation of the national industry and the safety of workers. My Honourable friend, Mr. Joshi, has already given chapter and verse to prove how in the Boards that have already been constituted, workers have been granted equal representation with employers. But my Honourable friend, Sir Muhammad Zafrullah Khan, states that this particular Board is being brought into existence mostly in the interests of labour and, therefore, there is no danger of the interests of labour being neglected even if there is no representation for labour on it. I think he is slightly under a misapprehension. He fixes only the maximum limits up to which a cess may be levied and money may be collected from all these mine owners in order to carry out this compulsory sand stowing, but it is quite possible for this Board which consists so predominantly of representatives of mine owners to try its best to keep down the expenditure of this Board on sand stowing in order that the total amount of the cess that may be collected from these mine owners may be reduced or it may be kept as low as possible. It is to their interest to neglect their duty towards this need for sand stowing. If it is not, then there is no need at all for this legislation. It is because that our mine owners have neglected this particular

[Prof. N. G. Ranga.]

duty of theirs, both towards the nation and the workers, that the Government have felt the need to bring forward this particular Bill in order to impose this compulsory sand stowing. It is only natural to expect these mine owners to try so far as it lies in their power to avoid this particular duty on compulsory sand stowing and to carry it out as inefficiently as they can in the hope that the amount of money that they have to spend will be less, resulting in its turn again in a reduction in the total amount of the cess to be levied upon the total amount of coal mines. Therefore, it is most essential that there should be some representatives on this Board whose primary interest should be to see that this compulsory sand stowing is carried out thoroughly and fully.

Now, who is there at present to discharge that particular function? Only two members and one of them happens to be the Chairman appointed by the Government. Even the Government have not taken care to see that it is properly represented. It may be said that there are two persons on the Board to look after the interests of the labour. One is the Chairman appointed by the Government and the other is the Chief Inspector. After all, the Chief Inspector is there to see that sand stowing is effected properly in all mines where there is need for it and that it is done thoroughly and adequately. But I do not think these two persons as against four others will be strong enough to get the work done either efficiently or fully and certainly their point of view will be strengthened if there was a representative of labour who will make it his particular duty to insist upon the sand stowing being done satisfactorily. I do not know why my Honourable friend, Sir Muhammad Zafrullah Khan, feels that the labour has nothing special to contribute on this Board.

Secondly, it is wrong in principle to try to constitute a Board like this consisting mostly of people who belong to one particular interest which is interested in this particular industry. According to me, there are four interests,—the consumers, the State, the workers and the mine owners. Only the State is represented but most inadequately. Consumers are not thought of at all and the workers are not sought to be given any place whatsoever on it. I think it is most unfair and I wish to record my protest against this policy of the Government and I also wish to say that it is wrong for the Government to say that all the interests concerned have already agreed upon this particular proposal and therefore it shan't be altered. What are those interests which they have consulted? They have not given the information. If they mean that only the mine-owners have been consulted, then I say that they have not consulted all the interests involved in it. If they had consulted the workers also and if they had not either asked for representation or had even opposed any suggestion of representation of themselves on this Board, then I would like the Government to vouchsafe that information. If they have not consulted the workers at all in this matter, then I think it is wrong for the Government to say that they have already consulted all the interests concerned. Supposing, we admit for the sake of argument that they are right in consulting only these mine owners and nobody else, even then I charge them with having given up their own right on behalf of the nation as a whole and of the consumers to get themselves adequately represented on this particular Board. I should have expected them to try to see that they themselves are represented at least as well as

the mine owners and also to make provision for themselves to exercise the right if and when the occasion had arisen to nominate some representatives of workers at any suitable moment. They have not even given this particular right. They have not seen to it that they are properly represented on it. Therefore, I very strongly protest against this one-sided representation that is sought to be provided on this particular Board, for these mine owners alone.

**Mr. Muhammad Azhar Ali** (Lucknow and Fyzabad Divisions: Muhammadan Rural): Sir, there is great force in what my Honourable friends, Mr. Joshi and Mr. Ranga, have said that there ought to have been some one to represent the miners as they call by the new extension of section 10 of the Act of 1923. There should be somebody to represent the safety of the process of stowing; but I am unable to support the way in which the amendment has been drafted. My Honourable friend Mr. Joshi, wants that one person should be appointed in accordance with sub-section (e) of section 10 of the Indian Mines Act. My friend calls it a very simple amendment. It would have been much simpler if my Honourable friend had said that one person should be nominated to represent workers. But along with that to say that the cumbersome procedure laid down in section 10 of the Indian Mines Act should be followed is really very difficult to be adopted. We have to presuppose first of all that there are trade unions. It may be that some mines have got trade unions, others have not. The wording in the Act is that "two persons to represent the interest of the miners who shall be nominated in accordance with the following provisions". Here we say only one person to be appointed in accordance with sub-section (e) of section 10. This makes the provision rather ambiguous. Instead of two persons you say there ought to be one person. Further on, in clause 3, it is said that if neither sub-clause (1) nor sub-clause (2) is applicable, the persons shall be nominated by the Central Government. I do not really approve of the policy underlying this clause that the man may be nominated. Your object is that one person should come by election. In the very beginning I said that I accept the principle that there ought to be election of the person to represent these miners. But the way in which the amendment has been drafted makes it incomplete. It is not logical. It is not in the way in which a legal head would put it. I do not know whether there is time still for my Honourable friend to redraft his amendment.

**Mr. N. M. Joshi:** You bring your amendment. I shall accept it.

**Mr. Muhammad Azhar Ali:** I certainly disapprove of the policy enunciated in clause 3, that the said persons shall be nominated by the Central Government. So far as the nomination is concerned, we have got it in the provision itself:

"A person in the service of the Crown, appointed by the Central Government as Chairman;

The Chief Inspector or an Inspector appointed by the Central Government in this behalf."

So already you have got these persons to be appointed by the Central Government. Why do you want somebody else to come in again by nomination to represent the workers? Why not have somebody from the Provincial Governments who will also be interested?

[Mr. Muhammad Azhar Ali.]

We saw in the Railway administration that every day there is some accident or other. In Bihar it is suggested that owing to sabotage those accidents occurred. If any accident happens in mines and then the Provincial Government nominates a person to represent it there will then be greater opportunity for the public to judge. These are my objections to the terms of the amendment. Therefore, I cannot support it.

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

"That after part (v) of sub-clause (2) of clause 3 of the Bill, the following be inserted :

'(vi) one person appointed in accordance with sub-section (e) of section 10 of the Indian Mines Act'."

The Assembly divided :

#### AYES—5.

Aney, Mr. M. S.  
Banerjee, Dr. P. N.  
Joshi, Mr. N. M.

Laljee, Mr. Husenbhai Abdullahai.  
Maitra, Pandit Lakshmi Kanta.

#### NOES—45.

Abdul Hamid, Khan Bahadur Sir.  
Aikman, Mr. A.  
Aiyar, Mr. T. S. Sankara.  
Ayyar, Mr. N. M.  
Azhar Ali, Mr. Muhammad.  
Bajpai, Sir Girja Shankar.  
Bewoor, Mr. G. V.  
Buss, Mr. L. C.  
Chanda, Mr. A. K.  
Chapman-Mortimer, Mr. T.  
Christie, Mr. W. H. J.  
Clow, The Honourable Mr. A. G.  
Dalal, Dr. R. D.  
Dalpat Singh, Sardar Bahadur Captain.  
Greer, Mr. B. R. T.  
Grigg, The Honourable Sir James.  
Hardman, Mr. J. S.  
Jawahar Singh, Sardar Bahadur Sardar Sir.  
Jehangir, Sir Cowasji.  
Kamaluddin Ahmed, Shams-ul-Ulema.  
Kushalpal Singh, Raja Bahadur.  
Lillie, Mr. C. J. W.  
Mackeown, Mr. J. A.

Maxwell, The Honourable Sir Reginald.  
Menon, Mr. P. A.  
Menon, Mr. P. M.  
Metcalf, Sir Aubrey.  
Miller, Mr. C. C.  
Mukerji, Mr. Basanta Kumar.  
Nur Muhammad, Khan Bahadur Shaikh.  
Pillai, Mr. N. R.  
Rahman, Lieut.-Col. M. A.  
Row, Mr. K. Sanjiva.  
Scott, Mr. J. Ramsay.  
Shahban, Mian Ghulam Kadir Muhammad.  
Sher Muhammad Khan, Captain Sardar Sir.  
Sircar, The Honourable Sir Nripendra.  
Sivaraj, Rao Sahib N.  
Slade, Mr. M.  
Spence, Mr. G. H.  
Sukthankar, Mr. Y. N.  
Sundaram, Mr. V. S.  
Yamin Khan, Sir Muhammad.  
Zafrullah Khan, The Honourable Sir Muhammad.  
Ziauddin Ahmad, Dr. Sir.

