

23rd August, 1933

LEGISLATIVE ASSEMBLY DEBATES

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SIXTH SESSION

OF THE

FOURTH LEGISLATIVE ASSEMBLY,
1933



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Legislative Assembly.

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Deputy President :

MR. ABDUL MATIN CHAUDHURY, M.L.A.

Panel of Chairmen :

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SIR ABDULLA-AL-MAMUN SUHRAWARDY, KT., M.L.A.

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MIAN MUHAMMAD RAFI, BAR.-AT-LAW.

Assistant of the Secretary :

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

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

KUNWAR HAJEE ISMAIL ALI KHAN, O.B.E., M.L.A.

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LEGISLATIVE ASSEMBLY.

Wednesday, 23rd August, 1933.

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

MEMBER SWORN :

Khan Bahadur Malik Allah Baksh Khan Tiwana, M.B.E., M.L.A.
(Nominated Non-Official).

QUESTIONS AND ANSWERS.

FIXATION OF PERCENTAGE FOR APPOINTMENTS IN GOVERNMENT SERVICE FOR MUSLIMS AND OTHER COMMUNITIES.

19. ***Mr. Gaya Prasad Singh :** Has any circular been recently issued by the Home Department, or any other official source fixing the percentage of appointments in Government service, for the Mussalmans, the minority and majority communities ? Are any such instructions under contemplation ; and will Government be pleased to lay a copy of them on the table ?

The Honourable Sir Harry Haig : The answer to the first part is in the negative. As regards the second part, the question of some modification of the existing orders regarding representation of minority communities in the public services is under consideration.

Sardar Sant Singh : May I know whether there was any conference of the Heads of Departments on this matter in May or June last ?

The Honourable Sir Harry Haig : The matter has been under consideration for several months.

Sardar Sant Singh : Was there any conference in which all the Members of the Government of India participated and certain provisional or tentative proposals were formulated and decisions arrived at ?

The Honourable Sir Harry Haig : I am afraid I cannot reveal the processes of consideration in the Government of India.

Mr. B. R. Puri : What we want to know is not the details of the conversations or the decisions, but the mere factum whether such a meeting did or did not take place.

The Honourable Sir Harry Haig : I am not prepared to state what processes go on when a case is under consideration in the Government of India.

Kunwar Hajee Ismail Ali Khan : Are Government aware that in the majority of the Departments of the Government of India the Muslim percentage is very very low ?

The Honourable Sir Harry Haig : I think I should require notice of that question.

Sardar Sant Singh : Is it a fact that a circular marked confidential was circulated to all the Heads of the Departments, wherein it was definitely laid down that in future recruitment to the Departments controlled by the Government of India or centrally administered, out of the 33 $\frac{1}{3}$ per cent. reserved for nomination, 25 per cent. should be given to the Muslims, 6 per cent. to the Anglo-Indians, and the remaining 2 $\frac{1}{3}$ per cent. to other minorities, and the depressed classes were excluded ?

The Honourable Sir Harry Haig : No, Sir. No such circular has been circulated.

Sardar Sant Singh : Is it not a fact that a letter with this circular containing the above proposal was circulated to the Heads of Departments ?

The Honourable Sir Harry Haig : No, Sir. As I have said before, various proposals are under consideration and have been under consideration for some months, and I am not prepared to say any more about it.

Sardar Sant Singh : What I want to know from the Honourable Member is whether any letter was circulated to the Heads of Departments drawing their attention to this proposal and inviting their opinions thereon ?

The Honourable Sir Harry Haig : I have said before that I am not prepared to explain the various processes gone through while a matter is under consideration in the Government of India.

Mr. Gaya Prasad Singh : Is the Honourable Member prepared to deny the statement of Sardar Sant Singh ?

The Honourable Sir Harry Haig : I have already stated that no such circular was issued.

Mr. M. Maswood Ahmad : Will Government be pleased to state what time they intend to take in deciding this question, that is, the representation of minority communities, and specially of Mussalmans in the services of the Government ?

Mr. Gaya Prasad Singh : They want to keep up a perpetual quarrel.

The Honourable Sir Harry Haig : I admit that is a fair question. The matter has been under consideration for a good many months, but it is a question of very considerable complication and all I can say is that the Government hope to reach a decision as soon as possible.

Sardar Sant Singh : Is it a fact that a second conference was called in the month of August in which the.....

Mr. President (The Honourable Sir Shanmukham Chetty) : Order, order. When the Honourable the Home Member has plainly stated that he is not prepared to disclose the stages passed through by the Government in considering a proposal, there is no use for the Honourable Member putting a question like this.

Sardar Sant Singh : May I explain that we on this side of the House seek information on this particular subject, and I have yet to know under what Standing Order we shall be deprived of seeking such information. I want a ruling of the Chair on this point.

Mr. President (The Honourable Sir Shanmukham Chetty) : This is not a question of depriving the Honourable Member of the right of asking any question, but when the Honourable Member repeats the same question in a different form to which an answer has already been given, the Chair has got a right to intervene.

Sardar Sant Singh : I put this question with your permission. Is it a fact that certain communications are passing between Sir Samuel Hoare, the Secretary of State, and the Government of India, in regard to the representation of Anglo-Indians in the railway services ?

The Honourable Sir Harry Haig : I am afraid I cannot state on the floor of the House what communications may pass between the Government of India and the Secretary of State.

Mr. N. M. Joshi : May I ask whether the Government consider that it is a matter of some importance that a certain proportion of jobs should be given to boys belonging to the working classes, and that the middle classes should not monopolise all the jobs ? If this is considered as a matter of some importance, may I know what steps the Government are taking to see that the boys coming from the working classes get their due share ?

The Honourable Sir Harry Haig : The Honourable Member is, I understand, putting up a new claim for communal representation. Well, Sir, I hope that he will put the claim before the Government in the usual way. I do not think it is a claim that has so far been considered.

Mr. Gaya Prasad Singh : Is there any bar to the employment of boys of working classes if they fulfil the requisite educational and other qualifications ?

The Honourable Sir Harry Haig : No, Sir. No bar.

Mr. N. M. Joshi : May I ask whether there is any bar either for the Muhammadans or the Hindus or for the depressed classes ?

The Honourable Sir Harry Haig : No, Sir.

Mr. Lalchand Navalrai : Will the Honourable Member please tell me if all the communications that were made and all the stages of consideration on this point were confidential, and if they were not, may I know why he should not disclose them ?

The Honourable Sir Harry Haig : Yes, they are confidential.

Sardar Sant Singh : May I know what the position of the Sikhs is in the proposals under consideration—whether they are regarded as an important minority community or not ?

The Honourable Sir Harry Haig : I am not in a position to state what the proposals are, because they have not reached that stage at which a statement can be made.

Sardar Sant Singh : My question is whether the Sikhs are regarded as a minority community whose claim for a share of the services should be given due consideration ?

The Honourable Sir Harry Haig : As my Honourable friend is aware, the Sikhs have always been treated as a minority community.

Mr. Gaya Prasad Singh : But not as an important minority community ? (Laughter.)

Mr. Lalchand Navalrai : May I know from the Honourable Member whether the Hindus in Sind are in minority or majority ?

The Honourable Sir Harry Haig : We have not gone into the question of provincial majorities and minorities.

Sardar Sant Singh : May I know since when Government have receded from the position which was taken up in the Montagu-Chelmsford Report that the Sikhs are an important minority community and should be given due weightage in the services of the Government ?

The Honourable Sir Harry Haig : I did not suggest that there had been any change in our attitude towards the Sikh community.

INADEQUATE APPOINTMENTS OF MUSLIMS AS TEMPORARY ASSISTANT INCOME-TAX OFFICERS IN THE UNITED PROVINCES.

20. *Lieut. Nawab Muhammad Ibrahim Ali Khan : (a) Is it a fact that, consequent on the lowering of the taxable limit, eighteen temporary Assistant Income-tax Officers have been appointed in the United Provinces so far, and that out of these only *four* are Muslims, instead of *six*, according to the percentage allotted to that province ? If so, what steps do Government propose to take in order to redress the grievances of Muslims ?

(b) Is it a fact that in making appointments of Assistant Income-tax Officers, a very junior non-Muslim clerk has been taken in supersession of a number of senior Muslims ?

(c) What is the percentage of Muslims and non-Muslims in the appointments of temporary establishment. (ministerial) made on the lowering of the taxable limit in the United Provinces ? If the percentage of Muslims is lower than what is allotted to that province, what steps do Government propose to make up the deficiency ?

(d) Is it a fact that there is no Muslim clerk in the office of the Commissioner of Income-tax, United Provinces, in spite of the policy of the Commissioners of Income-tax in the past ?

The Honourable Mr. A. H. Lloyd : (a) Sixteen and not eighteen temporary Assistant Income-tax Officers have been appointed. Of these, four are Muslims. I cannot admit the Honourable Member's suggestion that any definite percentage of appointments has been allotted for Muslims ; but even if there had been such a general rule it would not have been applicable to these appointments since they were temporary ones and the selection of men to fill them was confined to those already in Government service.

(b) Yes ; such promotions are regulated by merit as well as seniority and not by seniority alone.

(c) The percentage of Muslims is 30. As regards the latter part of the question, attention is invited to the reply given to part (a) of the question.

(d) Yes.

Mr. M. Maswood Ahmad : Do Government propose to stop this system of supersession, because it is always used adversely towards Indians ?

The Honourable Mr. A. H. Lloyd : I do not admit that there is any system of supersession.

Mr. M. Maswood Ahmad : Will Government be pleased to state what is the proportion of cases in which non-Indians have superseded Indians to the cases in which Indians have superseded non-Indians ?

The Honourable Mr. A. H. Lloyd : To the best of my belief there are no non-Indians in the rank of Assistant Income-tax Officers in the United Provinces, to which this question relates.

Mr. M. Maswood Ahmad : I put this question in a general form. It does not refer to this question alone.

The Honourable Mr. A. H. Lloyd : If the question is put in a general form, I would suggest that notice should be given to the Honourable the Home Member. (Laughter.)

Mr. M. Maswood Ahmad : I will do that.

*
SUSPENSION OF THE CIVIL DISOBEDIENCE MOVEMENT.

21. ***Mr. Lalchand Navalrai :** (a) Will Government be pleased to state what view they take of the suspension of the Civil Disobedience Movement ?

(b) Do Government propose to continue the repressive policy ? If not, have they abandoned it ?

The Honourable Sir Harry Haig : (a) and (b) . I would refer the Honourable Member to the reply I gave yesterday to his question No. 7.

Mr. Lalchand Navalrai : May I know if repression was stopped when the suspension of the Civil Disobedience Movement was brought about ?

The Honourable Sir Harry Haig : I do not quite know what the Honourable Member means by repression. If he means dealing with those who break the law, then it certainly did not stop. On the other hand I may mention that for several months past Local Governments have been releasing civil disobedience prisoners before the expiration of their sentences if they were satisfied that such releases were not likely to encourage the revival of the Civil Disobedience Movement.

Kunwar Hajee Ismail Ali Khan : Are Government prepared to make a compromise with the Indian National Congress ?

The Honourable Sir Harry Haig : No, Sir. I think it is clear from the statements that have been made that that is not the position.

Mr. Lalchand Navalrai : The Honourable Member knows that there were many kinds of repression with regard to the Civil Disobedience Movement and my question is, if that was stopped ?

The Honourable Sir Harry Haig : I think, Sir, I have answered the Honourable Member's question very fully.

Mr. Lalchand Navalrai : I am not satisfied with the reply, but I would submit that beyond what the Honourable Member just now said about releasing prisoners, there was other kind of repression, for instance, *lathi* charges. Has that stopped ?

The Honourable Sir Harry Haig : If there are unlawful activities which result in the assembly of unlawful crowds, they have to be dealt with, but if the Civil Disobedience Movement is suspended, no such crowds will collect.

Mr. B. R. Puri : Is it a fact that the Civil Disobedience Movement has really stopped ?

The Honourable Sir Harry Haig : I think it is fair to say that all the main manifestations of it are now in suspense.

Mr. B. R. Puri : Thank you. In view of this, are Government prepared to release generally those who were sentenced to various terms of imprisonment before the expiry of their terms in consideration of the fact that the Civil Disobedience Movement has practically ceased to exist, except in individual cases.

The Honourable Sir Harry Haig : I have already explained the policy that has been followed for several months past by Local Governments with the full approval of the Government of India. It has resulted in the release of a number of civil disobedience prisoners before the expiry of their term.

Mr. Lalchand Navalrai : Might I know from the Honourable Member why was it that Mahatma Gandhi was re-arrested and sent to jail ?

The Honourable Sir Harry Haig : Because he did not abandon civil disobedience, and deliberately attempted to revive it.

Mr. Lalchand Navalrai : May I know if any overt act was done ?

The Honourable Sir Harry Haig : He had issued a statement which was a definite incitement to civil disobedience.

Sardar Sant Singh : May I know if preparation for an offence is an offence itself under any system of jurisprudence ?

The Honourable Sir Harry Haig : The point was that in view of the activities of Mr. Gandhi it was necessary to serve a notice on him and, as a result of that notice, he disobeyed the order and broke the law.

Sardar Sant Singh : The Honourable Member is well aware that no offence is said to be committed unless some overt act is done towards its commission. Is that not the law ?

The Honourable Sir Harry Haig : The Honourable Member is no doubt a much more experienced lawyer than I am. I should not like to put my view against his.

LLOYD BARRAGE SCHEME ON THE INDUS RIVER.

22. ***Mr. Lalchand Navalrai :** (a) Will Government be pleased to state if they had taken any interest in the formation of the scheme or planning the Lloyd Barrage on the Indus river ? If not, were the plans submitted to the Government of India for approval ?

(b) Do the Government of India know that the Indus river has ever since its existence remained a navigable river ?

(c) Do the Government of India know that the Indus river served a very important purpose by its navigation ?

(d) Is it a fact that the navigation in this river proved very useful to the East India Company and to the British Government both politically and commercially ?

(e) Do the Government of India know that the Barrage at Sukkur has cut off navigation absolutely below the Barrage from Sukkur right up to Ketibundar on the Arabian Sea ?

(f) Will Government be pleased to say why the navigation was totally stopped ? Was it with the sanction of the Government of India and the Secretary of State ? Was any definite and specific sanction of the Bombay Legislature and the Government of Bombay obtained to cut off this navigation which existed from pre-British days ?

(g) Do the Government of India know that in similar schemes on other rivers where free navigation was not possible the locking system has been provided for ? Was this system considered for the Sukkur Lloyd Barrage ? If not, why not ?

(h) Is it a fact that no kind of navigation was provided for below the Barrage on the allegation that the navigation below the Barrage was not as much necessary as above it upto Sukkur town ? If so, how do Government justify this, and will Government be pleased to place on the table materials in support of it ?

(i) What is the length of the river below the Barrage upto Ketibunder and what important towns lie on its bank on both sides and at near distances ?

(j) Is it a fact that the navigation of the Indus river served trade and commerce throughout the length of the river upto Ketibunder ?

(k) Is it a fact that all kinds of goods and commodities which used to be carried down by the river below the Barrage are now being carried by rail, and do Government realise the inconvenience, more expense and more freight caused by stopping the aforesaid natural navigation by the river ?

(l) Do Government propose to direct suitable methods to be provided for in the weir by locks or other means to renew the navigation in the river below the Barrage ? If not, why not ?

The Honourable Sir Frank Noyce : The information asked for by the Honourable Member is being collected and will be laid on the table of the House in due course.

Mr. Lalchand Navalrai : Might I put one question—whether there is any intention or any endeavour on the part of the Government to see that there is some arrangement made for the navigation of the Indus river at Sukkur by putting locks or by some other means in existence elsewhere where weirs have been put up ?

The Honourable Sir Frank Noyce : I have already explained to the Honourable Member that the information is being collected. The matter is primarily one which concerns the Government of Bombay and I have had to consult them in order to be able to reply to the Honourable Member's question.

DISTURBANCES IN KASHGAR AND YARKAND.

23. ***Mr. Gaya Prasad Singh** : Will Government be pleased to make a statement relating to the disturbances in Kashgar and the Yarkand area, giving the causes of the outbreak, the number of Indians killed, injured, imprisoned, or otherwise affected and the steps taken by the Government of India in the matter ?

Major W. K. Fraser-Tytler : The Honourable Member is referred to Press Communiqués issued by the Foreign and Political Department of the Government of India from time to time. A complete copy of the Communiqués has been placed in the Library. The rising in question appears to have originated in grievances of the Tungan and Turki tribes against the Local Government. So far as is known 11 Hindus were killed and nine injured, and one Kashmiri Christian was imprisoned but subsequently released. The property of all the murdered men was renewed and also the property of seven Indians at Posgam, three at Goma and one at Aksu. Silk and carpets belonging to a Hindu trader of Yarkand were looted from the Serai of the murdered Aksakal at Karghalik. At the commencement of the present rebellion His Majesty's Consul-General at Kashgar was instructed to inform the local Chinese authorities that His Majesty's Government held them responsible for the safety of British subjects and their interests. But after the general rising of the population against the Chinese with the consequent complete collapse of Chinese control throughout the province His Majesty's Government and the Government of India have had to depend on the Consul-General at Kashgar to protect the lives and property of their subjects.

ESCAPE OF CERTAIN LIFE CONVICTS FROM PORT BLAIR.

24. ***Mr. Gaya Prasad Singh** : Is it a fact that three life convicts, Bura, Surain Singh, and Surja Uraon, escaped from Port Blair between August and October, 1932, and have not yet been arrested ? What are the facts of this incident ?

The Honourable Sir Harry Haig : The three convicts mentioned escaped from the Settlement between the months of August and October, 1932. One of them was recaptured in the Punjab in March, 1933. These prisoners were working as *Talabdars* in the Settlement and as such they enjoyed liberty of movement by day.

RAILWAY ACCIDENT NEAR DHARAMPUR ON THE KALKA SIMLA RAILWAY.

25. ***Mr. Gaya Prasad Singh** : Will Government be pleased to make a statement relating to the railway accident to a passenger train near Dharampur Station on the Kalka Simla Railway about the 17th April last, giving the cause of the accident, the number of casualties, and the steps subsequently taken in the matter ?

Mr. P. R. Rau : At about 6.55 hours on the 17th April, 1933, No. 85 Up Express from Kalka to Simla was derailed on a curve at mile 19|40 between Sonwara and Dharampur stations. The engine and three bogies coaches left the rails. One person was grievously injured and after being given first aid was admitted into the Railway Hospital at Kalka. Nine others including three of the train crew received minor injuries. The Senior Government Inspector of Railways, Lahore, held an enquiry

into the circumstances attending the accident and found that it was due to the train travelling at a speed in excess of that sanctioned on this section. The Driver of the train has been punished and removed from the Kalka Simla Section. The question of fitting the engines on this section with speed indicators is being examined.