The motion was negatived.

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

"That clause 3 stand part of the Bill."

The motion was adopted.

Clause 3 was added to the Bill.

Clause 4 was added to the Bill.

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

"That clause 5 stand part of the Bill."

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

"That in clause 5 of the Bill, after the word 'collieries', occurring in the fifth line, the words 'in British India' be inserted."

This is more or less a formal amendment. As the clause stands, collieries may be situated in British India or outside it. Suppose there is a company established in British India which owns a mine in a Native State. Has it to pay cess under clause 6 on all coal imported into British India or under this clause on all coal raised and despatched from that colliery? I do not think there is any intention of collecting cess on all coal manufactured in that colliery and so I want to make the position perfectly clear. I think it is a drafting slip and my amendment is to rectify that slip. Sir, I move.

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

"That in clause 5 of the Bill, after the word 'collieries', occurring in the fifth line, the words 'in British India' be inserted."

The motion was adopted.

**Babu Baijnath Bajoria** (Marwari Association: Indian Commerce): Sir, I move:

"That in clause 5 of the Bill, for the words 'four annas' the words 'three annas' be substituted."

This Bill has been causing a good deal of apprehension among the colliery owners and specially the small colliery owners and owners of low grade coal collieries, *i.e.*, second class or inferior coal, because they have been thinking, and quite rightly so, that this cess of four annas will be too burdensome for them. The price of inferior coal is only Rs. 2 or Rs. 2/8/- per ton ex-colliery; and this cess of four annas will mean about 20 or 25 per cent. of the value of the coal at the colliery. Sir, the Indian Colliery Owners' Association have made a strong representation to Government signed by 134 colliery owners protesting against this cess; and the Federation of Indian Chambers of Commerce have also opposed this cess on a level basis on all the collieries. Sir, I do not want to speak long on this because it is an agreed amendment, but I would suggest that three annas also will give Government something like 35 lakhs which is more than sufficient for their purpose. Sir, I move.

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

"That in clause 5 of the Bill, for the words 'four annas' the words 'three annas' be substituted."

**The Honourable Sir Muhammad Zafrullah Khan**: Sir, I am prepared to accept the amendment.

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

"That in clause 5 of the Bill, for the words 'four annas' the words 'three annas' be substituted."

The motion was adopted.

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

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

The motion was adopted.

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

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

"That clause 6 stand part of the Bill."

**Mr. K. Santhanam:** Sir, I move:

"That in clause 6 of the Bill, for the word 'may', occurring in the third line, the word 'shall' be substituted."

Sir, as the provision stands, clause 6 is not automatic. That is, they might not put a cess on coal raised in Indian States imported into British India: and if amendment No. 28 is accepted in regard to coal imported from any foreign country also. I understand that it is the intention of the Government to put in this import duty whenever the cess is in operation; but the clause, as such, is purely optional and, therefore, I want to make it automatic by this amendment. I understand that there are some difficulties: for instance, if Indian States levy a cess then that coal may have to bear two cesses; and it is to obviate that difficulty that they have put in 'may' instead of 'shall'. I should like to know from the Government what exactly is their intention; and if they are prepared to accept amendment No. 27 which provides for the contingency, I shall be able to decide whether I should press this amendment or not. Sir, I move.

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

"That in clause 6 of the Bill, for the word 'may', occurring in the third line, the word 'shall' be substituted."

**The Honourable Sir Muhammad Zafrullah Khan:** Sir, the word "may" has been designedly used in the clause. The intention is that with regard to collieries situated in Indian States it might be possible to come to some arrangement with the States concerned by amicable adjustment, that is, they may be persuaded to levy an equal rate of cess on coal raised from their collieries; and in that case it will not be necessary to levy a cess on such coal entering British India; but where this becomes necessary Government have every intention of levying it. If the clause made it obligatory then any kind of adjustment by persuading the States would be out of the question.

**An Honourable Member:** What about the imports of foreign coal?

**The Honourable Sir Muhammad Zafrullah Khan:** We shall accept amendment No. 29.

**Mr. K. Santhanam:** What about amendment No. 27?

**The Honourable Sir Muhammad Zafrullah Khan:** The Government are not willing to accept it: they want the position to remain as it is in the clause, with the intention that if they fail to persuade any State in the manner explained then they will put on the cess.



**Mr. K. Santhanam:** Sir, I ask for leave of the House to withdraw my amendment.

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

**Babu Baijnath Bajoria:** Sir, I move:

"That in clause 6 of the Bill, after the words and comma 'under section 5,' occurring in the fifth line, the words 'imported into British India from any foreign country or' be inserted."

Sir, I am glad that this amendment also is acceptable to the Government and to the House. The effect of this amendment will be that there should be a levy of an equal amount of cess on all coal imported from outside the country into India so that Indian coal may not be under a handicap. Sir, I move.

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

"That in clause 6 of the Bill, after the words and comma 'under section 5,' occurring in the fifth line, the words 'imported into British India from any foreign country or' be inserted."

The motion was adopted.

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

"That clause 6, as amended, stand part of the Bill."

The motion was adopted.

Clause 6, as amended, was added to the Bill.

Clause 7 was added to the Bill.

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

"That clause 8 stand part of the Bill."

**Dr. Sir Ziauddin Ahmad** (United Provinces Southern Divisions: Muhammadan Rural): Sir, I move:

"That in part (i) of sub-clause (1) of clause 8 of the Bill, after the word 'administration' the words 'and the furtherance of the objects' be inserted."

This is only a formal amendment and there is nothing important in it. We are collecting this cess and naturally it ought to be spent in furtherance of the object for which the cess is levied.

**The Honourable Sir Muhammad Zafrullah Khan:** Sir, I accept the amendment.

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

"That in part (i) of sub-clause (1) of clause 8 of the Bill, after the word 'administration' the words 'and the furtherance of the objects' be inserted."

The motion was adopted.

**Dr. Sir Ziauddin Ahmad:** Sir, I move:

"That part (iii) of sub-clause (1) of clause 8 of the Bill be omitted."

This is quite unnecessary now because this will come under the rules which the Government of India will frame under this. Sir, I move.

**The Honourable Sir Muhammad Zafrullah Khan:** Sir, I accept the amendment.

**Mr. Deputy President** (Mr. Akhil Chandra Datta): The question is: "That part (iii) of sub-clause (1) of clause 8 of the Bill be omitted."  
The motion was adopted.

**The Honourable Sir Muhammad Zafrullah Khan:** Sir, may I at this stage move two consequential amendments to this clause? The first is as follows: I move:

"That at the end of sub-clause (1) (i) of clause 8 of the Bill, the word 'and' be added."

**Mr. Deputy President** (Mr. Akhil Chandra Datta): The question is: "That at the end of sub-clause (1) (i) of clause 8 of the Bill, the word 'and' be added."

The motion was adopted.

**The Honourable Sir Muhammad Zafrullah Khan:** The second is this. I move:

"That at the end of sub-clause (1) (ii) of clause 8 of the Bill, the semi-colon and the word 'and' be substituted by a full stop."

**Mr. Deputy President** (Mr. Akhil Chandra Datta): The question is: "That at the end of sub-clause (1) (ii) of clause 8 of the Bill, the semi-colon and the word 'and' be substituted by a full stop."

The motion was adopted.

**Mr. Deputy President** (Mr. Akhil Chandra Datta): The question is: "That clause 8, as amended, stand part of the Bill."

The motion was adopted.

Clause 8, as amended, was added to the Bill.  
Clause 9 was added to the Bill.

**Mr. Deputy President** (Mr. Akhil Chandra Datta): The question is: "That clause 10 stand part of the Bill."

**Mr. N. M. Joshi:** Sir, I move:

"That in clause 10 of the Bill, the words and brackets '(except sub-section (1) of section 11 thereof)' be omitted."

Sir, before I give my reason for this amendment, I would like to draw the attention of the House to what the exact meaning of the amendment is. I would, therefore, draw their attention to the wording of section 10 and point out to them that section 10 proposes that, when an Inspector issues an order under sub-section (3) of section 9 of this Bill, for the sake of procedure of this Order, sub-sections (3) to (6) of section 19 shall apply. Now, sub-section (3) of section 19 says:

"Where an order has been made under sub-section (2) by an Inspector, the owner, agent or manager of the mine may, within ten days after the receipt of the order, appeal against the same to the Chief Inspector who may confirm, modify or cancel the order."

If an order is made by an Inspector, an appeal is provided to the Chief Inspector. Sub-section (4) says:

"The Chief Inspector or Inspector making a requisition under sub-section (1) or an order under sub-section (2), and the Chief Inspector making an order (other than an order of cancellation) in appeal under sub-section (3), shall forthwith report the same to the Central Government and shall inform the owner, agent or manager of the mine that such report has been so made."

This requires the Chief Inspector or the Inspector to make a report to the Government. Then sub-section (5) says:

"(5). If the owner, agent or manager of the mine objects to a requisition made under sub-section (1) or to an order made by the Chief Inspector under sub-section (2), or sub-section (3), he may, within twenty days after the receipt of the notice containing the requisition or of the order or after the date of the decision of the appeal, as the case may be, send his objection in writing, stating the grounds thereof, to the Central Government, which shall refer the same to a Committee."

Sir, this sub-section provides that if the owner, or agent or manager of a mine disapproves of the order made by the Chief Inspector, then the owner, or agent or manager may approach the Government of India, and the Government of India may refer that matter to a Committee. Then sub-section (6) says:

"Every requisition made under sub-section (1) or order made under sub-section (2), or sub-section (3), to which objection is made under sub-section (5), shall be complied with pending the receipt at the mine of the decision of the Committee."

Well, Sir, this last portion is not of much consequence to my amendment. What this section, therefore makes clear is this, that when a Chief Inspector issues an order,—he does that for the safety of the mine as provided for in sub-section (3),—if he issues an order that a particular mine should be sand stowed, the agent, manager, or the owner may approach the Government of India saying that the order is unjust or unfair and the Government of India may, in their discretion, refer the matter to a Committee, and this section also provides that except sub-section (1) of section 11 all the other provisions of the Indian Mines Act, 1923, affecting Committees appointed for the purposes of that Act, or relating to disposal of references made to such committees, shall apply *mutatis mutandis*. So sub-sections (3) to (6) of section 10 shall apply as also all the sections of the Indian Mines Act which concern this matter but the Government of India in their wisdom consider that the provisions of the Indian Mines Act shall not apply to one matter, and what is that matter? It is a matter which relates to the constitution of a Committee. Now, Sir, I do not know why the Government of India should make almost every section of Indian Mines Act concerning this subject applicable, but the constitution of the committee will be different . . . . .

**The Honourable Sir Muhammad Zafrullah Khan:** Because the constitution of the Committee is provided for in the Bill.

**Mr. N. M. Joshi:** The Honourable Member says that the constitution of the Committee is provided for in this Bill itself. My point is, when we have got a constitution of the committee framed ready made, why do you add one more section to this Bill? A Committee has been provided for by the Indian Mines Act. Government by a special provision omit that part and add one additional part and constitute a Committee. The Honourable Member should have explained why a special provision is necessary to constitute a committee. My amendment, therefore, proposes that

[Mr. N. M. Joshi.]

the committee as provided for by the Indian Mines Act shall be the Committee for this purpose. What is the object of this Committee? This clause makes it quite clear that this Committee will hear appeals against the decision of the Chief Inspector of Mines. If the Chief Inspector of Mines suggests that a particular mine should be sand stowed, and the owner or agent or manager of that mine thinks that the mine does not require to be sand stowed, the owner, agent or the manager approaches the Government of India, and if the Government of India think that the matter should be referred to a Committee, the Government of India will refer that matter to a Committee. Therefore, Sir, this Committee will be a committee which will hear appeals against the decision of the Chief Inspector of Mines as to whether a particular mine should be sand stowed. Sir, the Indian Mines Act provides a Committee for this very purpose by section 11. The constitution of that Committee is a much simpler one, and I may say, a very adequate one or a very proper one for the purposes for which this Committee is to be constituted. The constitution of the Committee as provided for by the Indian Mines Act is such that there shall be:

"A Chairman nominated by the Central Government or by such officer or authority as the Central Government may authorise in this behalf, a person nominated by the Chairman and qualified by experience to dispose of the question referred to the Committee, and two persons of whom one shall be nominated by the owner, agent or manager of the mine concerned, and the other shall be nominated by the Central Government to represent the interests of the persons employed in the mine."

The Committee is to consist of four persons, one, the Chairman nominated by the Government, another expert nominated by the Chairman, and two other persons, one representing the employers and one representing the miners. I would like the House to mark the constitution of this Committee. Here, in the constitution of this Committee also the Government of India and the Legislature have provided that labour shall receive equal representation with the employers. I would like the House to note this fact that when a Committee is to be appointed to hear an appeal against a decision of the Chief Inspector of Mines, in the first place, the Government is represented by two members, half the Committee, the Chairman having a casting vote, so that the Committee by its constitution is a sort of an impartial one because Government have got two representatives, one of whom is to be the Chairman. The Government have the majority on that Committee. I want that point to be noted. Secondly, there are two members one of whom is an employers' representative and another is labour representative so that labour has the same representation as the employers. In this connection I would like to draw the attention of my friend, Mr. Azhar Ali, that in the case of the appointment of this labour representative there will be no difficulty because in the first place the constitution of the Committee laid down in the Indian Mines Act is ready made, and secondly, labour representative here is to be nominated by the Central Government, and there is no difficulty about election at all. So, I hope my Honourable friend and the great Party with which he works will support my amendment on this occasion at least on that ground.

I feel that the proposal made by the Government of India is wrong in principle. The Committee is appointed to hear appeals against an officer appointed by the Government of India to look after the safety in coal

mines. I can understand an appeal being made to an impartial body and it is for that reason that when questions as regards safety are to be decided and an appeal is to be made against an order of the Chief Inspector of Mines, the Legislature has provided that that Committee shall have an impartial majority. The Government will have a majority on that Committee. That was properly provided for by the Indian Mines Act, the reason being that, if there is to be an appeal against a decision of the Chief Inspector of Mines, that appeal must be decided by an impartial body. Unfortunately, the Government of India on this occasion did not like to protect, I may say, the dignity of the officer whom they appoint in order to look after the safety of the Indian mines. I have never seen any provision anywhere else where the Government of India have provided that an appeal against the decisions of their own officers shall be decided by a body on whom one of the interested parties shall have a majority. It is for that purpose that I should like the Honourable Members to give some attention to the constitution of the Committee as provided by this Bill.

The Committee, according to this Bill, is to consist of six members, of whom one shall be the Chairman appointed by the Government. There shall be one representative of labour nominated by Government. Then four representatives to be selected by the Chairman out of a panel nominated by employers. I would like the House to note this fact that out of the six representatives who form that Committee one shall represent Government, one shall represent labour, and four shall represent the employers. I would like any Member here to show me the constitution of an appellate tribunal against the decision of a Government official—a body consisting of people who are interested in the matter of the appeal. The appeal against the decision of the Chief Inspector of Mines is to be made to a body in which the employers are predominantly represented. What is the use of sending an appeal to a body on which the employers are represented by four members out of six? I do not know why the Government of India should have done this. They have never allowed appeals against decisions of their own officers to a body of people on whom the people interested in the matter of the appeal are predominantly represented. The fact of the matter is this. The Government of India, as at present constituted, are unwilling to displease certain interests. The main interests to be displeased in this matter are the coal owners, and out of the coal owners who form the predominant portion? The European Block here. The European Group in this House represents the main part of the coal industry.

**An Honourable Member:** No.

**Mr. N. M. Joshi:** Yes. I say yes. The main portion of the coal industry is owned and managed by the British interests.

**An Honourable Member:** No.

**Mr. N. M. Joshi:** Yes. How can the Government of India—we have learnt very recently—how can the Government of India displease the European commercial and industrial interests in this country? Therefore, they have gone out of their way to provide a new constitution for this Committee. The Committee is already provided by the Indian Mines Act.

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But that Committee is no good for the Government of India because on that Committee the European interests have not got a majority. The mine owners must have a Committee in which there will be people who will be against sand stowing. That, in my judgment, is the first reason why the Government of India have provided for this new constitution of the Committee. They are afraid of displeasing the European interests in this country; we have learnt that. But, Sir, the Europeans are also clever people. Of course, they are ruling over a large part of the world, not without some cleverness. No doubt, the Government of India is on their side, it is their Government; as a matter of fact, if you ask me, the Government of India is merely a tool in the hands of the British industrial interests in this country. The masters of the Government of India are the European Group in this House and the Government of India is a mere tool and a slave of that Group. But, Sir, the Government of India or the Governor General may not always use his powers of certification if the Legislature does not approve of the Committee as they wanted. The trade agreement is very important and they will certify, but coal mining Bill, perhaps the Governor General may not certify.

**An Honourable Member:** How do you know?

**Mr. N. M. Joshi:** I know it. Then, Sir, the European Group, being very clever, took the Indian interests with them. There are a few coal mines owned by Indians.