PRESENT CONDITION OF THE HEALTH OF SAROJ RANJAN ACHARYA DETAINED IN THE DEOLI DETENTION CAMP.

26. *Mr. Gaya Prasad Singh : Will Government be pleased to state the present condition of the health of Saroj Ranjan Acharya, detained in the Deoli Camp ?

The Honourable Sir Harry Haig : On July 15, 1933, the detenu was reported to be free from any appreciable functional or organic disease. His weight was then only a pound less than his weight in October, 1932, when he was admitted to Deoli Detention Jail, and he himself stated that his health had improved.

INDIANISATION OF THE OPIUM DEPARTMENT.

27. *Mr. Gaya Prasad Singh : (a) Is it not the policy of the Government to Indianise the Opium Department ? If so, with what result ?

(b) Will Government kindly furnish a list showing the number of Indian and European officers in the Opium Department, during the last five years ?

The Honourable Mr. A. H. Lloyd : (a) Yes. The figures furnished in reply to (b) show the result.

(b) A statement showing the number of European, Anglo-Indian and Indian Officers in the Opium Department, during the last five years is laid on the table

Statement showing the number of European, Anglo-Indian and Indian Officers (gasetted) in the Opium Department during the years 1928 to 1932.

Year.	Total number of officers.	Europeans.	Anglo-Indians.	Indians.
1928	27	10	16	1
1929	27	9	16	2
1930	26	9	15	2
1931	28	7	16	5
1932	20	2	14	4

PROHIBITION OF THE IMPORTATION INTO INDIA OF TROTSKY'S HISTORY OF THE RUSSIAN REVOLUTION.

28. *Mr. Gaya Prasad Singh : Is it a fact that Government have prohibited the importation into India of Trotsky's History of the Russian Revolution ? If so, why ? Is there any reference in the book to India, or Indian conditions ?

The Honourable Sir Harry Haig : The book was held up pending examination, but eventually it was decided not to prohibit its importation.

RAILWAY ACCIDENT NEAR MOKAMEH ON THE EAST INDIAN RAILWAY.

29. ***Mr. Gaya Prasad Singh :** Will Government be pleased to make a short statement relating to the Railway accident near Mokameh (East Indian Railway) recently, giving the cause of it, the number of casualties and the steps taken ?

Mr. P. R. Rau : At about 23-23 hours on the 2nd May, 1933, No. 2 Down Punjab Mail got derailed near the Howrah end of a long masonry viaduct at mile 273|20 between Dumra and Burhee stations on the East Indian Railway.

The Senior Government Inspector after enquiry concluded that the accident was due to the track having been tampered with by some unknown persons with the criminal intention of wrecking the Mail.

The casualties were 5 dead and 13 injured and the damages to rolling stock and permanent way amounted to Rs. 48,000.

The first aid box on the train was brought into use and the rescue work was quickened up on arrival of relief trains with the medical staff from Mokameh, Jhajha and Jamalpur.

Some of the serious cases were sent for treatment to Mokameh Hospital by the first available train ; the other injured were removed to Dinapore Railway Hospital.

The police investigation is proceeding. It is understood certain arrests have been made.

Mr. Gaya Prasad Singh : Have the culprits been arrested ?

Mr. P. R. Rau : It is understood that certain arrests have been made.

Maulvi Muhammad Shafee Daoodi : Who are the officers who have made these inquiries ?

Mr. P. R. Rau : The Senior Government Inspector of Railways makes the inquiry.

Maulvi Muhammad Shafee Daoodi : Was any independent inquiry held in this matter as it was given to understand that the cause was not as was described by the railway authorities in the matter ?

Mr. P. R. Rau : The inquiry is one contemplated by the Railways Act. The Senior Government Inspector is quite independent of the East Indian Railway administration.

Mr. S. C. Mitra : Will the Honourable Member kindly give us some indication why it was concluded that it was not due to the accident but was due to the mischievous action of the culprit ?

Mr. P. R. Rau : No, Sir. I am afraid I am not in a position at the present moment to give any more information than I have already given.

Mr. Gaya Prasad Singh : Is it a fact that punitive police is stationed at the scene of the accident and that they are harrassing the people in many ways ?

Mr. P. R. Rau : I am not aware of that. But if the Honourable Member wants further information, I shall be able to get it for him.

Mr. Gaya Prasad Singh : Please do so.

Mr. S. C. Mitra : Is this the only occasion on this section that an accident has happened during the last six or seven months ?

Mr. P. R. Rau : I should ask for notice of that question.

Maulvi Muhammad Shafee Daoodi : As it is creating a sensation in the locality, may I request the Honourable Member to hold an independent inquiry in the matter to see whether the report received is true ?

Mr. P. R. Rau : As I have already informed the House, the inquiry is an independent inquiry and is conducted by the Senior Government Inspector who is not in any way connected with the railway administration. This is the inquiry that is contemplated under the Railways Act.

TELEPHONE CONNECTION OF INDIA WITH LONDON, ETC.

30. ***Mr. Gaya Prasad Singh :** Will Government be pleased to make a statement relating to the telephone connection of India with London, or other parts of the world, and the financial effect (if any) of the scheme on India ?

The Honourable Sir Frank Noyce : A direct radio-telephone service was established between Bombay and Poona on the one side and the British Isles on the other on the 1st May, 1933. It has subsequently been extended to most countries in Europe and to North America, South America, Australia, South Africa, Egypt and Palestine. In India the service has been extended to Calcutta, Madras, Nagpur and some smaller places, and it will gradually be further extended to a number of other important places on the trunk telephone system. The results hitherto have been satisfactory and it is expected that the traffic will increase.

The charge for a call of three minutes between India on the one side and Great Britain on the other is Rs. 80, of which one half accrues to India. For calls to other places the total charges are higher. The Indian share is divided between the Indian Radio and Cable Communications Company, Limited, and the Government of India, in the ratio of three quarters to one quarter. The revenue thus derived is all new revenue to the telephone system, and to the Company, which latter has borne the greater part of the initial expenditure involved in establishing the service.

As the service is in its infancy and had not yet been extended to some important centres the full financial results cannot yet be stated, but I shall be happy to furnish a statement to the House in the course of the winter session.

Mr. B. R. Puri : How much expense have the Government of India had to incur in this connection ?

The Honourable Sir Frank Noyce : I am afraid I must ask for notice.

Mr. Vidya Sagar Pandya : May I ask the Honourable Member whether it is possible to reduce the rates in the near future ?

The Honourable Sir Frank Noyce : That will probably depend upon the amount of traffic, but the rates compare quite favourably with those for the corresponding distances in other parts of the world.

Mr. Vidya Sagar Pandya : Does the Honourable Member think that the rate between London and Madras compares favourably with a similar distance in other parts of the world ? The rate between London and Madras seems to be prohibitive.

The Honourable Sir Frank Noyce : I do not think that is the case, Sir.

DEATH OF CERTAIN POLITICAL PRISONERS IN THE ANDAMANS.

31. ***Mr. Gaya Prasad Singh :** Will Government be pleased to state the circumstances under which the prisoners in the Andamans recently met their death, together with their names, the Provinces from which they came, the causes of the hunger-strike, and the subsequent developments, if any ?

The Honourable Sir Harry Haig : I would refer the Honourable Member to the communiqués relating to the hunger-strike which Government issued from time to time, copies of which I lay on the table. Since the termination of the strike the Government of India have been in communication with the Chief Commissioner, Andaman and Nicobar Islands, with a view to considering whether there were any matters in regard to which it might be reasonable to amend the rules. As a result, the Chief Commissioner, with the approval of the Government of India, has now introduced certain changes in the treatment of the prisoners. In the case of the B class prisoners the principal changes are that they will be given more newspapers and allowed more frequent interviews. The C class prisoners will, if literate, be allowed lights in their cells, will be supplied with newspapers and will also be allowed more frequent interviews.

Communiqué.

The Government of India have received information from the Chief Commissioner of the Andamans that on the 12th May twenty-nine prisoners convicted of crimes connected with the terrorist movement went on hunger strike in the Cellular Jail as a protest against certain alleged grievances not being redressed. They have since been joined by several others. One of these prisoners, Mahabir Singh, who was convicted and sentenced to transportation for life in the Lahore Conspiracy Case, died on the 17th May. He started his hunger strike on the 12th May. Up to the 16th his condition was satisfactory, though he was weak. The Senior Medical Officer saw him on the morning of the 17th and considered that his general condition was then such that artificial feeding was necessary. Accordingly at 11 A.M. milk and sugar were given by nasal feeding. The patient resisted very violently both while the tube was being inserted and while the milk was being administered. At 1 P.M. he was showing evident signs of shock. The Senior Medical Officer saw him twice during the afternoon and evening and prescribed treatment. In spite of this he gradually sank, and death occurred soon after midnight. A post mortem examination was held and no signs were found of either external or internal injuries as a result of the operation of feeding. The patient's resistance in his weakened state caused a severe shock to his system and led to his collapse and death. The Chief Commissioner is fully satisfied that all due precautions were taken from the moment that forcible feeding was decided upon.

The Government of India also regret to announce that another prisoner, named Mankrishna Nama Das, convicted of dacoity in Bengal died of pneumonia on May 26th. He started a hunger strike on May 16th and on the 17th food was administered

through his mouth without resistance. On the 19th he was admitted to hospital with lobar pneumonia. Throughout his illness he took whatever was prescribed for him and gave no trouble whatever. His death was due to natural causes and was in no way accelerated by his abstinence from food for one day.

There are at present 39 prisoners on hunger-strike. With one or two exceptions their condition is reported to be quite satisfactory.

HOME DEPARTMENT, SIMLA,

The 28th May, 1933.

Press Communiqué.

The Government of India regret to announce that another prisoner, named Mohit Mohan Maitra, convicted in connection with the terrorist movement in Bengal and transferred to the Cellular Jail, Andamans, died of double lobar pneumonia on the 28th May. He started hunger-strike on May 12, and on the 19th developed pneumonia, from which he died nine days later, his vitality being impaired by the hunger-strike.

HOME DEPARTMENT,

Simla, the 31st May, 1933.

Communiqué.

The latest report received from the Chief Commissioner in regard to the hunger-strike which was the subject of communiqués issued on May 28 and 31 shows that there are now no cases of pneumonia and that the condition of the strikers is generally satisfactory.

The strike started among C class convicts who demanded concessions which would, if granted, have had the effect of placing these convicts approximately in the same position as those in class B. These concessions included the supply of lights in cells until 10 P.M., and of a diet which the free inhabitants of the Islands cannot obtain. Some B class convicts joined the strike mainly out of sympathy with the demands of the C class men and partly in support of demands of their own which included the supply of foreign newspapers and permission to receive money for personal expenditure.

The Government of India, with the permission of the Government of the Punjab, have asked Lieutenant-Colonel Barker, O.B.E., I.M.S., Inspector General of Prisons, Punjab, who has special experience of hunger-strikes, to proceed to the Andamans for consultation with the Chief Commissioner in regard to the medical arrangements. Lieutenant-Colonel Barker will sail from Madras on June 11.

HOME DEPARTMENT,

Simla, the 7th June, 1933.

Communiqué.

The following members of the Legislative Assembly, Messrs. Azhar Ali, Amar Nath Dutt, B. V. Jadhav, S. G. Jog, B. N. Misra, S. C. Mitra, Gaya Prasad Singh and K. B. Thampam met the Honourable Sir Harry Haig, Home Member, this morning and discussed with him the situation arising out of the hunger-strike of certain prisoners in the Andamans. Mr. Jadhav, in opening the discussion, referred to the apprehensions which had been caused by the information given in the Government Communiqués and expressed regret that Government had not thought fit to publish the names of the prisoners on hunger-strike which would have had the effect of relieving the anxiety of the relatives of those prisoners who are not on strike and of giving the relatives of the others an opportunity of persuading them to give up the strike. He also suggested that the deaths which had occurred might have been due to the vitality of the prisoners having been lowered by the climate of the Andamans and to defective and inadequate medical arrangements. In conclusion he stated that the Cellular Jail had been closed and the transfer to it of these prisoners had aroused suspicion in regard to the motive of Government which would best be allayed by the publication of periodic statements and the holding of an impartial enquiry.

Messrs. Mitra, Jog, Thampan, and Gaya Prasad Singh also took part in the discussion. Mr. Mitra stated that he had been advised by doctors that pneumonia might result from food being given unskilfully, and, as an argument against the transfer of prisoners to a distant place like Port Blair he urged that the isolation of prison life affects the mentality of prisoners and that if relatives and public men could have had an opportunity of using their influence with the prisoners they could have persuaded them to give up the strike. Mr. Jog asked whether it would not be possible for Government to allow relatives to see the prisoners and also whether Government could not end the strike immediately by conceding their claims. He also suggested that an enquiry should be held so that the Government might benefit by the experience of the present strike and be in a position to avoid similar trouble in future. Mr. Thampan asked for a sympathetic attitude towards the prisoners and for an attempt to be made to meet their grievances. He also suggested that the names of the men on hunger-strike should be published periodically. Mr. Gaya Prasad Singh proposed that the Chief Commissioner should be asked to answer letters from persons asking whether their relatives were or were not on strike.

Sir Harry Haig after an expression of his appreciation of the feelings that had prompted the deputation to come to see him began his reply by a reference to the type of men who had resorted to hunger-strike. All are men who had been convicted of crimes of violence or intended violence in connection with the terrorist movement either in Bengal or elsewhere. They were sent to the Andamans because it had been found impossible to deal with them satisfactorily in jails in their own provinces, particularly in Bengal. Local Governments had made very strong representations to the Government of India to the effect that so long as these men were kept in provincial jails there was an ever present danger of their communicating with their fellow conspirators outside and that such communications could not always be effectively stopped. There was also the danger of escape. In some cases prisoners actually had escaped and their safe custody was a constant anxiety to the Local Governments. Lastly experience had shown that the attitude of the prisoners towards jail discipline and their attempts to defy the jail authorities were having a serious effect on the discipline of other prisoners. Mahabir Singh, one of the men who died, by his defiance of the authorities in the Central Jail in Bellary in September last, had instigated a riot of serious nature which might have had very dangerous results. These were the reasons which had led the Government of India to transfer these terrorist prisoners to the Andamans. The hunger-strike had been begun as a protest against certain alleged grievances but in the opinion of the local authorities, with which the Home Member agreed, the grievances were put forward as a means of attempting to force their will on the jail authorities and to break the discipline of the jail. Concession to the prisoners' demands would no doubt, as Mr. Jog had suggested, end the strike. But it was not difficult to realise what would happen in future, if these men thought that by going on hunger-strike they would obtain their way. In the last year Government had had on several occasions to oppose attempts by prisoners to force the jail authorities to grant demands by the threat or practice of hunger-strike. If prisoners resort to hunger-strike they cannot reasonably expect consideration to be given to any alleged grievances.

In regard to medical arrangements Sir Harry Haig after referring to the strain imposed on the local medical authorities by the hunger-strike of about 50 prisoners stated that in his opinion these authorities had coped with the difficulties of the situation very well indeed. Since, however, there seemed no prospect of the hunger-strike coming to an end quickly Government thought that it would be wise to send one of the most experienced officers in India in dealing with hunger-strikes, Lieutenant-Colonel Barker, to the Andamans to see whether he could make any suggestions for improvement. Lieutenant-Colonel Barker sailed from Madras on Sunday. There had been a few cases of influenza among the prisoners on hunger-strike but the latest reports showed that there were now only two cases and both were doing well while the general conditions of the other hunger-strikers was good.

Dealing with the suggestion that the prisoners who died must have been in weak health when they started the hunger-strike, Sir Harry Haig stated that, owing to a complaint about the quality of the food, the Chief Commissioner had had all the prisoners weighed towards the end of April and had found that their weights compared favourably with their weights on the dates of admission and that there was no substance in the suggestion that the diet was inadequate. Of the three prisoners who died the weights of two at the end of April were greater than their weights on admission and the weight of the third had decreased by less than 5 per cent. The death of Mahabir Singh was no doubt due to his being on hunger-strike and resulted from the effects of his violent resistance to artificial feeding on his weakened constitution. Of the two

men who died of pneumonia, the first died from purely natural causes which had nothing to do with the hunger-strike. The man did not resist feeding. Medical opinion was, that he must have been already infected with the pneumonia microbe and actually in the incubation state of the disease when he went on hunger-strike. The other man who died from pneumonia did resist feeding but there was reason to suppose that he too was in the incubation stage of the disease when he went on hunger-strike and that the disease was unconnected with the artificial feeding. The Director General, Indian Medical Service, had examined the case-sheets of both these prisoners and was satisfied that the medical authorities had done everything possible to save their lives.

In regard to the question of communication with relatives, Sir Harry Haig stated that the Government of India considered it was undesirable to publish the names of the hunger-strikers because it helped to advertise the strike and possibly to confirm the prisoners in their attitude, while the object of Government was to bring the strike to an end as soon as possible. He appealed to the members of the deputation, whose desire it was that the prisoners should not continue their hunger-strike to refrain from saying anything which would lead the prisoners to suppose that by continuing the hunger-strike they would secure their aims. The Government of India fully appreciated the anxiety of relatives and were prepared to do what they could to allay this. At present there is no need for anxiety in regard to any of the prisoners as the latest report is that the condition of all is good. Government will, however, be prepared to consider the possibility of sending information to the relatives of any prisoner whose condition in the future may give rise for anxiety. In concluding Sir Harry Haig pointed out that Mr. Jadhav was wrong in thinking that the Cellular Jail had ever been closed. I was, in fact, kept open in accordance with the recommendation of the Jails Committee.

HOME DEPARTMENT,

Simla, the 13th June, 1933.

Communiqué.

In the course of the discussion on the 13th June between the Home Member and certain Members of the Legislative Assembly regarding the hunger-strike in the Andamans, it was suggested that in the event of the condition of any prisoner who is on hunger-strike giving cause for anxiety, steps should be taken at once to inform the relatives by telegram. It has accordingly been arranged that in such an event, the Chief Commissioner will take the necessary steps to have the prisoner's relatives informed by telegram. At the present moment there is no case which is giving cause for anxiety.

It is announced that influenza cases referred to in the last communiqué are continuing to do well. Lieutenant-Colonel Barker has arrived in the Andamans.

HOME DEPARTMENT,

Simla, the 17th June, 1933.

Communiqué.

In the course of the discussion between the Home Member and certain Members of the Legislative Assembly on June 13 the question was raised whether communications from relatives and others to prisoners on hunger-strike in the Andamans urging them to give up the strike would be delivered. It has been ascertained from the Chief Commissioner that communications sent with this object not only from relatives but from other persons which are expressed in plain and unequivocal language will be delivered.