**An Honourable Member:** Many.

**Mr. N. M. Joshi:** They may be many but they are not large. The total amount of the industry is mostly in the hands of the Europeans.

They tried to take the Indian mine owners with them but the Europeans first served their own purpose. They told the Government of India "there are certain conditions which we won't accept, the first condition being that there will be no differential rates for Indian mine owners". The small Indian mine owners who produce bad coal must be taxed at the same rate as the Europeans. The Government of India were willing to pay that price to the European Group. They said "No, the Indian mine owners will pay the same rate, although their coal may be bad and the risk small".

**Mr. A. Aikman** (Bengal: European): The risk is much greater.

**Mr. N. M. Joshi:** The risk is small in those mines in which you don't go down by lifts. Your mines are deep and the risk is greater. If you take the census of the people killed in the mines, you will know. The European Group gain their object by saying that the Indian mine owners shall pay at the same rate. Having done that, they tell the Indian mine owners "My dear fellows, what is this labour and why should it be represented. We are all capitalists. We don't risk our lives". Now, Sir, I do not want the owners to suffer from coal explosions and, naturally, the owners do not suffer. The Indian mine owners and the European mine owners come together and say "Why bother. Let there be no representative of labour on the Committee. Let us have a committee on which we shall have a majority. You will have two and we will have two".

**Sir Cowasji Jehangir** (Bombay City: Non-Muhammadan Urban): Have you got any evidence of this conspiracy between the Indian and European mine owners?

**Mr. N. M. Joshi**: Appoint a court and I shall show the evidence.

**The Honourable Sir Muhammad Zafrullah Khan**: This is the court.

**Mr. N. M. Joshi**: This is not a court. They persuaded the Indian mine owners to join in a common cause and tell the Government of India "By all means have this Bill but we know how to kill your Bill. Let your Chief Inspector do anything he likes. We shall make an appeal against that order and that appeal shall be heard by a tribunal in which both of us will have a majority".

**Sir Cowasji Jehangir**: Who are the representatives of Indian mine owners in this House?

**Mr. N. M. Joshi**: Ask the Congress Party and the Muslim League Party? They are speaking on behalf of both. It is the combination of the Indian and European mine owners that made this pact with the Government of India. They said "You may be our slaves but all your officers are not our slaves. There may be some officers who are independent". All honour to them. The mine owners feared that all officers may not be slaves.

**Mr. S. Satyamurti** (Madras City: Non-Muhammadan Urban): Under those slaves.

**Mr. N. M. Joshi**: Yes, under those slaves. There are some in your Party who are not also slaves. The European and Indian mine owners went to the Government of India and said this . . . .

**Mr. Muhammad Azhar Ali**: We don't come into the picture.

**Mr. N. M. Joshi**: "We shall both have a majority. Let the Chief Inspector say what he likes. We shall make a trade union."

**Sir Cowasji Jehangir**: With Mr. Joshi as leader?

**Mr. N. M. Joshi**: There are some trade unions of which I shall not be ashamed to be the leader but I shall be ashamed of this trade union. They will form a trade union and every decision of the Chief Inspector of Mines will be reversed. That is the whole object of the Government of India constituting this committee. The object of the Government of India is served. A Bill is passed. It is in the hands of the coal owners to spend the money or not. Therefore, neither the Indian coal owners nor the European coal owners are afraid of this Bill. Then they went to the Government of India and said "If you want a measure to give effect to the Coal Mining Committee, we shall help you to pass this measure and we will see to it that this measure is a dead letter. Not much need be done and if anything has to be done, it will have to be done with our consent". I may be told by some Pundits in this House that the Government may have the right to hear an appeal. May be, but when a committee like this

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comes to a decision, will this Government of India dare to reverse the decision? That is not possible. Moreover, the real danger is this. Not only have the British and Indian coal owners joined together but it was stated by the Honourable Member in charge that some pact, (I think that was the word used) was arrived at in this House . . . .

**The Honourable Sir Muhammad Zafrullah Khan:** That was the understanding on the basis of which the Bill was framed.

**Mr. N. M. Joshi:** I am glad that there was no pact. The Congress Party is free to vote as it likes and also the Muslim League-Party is free to vote as it likes.

Sir, I thought, however . . . .

**The Honourable Sir Muhammad Zafrullah Khan:** I have merely explained the expression that I used. The Honourable Member referred to that. I said there was an understanding to which I referred when I was speaking. There have been certain agreed amendments, no doubt.

**Mr. N. M. Joshi:** I am glad to hear that there are some agreed amendments, that there is some collusion. That much is true, that there is some collusion, between the Government of India, the Congress Party, the Muslim League Party, the European Group—I do not know if also between them and the Nationalist Group because they voted with me—and these have come to an understanding, an agreement, to use the Honourable Member's phrase, I would say that they have arrived at a collusion that "let us get the cess to be reduced, and this labour representation in these small matters we shall throw out"—that is the collusion. I am very sorry that in this House such an "agreement" is arrived at without consulting the labour interests. After all, the rate of cess is not the only matter in this Bill. The cess is necessary. I agree that it is an important thing. It is to the interest of the European Group, it is to the interest of the Congress Party—which represents the Indian owners—and it is to the interest of the Muslims League Party which represents,—I do not know whom.

Well, Sir, permit me to say a word about the Muslim League Group. Generally speaking, my friends of the Muslim League try to protect Muslim interests and very rightly they represent the Muslim population, and I think it is their duty to protect the interests of the Muslim population and if I were in that place I would do the same thing. Now, in this Bill, by opposing my amendments, whose interests are they protecting? That is what I want the Members of the Muslim League Group to tell me. In my previous amendment my Honourable friend, Mr. Azhar Ali, said that if my amendment had not provided for election he would have supported it. Sir, notice of my amendment was given about I think a month ago. It was open to the Honourable Member, Mr. Azhar Ali, to send in an amendment to my amendment or to send in an independent amendment so that I could have got his support and accepted that amendment but the Honourable Member did not do it. He merely blames me why I brought forward an amendment for a committee as provided for in the Indian Mines Act. Sir, if the Honourable Member had been interested in the welfare of the Indian miners, he would have given an amendment



to my amendment. Sir, the Honourable Member did not do so. I want to know in this Bill where are the Muslim interests to be defended except that the Honourable Member in charge of the Department is a gentleman who happens to be a Muslim and who is sought to be protected by the Muslim League. Sir, is the Muslim League out to protect his interest because he is a Muslim? Certainly not, Sir . . . .

**Mr. Muhammad Azhar Ali:** On a point of order, Sir. Is an amendment to an amendment permitted in this House?

**Mr. N. M. Joshi:** Oh, yes,—not without notice. Sir, the Honourable Members of the Muslim League are not here to protect the interests of their co-religionist who happens to be in charge of this Bill . . . .

**The Honourable Sir Muhammad Zafrullah Khan:** I have no personal interest one way or the other provided a workable scheme is evolved

**Mr. N. M. Joshi:** The Honourable Member's interest is that the Bill should be carried. He has some interest. I would make an appeal to the Honourable Members of the Muslim League Party that although the Honourable Member in charge is a very important person and his interest in carrying the Bill should be safeguarded by the Muslim League Party, still I would draw their attention to this fact that although the number of people working in the Indian mines, who are Muslims, is not very large,—I admit that among the Indian miners the majority portion consists of what are called the backward tribes and such people,—let me, however, assure them that today in the Indian mines there are hundreds of Muhammadans. Now, whose interest are you going to protect? The interest of the one gentleman sitting here who wants the Bill to be passed, or the interest of the lives of the hundreds of Muslims who will be working in the Indian mines? I, therefore, appeal to them to consider this fact. I admit it is their duty to protect Muslim interests, but "protecting Muslim interests" means what?—the interest of the Honourable Member who is a Muslim or the interests of the Muslims working in the Indian mines?

**Mr. Muhammad Azhar Ali:** On a point of information, Sir, my Honourable friend said a little while ago that he did not know whom the Muslim League represents, and very shortly afterwards he admitted that the Muslim League represents the Muslims. Which of his two statements is correct?

**Mr. N. M. Joshi:** I think the Honourable Members ought to represent the "Muslim" interests. That they have always done it, is not my opinion. I have seen you to represent the interests of "wealthy Muhammadans", "middle-class Muhammadans" and so on but I have not seen you to protect the interests of the Muslim masses. No, definitely no. Therefore, Sir, I am in a difficulty, the Indian miners are in a difficulty, on account of this unholy pact between the Government of India, the European Group, the Muslim League and the Congress. Sir, my amendment is only seeking to provide for a committee as provided by the Indian Mines Act. That committee consists of four representatives of which there should be two representatives of Government, and miners one, employers one, with a Government chairman so that Government will have

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a majority. This committee hears appeals against the decisions of the Chief Inspector of Mines. This is my amendment. I am providing for this Committee as approved by the Government of India in the Indian Mines Act. I think it is wrong of the Government of India . . . .