HOME DEPARTMENT,

Simla, the 19th June, 1933.

Communiqué.

A message issued by the Free Press from Bombay on June 17th states that the condition of 8 prisoners who are on hunger-strike in the Andamans is extremely serious. This statement is incorrect. In a communiqué, dated the 17th June, the Government

of India stated that at that time there was no case which was giving cause for anxiety. On the 18th June a telegram was received from the Chief Commissioner reporting that one prisoner was suffering from post Influenza congestion of lungs, and that his condition caused slight anxiety though he was not at present dangerously ill. The Chief Commissioner communicated this information to his relatives in accordance with the procedure recently announced. In a telegram, dated the 19th June, the Chief Commissioner has reported that the condition of this prisoner is slowly improving. There is no other prisoner whose condition gives cause at present for anxiety.

HOME DEPARTMENT,

Simla, the 20th June, 1933.

Communiqué.

The Government of India have received news from the Chief Commissioner, Andaman and Nicobar Islands, that the hunger-strike was abandoned by all prisoners on June 26.

HOME DEPARTMENT,

27th June, 1933.

Mr. Gaya Prasad Singh : Why were not these changes introduced before, because if they had been so introduced they would have saved the lives of three prisoners ?

The Honourable Sir Harry Haig : Well, Sir, as the Honourable Member will remember, certain demands were put forward not in a reasonable way, but under threat of a hunger-strike. As I explained to the Honourable Members who were kind enough to see me on this subject some months ago, we could not really consider the demands before the hunger-strike was withdrawn. But when the hunger-strike was unconditionally withdrawn on the 26th June, we looked into the various points and decided that on the whole it was reasonable to make certain changes.

Sardar Sant Singh : Were not representations for these facilities made before the convicts went on hunger-strike ?

The Honourable Sir Harry Haig : I understand that the only representations made were made under threat of hunger-strike.

Mr. Gaya Prasad Singh : Do I understand the Government's position to be this that although the demands of the prisoners were reasonable, they could not be met because the prisoners threatened to go on hunger-strike ?

The Honourable Sir Harry Haig : The demands were not examined until after the hunger-strike.

Mr. Gaya Prasad Singh : The prisoners made certain demands, but they were not examined by Government. They then went on hunger-strike and were allowed to die, and their demands were then examined and found to be reasonable. Is that the reasonable attitude to be taken up by the Government ?

The Honourable Sir Harry Haig : They were made under threat of hunger-strike and under those circumstances it is not reasonable that the complaints should be remedied.

Mr. Gaya Prasad Singh : Before they gave out the threat of hunger-strike, did they not make a representation to the Jail authorities or to the Government of India for consideration of their demands ?

The Honourable Sir Harry Haig : I have no information to that effect.

Mr. S. C. Mitra : Is it a fact that there is no other course open to the convicts in the Andamans to approach the Government of India except through hunger-strike ?

The Honourable Sir Harry Haig : This is not a question of approaching the Government of India. It is a question of approaching the Chief Commissioner. They have ample facilities for making representations to the Chief Commissioner.

Mr. S. C. Mitra : Is there any other way open to these convicts to approach the Government of India except through hunger-strike ? I do not mean approaching the Chief Commissioner who is the Head of the administration. Is there any other course open to the memorialists to approach the Government of India ?

The Honourable Sir Harry Haig : If a representation is made to the Chief Commissioner and if he considers it in any way reasonable, then he will consult the Government of India.

Mr. S. C. Mitra : Is not the Government of India aware that all the petitions made to the Government of India disclosing their grievances were withheld by the Chief Commissioner, time after time ?

The Honourable Sir Harry Haig : It is perfectly true that the convicts have no right to address the Government of India directly.

Mr. K. C. Neogy : Is it a fact that in this particular case the local authorities responsible for jail administration were informed about the grievances of these people before they gave out the threat of hunger-strike and that those representations never reached the ears of the superior authorities ?

The Honourable Sir Harry Haig : I have no information to that effect.

Mr. K. C. Neogy : Will the Honourable Member please enquire into the matter and find out whether it is not a fact that their grievances were laid before the jail authorities in the Andamans and that they were not forwarded to the superior authorities there ?

The Honourable Sir Harry Haig : If the Honourable Member will put down a question on the subject, I shall be happy to make enquiries.

Mr. Lalchand Navalrai : In view of the statement made by the Honourable Member, will he state as to who is responsible for their death and whether Government have awarded any compensation to their heirs ?

The Honourable Sir Harry Haig : I am afraid I must consider that persons who go on hunger-strike are themselves responsible for that.

Mr. Lalchand Navalrai : In view of the statement made by the Honourable Member that the changes made in the rules were actually such as were thought desirable, does the Honourable Member still think that the Government were not responsible ?

The Honourable Sir Harry Haig : No, Sir ; out of a considerable list of demands, the Government of India, on going into the matter, thought that it was not unreasonable that certain changes should be made, but others were rejected as altogether unreasonable.

Mr. Gaya Prasad Singh : Are not the jail authorities who refused to forward the representation of these prisoners to the higher authorities

before the threat of hunger-strike really responsible for the death of these prisoners ?

The Honourable Sir Harry Haig : The Honourable Member perhaps does not understand that the Chief Commissioner is in the position of a Local Government. He is the authority to whom these representations are forwarded by the jail authorities and they were duly forwarded to him.

Mr. Gaya Prasad Singh : Is it the case of the Government that the representations made by these prisoners to the jail authorities were duly forwarded to the Chief Commissioner, Andamans ?

The Honourable Sir Harry Haig : I assume so, Sir.

Mr. Jagan Nath Aggarwal : Is it not a fact that the Andamans were given up as a convict settlement sometime back ?

The Honourable Sir Harry Haig : There is another question on the paper dealing with the policy of maintaining the Andamans as a penal settlement.

CONTEMPLATED ESTABLISHMENT OF MILLS AND FACTORIES IN INDIA BY JAPAN.

32. ***Mr. Gaya Prasad Singh :** Are Government in possession of any information to show that Japan contemplates to establish mills and factories in India ? If so, what action, if any, is proposed to be taken in the matter ?

The Honourable Sir Frank Noyce : Government have no definite information, but they have no reason for supposing that any substantial expansion of Japanese enterprise in the direction referred to is contemplated at the present time. The second part of the question does not arise.

ACTION TAKEN UNDER THE SAFEGUARDING OF INDUSTRIES ACT.

33. ***Mr. Gaya Prasad Singh :** Will Government be pleased to state what action, if any, has been taken, since the passage of the Anti-Dumping Bill into law ?

The Honourable Sir Joseph Bhore : An exhaustive questionnaire has been issued to each applicant for assistance under the Safeguarding of Industries Act, to which, I presume, the Honourable Member refers. The answers to the questionnaire, or so many of them as have been received, are under examination in the Commerce Department.

SEPARATION OF BURMA.

34. ***Mr. Gaya Prasad Singh :** Will Government be pleased to state if they have made any recommendations with regard to the question of the separation of Burma, in relation to the recent discussion on the subject in the Burma Legislative Council ? If so, what ?

The Honourable Sir Joseph Bhore : I regret that I am unable to disclose the recommendations of the Government of India on the question of the separation of Burma. As the Honourable Member is no doubt aware, the main question is now before the Joint Select Committee of Parliament.

EXPLORATION OF THE POSSIBILITY OF MAKING BRAZIL, BRITISH GUIANA, OR SOME OTHER PLACES AS A POSSIBLE OUTLET FOR THE SOUTH AFRICAN INDIANS.

35. ***Mr. Gaya Prasad Singh :** (a) Is it a fact that Government are exploring the possibility of making Brazil, British Guiana, or some other places, as a possible outlet for the South African Indians ? If so, why do Government countenance a proposal which would have the effect of removing the Indians from one colony to another ?

(b) Is it a fact that the Government of India, through the Government of Bombay and the Police, issued orders some time back on any individual not to publish any information about Brazil ? If so, on whom was such an order issued, and why ?

Mr. G. S. Bajpai : (a) The attention of the Honourable Member is invited to the Press Note on the subject issued by the Government of India on the 15th June, 1933.

(b) In March, 1932, the Consul for Brazil at Calcutta brought to the notice of the Government that a society named the Indo-South American Travellers' Aid Society, Bombay, was carrying on propaganda in favour of emigration to Brazil, while in point of fact the Brazilian Government, by a decree dated the 12th December, 1930, had prohibited all immigration into Brazil. The Consul further informed the Government of India that his Government had never made any contract with the above Society or its Secretary, Mr. C. L. Singh, for the settlement of emigrants from India in Brazil. The Government of India therefore requested the Bombay Government to warn Mr. C. L. Singh to cease his propagandist activities.

Mr. Gaya Prasad Singh : Will the Honourable Member lay on the table of the House the communiqué to which reference has been made in reply to part (a) of my question ?

Mr. G. S. Bajpai : I do not know whether it is necessary to lay a copy on the table of the House. I will put it in the Library of the House.

RUMOURED TRANSFER OF A PART OF KENYA TO ITALY.

36. ***Mr. Gaya Prasad Singh :** Is there any truth in the report that a part of Kenya was going to be transferred to Italy ? If so, have the people concerned been consulted ?

Major W. K. Fraser-Tytler : Sir, there is no truth in the report.

CITY MAGISTRATE OF DELHI.

37. ***Mr. Gaya Prasad Singh :** Is it a fact that so far not a single Hindu, Mussalman, or Sikh has been permanently appointed as City Magistrate of Delhi ? If so, why ? Does this appointment carry any allowance ? If so, how much per month ?

The Honourable Sir Harry Haig : Appointments to the post of City Magistrate, Delhi, are made on the basis of suitability, not on communal or racial grounds.

The last two permanent incumbents of the post have been Indian Christians. Before them a Hindu held the post in a permanent capacity for a year.

I may add that a Muslim officer officiated as City Magistrate from February to October, 1932, in leave arrangements, and is again officiating during the current year.

The City Magistrate, Delhi, draws a special pay of Rs. 100 a month.

Mr. Gaya Prasad Singh : How long has this appointment been in existence ?

The Honourable Sir Harry Haig : I shall have to ask for notice.

Mr. Gaya Prasad Singh : I presume this appointment has been in existence for a long number of years and do I take it that no Hindu, Mussalman or Sikh was found suitable to hold this appointment ?

The Honourable Sir Harry Haig : I think the Honourable Member has misheard my answer. An Indian Christian is surely an Indian, also a Hindu and also a Muslim.

Sardar Sant Singh : When will the turn for a Sikh come ?

ACTION TAKEN ON CERTAIN RECOMMENDATIONS OF THE DRUGS ENQUIRY COMMITTEE REPORT.

38. ***Mr. S. C. Mitra :** (a) Will Government please state what steps have been taken by the Government of India to give effect to the recommendations of the 'Drugs Enquiry Committee' about the establishment of Provincial Pharmaceutical Councils and the 'General Council of Pharmacy' mentioned in paragraphs 439 and 443 of the Drug Committee's report ?

(b) Have Government taken any steps for registration of pharmacists or regarding the profession of pharmacy as recommended in paragraph 429 of the Committee's report ? If not, why not ?

Mr. G. S. Bajpai : (a) and (b). The Government of India are unable to formulate their conclusions on the recommendations of the Drugs Enquiry Committee until they are in possession of the views of the Local Governments who are intimately concerned. Replies from some of the Local Governments are still awaited.

ABSENCE OF A DIRECT TRAIN BETWEEN DELHI AND KARACHI.

39. ***Mr. Lalchand Navalrai :** (a) Are Government aware that there is no direct train between Delhi and Karachi ?

(b) Is it a fact that people of Sind have been clamouring for this convenience being given to them ?

(c) Is it a fact that the Railway has hitherto considered the question from only the commercial point of view and not the convenience of the people ?

(d) Is it a fact that the Railway has very great profit from the freight of goods on that line and that people in consideration of it have been urging upon the Railway since long to provide a direct train via Samasatta and Bhatinda ?

(e) Are Government aware that the Imperial City of Delhi is connected by direct trains with all the important sea ports of India except Karachi which is not only a sea port but also the first air port of India ?

(f) Do Government propose to meet the wishes of the people and give this very necessary convenience ? If not, why not ?

Mr. P. R. Rau : (a) Yes.

(b) It is understood that no proposals have been made for a direct train, though direct through coaches have been suggested.

(c) I hope my Honourable friend does not expect Railways to be worked otherwise than from a commercial point of view, but that does not exclude from consideration the convenience of the travelling public ; at the same time the cost of any such services and the return that may be expected have also to be carefully considered particularly in these days of economic depression.

(d) The profit from the freight on goods on the Samasata-Bhatinda Section is, so far as I know, not abnormal.

(e) Yes. There are direct trains between Delhi, Calcutta, Bombay, and Madras.

(f) The question of a direct train was recently discussed with the members of the Karachi Advisory Committee and they were of the opinion that a direct train was not justified but that the running of direct through coaches would be a convenience. The running of through coaches was tried on various occasions but they were discontinued as the number of passengers availing themselves of the convenience did not justify their continuance.

The Agent, North Western Railway, has reported that the running of a through Sind-Delhi Coach throughout the year is not justified by the traffic offering, but that he is arranging to run direct coaches both upper and lower during the coming Christmas vacation if the traffic offering warrants it.

Mr. Lalchand Navalrai : Will the running of these coaches during Christmas only remove the difficulty ?

Mr. P. R. Rau : I understand that at a census taken in 1930 the average number of through passengers per day was, first class, .11, second class, .74, intermediate class, .9, and third class, 36.

Mr. Lalchand Navalrai : I know how census is taken, but are there no railways where trains are run, not for commercial purposes only but for convenience also ?

Mr. P. R. Rau : If the number of passengers availing themselves of this convenience is so few, I am sure my Honourable friend would not expect the North Western Railway to run a coach merely for such a small number of passengers.

Mr. Lalchand Navalrai : May I inform the Honourable Member that in taking a census only people who go from Karachi to Delhi direct are counted, and not the people who use the train at intermediate stations ?

Mr. P. R. Rau : The census was taken when the through coach was in existence.

Mr. Lalchand Navalrai : Can the Honourable Member challenge my statement that they only count those who travel direct from Karachi to Delhi and not those who get up on the way ? May I also ask the Honourable Member whether the convenience of one man is not also to be considered ?

Mr. P. R. Rau : No, Sir ; not to the extent of running a train for him.

Mr. B. V. Jadhav : As the number of third class passengers taking advantage of the through coach is considerable, will Government again ask the Railway Company to have a third class through carriage between Karachi and Delhi ?

Mr. P. R. Rau : I will ask the Railway to consider that point.

Mr. Lalchand Navalrai : Does the Honourable Member know that there are coaches which contain composite third, intermediate, second and first class compartments ? Why should not such a coach be run so that there may be passengers ?

Mr. P. R. Rau : As I have already pointed out to the House, the Agent of the Railway is considering whether direct coaches could be run when the traffic requires it.

Mr. Lalchand Navalrai : I hope the Agent will consider this not only for Christmas, but for all the year round.

Mr. P. R. Rau : I shall send a copy of these questions and answers to the Agent.

Mr. Lalchand Navalrai : Is the Honourable Member aware that there are three trains running direct from Karachi to Lahore ? And cannot one of these trains be diverted to Delhi *via* Bhatinda ?

Mr. P. R. Rau : I am afraid, Sir, I am not as familiar with the timetable of the North Western Railway as my Honourable friend.

Mr. Lalchand Navalrai : Will the Honourable Member ask the Agent to consider this scheme ?

Mr. P. R. Rau : I think the running of a through train from Karachi to Delhi would not meet the requirements of passengers from Karachi to Lahore.

Mr. Gaya Prasad Singh : Considering the attitude of the Railway authorities in affording public convenience, are Government surprised that people prefer to travel by motor buses rather than by rail wherever possible ?

Mr. P. R. Rau : The attitude of the Railway authorities in this matter is to cater for the traffic which exists.

Mr. Lalchand Navalrai : Cannot a census be taken of passengers who travel by those through trains from Karachi to Lahore and then come from Bhatinda to Delhi ? Cannot one of those trains be diverted at Samasata and run to Delhi ?

Mr. P. R. Rau : That would mean one train less to Lahore.

Mr. Jagan Nath Aggarwal : And leave the Lahore passengers on the road ?

Mr. Lalchand Navalrai : No, those passengers will go by the other two direct trains.

Mr. President (The Honourable Sir Shanmukham Chetty) : Order, order. Next question.

ABSENCE OF A DIRECT TRAIN BETWEEN LAHORE AND KARACHI *via* DADU.

40. ***Mr. Lalchand Navalrai :** (a) Are Government aware that at present there is no direct train between Lahore and Karachi *via* Dadu ?

(b) Is it a fact that for the aforesaid reasons people of Sind have been urging since long for a direct train between Lahore and Karachi *via* Dadu ?

(c) Is it a fact that such a train was in existence some years ago and are Government aware that it did really afford a very great convenience to the people ?

(d) Do Government propose to see their way to meet with the wishes of the people in this matter ?

Mr. P. B. Rau : (a) Yes.

(b) No.

(c) Such a train was run but was discontinued as there was insufficient traffic to justify its continuance.

(d) The question of restoration of a through train depends entirely on a sufficient revival of traffic to justify it. I understand the position is being watched by the North Western Railway Administration.

Mr. Lalchand Navalrai : Does the Honourable Member know that when I agitated over this question last time in the Assembly, even the train which is not going direct to Karachi but going up to Kotri was proposed by the Agent to be discontinued, but, on better sense, it was allowed to be continued ? Was it not vindictiveness ?

Mr. P. B. Rau : I do not think the Agent of the North Western Railway would be so vindictive as to cut out a train because questions are asked in the Assembly.

Mr. Lalchand Navalrai : This question has been discussed several times. A train is needed directly *via* Dadu to Karachi and the Agent has once refused it. Does he now think his prestige will suffer if he listens to these cries of the people ?

Mr. P. B. Rau : No, Sir ; questions of prestige do not enter into this at all.

Mr. M. Maswood Ahmad : Will the Honourable Member please state what is the number which he thinks would justify a through train ?

Mr. P. B. Rau : I am afraid I cannot give a categorical answer to this question at a moment's notice.

Mr. M. Maswood Ahmad : Will the Honourable Member think over this and state it on the floor of the House in due course ?

Mr. P. B. Rau : It depends upon the circumstances in each case. I cannot say what particular number of passengers justifies a through train at a particular moment.

HUNGER-STRIKE BY CERTAIN POLITICAL PRISONERS IN THE ANDAMANS.

41. ***Mr. Lalchand Navalrai :** (a) Will Government be pleased to state if any political prisoners detained in the Andaman Islands went on hunger-strike recently ?

(b) Is it a fact that about thirty-nine prisoners have gone on hunger-strike in the Andaman Islands ? If not, how many ?

(c) Will Government be pleased to state what were their reasons for going on hunger-strike ?

(d) What attempts, if any, were made to remove or meet with the causes which led to their hunger-strike ?

The Honourable Sir Harry Haig : With your permission, Sir, I will answer questions Nos. 41 and 42 together. I would refer the Honourable Member to the answer which I have given to Mr. Gaya Prasad Singh's starred question No. 31.

DEATH OF CERTAIN POLITICAL PRISONERS IN THE ANDAMANS.

†42. ***Mr. Lalchand Navalrai :** Is it a fact that two of the political prisoners in the Andamans, Mahabir Singh from the Punjab, and Mankrishen Namandas from Bengal, actually died on account of their fast ?

TRANSPORTATION OF POLITICAL PRISONERS TO THE ANDAMANS.

43. ***Mr. Lalchand Navalrai :** (a) Will Government be pleased to make a full statement as to what actually necessitated the transportation of political prisoners, used to the climatic conditions and environments of India, to the Andamans ?

(b) Will Government be pleased to lay on the table papers regarding any notifications, rules and the policy of Government for sending prisoners of all kinds to the Andamans ?

(c) Is it a fact that a committee under the chairmanship of Sir Alexandar Cardew had recommended that prisoners should no more be sent to the Andamans and those already there be gradually returned to India ?

(d) How far have these recommendations been given effect to and carried out ?

(e) Do Government propose to call back the political prisoners from the Andamans, and try not to send prisoners to the Andamans ? If not, why not ?

The Honourable Sir Harry Haig : (a) The reasons for the transfer of these prisoners to the Andamans are stated in a communiqué issued on the 13th June last recording the results of a discussion which I held with a deputation of Honourable Members of this House. A copy of the communiqué has just been laid on the table.

(b) The policy of Government is fully explained in the Home Department Resolution No. F. 20/26-Jails, dated February 27, 1926.

†For answer to this question, see answer to question No. 41.

(c) The recommendation of the Indian Jails Committee is contained in paragraph 566 of their Report. It will be seen that they recommended that deportation to the Andamans should cease except in regard to such specially dangerous criminals as the Governor General in Council may direct.

(d) The Resolution which I have just mentioned explains the extent to which effect was given to the Jails Committee's recommendations.

(e) No.

Mr. Lalchand Navalrai : Is that recommendation of the Committee that only specially dangerous criminals should be sent there being carried out ?

The Honourable Sir Harry Haig : The whole question which is rather complicated is very fully discussed in the Home Department Resolution of February, 1926, to which I have referred. Actually the position is that a certain number of prisoners who volunteer for the Andamans within certain limits are sent there and in addition this special class of dangerous prisoners is being sent there. That is briefly the position.

Mr. Lalchand Navalrai : Who decides that they are dangerous, the magistrate ?

The Honourable Sir Harry Haig : No : that is the decision of the Government.

Mr. Jagan Nath Aggarwal : What is a dangerous class of prisoners, those convicted of serious offences or anything else ?

The Honourable Sir Harry Haig : At the present moment the prisoners we are referring to are those convicted in connection with terrorist crime.

Mr. S. C. Mitra : In deciding whether a prisoner is dangerous, do Government take into consideration the conduct of the prisoners in the Indian jails, whether they have behaved themselves politely and well ?

The Honourable Sir Harry Haig : The main thing is the nature of the offence : but the behaviour of the prisoners is naturally a matter which is taken into consideration.

Mr. S. C. Mitra : Is it a fact that in transferring prisoners from Bengal in not a single case was the behaviour of the prisoner in jail taken into consideration, at least in the past ?

The Honourable Sir Harry Haig : I must make it clear that as a class the behaviour of these terrorist prisoners was considered dangerous in the Bengal jails.

Mr. S. C. Mitra : Are not the Government of India aware that the persons convicted of these anarchical crimes may be very civil and meek and law abiding in the jails and according to what was contemplated in the Jail Committee's report they should not be considered as dangerous ?

The Honourable Sir Harry Haig : I am afraid that has not been the experience of Bengal jails.

Mr. S. C. Mitra : May I take it that the recommendation of the Jails Committee was that persons who in jail acted violently or in a very disturbing manner should be transferred : but now Government in giving effect to that recommendation did not consider at all the conduct of these prisoners after their conviction in jail, but are merely guided by the sections under which they are convicted : is that fair ?

The Honourable Sir Harry Haig : No : I think that the Jails Committee clearly contemplated certain classes of prisoners being sent to the Andamans : they said " such prisoners as the Governor General in Council may by special or general order direct ".

Mr. S. C. Mitra : Did they mean persons convicted under certain sections of the Indian Penal Code or did they mean the conduct of these prisoners in jail as regards jail discipline ?

The Honourable Sir Harry Haig : I think the action that has been taken is clearly covered by what I understand to be the intention of the recommendation of the Indian Jails Committee.

DEATH OF CERTAIN POLITICAL PRISONERS IN THE ANDAMANS.

44. ***Mr. A. Das :** (a) How many deaths have taken place amongst political prisoners sent to the Andamans ?

(b) Have Government made enquiries about the cause of their death ?

(c) Will Government be pleased to place on the table the correspondence regarding this matter ?

(d) In view of such frequent deaths, are Government prepared to consider the advisability of removing the political prisoners to some other jails ?

(e) Have Government enquired into the jail administration in the Andamans and, if so, do they propose to remove the causes which led to the recent deaths of certain political prisoners there ?

The Honourable Sir Harry Haig : (a), (b) and (e). I would refer the Honourable Member to the reply which I have given to Mr. Gaya Prasad Singh's starred question No. 31.

(c) I regret that I am not prepared to publish correspondence.

(d) The deaths of the prisoners occurred in circumstances which do not make any change of policy necessary.

Mr. Gaya Prasad Singh : May I know if the communication to which reference has been made contains the name of the prisoners who died as well as the provinces from which they came ?

The Honourable Sir Harry Haig : Yes : they contain the names of the prisoners.

Mr. Gaya Prasad Singh : As well as the places ?

The Honourable Sir Harry Haig : I think so : but two of them, I think, came from Bengal and one from the Punjab.

Mr. A. Das : May I know what objection has the Honourable Member to place on the table the correspondence regarding this matter ?

The Honourable Sir Harry Haig : Because it is confidential.

SUGGESTIONS FOR ECONOMY ON THE RAILWAYS.

45. ***Mr. A. Das :** (a) Is it a fact that one Mr. Panna Lal of Narainpur in the district of Mirzapur submitted to the Railway Board a few suggestions in a pamphlet No. 167/R.C., dated the 1st April, 1932, regarding economy in the expenditure of Railways which the Board acknowledged in their letter No. 1314-B., dated the 10th June, 1932 ? If the reply be in the affirmative, which of his suggestions have been accepted for adoption ?

(b) Is it a fact that suggestion No. 12 of the pamphlet regarding return journey cheque passes was originally made by Mr. Panna Lal in 1927 to the Agent of the East Indian Railway, who replied in his letter No. G-46/27, dated the 30th July 1927, that his committee had rejected it ?

(c) Is it also a fact that the rejected suggestion was actually adopted by the same Agent in 1928 ?

Mr. P. R. Rau : (a) Yes. None of his suggestions was adopted. (b) and (c). The suggestion to issue one pass for the combined outward and return journey was originally made by Mr. Heseltine, Officer on Special Duty on the East Indian Railway, and was accepted by the Agent, East Indian Railway, in January, 1927, or six months before the receipt of Mr. Panna Lal's letter by the Agent, East Indian Railway, in July, 1927. Mr. Panna Lal was informed that a single form for outward and inward journeys was being adopted for home line passes but that a similar arrangement for foreign line passes had not been accepted by the Indian Railway Conference Association.

Mr. A. Das : May I know if it is not a fact that some of his suggestions have been adopted ?

Mr. P. R. Rau : No : I am not aware of any that have been adopted.

Mr. A. Das : What about suggestion No. 12 ?

Mr. P. R. Rau : I have replied to that : it has not been accepted : the suggestion to issue one pass for home line passes was accepted long before he had made the suggestion : the suggestion to have one pass for foreign line passes has not been accepted.

SUGGESTIONS FOR ECONOMY ON THE RAILWAYS.

46. ***Mr. A. Das :** (a) Is it a fact that rules regarding allowances to relieving staff of Railways were changed early in 1932 so as to grant full allowance for 10 days, and half allowance for the remaining 20 days of a month to a servant on the relieving list ?

(b) Is it a fact that Mr. Panna Lal criticised the above change by pointing out in his suggestion No. 7 of his pamphlet regarding economy in Railway expenditure that the altered rule was against the interest of the Railway as well as of the staff, and that his criticism was accepted ?

(c) Is it a fact that suggestion No. 2 of Mr. Panna Lal's pamphlet (regarding the conversion of "A" class stations) is under consideration for its adoption on the East Indian Railway ?

(d) Is it a fact that suggestion No. 11 of Mr. Panna Lal's pamphlet regarding the issue of daily return tickets has been introduced on a certain

section of the North Western Railway and the Bombay, Baroda and Central India Railway ?

Mr. P. B. Rau : (a) and (b). Certain orders were issued in 1931 delegating powers to sanction daily allowances to heads of Departments and other officers subject in the latter case to the condition that full daily allowance will be allowed for the first ten days and half daily allowance for the next 20 days. These were revised in 1932 when the limits were withdrawn, but it was provided that when it could be foreseen that the relieving staff would be required for more than six weeks, no daily allowance would be admissible, as they would be considered as temporarily transferred. So far as I am aware, Mr. Panna Lal's suggestion had nothing to do with either of these decisions.

(c) No.

(d) Any action that may have been taken on the North Western Railway and the Bombay, Baroda and Central India Railway in the matter of issuing daily return tickets cannot be attributed to Mr. Panna Lal's pamphlet because this is a perfectly normal procedure in railways and one which a railway has always to consider with regard to the possibilities of improving traffic.

LIGHT OF RAILWAY SIGNALS.

47. ***Mr. A. Das :** (a) Is it a fact that Mr. Panna Lal of Narainpur in the district of Mirzapur prepared and published an everlasting calendar and suggested in the same an improvement regarding the "back light" of railway semaphore signals (which was received and acknowledged by the Railway Board in their letter No. 1216-Tench., dated 10th July, 1927) ?

(b) If so, has the Government Railway Inspector accepted the suggested improvement ? If not, what are the reasons for not accepting the same and how is it intended to remove the defect pointed out by Mr. Panna Lal regarding the light of the signals ?

Mr. P. B. Rau : (a) Government are not aware of the publication of an everlasting calendar by Mr. Panna Lal, but a letter was received from him in 1929, in which he made a suggestion regarding back lights of signals.

(b) It is not admitted that there is any defect in the existing practice, and Mr. Panna Lal's suggestion has not been accepted because it is not considered to be an improvement on the existing arrangement.

ALLEGED ASSAULT ON THE PEOPLE AT THE ESPLANADE TRAM-SHED IN CALCUTTA.

48. ***Mr. Gaya Prasad Singh :** (a) Has the attention of Government been drawn to a letter published in the *Amrita Bazarr Patrika*, dated the 3rd June, 1933 (page 7) from Mr. F. C. Bancroft, Y. M. C. A., 73, Padda-pukker Road, Calcutta, addressed to H. E. Sir John Anderson, Governor of Bengal, in the course of which the writer says as follows, with reference to the assault on the people at the Esplanade tram-shed where the Congress was held in Calcutta :

"About nine-tenths of those under the shed were sent away, but only after very severe lathi beating ; I personally saw several women struck quite fiercely over the shoulders, necks, and backs. After this, a number were rushed into the lorry, and

one man who stumbled on the steps was very brutally beaten before he could rise. Unfortunately, we could see no more, because at this juncture we were all driven down Dharrumtolla by an indiscriminate lathi charge, none of the blows of which happened to fall upon myself."

(b) Was the writer of this letter examined in the course of any enquiry ?

(c) Are Government prepared to place a copy of the official report in this connection on the table ?

The Honourable Sir Harry Haig : (a) I have seen the letter. Mr. Bancroft, though he gave the Y. M. C. A. as his address, has in fact not been connected with that Association for some considerable time. The Association informed Government that Mr. Bancroft who had been a member of their staff resigned on May 31st, 1932.

(b) Mr. Bancroft was not examined in the course of the enquiry. His letter was not written until after the official enquiry had been made and the results published, and nearly two months after the event. The account he gave of what occurred at the Esplanade Corner is not borne out by the official report. No person who was arrested there and taken to Lall Bazar had any injury nor did any complain of having received any injuries, though two Deputy Commissioners of Police visited the lock-up and enquired whether any prisoner had any complaint to make. With regard to the allegations of beating of women, the account, moreover, is at variance with the statement of Pandit Madan Mohan Malaviya, which expressly stated that women delegates were not beaten.

(c) I would refer the Honourable Member to the reply I gave yesterday to part (d) of his question No. 18.

Mr. Gaya Prasad Singh : Is it not a fact that the address Mr. Bancroft gave was merely to indicate that he was residing there at the time and not to indicate that he was connected with the Y. M. C. A. at the time when the letter was written ?

The Honourable Sir Harry Haig : That, I am afraid, I cannot say : I do not know whether he was at the moment residing in the Y. M. C. A. building.

Mr. Gaya Prasad Singh : Did not Mr. Bancroft send another letter to the papers in which he made this point clear ?

The Honourable Sir Harry Haig : I am afraid I did not see that.

Mr. K. C. Neogy : Is this Mr. Bancroft a Britisher by nationality or an undesirable alien ?

The Honourable Sir Harry Haig : I do not know whether he is an undesirable alien, but he is a national of the United States of America.

Mr. Gaya Prasad Singh : May I know if any non-official was examined in connection with the allegations made by Pandit Madan Mohan Malaviya or by Mr. Bancroft with regard to the incidents which happened at the Esplanade Corner ?

The Honourable Sir Harry Haig : No ; I think I made that point clear yesterday.

Mr. K. C. Neogy : Have Government considered the desirability of taking steps to bring this gentleman to book for indulging in propaganda of this character ?

The Honourable Sir Harry Haig : No : so far, I am afraid, the statement has not been taken so seriously as that by the Government.

Mr. B. R. Puri : Do I interpret the meaning of the Government correctly when I say that the Government regard the statement contained in that letter to be false ?

The Honourable Sir Harry Haig : Certainly to be inaccurate.

Mr. B. R. Puri : What is the difference between inaccurate and false ?

The Honourable Sir Harry Haig : I always like to use mild language.

An Honourable Member : May I know why no steps have been taken so far against Pandit Malaviya or Mr. Bancroft over these false statements which they are alleged to have made ?

The Honourable Sir Harry Haig : That is a question which I answered yesterday.

Sardar Sant Singh : Is it a fact that Sir Samuel Hoare said that if such statements are repeated action will be taken ?

The Honourable Sir Harry Haig : I am not aware of it.

Mr. Gaya Prasad Singh : Then why not refer to Sir Samuel Hoare and take steps against these gentlemen for making those statements ?

The Honourable Sir Harry Haig : I said I was not aware of any such statement by the Secretary of State.

MOTION FOR ADJOURNMENT.

FACILITIES GIVEN TO MAHATMA GANDHI IN JAIL.

Mr. President (The Honourable Sir Shanmukham Chetty) : I have received a notice from Mr. S. C. Mitra that he proposes

12 Noon. to ask for leave to make a motion for adjournment of the business of the House for the purpose of discussing a definite matter of urgent public importance, as follows :

“ The unsatisfactory reply of the Honourable the Home Member to the short notice question of Mr. Maswood Ahmad regarding the facilities given to Mahatma Gandhi in jail to carry on his untouchability movement.”

I have to inquire whether any Honourable Member has any objection to this motion.

(No objection was taken.)

As no objection has been taken, I declare that leave is granted and that the motion will be taken up for discussion at 4 P.M. this afternoon.

THE WORKMEN'S COMPENSATION (AMENDMENT) BILL.

Mr. President (The Honourable Sir Shanmukham Chetty) : The House will now resume further consideration of the Workmen's Compensation (Amendment) Bill.

The question is that clause 3 stand part of the Bill.

The motion was adopted.

Clause 8 was added to the Bill.

Clauses 4, 5, 6, 7 and 8 were added to the Bill.

Clauses 9, 10, 11, 12 and 13 were added to the Bill.

Sir Lancelot Graham (Secretary, Legislative Department) : Sir, I move :

“ That in sub-clause (a) of clause 14 of the Bill, after the word ‘ substituted ’ the words ‘ and in the proviso the word ‘ registered ’ shall be omitted ’ be inserted.”

Sir, this apparently complicated motion is really a very simple drafting amendment of a consequential nature. The House has already, by passing clause 2 of this Bill, struck out from the original Act clause (j) of section 2 of that Act. Now, clause (j), Sir, in the original Act contains the definition of a “ registered ship ”. Consequentially on that, Sir, in clause 10 of this Bill, Honourable Members will see that the word “ registered ” has already been struck out. That is one consequential amendment, but, Sir, by a slight oversight on the part of the draftsman the word “ registered ” has not yet been directly struck out from section 21 of the Act, that is to say, the omission is now rectified by inserting clause 14 to the Bill, and the further provision would strike out the word “ registered ” where it occurs in section 21 of the Act. Sir, I move.

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

“ That in sub-clause (a) of clause 14 of the Bill, after the word ‘ substituted ’ the words ‘ and in the proviso the word ‘ registered ’ shall be omitted ’ be inserted.”

The question is that that amendment be made.

The motion was adopted.

Clause 14, as amended, was added to the Bill.

Clauses 15 and 16 were added to the Bill.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is that clause 17 stand part of the Bill.

Mr. G. Morgan (Bengal : European) : Sir, I beg to move the following amendment to clause 17 of the Bill. It reads thus :

“ That in clause 17 of the Bill, in the proposed further proviso to sub-section (1) of section 30, the words ‘ not less than one-tenth of ’ be omitted.”

It is proposed to add a further proviso to sub-section (1) of section 30 to the effect that no appeal by an employer under clause (a) shall lie unless the memorandum of appeal is accompanied by a certificate by the Commissioner to the effect that the appellant has deposited with him not less than one-tenth of the amount payable under the order appealed against. If those words are deleted, Sir, then the whole amount has to be deposited, and not merely one-tenth. My second amendment will explain that more fully, but so far as this amendment is concerned, I am merely moving for the deletion of the words ‘ not less than one-tenth of ’.