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

. . . . to try only to placate the European interests and the interests of the Indian mining interests. I therefore hope, Sir, that the House will accept my amendment. Sir, you were not here at that time, the Honourable the Commerce Member had said that I put forward my amendment with some eloquence and persistence. But, Sir, if there is any occasion on which I regret I do not possess any eloquence, if there is any occasion on which I regret that I do not have any power of persuasion it is on this occasion. If I had eloquence, if I had more powers of persuasion, Mr. President, I have no doubt in my mind that the amendment which I am moving is so fair and so just that the House would accept it. I still hope that the House will reconsider the pact already arrived at and keep their minds open and free and will accept my amendment.

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

“That in clause 10 of the Bill, the words and brackets ‘(except sub-section (1) of section 11 thereof)’ be omitted.”

**Mr. B. Das** (Orissa Division. Non-Muhammadan): Sir, my Honourable friend, Mr. Joshi's long speech has been very painful to hear from this side of the House. As a very old friend of his and as a sympathiser of the labour movement I felt pain at the panacea which my Honourable friend laid down that there is the Indian Mines Act, follow it up and have no sand-stowing Bill, have no separate safety Bill.

**Mr. N. M. Joshi:** Who said that?

**Mr. B. Das:** That is the idea.

**Mr. N. M. Joshi:** I did not say that. At least be truthful.

**Mr. B. Das:** If my Honourable friend, Mr. Joshi, had suggested not to have a sand stowing Bill but bring it in the shape of amendments to the Indian Mines Act, I would have been able to understand him. I know there are Committees prescribed in the Indian Mines Act but these Committees were to look after the troubles between the labour and the capital, and when labour had no facilities, these Committees were to look after the welfare of the labour also. It was for this reason that those Committees came into existence. The Indian Mines Act was amended in 1923. Did my Honourable friend, Mr. Joshi, at that time suggest that there has been danger in the working of mines and that the rescue and safety of mines is necessary by amendment of the Indian Mines Act? Did he himself bring forward a Bill which would have been a more comprehensive safety Bill than this sand stowing Bill. As one who has taken great interest in the matter of the safety of these mines, because the mines are situated in the provinces of Bengal and Bihar, I have visited those coal fields and I feel, whether they are owned by the Europeans or Indians, that they are meant

to be exploited for coal purposes. But when these mine owners will leave these mines, the land will and must remain with the people of Bihar and Bengal. By his one hour speech Mr. Joshi wanted to depict all of us who participated in the discussion of this Bill on the floor of the House or who worked as Members of the Select Committee as having no understanding and, therefore, we walked into the trap which was set by my Honourable friend, Mr. Aikman, who was also a member of the Select Committee.

**Mr. N. M. Joshi:** Unfortunately, it is true.

**Mr. B. Das:** Mr. Joshi has forgotten the minute of dissent signed by myself and the Honourable the Deputy President and we suggested that there should be two representatives of labour. We suggested an amendment to section 11.

**Mr. N. M. Joshi:** I am proposing only one: so, vote for my amendment.

**Mr. B. Das:** Why don't you vote for our amendment which will be moved later? It is very painful to learn, Sir, that somehow we apply our minds in a different way. This is a Bill which is designed for the safety of coal mines and the Chief Inspector is there on a sort of an arbitration Board. *Mr. Joshi forgets that the Chief Inspector is always a mining expert; he is not a labour representative.* Let me read clause 11, sub-clause (2):

"No person shall be nominated to the panels referred to in clause (b) of sub-section (7) unless he possesses such technical qualifications as may be prescribed."

As I understand it, the whole point of reference will be on technical matters as has been discussed in the Indian Mining Committee's report. I myself would welcome even two members nominated not by the Government of India but by the Provincial Governments. But this arbitration has nothing to do with the general issues: it is concerned with the operations of the management of these mines. So, there must be experts. Of course, I am not referring to any discussion that arose in the Select Committee, but somehow Mr. Joshi has got the suspicion that engineers, mine managers and experts cannot be relied upon when they are put on an Arbitration Committee. Somehow, Mr. Joshi thinks that the particular mine over which the Committee wish to arbitrate will have its own manager on that Committee. That will never happen. The Indian Mining Association, which is a European body, having one or two Indian gentlemen, will have two representatives, but these will be chosen from a panel of several persons. We should bear in mind that the Chief Inspector is also the adviser of the Government of India. Will he not point out that of these eight persons, so-and-so is identified with the collieries and with the colliery system of the applicant or any other system? Sir, I have risen to address the House to point out that at no stage, barring this day, and at no time did Mr. Joshi point out that the whole idea of the stowing Bill and the safety Bill was a combination of the Indian and European colliery owners who wanted to hoodwink the Government. Mr. Joshi has made about half a dozen speeches on this subject but he never said this till he came to this Bill except perhaps with regard to the personnel of these two Committees, that as the Indian Mines Act lays it down, this must be the standard of test for this and stowing Bill. I would like to know why he did not make such a speech when the Indian Soft Coke Cess Committee Bill was passed in this House? Why did he not raise his voice of protest against the employers' representatives on the Indian Soft Coke Committee? Sir,

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my Honourable friend, Mr. Joshi's Bible is the Indian Mines Act and no other new light can be thrown to remove the dangers to the safety of the miners themselves. Mr. Joshi thinks that the same old antiquated Mines Act is the only panacea for all his troubles. But I do hope, in spite of his annoyance at some of us, Mr. Joshi will kindly bear in mind what sub-clause (2) of clause 11 provides and he will also try to understand the minute of dissent that we have written and I hope that he will support the amendment that we will move later on and that he will not be so difficult as he has been this afternoon.

**Dr. Sir Ziauddin Ahmad:** Sir, I heard a very entertaining and interesting speech from my Honourable friend, Mr. Joshi, though I admit that it was neither logical nor convincing. It was only entertaining. He accused the Government by saying that it is a tool in the hands of fools. Before proceeding with my speech I would just like to narrate a small proverb which I was just reminded of. The proverb is that somebody said :

*"Jat re Jat tere sar par khat."*

The other man replied :

*"Teli re Teli tere sar par kolu."*

The Teli said there was no rhyme in it. The other man said : 'It does not matter, but you will die under the weight of that kolu.' That is the point of the proverb. He did not understand what was the meaning of the word, but as long as there was the rhyme, namely, fools and tools, it suited him very well. Probably he might have said that the Government is a tool in the hands of wise men but he changed the wise men into fools because of the rhyme and it suited him very well.

Now, Sir, he constantly reminded the Members of the Muslim League : Whom do they represent? I know very well whom I represent, but may I ask my friend, Mr. Joshi, whom does he represent? Does he represent the Government who have nominated him or does he represent the labourers whom he never sees and about whom he talks only on the floor of this House and never outside this House? My Honourable friend is spending most of his time between Delhi, Simla and Geneva and he gets very little time to look after labour except to shed crocodile tears on the floor of the House in season and out of season as it suits him. He said there is a kind of conspiracy between European mine owners and the Indian mine owners. I am not in that conspiracy because I know I am not a mine owner. I am not consulted by them either. Let us talk something, something about workmen and I dare say that I do not represent workmen in the same sense in which they are represented by my Honourable friend who only speaks of them whether it suits them or not. He does not take into consideration what is this committee for. Here is a committee to consider the orders passed by the Chief Inspector of Mines. Here, on the floor of the House, two or three years ago we discussed quite a lot about the bureaucratic power of the Chief Mining Inspector. We also put a series of questions about Mr. Whitworth and then it was suggested that we should have some kind of committee to review the orders of the Chief Inspector of Mines. Here we have got a committee to consider the orders passed under section 9(3) of the Act. I do not see any reason why there is any question either of communal representation or labour representation or European representation or representation of any kind. After a good deal of consideration, this committee was appointed to represent various categories of interest.

I do not see any reason why we should disturb the equilibrium of this particular committee. If we add to the number of members in one category probably we will have to alter under other categories as well. Therefore, this is not at all desirable. He himself accepted to delete part (iii) of sub-clause (1) of clause 8 of the Bill in which he said that the safety of coal mines was explicitly excluded from this particular Act. I do not see any reason why the interest of the workmen in the mines should be explicitly represented in equal proportion to the representation of the mine owners. This particular committee will not have to deal with the rival claims between workmen and capitalists, between labour and the person who employs labour. They will practically decide questions of relative importance and relative requirements of the mines, whether stowing would not be necessary in a particular mine and what steps should be taken to ensure that stowing is done in a proper manner. This particular committee is not to look after the interests which Mr. Joshi has in mind. It looks after the interests which are provided for in sub-clause (3) of clause 9 of the Bill. I oppose the amendment.

**Prof. N. G. Ranga:** Sir, I am rather surprised at the attitude displayed by my Honourable friends, Mr. B. Das and Dr. Sir Ziauddin Ahmad. Sir, I can understand my Honourable friend, Mr. B. Das, because he is over jealous in his anxiety to protect the interest of the mine owners at any cost. But I cannot understand the attitude of Dr. Sir Ziauddin Ahmad who claims to represent the workers. Almost every time that he says anything at all, in regard to workers, it is against their real interests. He may be having in his mind workers of the cadre or status of Vice-Chancellors of Universities, . . . . .

**Dr. Sir Ziauddin Ahmad:** Professors!

**Prof. N. G. Ranga:** . . . . and also Professors who are the colleagues of Vice-Chancellors in the University. It is difficult for me to take him at his word when he says that he represents the workers. Certainly what fell from him this afternoon is not at all in favour of the workers.

I used to criticise Mr. Clow and Sir Frank Noyce while they were in charge of the department of Labour on the ground that they were not doing as much as they could for Indian labour. I now find that the interests of labour have fallen from the frying pan to the fire. Here is my Honourable friend, who is a very capable and versatile gentleman, but who is more fit to deal with business problems and businessmen than to protect the interest of poor labourers. He has shown this abundantly in this Bill. While the other two Honourable Members were in charge of labour, they established this precedent of providing equal representation for both the employers and employees as far as the mining is concerned. I can assure my Honourable friend, Mr. B. Das, that this particular Act is not ante-diluvian since it was last amended as recently as 1936. In this particular Act care was taken on almost every relevant occasion to provide for equal representation of labour and employers. The Government Members then representing Labour Department, Sir Frank Noyce and Mr. Clow, were a party to it. Now here comes the Honourable Sir Muhammad Zafrullah Khan who wants to make a definite departure from that practice. It may be said by him as was said by Dr. Sir Ziauddin Ahmad that here we are not interested so much in the specific question of safety of workers as in the general question of interests of the whole industry. The general interests of the industry are sought to be safeguarded according to me in a wrong way in that one sided constitution which this House already passed.

[Prof. N. G. Ranga.]

—that is constituting a Board in which the employers or mine owners are over-represented and workers are not at all provided any representation. That Board is there to look after the interest of the whole industry. This sort of committee is to be appointed only when there is a reference made to it by the Government on appeal made by any particular mine owner or his agent or any other representative of his to the Government of India against any order that may be made by the Chief Inspector of Mines. The question that is to be decided by this particular committee is a somewhat specific one concerning the particular mine and its internal conditions. I am prepared to concede the point made by my Honourable friend, Mr. B. Das, that it may be a very technical point to be settled but it is not too technical enough to be considered by miners themselves. The miners themselves have much more technical knowledge than laymen like ourselves in regard to the manner in which a mine is being worked or is to be worked. The Government themselves have accepted the principle underlying that particular claim that we make by making provision here even in this clause 11, sub-clause (c) for the representation of labour. Now, if one representative of labour can be there to decide a particular question which is considered too technical, then, certainly, I do not see any reason why this objection of the technicality of any reference that may have to be discussed and decided upon should at all be raised or trotted out. Then, if any particular reference in regard to any particular mine has to be decided upon I do not know why the representatives of the whole of the industry should be brought there to give a considered decision, except it be for the purpose which is mentioned by my Honourable friend, Mr. Joshi, that they can very well scratch each other's back and then settle the thing and say that all this work need not be done at all, that instead of doing 100 per cent. of the work 50 per cent. or 20 per cent. is enough, and so on. One may wonder what is there to be gained by this sort of avoidance of the total amount of repair work or stowing work that has to be done. This will be the advantage. If instead of spending or ordering the expenditure of Rs. 1,000, this committee is satisfied with an expenditure of Rs. 500, or Rs. 200 or even Rs. 100, there is so much saving for the stowing board; and as long as there is money at the disposal of the stowing board it will not be necessary for the board to ask Government to continue the cess for a year or two years. Surely, Government do not mean to say that even if they propose to pass a rule prescribing the amount of cess that must be levied according to section 5 it will not be possible for the trade to come to them and represent to them that there is so much of excess money in their hands and, therefore, there is no need to continue the collection of this cess at the same rate year after year; and, therefore, there is a case for reducing this particular rate at any moment. Government need not even come to this House to ask for power to reduce the rate of cess at all. It is left entirely to their own discretion: they may fix it today at two annas and tomorrow they may, by rule, reduce it to one anna. What is there to prevent it? This is the particular advantage that can be derived if this clause 11 as it is were to be passed. Now, instead of this what is it that we have asked? Let there be one member representing the particular mine that is involved; let there be another representing labour employed there; and let there be a third person appointed by Government to preside over it; and let them decide. After they make their decision who is to foot the bill? It is the board; not that particular committee itself and not even that particular mine owner himself. This board has got to foot the bill.

It may be that in addition to the ordinary compulsory stowing some other incidental or associated repairs or reforms have to be effected and to that extent the mine owner himself has got to make his contribution. It is to his interest to try and avoid it, and he will successfully avoid it if this committee that is proposed by Government is passed. Sir, I emphatically protest against this calculated departure that Government want to make by means of this particular Bill from their own established principle and established practice of providing equal representation for both parties, at least in so far as the mining industry in this country is concerned. Therefore, I am in favour of Mr. Joshi's amendment.

Sir, I must confess that in my opinion the Honourable Member in charge of the Bill has been less than fair to the House in rising rather too early on the last amendment to speak and then not having any one else on the side of Government to answer some of the points that have been sought to be placed before the House. It may be considered by Government that in view of the provisional agreement that he has talked of which has been arrived at between the various Leaders of Parties and himself he need not care so much for the various points that may be made in this House. Sir, I maintain that the value of the deliberations of this House depends as much on the votes which are given as on the various points that Honourable Members make on the floor of the House and the advantage that we derive from listening to each other's point of view and then coming to a decision in the light of the points that are raised in the course of the discussion. If on the other hand my Honourable friend is simply content with coming to some sort of agreement and then, afterwards, going to sleep because in the light of that agreement everything else is going to be passed and he need not trouble to answer any particular point that may be raised, then I can only say that I am sorry for him and he is wrong.

**The Honourable Sir Muhammad Zafrullah Khan:** Sir, between Mr. B. Das and Prof. Ranga I will not attempt to arbitrate. So far as Mr. Joshi is concerned, the whole theme of his speech was that Government are the tools and slaves of the European Group, that the European Group have a dominant interest in the coal industry, they have entered into an alliance with the Indian mine owners and then somehow these interests have entered into an alliance with the Congress and the Muslim League,—he spared for some reason or other the Nationalist Party . . .

**Mr. M. S. Aney** (Berar Non-Muhammadan): Because I voted with him on one point.

**The Honourable Sir Muhammad Zafrullah Khan:** And he says that as a result of all this, labour has no look-in into this matter. Now, Sir, assuming for a moment that his thesis is correct, what is he seeking to do by this amendment? By this amendment he wants the committee, defined in section 11 of the Mines Act, to be substituted for the committee the composition of which is set out in clause 11 of this Bill. What is the composition of that committee? Two representatives of Government, one representative of the employers and one representative of labour. Now, let us see how that helps him on the basis of his own allegations which, at any rate, so far as he is concerned, I assume he has honestly made. Two people representing the tools and slaves of the European Group, one representing the employers directly, that is to say, the Europeans in unholy alliance with Indian mine-owners, and only one

[Sir Muhammad Zafrullah Khan.]

representing labour. That is the kind of committee that he wants in place of the committee that this Bill offers him. If he really were honest and sincere in his criticism he ought to be much more afraid of the committee the composition of which is set out in section 11 of the Mines Act than of the committee the composition of which is set out in clause 11 of this Bill.