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

“ That in clause 17 of the Bill, in the proposed further proviso to sub-section (1) of section 30, the words ‘ not less than one-tenth of ’ be omitted.”

The Honourable Sir Frank Noyce (Member for Industries and Labour) : Sir, at the risk of being accused by my Honourable friend, Mr. Joshi, of once again succumbing to the blandishment of the capitalists, I may say at once that I am prepared to accept both Mr. Morgan's amendment to clause 17, and also his second amendment to clause 18, which is very closely connected with it. I must frankly confess to the House that I am always most reluctant even to appear to go back to the smallest extent on what has been decided in a Select Committee to the Report of which I have appended my name without a minute of dissent ; but if the House will bear with me a little, I hope I shall be able to convince even my friend, Mr. Joshi, that, in this case, there are very good reasons for doing so. When the Bill was under consideration in my Department, I felt that the two provisos which Mr. Morgan wishes to omit were admittedly open to criticism on the ground of equity. The Labour Commission felt the same and recognised that their suggestion which is embodied in the Bill is not entirely satisfactory. They put it forward as a possibility rather than as a clear suggestion. It is obviously not a sound principle that, because a person is poor, he should finally get part of something which he is found to have been awarded in error. That is the position under the proviso to section 30 A. of the Bill as inserted in clause 18 :

“ Provided that the Commissioner may distribute, in such manner as he may think fit, out of any sum in deposit with him, a sum not exceeding one-tenth of the sum payable under his order, or one hundred rupees, whichever is less, among persons entitled under his order to receive compensation who, in his opinion, are unable to support themselves, and in the event of the appeal being successful, such sum shall not be recoverable by the employer.”

Under that proviso the employer has to pay one hundred rupees or one-tenth of the compensation, whichever is less, whether the appeal goes in his favour or not, and as I have said, Sir, that does not appear equitable. A number of members of the Select Committee felt that that was so and that there was some justice in the contention that it is not fair, but they could not see a better way out of the difficulty, and I confess that at the time I could not see one myself. It was felt that, without some provision of this kind, appeals would be filed by employers so as to postpone paying the money, often in the expectation that the dependants would be dead or gone by the time the appeal was settled. Now, Sir, it seems to me, and I trust the House will agree, that, looking at the matter from the broad point of view, the employers' offer, as it has been put to us by Mr. Morgan, does provide a better way out of the difficulty. What we have to do, as the Labour Commission tried to do, is to find out what in the long run is to the best advantage of the labourer, and I have no doubt myself that a deposit of the whole amount involved will act as a much more effective check on appeals than the deposit of one-tenth of the compensation or Rs. 100 whichever is less, even though in the latter case the employer will not get his money back though his appeal may be successful. The argument in favour of the clause of the Bill, as it stands now, and I think it is the only argument, is that it gives the dependants something to go on with pending the disposal of the appeal. But Rs. 100, more or less, is not going far in that direction. My point, and I hope I have made it clear, is that in my view, which I trust will commend itself to the House, it is far better for the workpeople as a whole that the number of appeals should be substantially reduced than that a few dependants should benefit by a small amount. I would, therefore, ask the House to look at this matter from the broad aspect—the benefit of the greatest number—and it is for that reason that

I accept these amendments on behalf of Government, and I trust that the House will do so too.

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

“ That in clause 17 of the Bill, in the proposed further proviso to sub-section (1) of section 30, the words ‘ not less than one-tenth of ’ be omitted.”

The motion was adopted.

Mr. G. Morgan : Sir, I formally move :

“ That in clause 17 of the Bill, in the proposed further proviso to sub-section (1) of section 30, the words ‘ or one hundred rupees, whichever is less ’ be omitted.”

I have nothing to add in putting this before the House. The Honourable Member in charge has explained the position and has accepted the amendment.

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

“ That in clause 17 of the Bill, in the proposed further proviso to sub-section (1) of section 30, the words ‘ or one hundred rupees, whichever is less ’ be omitted.”

The motion was adopted.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is that clause 17, as amended, stand part of the Bill.

The motion was adopted.

Clause 17, as amended, was added to the Bill.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is that clause 18 stand part of the Bill.

Mr. G. Morgan : Sir, I move :

“ That in clause 18 of the Bill, in the proposed section 30A, after the words ‘ withhold payment of any sum in deposit with him ’ the following be inserted :

‘ and where the appeal is awarded in favour of the employer, the total compensation and costs, if any, deposited with the Commissioner, shall be refunded in full to the employer ’.”

The reason for that is this. There is provision for withholding payment, but there is nothing in the clause to show that the money should be refunded when the appeal has been settled and won by the employer. Sir, I move.

The Honourable Sir Frank Noyce : Sir, I regret that I must oppose this amendment. In the first place, it is unnecessary, and in the second, it is objectionable. It is obvious that, where an appeal is awarded in favour of the employer, the order of the Court will cover payment of the compensation in full to him. The second part deals with the question of costs. There is no provision in the Act anywhere which provides for the deposit of costs. For that reason, I consider that it is unnecessary to provide for them here. I have also stated that the amendment is objectionable. The reason for that is that it involves undue interference with the discretion of the Court. Sir, I oppose the amendment.

Mr. Lalchand Navalrai (Sind : Non-Muhammadan Rural) : I find this amendment to be a very reasonable one. It is said that the Court, on deciding in favour of the employer, will make an order for refund, but unless and until the Act provides that the refund should be made, the hands

[Mr. Lalchand Navalrai.]

of the Court will be tied down and will not pass such an order. I do not think any authority has been quoted to show that there is any general law to the effect that such payments could be refunded. If there is no general law on the subject, I do not think it will be within the province of the Court to order such refund. But even granting for the sake of argument that the principle is that it will be refunded, what is lost by making a distinct and specific provision in this Act? It is more or less accepted by the other side that the refund must be made, and if, instead of making a specific provision, you say that the Court will do it, that will certainly be unreasonable. And what is this House for? This House is here for making specific and clear provisions in order to give power to the Court to order refund. I hope the House will see the reasonableness of this amendment, and, even though it is opposed by Government, it would accept it.

Mr. Abdul Matin Chaudhury (Assam : Muhammadan) : I rise to oppose this amendment, and the reason is very simple. Here is a case in which compensation has been awarded by the Commissioner. The employer prefers an appeal. The appeal is not on a question of fact, but on a question of law. This appeal may take time in the High Court, and in the meantime what is to be done with regard to the poor workman and his dependants? Therefore, it has been provided in the Act that the Commissioner will be entitled to distribute Rs. 100 or one-tenth of the deposit to the workman. Mr. Lalchand Navalrai asks whether it is just to withhold from the employer the full amount of the compensation. Now, I would ask him, suppose the workman wins the appeal. What happens? If the workman wins the appeal, during this long period of time when his need was the greatest, he has been deprived of his rightful compensation and, to obviate this difficulty, the Government have placed the responsibility on the shoulders best able to bear it.

Mr. Lalchand Navalrai : Will the Honourable Member excuse my interruption? Here is a compensation unlawfully or unjustly paid and, if the appeal is decided in favour of the employer, then the money must be refunded. What harm is there in that?

Mr. Abdul Matin Chaudhury : The workman is deprived of any assistance when his need is the greatest.

Mr. Lalchand Navalrai : It is a question of refund.

The Honourable Sir Frank Noyce : There is some confusion. The question of the Rs. 100 has already been dealt with in the two previous amendments of Mr. Morgan. We are now dealing with the question of appeal in regard to the total amount.

Mr. Abdul Matin Chaudhury : Under section 17, one-tenth of the whole amount is to be deposited and under this section out of this whole amount, deposited with the Commissioner, Rs. 100 must be paid to the workman.

Mr. A. G. Olow (Government of India : Nominated official) : This proposal relates to Mr. Morgan's amendment No. 16 which has not yet been moved and which aims at the omission of the proviso altogether. The result would be that the employer will be compelled to deposit the whole amount of the compensation, but none of it will be distributed. It will be kept intact for him pending the decision of the appeal.

Mr. Abdul Matin Chaudhury : If we accept this amendment of Mr. Morgan, that means that the Commissioner of compensation is debarred from paying Rs. 100 according to the next proviso to the workman.

The Honourable Sir Frank Noyce : That is the proviso. We are not discussing it now. Mr. Morgan's amendment is to this effect. The present clause says "Where an employer makes an appeal under clause (a) of sub-section (1) of section 30, the Commissioner may, and, if so directed by the High Court, shall, pending the decision of the appeal, withhold payment of any sum in deposit with him". Mr. Morgan wishes to add there "and where the appeal is awarded in favour of the employer, the total compensation and costs, if any, deposited with the Commissioner shall be refunded in full to the employer". We are not now dealing with the question of the Rs. 100 at all. I endeavoured to explain just now as regards the Rs. 100 that I was prepared to accept Mr. Morgan's amendment. This has nothing whatever to do with the question of Rs. 100.

Mr. Abdul Matin Chaudhury : If we accept Mr. Morgan's amendment, then the entire amount will be refunded to the employer.

The Honourable Sir Frank Noyce : This particular amendment does not affect that question in any way.

Mr. N. M. Joshi (Nominated Non-Official) : I have great pleasure in supporting my Honourable friend, Mr. Abdul Matin Chaudhury. If Mr. Morgan's amendment is not adopted, the workmen's compensation Commissioner will be prevented from taking advantage of the proviso to clause 18 and we certainly cannot allow the deletion of this proviso. If we vote for this amendment, then we certainly cannot do what we propose to do. I, therefore, must oppose this amendment.

Mr. A. Das (Benares and Gorakhpur Divisions: Non-Muhammadan Rural) : I wish to oppose this amendment at least so far as the second portion is concerned. I think there is no reason for fettering the discretion of the Court as to whether it will or it will not allow full cost to the successful party. If this amendment is allowed, it will mean that the appellate Court will be bound to refund the whole cost to the successful party. Supposing the Court is of this opinion that the costs should not be allowed, in that case I submit that the hands of the appellate Court should not be fettered in that respect and, therefore, I oppose this amendment.

Mr. B. V. Jadhav (Bombay Central Division: Non-Muhammadan Rural) : I rise to oppose this amendment. Mr. Morgan has contrived to split one amendment into two amendments in order to conceal from the Members of this House the real import of his amendment. If this amendment is accepted, then even if the proviso be retained, there will be inconsistency and, therefore, we have to oppose this amendment as well as the next one. Had he combined the two amendments into one, then it would have been rather consistent but he has split it up into two amendments in order to confound us. We have to oppose the amendment.

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

"That in clause 18 of the Bill, in the proposed section 30A, after the words 'withhold payment of any sum in deposit with him' the following be inserted :

'and where the appeal is awarded in favour of the employer, the total compensation and costs, if any, deposited with the Commissioner, shall be refunded in full to the employer'."

The motion was negatived.

Mr. G. Morgan : Sir, I move :

“ That in clause 18 of the Bill, the proviso to the proposed section 30A be omitted.”

The object of this amendment is to cut out the proposal contained in the Bill that the Commissioner, pending the decision of the appeal, may distribute in such manner as he may think fit, out of any sum in deposit with him, a sum not exceeding one-tenth of the sum payable under his order. This amendment brings all my amendments together. Sir, I move.

Mr. N. M. Joshi : I oppose this amendment. What Mr. Morgan is aiming at is that even though the workman may have difficulty in supporting himself during the period of the appeal, the Compensation Commissioner should have no discretion in giving him a small amount of money. It does not mean that the Compensation Commissioner will in every case distribute Rs. 100. The Workmen's Compensation Commissioner will judge the circumstances of the workman. If he finds that the workman is likely to remain hungry and to starve, then he will give him a sum up to Rs. 100. I do not think there is any injustice in this. When the employer by his own action prolongs the period, the workman should get the amount which may be given to him by the Workmen's Compensation Commissioner. Moreover, when the Workmen's Compensation Commissioner gives his decision, at least the presumption is that the workman deserves the compensation. So, if a small amount of money, after that presumption has arisen, is spent in those cases where the workman is unable to support himself and when he is starving, I think there is nothing unfair at all and, therefore, his amendment should not be accepted.

The Honourable Sir Frank Noyce : Sir, I have already informed the House that I am prepared to accept Mr. Morgan's amendment. Mr. Joshi, as is his usual habit, wishes to have it both ways. I submit it to you, Sir, that it would have been fairer to the House if, on the previous amendment, Mr. Joshi had explained what his position was going to be on this question. I did my best to make it clear to the House,—the majority of the Members of which did not serve on the Select Committee and are not as familiar with the details of this Bill as is Mr. Joshi—I endeavoured to explain that what we were doing was, instead of asking the employer to deposit one-tenth of the amount due or Rs. 100, whichever was less, to compel him to deposit the whole amount of compensation in the hope of reducing the number of appeals. As a counterweight to that, we were relieving him of the obligation, or rather the risk, of losing Rs. 100, which, in the event of his appeal being successful, he would have no chance of getting back. The two amendments, as I explained, are very closely connected and, as the House has already passed one, Mr. Joshi wishes to get the benefit of that by persuading it to reject the other. I submit that that is not a fair course and I trust that the House will agree with me in accepting Mr. Morgan's present amendment.

Mr. N. M. Joshi : May I inform the Honourable Member, Sir, that I took no part at all in the discussion of the amendment on clause 17.

The Honourable Sir Frank Noyce : My point was that Mr. Joshi should have declared his attitude during that discussion in view of the

fact that the two amendments were very closely, in fact, essentially connected.

Mr. Abdul Matin Chaudhury : We never understood it to mean that the acceptance of clause 17 carried with it the acceptance of this deletion of the proviso also.

The Honourable Sir Frank Noyce : I tried my best to explain that.

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

“ That in clause 18 of the Bill, the proviso to the proposed section 30A be omitted.”

The motion was adopted.

Clause 18, as amended, was added to the Bill.

Clauses 19 and 20 were added to the Bill.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is that clause 21 stand part of the Bill.

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

“ That in clause 21 of the Bill, the words ‘ otherwise than in a clerical capacity ’, wherever they occur, be omitted.”

This phrase occurs in several sub-clauses of this clause. It occurs in sub-clauses (i), (ii), (iii), (v), (x), (xiv), (xviii) and (xix). My amendment is that this phrase from these places should be omitted. The object of the amendment is to permit compensation being given to clerks engaged in the industries in which the workers are given the right of getting compensation. I think there is no justification for omitting clerks from the benefit of this clause. If a clerk goes near the machinery in connection with some of his work and meets with an accident, he deserves compensation. But if a clerk has no business at all to go near the machinery, there will be no accidents. In either case, either the compensation is justified or there will be no need for compensation. One cannot, however, say that clerks engaged in factories will have no work at all to go near the machinery. They may sometimes have to go ; as a matter of fact, they do go. Similarly, some railway clerks have to go near the wagons and if they meet with an accident, although they may be generally employed in a clerical capacity, they deserve compensation. I think that if my amendment is accepted, there would be no hardship on the employers at all, because if a clerk does not go near the machinery, he will not meet with any accident and in that case he will not be eligible for compensation. But if he has got to go near the machinery and an accident takes place, he deserves the compensation. I, therefore, hope that my amendment should be accepted by the House.

Mr. D. K. Lahiri Chaudhury (Bengal : Landholders) : Sir, though this Bill does not concern me or my community, still I hold the view that there must be a fair and reasonable treatment to all the employees and I am glad that Mr. Joshi has moved an amendment to that effect and I have great pleasure in supporting it. My argument is based on the ground of common sense. If workmen are going to get the compensation, why should not the clerks get the same. It is quite clear from the observations which have just been made by Mr. Joshi that

[Mr. D. K. Lahiri Chaudhury.]

there are occasions when the clerks also have to go near the machinery and sometimes it happens that accidents do occur to them. That being the case, why should they be deprived of the natural right of compensation. I think that it is a very reasonable demand and ought to be acceded to. Of course, if it is not the business of a clerk to go anywhere near the machinery, there will be no accidents and no compensation will be paid to him. But because on very rare occasions a clerk has to go near the machinery and meets with an accident there, I do not see any reason why he should be deprived of the right to get the compensation. From the humanitarian point of view he should also be entitled to the compensation and I hope that the Honourable the Mover of the Bill will accept the amendment.

Mr. A. Das : Sir, I support the amendment of my Honourable friend, Mr. Joshi, and for this practical reason. Coming as I do from the Gorakhpur district where there are a large number of sugar factories, I can say that it is not unlikely that such accidents do happen. As a matter of fact, only recently, just a few months ago, one of the boilers consisting of several tons of sugar juice gave way with the result that a number of men were injured including those who were clerks or office managers and who had no concern in the working of the machinery. I submit that it is not proper that the members of the clerical establishment who may happen to be injured while standing near the machinery should not be given the benefit of this Bill. If this amendment is not accepted, the result will be that they will be penalised for the mere fact that they are clerks. For this reason, I submit that those men who are injured or disabled by any accident in the machinery whether they go near the machinery or not should also be entitled to the benefit of this clause. I, therefore, support the amendment of my friend, Mr. Joshi. For the information of the House, I may say that the sugar factory, the boiler of which gave way, is situated in the district of Basti.

Mr. Muhammad Azhar Ali (Lucknow and Fyzabad Divisions : Muhammadan Rural) : From a legal point of view I think the whole theory of compensation is based on the fact that a man does not commit any act of negligence himself. It does not matter whether he is a clerk or a workman or an officer, in whatever capacity he may be, if he does not contribute towards his own negligence, I think, under the theory of compensation, it will be held that every one is entitled to be compensated if he is hurt or is affected in any way by any explosion or by any act which is not in his power to avert. I think this should not exclude anybody unless and until he is himself to blame. It is on that theory that I support this amendment and I think compensation to clerks also ought to be given.

Mr. Lalchand Navalrai : I feel I must support this amendment. It appears to me that the object of this act is that whosoever is likely to be exposed to danger must be given compensation. I ask a direct question. Are clerks exposed to danger or likely to be exposed to danger in factories or not ?

An Honourable Member : No.

Mr. Lalchand Navarai : Here is an example which contradicts the "no", that is given in the House. My Honourable friend, Mr. A. Das, gave an instance where clerks and even managers were exposed to danger in a factory, and were actually injured. If the intention of the Act is that whosoever is exposed to such danger must be given compensation, then no exceptions should be made, whether he is a clerk or a manager or whether he is an actual driver of the machinery. In this case it might be known to the House that in factories there are offices close by the boiler room and if there is explosion the clerks are also injured. It is not a sound principle that clerks should not be given compensation and that others should be given. I think the Honourable Member will realise the reasonableness of the amendment and accept it.

Mr. A. G. Clow : Sir, I have listened to the speeches that I expected to hear from Members who are naturally sympathetic with the position of clerks employed in factories. I would put before the House the considerations which in my view justify supporting the conclusion which was reached by the Select Committee.

Before dealing with the subject on its merits, I would merely point out that Mr. Joshi's amendment, if accepted, will have an effect which I am sure he does not anticipate, in that it will exclude a large number of railway workers from the operation of the Bill. He has omitted to notice that in the first clause of the Schedule the wording is different, namely : "employed, otherwise than in a clerical capacity or on a railway". The words "on a railway" are inserted because, if those words were not there, the limit of Rs. 300 would apply to all railway workers. Therefore, if he reads the clause as it would stand after the amendment, it reads : "employed or on a railway", and in so far as it means anything it includes railway workers there, and, therefore, excludes them from the privilege of being included without any limit of pay. I think he would agree with me, therefore, that some alteration would still be necessary even if his present amendment were accepted.

As regards the merits of the general question, I will ask Honourable Members to think first of the title of the Bill and of the Act. It is the Workmen's Compensation Act and I suggest that there is a sound reason for distinguishing between workers and other classes of the community. That is that for the most part they are not in a position to protect themselves ; they have not as a rule the education, or the facilities or the pay which will enable them to insure against the risks of life. In the second place, this is a proposal to include a large fresh class under the Act. Now, I suggest that if you are going to include fresh classes, which I admit is a desirable thing, to effect gradually, you should go first for classes which undergo greater hazards. The hazards of a clerical occupation are extremely small, there are cases in which clerks may be injured, but none of us is free from the hazards of life. I have known Members of the Assembly sitting in pursuit of their avocation subjected to serious danger from bricks falling from the roof.

Captain Sher Muhammad Khan Gakhar (Nominated Non-Official) : What about the casual visitors ?

Mr. A. G. Clow : They are also subject to these dangers. If you wish to amend the Act, you should as far as possible begin by

[Mr. A. G. Clow.]

taking those who are exposed to most dangers. Mr. Joshi referred to the special case of railway workers. I admit that that is a special case ; I admit that clerks employed in various capacities in railways often undergo particular risks. But I would point out to the House that we have really covered those and that in the case of railway clerks, it is only particular classes of clerks that are excluded. In section 2 (1) (n) (i) of the Act, we include all railway servants who are " not permanently employed in any administrative, district or sub-divisional office of a railway ". In other words, we include clerks except when they are working in offices where they incur no special risks on account of their being connected with a railway. So far as the occupations dealt with in the Schedule are concerned, I suggest that in the ordinary case a clerk incurs virtually no more risks than a clerk in a commercial office ; and if we happen to include workmen in certain classes of premises, that is not a sufficient reason for including the clerks.

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

" That in clause 21 of the Bill, the words ' otherwise than in a clerical capacity ', wherever they occur, be omitted."

The motion was negatived.

Mr. N. M. Joshi : I move :

" That in clause 21 of the Bill, in the proposed clause (ii), for the word ' ten ' the word ' five ' be substituted."

This Bill proposes that those workmen who are employed in factories which work with power and which come under the Factories Act and which engage ten persons or more should be covered by the compensation legislation. My amendment seeks to give the benefit of this legislation to the workmen employed in smaller factories where five persons and more are employed. Sir, I do not see any justification for restricting the benefit of this legislation only to those workmen who are employed in what we may call the larger factories and deny it to those who are employed in smaller factories. Nobody can say that in smaller factories the risk of accident is less. As a matter of fact, smaller factories, not being under any kind of regulation, there is a greater risk, and I, therefore, think that these workmen deserve the benefit of this legislation a little more than the workmen employed in larger factories. I, therefore, hope that my amendment will be accepted.

The Honourable Sir Frank Noyce : Sir, Mr. Joshi's assiduity reminds me of the French General who stated that his method of dealing with the enemy was by the nibbling process. Our recommendation in the Bill follows that of the Commission of which he was a member. To the best of my knowledge, he did not dissent from the conclusions of the Commission on this point. They thought " ten " was a suitable number and we have adopted it. Sir, I think I need say no more.

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

" That in clause 21 of the Bill, in the proposed clause (ii), for the word ' ten ' the word ' five ' be substituted."

The motion was negatived.

Sir Lancelot Graham : Sir, I beg to move :

“ That in clause 21 of the Bill, for item (iii) the following be substituted :

‘ (iii) employed for the purpose of making, altering, repairing, ornamenting, finishing or otherwise adapting for use, transport or sale any article or part of an article in any premises wherein or within the precincts whereof on any one day of the preceding twelve months, fifty or more persons have been so employed ; or ’.”

The reason for moving this amendment is not that there is any intention of changing the clause as we intended it to stand, but that item (iii) of the Bill, as it now stands, is too wide in two respects, that is to say, wider than the authorities who initiated the Bill intended. In the first place, it will be observed that a liability is planted upon the premises although those premises may only be used for manufacturing purposes for one day in the year. What is desired is to make the employer liable in respect of workmen doing certain kinds of work, but the effect of the item, as it stands, is that the liability is planted on the place itself. That is the reason why instead of saying “ employed in any premises ” we propose to say “ employed on particular kinds of work ” and these particular kinds of work are part of the definition of “ manufacturing process ” as contained in the Factories Act, but not the whole. The words now standing in the item before the House are “ employed in any manufacturing process ”, and that, Sir, is wider than was the intention of the authors of the Bill, because it includes power processes and refers to factories. What we are really trying to get at in this Bill is workshops, not employing power for conduct of manufacturing processes. Those processes are covered by the last item in the definition, and we do not want to take the extension too far. Therefore starting with the definition of “ manufacturing process ” from the Factories Act, the amendment now takes only the first part of that definition. I trust, Sir, that I have succeeded in making the purpose of this amendment clear. It is to restrict the law to the intention of the originators. The present clause, as it stands in the Bill, goes too wide in two respects and in those two respects we have sought by this amendment to narrow the contents of the item to its original intention. Sir, I move.

Mr. G. Morgan (Bengal : European) : Sir, I should like to ask one question. In the amendment proposed by my Honourable friend the words “ otherwise than in a clerical capacity ” have been omitted. Is that a drafting omission or is it a deliberate omission ?

Sir Lancelot Graham : It is not a drafting omission, but the point is that clerks are not employed in making, altering, repairing, etc. We have actually now put in the occupation and that occupation excludes clerks employed there.

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

“ That in clause 21 of the Bill, for item (iii) the following be substituted :

‘ (iii) employed for the purpose of making, altering, repairing, ornamenting, finishing or otherwise adapting for use, transport or sale any article or part of an article in any premises wherein or within the precincts whereof on any one day of the preceding twelve months, fifty or more persons have been so employed ; or ’.”

The motion was adopted.

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

“ That in clause 21 of the Bill, in the proposed clause (iii), for the word ‘ fifty ’ the word ‘ twenty-five ’ be substituted.”

My amendment is not out of order even after the passing of the last amendment. The Bill proposes that in those workshops where fifty people are employed, the benefit of the Workmen's Compensation legislation should be given to the workmen. My amendment is that the benefit of this legislation should be given to the workmen employed in those workshops where 25 or more than 25 persons are employed. Now, Sir, there are many kinds of workshops where no power is used and where even a smaller number of people are employed and machinery is used. I can give you one instance. Take the printing presses specially in district towns. No power is used, but sometimes 25 people are used and sometimes even a smaller number of people is used. There is always some risk of accidents taking place, and certainly you should provide against these accidents. I, therefore, think that the number of persons should be reduced from 50 to 25. I do not think any harm will be done to any industry if my amendment is accepted.

Then, Sir, the Honourable Member said that I am following nibbling tactics. Well, Sir, I am not a tactician, but a simple man and I never follow the kind of tactics which he has in mind. Then, again, not once but several times it has been said that I was a member of the Royal Commission and I had signed its report and on some points on which I moved amendments I had not written minutes of dissent. I never

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care to reply to such accusation or insinuation against me : but I think it is well that I should explain my attitude in this matter. I admit that my career in public life is not without defect, but still I know this much : if I commit myself to a certain thing, generally speaking I should stick to it. I admit that. But at the same time there are circumstances which compel us, in spite of this sound rule of public life, to go against it. I believe in a parliamentary form of Government and discussion ; and I feel if there is to be legislation on a subject like workmen's compensation, the workers' point of view should be expressed and even pressed. If I had felt that, if I did not move amendments against those points against which I had not spoken in the Royal Commission's Report, there will be some other people ready to do it, I would certainly not move amendments on those points. But if I had not moved my amendment, would there have been amendments which an ordinary workman's representative could have moved ? Is it the right kind of parliamentary form of Government that labour legislation should be discussed in a Legislature and amendments could be moved on behalf of the capitalists and there should be no amendments on behalf of labour, simply because the gentleman who happens to speak sometimes on behalf of labour also happened to be a member of the Royal Commission on whose recommendations these proposals are based ?

There are certain people who also think, what is the use of moving these amendments. The nibbling process could have succeeded in France, but will not succeed here. After all, whatever is supported by Government in this Legislature will be carried and nothing else can be carried : in these circumstances, why should I move my amendments ?

My reply again is the same. I believe in a parliamentary form of Government, and parliamentary form of Government means discussion. Take for instance the British Parliament. The opposition moves amendments and has divisions on every point. Why? Because they believe in discussion; they believe that after all it is the discussion that matters and not the vote. If I had believed that it is the vote only that matters, I would not have moved my amendments at all. I know that Government have got their votes, but I continue to move my amendments, because I believe in the parliamentary form of Government. It is true that new ideas of Government are arising all over the world. Mussolini started them and Hitler has followed. Unfortunately I still stick to my old faith in the parliamentary form of Government and I, therefore, continue to move my amendments in the belief that there will be some day when these amendments will have some effect on public opinion, especially public opinion as represented in this case. But there is another reason why I move my amendments although I had not written dissenting minutes to the Royal Commission report: that reason is this: I am not a member of Government, especially of the British Government, and I do not consider that I am above making any mistakes. It is true, when I signed the report I had accepted certain propositions. It is quite possible that after two years I may find that I had made a mistake in not writing a minute of dissent. Governments do not admit their mistakes: it is not considered to be good form for a Government to admit its mistakes.....

Mr. Gaya Prasad Singh (Muzaffarpur *cum* Champaran: Non-Muhammadian): They never make a mistake.

Mr. N. M. Joshi: They never make a mistake and, even if they do, they do not admit it. But is it wrong for an ordinary human being like myself to admit his mistakes? If you ask me whether my failure to write any dissenting minutes to the report of the Royal Commission on this point was a mistake or not, I am quite prepared to admit today openly that I feel that I made a mistake in not writing a dissenting minute to that report. I am not ashamed to admit my mistake: I have done.

The Honourable Sir Frank Noyce: Sir, I should like to disprove one remark that Mr. Joshi has just made and that is that it is not the habit of any Member of Government to admit a mistake. I do feel that I owe him an apology and I should like to make it. It is not fair, and I frankly admit it, that one should cast up against him the fact that his amendments go beyond what the Royal Commission of which he was a member recommended. I too have been a member of various Committees and Commissions and I have never regarded myself as specifically committed to every point of detail which has appeared in a report over my signature. While saying that, I think the position we have adopted in this respect is that our proposals are based on the recommendations of the Royal Commission of which Mr. Joshi was a member and embody a view which must be a reasonable view because he certainly held it at one time.

Mr. N. M. Joshi: Is it always reasonable?

The Honourable Sir Frank Noyce: That is the position: the recommendations of the Royal Commission were the best we could have in this respect, and when they were unanimous, they obviously carried much greater weight. They were unanimous in this case in regard to the number

[Sir Frank Noyce.]

of 50, and that is the reason why we have adhered to it and why I am unable to accept Mr. Joshi's amendment that it should be reduced to 25. I regret that I must oppose it.

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

“ That in clause 21 of the Bill, in the proposed clause (iii), for the word ‘ fifty ’ the word ‘ twenty-five ’ be substituted.”

The motion was negatived.

Mr. G. Morgan : Sir, I beg to move the following amendment :

“ That in clause 21 of the Bill, for the proposed clause (xviii) the following be substituted :

‘ (xviii) employed, otherwise than in a clerical capacity, on any estate not less than ten acres in extent, whether held by one person or by more persons than one as co-owners, and whether in one block or in two or more adjacent blocks, which is maintained for the purpose of growing cinchona, coffee, rubber or tea, or such other products as the Governor General in Council may, after giving not less than three months’ notice of his intention so to do, specify in this behalf by notification in the Gazette of India ; or ’.”

Sir, with regard to the extension of persons to be benefited under this Bill, my Honourable friend, Mr. Mackenzie, and I wrote a minute of dissent in which we said that we saw no justification for extending the Bill to cover all estate labour other than factory labour. We gave our reasons in the Select Committee, and were compelled to append a minute of dissent. However, if it is decided that the provisions of the Bill should apply to estate labour, then we hold the opinion that it will be more satisfactory if it was on an acreage basis rather than on the basis of the number of people employed. Clause 18 in the Bill, as amended by the Select Committee, reads :

“ employed otherwise than in a clerical capacity on any estate which is maintained for the purpose of growing cinchona, coffee, rubber or tea, and on which on any one day in the preceding twelve months *twenty-five* or more persons have been so employed.”

Well, Sir, I understand that in many instances estates have different blocks and adjacent blocks, and the definition of “ estate ” might not cover this particular partition. Therefore, in my opinion it will be better, and more practicable, to work it on an acreage basis instead of on the basis of the number of people employed on the estate. Sir, I move.

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

“ That in clause 21 of the Bill, for the proposed clause (xviii) the following be substituted :

‘ (xviii) employed, otherwise than in a clerical capacity, on any estate not less than ten acres in extent, whether held by one person or by more persons than one as co-owners, and whether in one block or in two or more adjacent blocks, which is maintained for the purpose of growing cinchona, coffee, rubber or tea, or such other products as the Governor General in Council may, after giving not less than three months’ notice of his intention so to do, specify in this behalf by notification in the Gazette of India ; or ’.”

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

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

Mr. President (The Honourable Sir Shanmukham Chetty) : The House will resume consideration of Mr. Morgan's amendment No. 23.

Mr. A. G. Clow : Sir, I find it somewhat difficult to follow the object of this amendment. The first effect is clearly to substitute for the criterion of numbers employed, a criterion based on acreage. Mr. Morgan informed the House that in this case it was more suitable, but he did not inform the House why it was more suitable. I confess I am completely in the dark as to why an acreage basis should be better than the basis of numbers. We do generally throughout the schedule adopt the basis of numbers ; we have done so in the present case. In fact, the Select Committee, in deference I think to the views expressed by Mr. Morgan, did reduce the minimum number employed from 50 to 25 in this case. I do not know any reason for altering the form of the definition in that respect.

Mr. R. T. H. Mackenzie (Nominated Non-Official) : Might I explain ? In certain parts of southern India estates owned by individuals or groups of individuals are divided up into small portions which are sometimes not absolutely adjoining one another, and each individual portion of that estate will not be covered by the clause as it now reads as employing 25 persons, whereas if the present suggestion is applied, they would probably be covered.

Mr. A. G. Clow : They must be very small estates, but I can only reply to that, that I cannot see why it should prevent an employer from declaring it to be a separate estate. It would rather be easier to evade the Act by dividing the area than by dividing up the labour force. I think it would be extremely difficult to get a very small labour force separately for each separate lot, but I suppose it is fairly easy to divide the estate up into small pieces.

Mr. R. T. H. Mackenzie : The estates are divided into small pieces and that is why we have put in our definition that an estate need not necessarily be in one block, but it may be a number of blocks. The definition says : " whether in one block or in two or more adjacent blocks, which is maintained for the purpose of growing " various products. As the matter stands at present, each of those individual blocks is regarded as being a separate estate even though they all belong to the same owner or to a number of co-owners.

Mr. A. G. Clow : I notice it refers to adjacent blocks, but I thought from what Mr. Mackenzie said that they were not adjacent but scattered in different places. I suggest to the House that it is safer to go by the criterion of numbers employed.

But the second part of the amendment is infinitely wider in its sweep, for you will notice that Mr. Morgan proposes to confer upon Government the power to include by notification estates growing any other products. In other words, it would be possible by a mere notification to include agricultural labourers on all the larger holdings in India, possibly to include by notification more persons than come under the Act already, to double the number of persons under the Act. Well, Sir, as a bureaucrat it would be ungracious on my part not to acknowledge this touching faith in the

[Mr. A. G. Clow.]

discretion of the bureaucracy. But I suggest to the House that they should watch rather carefully the power they give to extend an Act of this kind by executive action. There is already in the Act a clause which gives Government adequate power in the case of hazardous occupations, and I suggest that that goes quite as far as is wise to go under the circumstances. Sir, I oppose the amendment.

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

“ That in clause 21 of the Bill, for the proposed clause (xviii) the following be substituted :

“(xviii) employed, otherwise than in a clerical capacity, on any estate not less than ten acres in extent, whether held by one person or by more persons than one as co-owners, and whether in one block or in two or more adjacent blocks, which is maintained for the purpose of growing cinchona, coffee, rubber or tea, or such other products as the Governor General in Council may, after giving not less than three months' notice of his intention so to do, specify in this behalf by notification in the Gazette of India ; or ”.

The motion was negatived.

Clause 21, as amended, was added to the Bill.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is that clause 22 stand part of the Bill.

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

“ That in clause 22 of the Bill, after the proposed entries the following new entry be added :

‘ Hookworm—Any process involved in the work on estates or in mining ’.”

Sir, I feel that I should make a confession on this point, and that is that I received my inspiration for this amendment from what I had heard from my Honourable friend, Dr. Dalal, on this subject in the Select Committee.

Dr. R. D. Dalal (Nominated Non-Official) : Sir, on a point of personal explanation. Whenever a Bill is sent to a Select Committee, we are in duty bound to consider it from every conceivable point of view. So, I took an active part in this question in the Select Committee. I have already expressed my views on this subject.

Mr. N. M. Joshi : I am not blaming the Honourable Member for going back upon the view which he expressed in the Select Committee. I am just informing the House that I do not know anything about diseases and I got my inspiration from my Honourable friend, an authority on diseases. Otherwise I would not have ventured to put forward an amendment on this subject which I do not understand at all. I do not know why this amendment should not be accepted by the House. Hookworm is a disease which is prevalent amongst people who follow certain occupations on plantations and in mines, and that disease is due to certain conditions existing in those industries. These conditions may exist somewhere else, but the fact remains that the workmen do get the disease on account of the fact that they work in mines and on plantations where conditions causing hookworm exist. I think this very fact makes the disease an occupational one, and, therefore, it should be included in the list which is given in this Bill. I hope the House will accept the amendment.