**Mr. N. M. Joshi:** I have confidence in your officers.

**The Honourable Sir Muhammad Zafrullah Khan:** Then, if Mr. Joshi has confidence in Government officers he would have this committee set out in clause 11 with the Chairman of the stowing board who will be appointed by the Central Government as Chairman. Then, out of certain panels, the Chairman will have to make his selection. Let us hope he will do it honestly. Even Mr. Joshi admits that he will be independent, and at any rate he cannot complain that in this particular committee the miners are being left out altogether. They will have one representative, no doubt again nominated by these tools and slaves of the European interests. But his own next amendment, in case he does not get this amendment through, is to increase that one to two. Therefore, I suppose he has not much objection to the Central Government nominating. The real reply to Mr. Joshi, of course, is that for the particular function that this committee has to perform one had to depart from the constitution of the committee as laid down in section 11 of the Mines Act. Mr. Joshi has throughout joined issue with Government and with mine-owners, whether European or Indian, over the composition of the board and over the composition of this committee, and wants his representative in the manner prescribed by him on the Board and the committee. He has also condemned the arrangement that Parties in this House should have agreed among themselves that certain amendments may be carried and certain others need not be moved. He is well aware—he is too old a Member of this House not to know—that when a measure is placed before the House all sorts of amendments are sent in because on a detailed study it might appear that many of them might make useful improvements in the measure; and when a detailed study has been made very often compromises are arrived at: and certain amendments are moved and accepted; and certain amendments are not moved. There is nothing at all objectionable in that kind of arrangement to which very often he has been a party himself. On this occasion it did not suit him and, therefore, he used all kinds of adjectives for the arrangement. Sir, I oppose the amendment.

**Mr. Bhulabhai J. Desai** (Bombay Northern Division: Non-Muhammadan Rural): Sir, but for the charges levied by my Honourable friend, Mr. Joshi, I should not have thought fit to intervene in this debate. It is a pathetic sight, a very pathetic sight indeed when an individual finding himself lost to all sense of proportion and does not find support hides himself behind arguments which attribute among other things dishonesty to people . . . .

**Mr. N. M. Joshi:** What other things?



**Mr. Bhulabhai J. Desai:** I have great admiration for my Honourable friend, Mr. Joshi, for the manner in which he reads human minds, and it is for that reason that I have got up to address the House. In my part of the country, we used to be told of a very distinguished individual, a pandit, who went up to one of the assemblies where discussions used to be held: people assembled from all over India, and a man used to get distinction by way of being regarded as the victor in the argument. One day, one of these young fellows came back home, which is my part of the country, and announced to his mother "I have won." The mother was exceedingly glad in fact and asked what had happened. He said "I won, because I listened to nobody and I believed nobody." That is the kind of pandit that my Honourable friend is according to the formula that we have heard of in my part of the country. I admire the protagonist even of single causes, but there is a limit even to the enthusiasm, not to say the fanaticism, in the belief in that cause. After all is said and done, in every measure before this House there are provisions each one of which has its own proportionate value: not that anything has no value, but it has only a proportionate value; and I appeal to my Honourable friend never to say that he is so helpless that he must needs see dishonesty in every arrangement made in this House. My plea is not so much that whether he has done it rightly or wrongly—he is in a position of splendid isolation and, therefore, I will not disturb him in that peaceful position; but the fact still remains that after all we are colleagues and we work together and, therefore, he must recognise that if we are not able to follow his humours on every amendment, borrowed either from this country or any other, therefore we do not fall below the standard of decent honesty in public life which at least we not only profess, but we hold.

The fact remains in this case that a question arose as to how far the small mine owners should bear the burden that they were called upon to bear for the first time; and whatever my Honourable friend may think, I must tell him that on the other hand, far from charging Government in this case, it is they who wanted a larger maximum and it is I, speaking for the smaller mine owners, who asked for the reduction of that maximum. Therefore, you cannot possibly charge them that the committee to be set up by Government was not to be put into larger funds than suggested by the Government. As a matter of fact, the miner himself can exist if the mine and the mine owner exist. But my Honourable friend can only look at one side of the issue. The country does not exist; the mine does not exist, the mine owner does not exist for him. I dare say, he will move into that paradise in course of time when this country has attained a different position: when it does, whether he will be there is a matter which we will leave to the future. But the fact remains that those of us who do not think either in terms of our constituency or our religion, but always of the country at large, notwithstanding the fact that I happen to be returned by a particular constituency—and that country naturally consists if you must divide it of elements which may apparently be conflicting, but which need not be.

I quite agree that there is a class of politicians who think that there is always a constant conflict between what are called classes: there are others who think that only one class should exist and others should not: there are others who think that while we exist, other classes also might exist and co-exist on the principle of reconciliation. It is the last class to which I belong, and so long as I continue to belong to that, I will not be so purblind as not to understand the problem from the points of view of all because, when

[Mr. Bhulabhai J. Desai.]

Mr. Joshi has taken all for labour, ultimately I would find out what has been left for me to take and from where he would take for the labourer—probably the labourer whom he represents will say “Save me from my friends”. That is probably the final situation into which Mr. Joshi is bound to be driven; and, therefore, I do appeal that while we admire his zeal, he need not attribute even if he cannot find a better explanation, if his astute mind is not capable of finding an honest explanation, let him at least believe and remember that there may be things, as in Horatio’s philosophy, which Mr. Joshi has yet to know: it does not follow at all that the conclusions to which he jumps by a mere process of reasoning of his own, accusing everybody of dishonesty—there is nobody else left: the mine owners representing the European Group—the mine owners at all events so far as they have any influence left in the rest of the House and so far as the State is concerned, the State; and I would like to know whether any other except labour whom he does not represent by any process of representation is left at all. He chooses to be an advocate of labour, and he does so very ably; but when you say that you must remember that there are so many sides to the question that one need not run to the hasty conclusion in a precipitate manner saying that everybody who does not agree with him for reasons which he alone knows—he will be the sole judge, the single judge of those reasons and other reasons of other people must be founded on dishonesty. I regret very much an attitude of this kind: and particularly as I see when he says “I am a liberal and a moderate, and I am proud to be one.” I thought they had a sense of justice so supreme and so high that more often than not they find reasons for honesty where none exist even in the normal mind; but when all that credit which they have always enjoyed of independence of thought while the rest of the country thinks the other way, I should have thought that they at all events would always believe that it is possible that other people differing from them can be honest.

So far as this Bill is concerned, its primary object is to get money for the purposes of assisting those mines where operations are necessary for safety. May be it is a mine collapse, may be it is a fire or any other accident of a similar nature: it is in the general interest to prevent it. If you have a fire engine owned by a municipality intended for the purpose of saving any house that may happen to be burning, is it desired that you should be told that the rate payers are not the affected persons to be helped and the house may be allowed to be burnt? I do expect of my Honourable friend a little better sense of proportion in order to understand how public purposes can be served in a general way by those who contribute to the funds which are intended for this public purpose. What defeats me is that my Honourable friend forgets that if a tax is levied on a certain body of people and they provide the money for an interest which is earmarked, it is incidentally everybody else’s concern. I do not deny that. I do not deny that human life is as much the object of this measure as the saving or injury part of it; and, as I said about the fire engine of a municipality, who has ever seriously argued that unless a labourer or scavenger or somebody else is represented on a committee, it is incomplete and will not serve its purpose, or that they would be so nefarious or stupid or criminal that would keep all the money and let the houses be burnt, forgetting at the same that the people who sit on this committee have interests, and that if a neighbour’s house is burning, my own house is in danger, and it may easily happen that the particular individual concerned may be the nearest

neighbour of the place where sand stowing operations are carried on. Let us, therefore, examine the problem with a proper sense of proportion, let us attribute a little more honesty even if our minds cannot conceive of that particular honesty. Of course, if my friends sit on a jury and there he has to give a verdict against an individual, well, I hope he is exempt from that particular operation in so far as the juries in India are concerned, because I rather pity the man who would appear before him, because he will say that so long as I see no other reason, I will condemn him. That is not the proper way to look at the matter. I do appeal to my friend that in trivial matters he should regard the House and those who entered into the agreement as on the whole having given the best they could give. I do not deny for a moment that if I had to frame the Bill, I might have altered it in some respects, but that does not mean at all that in trying to do that, you should have a sterile argument all the time. There are always two methods of approach, one is to see whether in a legislative measure,—and I am emphasising the point,—because over the executive we know what our power is and how it is being used,—but in legislative measures I have the experience that we are able to approach the question with a sense of proportion to influence the judgment of those who introduce the legislation, and, therefore, to that extent I only plead with my friend,—I appeal to him,—that he would do us the justice, he would do well by his colleagues who have always appreciated his view point more than that of any others, and he would not indulge in future in attributing motives, and that even now he will have the large-heartedness to get up and say he did not mean any dishonesty in this business.

**An Honourable Member:** Sir, the question may now be put.

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

"That the question be now put."

The motion was adopted.

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

"That in clause 10 of the Bill, the words and brackets '(except sub-section (1) of section 11 thereof)' be omitted."

(After calling for "Ayes" and "Noes".)

The Chair thinks the "Noes" have it.