Mr. G. Morgan : I cannot say that I quite understand this amendment. Many years ago, I attended a conference on hookworm during Lord

Lytton's governorship in Bengal. So far as I remember, it was a very large conference and we were presented with live hookworms and pictures of people from all over Bengal and Assam in various stages of the disease engendered by hookworm ; but I am perfectly certain I am right in saying that there was no process mentioned as having been the cause of this hookworm disease as far as plantations and mining were concerned. It seemed to me from the discussion that took place that it was more a question of sanitation than of the actual process in an industry and I am sorry I cannot support the amendment of my Honourable friend. If you examine the statistics of hookworm in Eastern India, you will find, I do not know what the actual percentage is, but it is enormous. The disease arises all over the country, and I think I am right in repeating that it is insanitary conditions which are more the cause of the prevalence of hookworm or the continuous spread of hookworm than any process in any industry or plantation. I, therefore, oppose the amendment.

Mr. A. G. Clow : Sir, this amendment was dealt with in anticipation fairly fully by Dr. Dalal yesterday, and Mr. Morgan has added some strong arguments against it. To these, I would only add one further point, and that is that there are two ways of getting compensation for disease. If a disease arises from an accident, whether it is specified or not, you can get compensation ; but in addition to that there are certain scheduled diseases. My Honourable friend, Mr. Joshi, did not make it quite clear to the House what the effect of his amendment would be, because these scheduled diseases are subject to a rather peculiar provision. The Act says that where a workman contracts one of these scheduled diseases and has been employed in the process specified, "the contracting of the disease shall be deemed to be an injury by accident within the meaning of this section and, unless the employer proves the contrary, the accident shall be deemed to have arisen out of, and in the course of, the employment". In other words, the Act virtually takes away nearly every possible defence from the employer in the case of a scheduled disease contracted in a scheduled occupation. The object of that is to avoid unnecessary litigation and difficulty. There are certain diseases so closely associated with certain occupations as to make it a practical certainty that, if a man contracts a disease in the particular occupation, he has contracted it as a result of that occupation. For example, in the Bill itself we are proposing to include compressed air illness, and the scheduled occupation is "Any process carried on in compressed air". It will be fairly obvious to the House that in a case like that it is impossible for a man to acquire compressed air illness except through his occupation. Now, in the case of hookworm, as Dr. Dalal explained, you have enormous percentages of the population, particularly in Eastern India, who are infected. It will be impossible, however, for an employer to prove that they had not contracted hookworm while in his employment, and, therefore, the amendment would place employers generally in an impossible position in resisting claims of this kind. I oppose the amendment.

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

"That in clause 22 of the Bill, after the proposed entries the following new entry be added :

'Hookworm—Any process involved in the work on estates or in mining'."

The motion was negatived.

Clause 22 was added to the Bill.

Mr. President (The Honourable Sir Shanmukham Chetty) : The question is that clause 23 stand part of the Bill.

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

“ That in clause 23 of the Bill, for the proposed Schedule IV, the following be substituted :

‘ SCHEDULE IV.

(See section 4.)

Compensation payable in certain cases.

Monthly wages of the workman injured.		Amount of compensation for		Half-monthly payment as compensation for temporary disablement of adult.
		Death of adults.	Permanent total disablement of adult.	
1		2	3	4
More than	But not more than			
Rs.	Rs.	Rs.	Rs.	Rs. AS.
0	10	600	840	Half his monthly wages.
10	15	600	840	5 0
15	18	600	840	6 0
18	21	630	882	7 0
21	24	720	1,008	8 0
24	27	810	1,134	9 0
27	30	900	1,260	10 0
30	35	1,050	1,470	10 0
35	40	1,200	1,680	10 0
40	45	1 350	1,890	11 4
45	50	1,500	2,100	12 8
50	60	1,800	2,520	15 0
60	70	2,100	2,940	17 8
70	80	2,400	3,360	20 0
80	100	3,000	4,200	25 0
100	200	3,750	5,250	30 0
200	..	4,500	6,300	30 0 "

This Schedule deals with the rates of compensation for certain types of accidents. This is one of the subjects on which several Members, who took part in the discussion of this Bill, expressed their views. Some said

that if they accepted the proposals of my amendment, industries might be ruined, and the Honourable Member in charge of the Department said, it would mean being generous at the cost of some other people and that he would like to hold the balance even. I do not know much about holding the balance even. I was never a grocer. As regards showing generosity at the cost of others, I plead guilty to that charge, but, at the same time, if I am to accept the Honourable Member's view that Government will never be generous at the cost of others, it will mean that the Government can never be generous, because Government have always got to be generous at the cost of others. My amendment seeks to restore the original proposals which Government themselves have made as regards the rates of compensation. These proposals had also the unanimous support of the Royal Commission on Indian Labour. Government somehow after the introduction of the Bill came to the conclusion that the rates were unfair. I do not want to go into the question of how the Honourable Member was persuaded to change his view. I do not know what influenced him very much. I shall not touch on that question today. I shall first explain to the House what my amendment means and what is going to be the burden on the industry if my amendment is carried. Yesterday when the Honourable Member in charge of the Department spoke on this subject, he said after all why I should complain about his going back as after all he had made changes only in four items. That is what his argument was. There are many items in each column and he said that he changed only 4. Now, I would like those Honourable Members who wish to follow his argument to turn to page 12 of the Select Committee's Bill.

The Honourable Sir Frank Noyce : May I correct the Honourable Member ? I said that four items in columns 2 and 3 have been changed. I also mentioned that 3 items in column 4 have also been changed.

Mr. N. M. Joshi : He said 3 items out of 4.

The Honourable Sir Frank Noyce : 3 items out of 4 ?

Mr. N. M. Joshi : That is what you said.

The Honourable Sir Frank Noyce : I said nothing of the kind. What I said was that 4 items in columns 2 and 3 have been changed, and 3 items in column 4 have been slightly changed. It means that 11 items out of 51 have been changed.

Mr. N. M. Joshi : If you will look to page 12 and column 2, you will find that he has made some changes. In the original Bill, the first item was Rs. 600 ; he has changed Rs. 600 into Rs. 500. The second item was Rs. 600 ; he has changed it into Rs. 550.

The Honourable Sir Frank Noyce : I am very sorry to interrupt the Honourable Member again, but he continues to say that I have changed this and that. May I point out to him that we are here dealing with the report of the Select Committee. If he would be good enough to say that the Select Committee has changed this and that, it would be a more correct representation of the facts.

Mr. N. M. Joshi : I apologise to the Honourable Member. If he wants the Select Committee to share the responsibility, I am quite prepared to leave the credit or discredit also to the Select Committee. But the Honourable Member will admit that the Select Committee acted under his guidance in this matter. Well, Sir, I am prepared to say that it was the Select Committee and not the Honourable Member alone which made these

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changes. The Select Committee changed the second item from Rs. 600 to Rs. 550. In the first column, they also changed the item of Rs. 3,750 to Rs. 3,500 and from Rs. 4,500 to Rs. 4,000. Now, Sir, the Honourable Member thinks that after all the changes in these items are not a serious change and that he has allowed the other items to be retained as they were. Now, Sir, I would like the House to understand this that it is in these 4 items which he has changed that there was substantial increase in the rate of compensation. In the other items in some cases there is absolutely no increase at all provided in this Bill. Now, where no increases were provided at all, how could the Honourable Member show either any generosity or hold even the balance even. He can say that it was a great mercy on his part that he did not propose that the rates given to the workman for the last 10 years were not reduced by him. What is the use of his taking credit that he did not make any changes in those items. Now, take those people who received Rs. 21 a month. What do they get under the present Act? They get 30 times their wage; they get Rs. 630. The same amount is provided for in the Bill. How could the Honourable Member make any change there unless he really wanted to reduce the rate already given. Therefore, what is the use of taking credit that he only changed a few items. I am not suggesting, Mr. President, that he did not allow any increase to remain. There are certain items in which the increase has been small and he has allowed that increase to remain. But where the increase was substantial, he has made changes. That is really the point. Now, Sir, if you will follow the figures given on that page, you will find that the Royal Commission and the original Bill gave substantial increases to two classes of workers. Firstly, those who were the lowest paid, people whose monthly wages were, say, up to Rs. 10. They gave a very substantial increase there. Under the old Act a man getting Rs. 10 as his monthly wages got a compensation of Rs. 300. The Royal Commission proposed that he should be given instead of Rs. 300, in the case of death, Rs. 600. It was a substantial increase. They also substantially increased the compensation given to people whose wages vary from Rs. 10 to Rs. 15. A man getting a monthly wage of Rs. 15 under the present Bill would get compensation of Rs. 450; the Royal Commission recommended Rs. 600; and the Honourable Member has reduced it to Rs. 550. Then when we go down, you will find that in some cases there is absolutely no increase and in some cases there is a very small increase. Take, for instance, a man whose wages are from Rs. 18 to Rs. 21. The man who gets Rs. 18 has a certain increase in the rate of compensation; the man who gets Rs. 19 has a little less increase; the man who gets Rs. 20 has a still lesser increase and the man who gets Rs. 21 has absolutely no increase at all. What the Select Committee have done is that where the increase was substantial, they have reduced it; but where the increase was very small indeed, they have kept it where it was. Now, Sir, they have also made a change in the case of those whose wages are higher, that is, people whose wages vary from Rs. 100 to Rs. 200 per mensem. Under the old Act, they got the maximum compensation of Rs. 2,500. The Royal Commission and the original Bill proposed that they should get compensation of Rs. 3,750. In the case of those people whose salaries or wages were more than Rs. 200, the maximum proposed in the original Bill was Rs. 4,500. That has also been reduced now to Rs. 4,000. Now, Sir, it is clear that the Honourable Member has reduced the compensation where the compensation was

substantial. Why should he have done that ? After all, the number of people who are affected by the increases is much smaller than the number of people in whose case the increase is not very substantial. Take for instance those people whose wages vary from zero to Rs. 10. Let us remember, these wages are the wages of adult workers. I ask, what is the percentage of adult workmen in India whose wages will vary from zero to Rs. 10. The number will be very small. Therefore, the total effect upon the country is not likely to be very great even if the increase is large. But the Royal Commission recommended a substantial increase in this case for a very good reason. After all these people are paid very low wages and there must be some minimum below which compensation should not go. They fixed the minimum at Rs. 600. It is not the fault of the man that circumstances compelled him to work on such a small wage as Rs. 10 a month. The Royal Commission thought and the Government at one time accepted that view that even though it may be the misfortune of that man to accept a small wage of Rs. 10 in the matter of compensation he should not be penalised, but he should get a certain minimum rate of compensation. In the case of those people whose wages are higher, there also the Royal Commission increased the rate because in the present Act the rate of compensation given to people whose salaries were high was very meagre. The maximum fixed by the present Act is Rs. 2,500 which is a compensation for death in the case of a man whose salary is more than Rs. 100, and this is much less than what is due at the rate of thirty months' wages which is given to others. The compensation of Rs. 2,500 will not support the family of a man whose salary varied from Rs. 100 and more. It is for that reason the Royal Commission recommended that it should be increased. After all, here again, the burden on the industries of the country is not likely to be very great. What is the number of workmen in Indian industries whose monthly wages will vary from Rs. 100 and more ? Their number is bound to be small and so the total burden on the country is not likely to be very great. The largest number of people will be covered by the intermediate classes. Therefore, even if the proposals of the original Bill and the Royal Commission were accepted, these proposals apply to a smaller number of people and although the increases are substantial, the total burden on the industries of the country will not be very large. If there had been substantial increases in the rates of compensation paid to the intermediate classes, then I am sure the burden would have increased substantially. I would like to deal now with the actual effect if my amendment is carried. I will give my estimate of the total burden of my amendment. The latest report published on the working of the Workmen's Compensation Act has given certain figures of the total amount of compensation paid during the year. I think the total amount of compensation paid during 1931 was 10 lakhs. The Royal Commission has estimated that the total number of workers covered by the present Act is about four millions. So the present Act throws a burden of 10 lakhs of rupees on industries which employed 40 lakhs of men and the burden of workmen's compensation per employee employed by these industries is about four annas per year. Nobody can say that this burden is too much. You would like to know, Sir, what is going to be the additional burden which will be thrown on these industries if my amendment is carried. It is true that in the case of some categories of workers there is, say, an increase of 100 per cent. But, as I have said, the

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number of people who will be covered by that 100 per cent. increase is extremely small. People who have got 100 per cent. increase are those people whose wages vary from zero to Rs. 10. What will be the total number of such men? If you make an estimate of the total increase in the average rate, my own estimate is that there will not be more than 10 per cent. average increase over the rates given in the present Act. In order that my argument may not be vitiated by a slight mistake here or there, I am prepared to say only for the sake of argument that the average increase given by the original Bill and by the proposals of the Royal Commission and by the proposals made in my amendment will not be more than 20 per cent. I am sure, the estimate of the Honourable Member in charge of Industries and Labour will not go beyond 20 per cent. increase on the average rate if you take all these categories of workers together. In 1931 the total amount spent was 10 lakhs. Suppose there is an increase of 20 per cent. on that. The total amount spent on workmen's compensation will be 12 lakhs. This will not be much greater burden. If you accept my amendment the additional burden on the industries of the whole country will be about two lakhs a year. Is this a burden which will affect injuriously the industries of the country, if you take into consideration that some of the industries are not very small industries not running with small capital? Consider these two lakhs being spread over, say, the cotton textile industry in the whole country, the jute industry of the country, the mining industry of the whole country, the shipping industry of the whole country, the docks and the railways in the whole country. Will the burden of two lakhs distributed over all these industries injuriously affect any one of these industries. This bogey of the industries suffering is started just to justify the action of the Select Committee. The Select Committee made a mistake and, therefore, those people who were members of the Select Committee must justify their action. My Honourable friend, the Member in charge of Industries and Labour, may say or the members of the Select Committee may say that this Bill is also increasing the number of people who will come within the scope of legislation. It is true that we are bringing in new classes of workers within the scope of this legislation. The Royal Commission has given certain estimates of the number of people who will be brought within the scope of this recommendation. The Royal Commission estimates that about one million more people will be brought within the scope of this legislation. The recommendations of the Select Committee perhaps have gone a little further. I take it that the total number of additional men to whom this legislation will apply will be 2,500,000. Now what will be the total compensation? When the total number of workmen covered was four millions, the total compensation was 10 lakhs. Suppose we extend the sphere of the Compensation Act and include 2,500,000 people more, the additional compensation will be about six lakhs and another lakh of rupees will be added on account of increased rates. Thus the total burden of my amendment is three lakhs of rupees. Is this going to affect injuriously any one of the industries in the country? We need not talk of being generous at the cost of others and we need not talk of the industries being in danger. The burden is too small. It is true the Honourable Member and the Select Committee both state that the prices have gone down and, therefore, the value of the present rates of compensation has gone up. Now, Sir, I should like to ask the

Honourable Member and the members of the Select Committee one question. It is true that the prices have gone down, but is it a blessing or a curse? I do not know what the opinion of the Honourable Member is and what the opinion of the members of the Select Committee is on that point. If it is a blessing, by all means stabilise it, and then take advantage of the fall in prices and say that the rates of compensation need not be higher. But if the present low level of prices is a curse, certainly neither the Honourable Member nor the members of the Select Committee would want these prices to be stabilised. If you do not want the prices to be stabilised, I take it that the Government of India, helped by the members of the Select Committee, will see that the prices are raised. If that is so, it is a wrong policy to base your proposals for the rates of workmen's compensation on the present low prices.

Mr. S. G. Jog (Berar Representative) : How would the raising of the commodity prices benefit the disabled people?

Mr. N. M. Joshi : This argument of prices is not mine ; it is an argument to which the Honourable Member has given his approval in the Select Committee. I suggest to the members of the Select Committee that it is wrong to keep the prices at that low level. Therefore it is wrong to base your legislative proposals on the present low level of prices. I, therefore, hope that the Honourable Member and the members of the Select Committee will not make use of this present low level of prices as an argument against the increase of the rate of compensation.

Then, Sir, I would also suggest to the Honourable Member and the other members of the Select Committee to consider this that it is true that the present level of prices is very low. But let them study what the world is doing in order that the present low level of prices should be raised. Let the Honourable Member in charge of the Department as well as his friends on the Select Committee study what President Roosevelt is doing in order that the price level should go up. He is not thinking of reducing the rates of workmen's compensation. On the contrary he is by dint of his power increasing the wages in the country. He is shortening the hours of work ; he is trying to put more money into the pockets of the working classes of America in order that the price level should be raised. Therefore, do not talk of these low prices. It is wrong to stabilise low prices and to base your legislative proposals on the present low prices. If your object is to increase the prices, unless you give a little more money to the working classes your level will not be raised. I, therefore, feel, Sir, that this argument of prices is a very wrong one and is fallacious. Sir, I do not wish to take up any more time of the House, but I am sure the Members will recognise that I have shown that my amendment which had the distinguished and powerful support of the Government of India of few months ago and of the Royal Commission on Labour and which is not likely to cost to the industries covered more than three lakhs of rupees should be accepted.

Mr. G. Morgan : Sir, I am sorry I cannot support the amendment moved by my Honourable friend, Mr. Joshi. The reasons for the changes made in the Select Committee,—leaving out the question of the low prices which point I will not argue at all,—are given very fully in paragraph 4 of the report. On my Honourable friend's showing, the

[Mr. G. Morgan.]

Royal Commission made a minimum of Rs. 600. That may be quite true. The changes made by the Select Committee on the two lowest, were for the reason, if I remember rightly, that a man getting Rs. 10 under the original Schedule and the Schedule as per my Honourable friend's amendment is exactly the same as the man who will be getting on the basis of wages of Rs. 18. And I think, if I remember rightly, the argument was that there should be some differentiation. As the report shows, the increase is very considerable even on the basis of Rs. 500 for wages of Rs. 10. I do not think that any one can cavil at the amount as stated in the Schedule in the Bill.

With regard to the last two, the others remaining the same, the amount has been reduced from 3,750 to 3,500 and from 4,500 to 4,000 in the case of death and from 5,250 to 4,900 and 6,300 to 5,600 in the case of permanent disablement—a very large increase over the rates in the present Act—over 60 per cent. My Honourable friend, Mr. Joshi, has claimed that it is a very small amount for the industries to pay. I am prepared to grant that, if it were possible, when accidents occur, for each individual industrialist or owner of a concern to pay *pro rata* a percentage of the claim. Then this two or three lakhs would be all right. But it is the individual concern to whom the accident refers, who has to pay the claim.....

Mr. N. M. Joshi : I am talking of voluntary insurance.

Mr. A. G. Clow : But you did not allow for any insurance expenses.