**Mr. N. M. Joshi:** "Ayes" have it.

(Mr. President then asked Honourable Members who were in favour of the amendment to rise in their seats.)

**Mr. N. M. Joshi:** May I request that this division may be noted?

**Mr. President** (The Honourable Sir Abdur Rahim): No, it is not necessary.

(Then, Mr. President took the vote of the House by asking Members to rise in their seats and declared that the motion was negatived.)

The motion was negatived.

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

"That clause 10 stand part of the Bill."

**Mr. K. Santhanam:** Sir, I want to speak on this clause. I want to point out that clause 10 as it has been drafted is defective in some respects. It would have been better for the Government if they had not tacked it on to section 19 of the Indian Mines Act, because I find on reading carefully section 19, the scheme of that section is.....

**Mr. President** (The Honourable Sir Abdur Rahim): Is there any amendment?

**Mr. K. Santhanam:** No, Sir.

**Mr. President** (The Honourable Sir Abdur Rahim): Does the Honourable Member want to oppose this clause?

**Mr. K. Santhanam:** I want to suggest certain things, and point out certain defects which may be remedied by rules, and this is the only opportunity.....

**Mr. President** (The Honourable Sir Abdur Rahim): There is another clause for the making of rules in connection with which the Honourable Member can suggest what he desires.

**Mr. K. Santhanam:** No, Sir. There is no other clause. The scheme of section 19 is that the order issued by an Inspector or a Chief Inspector should be carried out unless on an appeal to the Committee in the case of a requisition under sub-section (1), there is a stay of proceedings, but against other things there is no stay at all. Therefore, when there is no order for staying operations, what is the mine owner to do? According to the section as it stands, he has to carry out that order, and it is illogical. If it is a case of mere abstention, then he can abstain, but if it is a case of positive action, how can a man carry out the stowing operations and then appeal. Therefore, provision for stay is absolutely essential in a scheme of this sort, and, therefore, I suggest that the Government should take steps either to put in proper provisions for that purpose or to rectify the defect by taking action under the rules. This is the only point I want to bring to the attention of the Government and of the House, and I hope the defect will be duly remedied.

**The Honourable Sir Muhammad Zafrullah Khan:** This matter will be looked into.

**Mr. Bhulabhai J. Desai:** I may point out, Sir, that I think a provision of that kind is needed.

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

"That clause 10 stand part of the Bill."

The motion was adopted.

Clause 10 was added to the Bill.

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

"That clause 11 stand part of the Bill."

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

"That in sub-clause (1) (c) of clause 11 of the Bill, for the words 'one member' the words 'two members' be substituted."

Sir, I am most unhappy on account of the failure of the House to pass the amendment that was moved by my friend, Mr. Joshi, in clause 10. Sir, I do admit that when either myself or my friend, Mr. Joshi, plead for adequate representation for labour, we are not at all trying to encroach upon the rights of other sections of our people. We are only anxious to see that even under present circumstances in this capitalist society justice should be done to labour. Even according to the theory known as the class collaboration which has been propounded by my leader, Mahatma Gandhi, the scales have to be held even as between the Baronet from Bombay and the poor miner. Even in the Mines Act, this Government has also accepted that principle of class collaboration to give equal representation and equal weight and equal consideration for the view point of both these parties. It is true that I myself do not subscribe to the particular principle. I would rather that the existing circumstances should be recognised that there is an eternal conflict between these two interests which the labour is only trying to put an end to. If there is any difference of interest between mine owners on the one side and miners on the other, it is not the fault of the miners. They are helpless under the present system. They want to become masters some day of all these mines. They are not today, and they recognise the *status quo*. The whole lot of them will themselves become mine owners.....

**An Honourable Member:** How can they be?

**Prof. N. G. Ranga:** My friend does not know the principles under which the co-operative societies are run in which the same people who manage the co-operative society are themselves the customers of that co-operative society. Similarly, our mines can be run in a co-operative fashion. Our railways are being run by the State, and the State we claim is representative of the nation. This State is not, but tomorrow we expect to be able to have a better State and we claim now to be having a better State in all these various provinces and the Governments there are representative Governments. To that extent they are expected and they can be expected to better represent the interests of the people than this Government. Therefore, we are anxious that as soon as it is possible the miners should be in complete possession and control of all these mines. If that cannot be done directly, then indirectly, as the Minority Report here of this Coal Mining Committee says, all these mines should be nationalised, and should be placed under the control, supervision and ownership of the State, and then the miners.....

**Mr. President** (The Honourable Sir Abdur Rahim): That is not the object of the Honourable Member's amendment.—nationalisation of mines. The Chair thinks it is very far off, and the Honourable Member must confine himself to the amendment.

**Prof. N. G. Ranga:** This clause, as it stands, goes against that main principle underlying Government policy of providing equal representation to all contending parties with conflicting interests. Here, provision is made for four members to be selected by the chairman of the Board. Who

[Prof. N. G. Ranga.]

are these four members? They are all experts. They are not going to,—thank God,—to be imported from England. But they are experts who are already in the employment of some of these mine owners. They are not other officers of the Government; otherwise, they would have said so. They are people who are already in the employ of these mine owners, and to that extent, just as my Honourable friend, Sir Muhammad Zaf-rullah Khan, claimed that his officers have got to carry out his orders, these experts employed by the mine owners also have got, according to me, to carry out the orders of the mine owners. It may be a technical point at issue, but they cannot be blind to the financial consequences of this and so far as the finances are concerned, the mine owners will come in with their interests. These people will be there. In addition to that, how are these people to be selected? Two from a panel of eight persons nominated by the Indian Mining Association and so on. The Mining interests are doubly assured, not only by having these people in the employ of the mine owners, but we have also this, one from a panel of four persons nominated by the Indian Mining Federation, one from a panel of four persons nominated by the Indian Colliery Owners' Association. These are four persons, and as against these four, what is the representation of labour on this particular Committee? Luckily my Honourable friend and this Government at least have not maintained, as they had maintained earlier, that there need be no representation at all for labour. They have conceded the principle that there should be labour representation on this Committee. Having done that, they simply provide for one member. Why should it be so? Is it because miners are not considered to be good enough to be represented on an equal footing with the others? Certainly, there will be no mining in the industry if there are no labourers. No profits can be earned if there are no miners, and my Honourable friends will have to liquidate all their things if there are no miners. This particular principle is a wrong principle, an erroneous principle, and, it is a principle which was enunciated in those good old days of *laissez faire* and the great Adam Smith and his great grandfathers, but as ill luck would have it, some of our greatest brains in this country still support this principle....

**Mr. F. E. James** (Madras: European): Would my Honourable friend allow me to interrupt him? Could he inform the House if he is going to continue his speech till 5 o'clock?

**Prof. N. G. Ranga:** That is a frivolous interruption. I can only say that we shall not subscribe to this bad principle that labour should be treated only as chattel and, therefore, need not be provided with any sort of representation, and, if at all, no such representation as is provided for employers and so on. It is wrong. But at its worst, even according to the Gandhian principle of class collaboration, which according to the Government of the day under the present circumstances is the best and most forward policy—what they propose to do is very wrong, unjust and one-sided. Properly speaking, there ought to be places here for four members on behalf of labour. But Government provide for only one. What do I ask? I would condemn myself as a more moderate person than my Honourable friend, Mr. Joshi. Mr. Joshi has some justification in being moderate because he happens to be President of the All-India Trade Union Congress; I have none, no justification for being so very

moderate, but knowing the temper of the House and knowing the practical possibilities which my Honourable friend has so eloquently commended to my attention as well as the attention of my Honourable friend, Mr. Joshi, and people of our way of thinking, I have only asked for one more member on the Committee. Four on behalf of these great men, one appointed by the Government, total five and then if my two people also come in instead of one, it will make only seven. Out of a committee of seven my people will have only two. Is that unfair? (Interruption). I am just now advocating the cause of the labourers. Out of a Committee of seven, is it wrong, is it revolutionary, is it irresponsible, is it inconsiderate for me to come here and ask for two people? (Interruption.) Here is my Honourable friend. He is always for justice because he believes in short staple cotton. I will make a serious appeal to members of all Parties in this House to consider this thing in a serious minded manner and make this concession at least and establish the fact that after all they have not completely gone over to the other side. Sir, I move.

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

"That in sub-clause (1) (c) of clause 11 of the Bill, for the words 'one member' the words 'two members' be substituted."

Mr. Joshi.

**Mr. N. M. Joshi**: As there is only one minute to five, may I request you to adjourn now, so that I may begin my speech tomorrow?

**Mr. President** (The Honourable Sir Abdur Rahim): Very well.

The Assembly then adjourned till Eleven of the Clock on Tuesday, the 4th April, 1939.