Mr. G. Morgan : What I want to bring out is this : my Honourable friend, Mr. Joshi, labours the question of the small amount which the industries and employers would have to pay in such large industries as cotton textiles, jute, etc. I grant that as a whole. But the individual concerns in which the injury occurs have to bear it ; it is not spread over the industry as a whole.

I am sorry I cannot support my friend, because although I am accused of voicing always the capitalist ideas and feeling in this House, I can assure him that I have every sympathy with labour and I think for the past two years or so even those awful people, called the capitalists, have certainly come to the conclusion that the care of labour and the wage-earner is the most important part of any industry, and I am perfectly certain that everything will be done to give the labourer a square deal in the matter. But I do not think my friend's arguments can hold good at all in this case, and the Schedule, as attached to the Select Committee's report, is, in my opinion, ample and provides a very large increase over the previous rates for death and disablement. I, therefore, oppose the amendment.

Mr. S. G. Jog : Sir, it is not out of a mere sentiment of tenacity that I am rising to support the report of the Select Committee. I will be really glad if my friend's amendment is approved by the House and I will be really glad if the workers get anything more as suggested by my friend. It is not because I have put my signature to the Select Committee Report that I am rising to justify the action taken by us. I must congratulate my friend, Mr. Joshi, upon the elaborate explanation he has given of the Schedule. He has clearly mentioned that in the case of workers getting low wages, the amount which they should

have got under the Act has been reduced by Rs. 100. He has also pointed out several other things where the workers have been affected. On a mathematical calculation, he has shown that the only increase of the burden on the industries will be to the extent of three lakhs of rupees. I should like to give my friend the assurance that matters like these cannot be settled by mathematical calculations. Take a general and broad outlook of the whole thing. You cannot apply mathematics to everything. As said by my friend, Mr. Morgan, with each individual case probably it may work hard ; at the same time other industries may not be hit at all : we have to look at it from a broad point of view. If, as a matter of fact, my Honourable friend feels.....

Mr. G. Morgan : Sir, may I explain ? What my friend says is not quite correct. I did not use the word "hardship". I said that my Honourable friend, Mr. Joshi, was not quite correct in saying that the burden on the industries was only three lakhs. If it was distributed *pro rata* among the whole of the industries, it might not be much : what I said was that individual concerns would have to find the money. I did not say that it was a hardship. I did not introduce the word and I will not use the word "hardship". I only wanted to point out that it was the individual concern which would have to pay and that the amount of three lakhs was not spread over the whole industry.

Mr. N. M. Joshi : May I interrupt the Honourable Member and say this : that I spread the three lakhs over the whole industry, because there is a method possible for the employers in industry to insure against this risk and to spread the risk over the whole industry so that the risk should not fall upon the few individuals in whose factory or works the accident took place. If the employers do not choose to insure, then they will suffer ; but the method of spreading the burden over the whole industry is open to that industry.

Mr. S. G. Jog : I do not think that suggestion comes within the scope of the Bill before us.

Mr. N. M. Joshi : It is a voluntary insurance.

Mr. S. G. Jog : We are not concerned with that now. My friend, Mr. Joshi, has also asked whether the present low level of prices is for the good of the worker or to his disadvantage. But we are not concerned now with this wider question which has puzzled many people. He has gone beyond the legitimate scope of the present Bill and has brought in Mr. Roosevelt and world prices and the world depression. I think we should restrict ourselves to the present issue before us. The present issue is that in case of death and disablement what compensation should be given which will keep that disabled man alive for the rest of his life. In old days what he used to get for Rs. 50, he can get now for Rs. 40. We are not at all concerned as to the raising of the price level : we are concerned as to the price we are paying as compensation for disablement or death and what will put him in a proper position to keep alive. In coming to this conclusion, we exercised our own independent judgment and, after exercising that judgment, we put our signature to this report. I would like to draw the attention of the House as to what induced us to change the rates :

"The increases proposed by the Bill in these classes are heavy and it seemed to the majority of us impossible to ignore the fact that, since the Royal Commission reported, there has been a very substantial change in the price level."

[Mr. S. G. Jog.]

I admit that we have been influenced by this fact :

“ The increases proposed by the Bill in these classes are very heavy and it seemed to the majority of us impossible to ignore the fact that, since the Royal Commission reported, there has been a very substantial change in the price level. The Commission indicated that their proposals were based on conditions prevailing in 1929 and early 1930. Since then the prices have fallen to a much lower level and wages have been reduced to some extent. The greater part of the Schedule is based directly on wages, and, therefore, reductions in wages make themselves felt automatically in reducing the amount of compensation. But this does not hold good at the extreme ends of the Schedule, for the maximum and minimum are fixed sums.”

The main consideration that influenced us in coming to our decision in this matter was what would put the disabled worker in a proper position. I should like to point out to my friend that, after all, this law of granting compensation to workmen is a progressive legislation. Each time we will have to judge by the circumstances that exist, and I think we will have to revise the present scale of compensation if the world conditions change, if the commodity prices go higher. This is only progressive legislation, and I think if we compare the present law with the old legislation, we have made sufficient progress. It is very difficult to lay down any hard and fast rule, it is very difficult to draw an exact line as to what should be the exact amount of compensation. We have to draw the line somewhere. We thought that the present Schedule would meet the present requirements of the workman and will certainly improve his lot. That was the thing that chiefly influenced us in coming to our present decision, and I would suggest that for the time being my friend Mr. Joshi should remain satisfied with the Report of the Select Committee to which we have attached our signatures, because we have arrived at these figures after a good deal of thought and consideration. With these words, Sir, I support the Select Committee's Report, and it is with great pain that I have to oppose Mr. Joshi's amendment, although I would be glad if his amendment were passed.

Mr. B. V. Jadhav : Sir, I am really surprised at the halting support which the Honourable gentleman who just sat down has given to this amendment. The main argument on which the majority of the Select Committee tried to justify the reduction in the first two items of the Schedule from the amount laid down by the Royal Commission is the low prices that are now prevailing. But every one knows, Sir, that the present low prices are not permanent, and every one knows that the low prices should disappear, and a proper scale of prices should return as early as possible. The prosperity of the country depends upon that, and every one knows that even the revenues of the Government will be affected if the present scale of low prices remains for any length of time. But my friend from Berar recommends that when the prices rise, the scale in the Schedule might be raised. He ought to remember that legislation is not changed every now and then. Prices may fall in one month, and they may rise in another month, and the Government cannot take that kind of thing into consideration at all. When the Workmen's Compensation Act was first passed, a scale was prescribed, and the same scale remains up till now. A little increase has been proposed by the Royal Commission, and that too is sought to be whittled down by,—I shall not say by the Honourable Member opposite,—but by the Select Committee behind which he wants to shield himself. It was not due to the attitude of the non-official members of the Select Committee that this reduction was proposed. The proposal

first came from the Government side, and the capitalist section of the Select Committee eagerly caught the idea, and thus the majority was formed and they whittled down the scale which was thought to be adequate and just by the Royal Commission.

Now, Sir, let us take each item,—the monthly wages of the workman injured, but not more than Rs. 10—the Royal Commission recommended that for the death of an adult getting that amount of wages the compensation should be Rs. 600. Now, the Select Committee has reduced it to Rs. 500. Every one knows that an adult who gets Rs. 10 a month is a mere novice in an industry ; he has to learn there ; he will not know much about any industry, but as his knowledge increases, as his experience increases, he will get higher and higher wages. So if an adult at the age of, say, 18, 19 or 20 loses his life in the beginning of his career, then in paying compensation the point ought to be considered that he was the prop of his family, he was the hope of his family. If he is suddenly cut away by an accident when working in the factory, then the whole family is ruined, and it is only natural to expect that some substantial compensation should be paid to his family in consideration of the fact that their future hope is taken away ; his aged mother or aged father were looking up to him for support in their old age ; his younger brothers might have been expecting support from him, or his younger sisters needed his help for their marriage, and so on. We should not merely look to the wages that he was getting at the time he lost his life, but we should look to the potentialities, because by his death the whole family is ruined. So the scale proposed by the Royal Commission of Rs. 600 in such a case is not very excessive or extravagant, and to suggest that a man getting Rs. 10 or a man getting Rs. 15 and a man getting Rs. 18 should be assessed for the same sum is, to say the least, absurd. It is not the actual wages that a man was getting that should be taken into consideration, but the potentialities of his future advancement and his future higher wages that should be taken into account. Sir, in the same way the Royal Commission recommended for the higher salaries of Rs. 100 and Rs. 200,—sums which the Select Committee has thought fit to reduce. In the Select Committee, to make a compromise, I proposed that I would accept the lowering down of the scale for the higher wages on condition that the scale was not reduced for the poorer man, but then we were outvoted ; we appeal to this House to right the wrong and to accept the amendment so ably moved by Mr. Joshi.

Mr. M. Maswood Ahmad (Patna and Chota Nagpur *cum* Orissa : Muhammadan) : When I see the amendment and the original provision in the Bill, I find it very difficult either to support or to oppose to amendment. Had the amendment been in the form that there would be increase for the men who were getting low wages, such as Rs. 10, 15 or 20, I would have supported it. I find in the amendment an increase is proposed for men who will get Rs. 10, 15 or 18, but for men getting Rs. 24, 27 or Rs. 30, and so on, up to Rs. 100, no increase has been suggested. And for men getting Rs. 100 and more, some sort of increase in the compensation has been proposed by my Honourable friend, Mr. Joshi. Again, when we see the fourth column, we do not find any increase for men who get low pay, such as Rs. 10 or 15, or men who get Rs. 100 or 200, but in the middle there is some increase. Though I have got every sympathy with labour, I find that this amendment is not consistent, and so I oppose it.

The Honourable Sir Frank Noyce : Sir, I have very little to add to the able defence of the Select Committee's report which has been made by

[Sir Frank Noyce.]

my Honourable friend, Mr. Jog. There is one point on which I should like to remind Mr. Joshi, and that is that it was not I who introduced this Bill. He wishes to know what has caused a change in Government's views since the Bill was introduced. He wanted to know why the scales have been altered since then. I did not introduce the Bill, but I have no doubt that, if I had, I should have adopted the course which my predecessor did, as regards the inclusion of the scales shown therein. I would remind the Honourable Member that, after this Bill was introduced, it was circulated for opinion, and as he knows, perfectly well, we got some hundreds of pages of opinions on the Bill. His argument seems to me to be that Government should in no case listen to the opinions they receive unless those opinions support his view. As I said, when I was moving the motion for reference to a Select Committee, as was naturally to be expected, the labour interests wished the scales to be increased; the employers wished them diminished. The Local Governments, on the whole, were in favour of them and they thought they hit a happy mean; one of them, that of the United Provinces, held that they were too liberal. It was only after consideration of all the opinions that had been received that the Government placed their views before the Select Committee and left it to the Select Committee to decide. Now, Sir, I should like to ask the House to consider the alleged illiberality of our treatment of the first two and the last two classes. I would draw their attention again, as has been done frequently in the course of this debate, to paragraph 4 of the Select Committee's report. If they compare the scales there given with those under the existing Act—I admit comparison is not altogether easy, because the classes under the present Act and those in the Bill are not quite the same—they will see that we are proposing to give the first class Rs. 500 for death instead of Rs. 240, and Rs. 700 for permanent total disablement instead of Rs. 336, which I think I am correct in saying is the amount admissible under the present Act. I am not going to state in detail the differences in the higher classes as I do not think Mr. Joshi is really very interested in those. All I would say is that the increases proposed in those classes under the Royal Commission's proposals were very steep indeed, and even as left in the Bill, are quite liberal. We are giving Rs. 3,500 in one case and Rs. 4,000 in the other for death against Rs. 2,500 under the present Act and Rs. 4,900 and Rs. 5,600 against Rs. 3,500 for permanent total disablement. The point I wish to impress upon the House is that the alterations in the lower scales and in the higher scales are very steep. I have a graph here which conclusively proves that. It, therefore, seemed to Government not unreasonable that some reduction should be made in those scales. I do not propose to follow Mr. Joshi in his discussion of prices. All I would say is that the Select Committee, as had the Royal Commission, had to consider the state of affairs as it existed today. The Select Committee dealt with the facts as they are now and they had to take into consideration the present level of prices. It was not for them to foresee the future. I can only hope that my Honourable friend's belief that prices will rise is well founded.

There is one point to which I should like to draw the attention of the House in dealing with this question of compensation for the two lower classes. What I should like the House to consider is that, when you are dealing with a wage of less than Rs. 10 a month, the amount that the

person is going to spare for his dependants must be extremely small. A person who gets that wage cannot live on nothing and five annas a day does not leave much margin to support dependants. What is the object of compensation? I maintain that it is not to fine the employer, nor is it intended to provide for bereavement as such. The sole object is to provide an insurance against financial loss arising on account of accidents, and I think it can be claimed that Rs. 500 ought to place dependants in these cases in as favourable a position as they were before the accident. As a matter of fact, in most branches of industries, a wage as low as this amount generally represents a part time worker or possibly a woman, and many of those on this wage would be able to afford nothing to their relatives. That, Sir, is the point I wish to emphasise: The sole object of compensation is to provide insurance against financial loss and in the case of work people drawing such low pay, the sums we have provided in the Bill are reasonable and I maintain even liberal. I cannot follow Mr. Jadhav's argument that a workman getting Rs. 10 or less is likely to be the prop of his family. In any case, the Bill does not provide for potentialities; it merely deals with the facts as they exist. I do not wish to detain the House longer, and will only state once more that I am compelled to oppose the amendment.

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

“ That in clause 23 of the Bill, for the proposed Schedule IV, the following be substituted :

‘ SCHEDULE IV.

(See section 4.)

Compensation payable in certain cases.

Monthly wages of the workman injured.		Amount of compensation for		Half-monthly payment as compensation for temporary disablement of adult.
		Death of adults.	Permanent total disablement of adult.	
1		2	3	4
More than	But not more than			
Rs.	Rs.	Rs.	Rs.	Rs. As. Half his monthly wages.
0	10	600	840	5 0
10	15	600	840	6 0
15	18	600	840	7 0
18	21	630	882	8 0
21	24	720	1,008	9 0
24	27	810	1,134	10 0
27	30	900	1,260	10 0
30	35	1,050	1,470	10 0
35	40	1,200	1,680	11 4
40	45	1,350	1,890	12 8
45	50	1,500	2,100	15 0
50	60	1,800	2,520	17 8
60	70	2,100	2,940	20 0
70	80	2,400	3,360	25 0
80	100	3,000	4,200	30 0
100	200	3,750	5,250	30 0
200	..	4,500	6,300	30 0

The Assembly divided :

AYES—19.

Abdul Matin Chaudhury, Mr.
 Aggarwal, Mr. Jagan Nath.
 Badi-uz-Zaman, Maulvi.
 Bagla, Lala Rameshwar Prasad.
 Hari Raj Swarup, Lala.
 Jadhav, Mr. B. V.
 Joshi, Mr. N. M.
 Lahiri Chaudhury, Mr. D. K.
 Lalchand Navalrai, Mr.
 Misra, Mr. B. N.

Mitra, Mr. S. C.
 Murtuza Saheb Bahadur, Maulvi Sayyid.
 Neogy, Mr. K. C.
 Rajah, Rao Bahadur M. C.
 Reddi, Mr. T. N. Ramakrishna.
 Sadiq Hasan, Shaikh.
 Sen, Pandit Satyendra Nath.
 Shafee Daoodi, Maulvi Muhammad.
 Uppi Saheb Bahadur, Mr.

NOES—50.

Acott, Mr. A. S. V.
 Ahmad Nawaz Khan, Major Nawab.
 Allah Baksh Khan Tiwana, Khan Bahadur Malik.
 Bajpai, Mr. G. S.
 Bhowe, The Honourable Sir Joseph.
 Bower, Mr. E. H. M.
 Chatterji, Mr. J. M.
 Chimman Lal, Rai Bahadur Lala.
 Clow, Mr. A. G.
 Cox, Mr. A. R.
 Dalal, Dr. E. D.
 DeSouza, Dr. F. X.
 Fazal Haq Piracha, Khan Sahib Shaikh.
 Fraser-Tytler, Major W. K.
 Ghose, The Honourable Sir Bipin Behary.
 Graham, Sir Lancelot.
 Grantham, Mr. S. G.
 Haig, The Honourable Sir Harry.
 Hazlett, Mr. J.
 Hudson, Sir Leslie.
 Ismail Ali Khan, Kunwar Hajee.
 Jawahar Singh, Sardar Bahadur Sardar.
 Kamaluddin Ahmad, Shams-ul-Ulema Mr.
 Lal Chand, Hony. Captain Rao Bahadur Chaudhri.

Lee, Mr. D. J. N.
 Lloyd, The Honourable Mr. A. H.
 Mackenzie, Mr. R. T. H.
 Megaw, Major-General Sir John.
 Millar, Mr. E. S.
 Milligan, Mr. J. A.
 Mitchell, Mr. A.
 Morgan, Mr. G.
 Mukherjee, Rai Bahadur S. C.
 Noyce, The Honourable Sir Frank.
 Raghubir Singh, Rai Bahadur Kunwar.
 Raisman, Mr. A.
 Ramakrishna, Mr. V.
 Rau, Mr. P. R.
 Sarma, Mr. R. S.
 Scott, Mr. J. Ramsay.
 Sen, Mr. S. C.
 Sher Muhammad Khan Gakhar, Captain.
 Singh, Mr. Pradyumna Prashad.
 Sloan, Mr. T.
 Smith, Mr. R.
 Studd, Mr. E.
 Talib Mehdi Khan, Nawab Major Malik.
 Tottenham, Mr. G. R. F.
 Vazir Muhammad, Khan Bahadur Shaikh Yakub.
 Wajihuddin, Khan Bahadur Haj

The motion was negatived.

Clause 23 was added to the Bill.

Schedule IV was added to the Bill.

Mr. President (The Honourable Sir Shanmukham Chetty) : Order, order, Mr. Mitra.

MOTION FOR ADJOURNMENT.

FACILITIES GIVEN TO MAHATMA GANDHI IN JAIL.

Mr. S. C. Mitra (Chittagong and Rajshahi Divisions : Non-Muham-
madan Rural) : Sir, I move that the House do now
adjourn. By this motion I desire to raise a specific

4 P. M.

issue, whether this Assembly will approve of the attitude of the Government in restricting facilities afforded to Mahatma Gandhi this time, restricting these much more unlike the previous occasion, which has compelled him to resort to fast unto death. I am not actuated very much by any idea of moving a vote of censure on the Government, but I think it my duty to express the public feeling in the country as a representative of the people, as a public man, so that it may not be said later on, as it has been said on other occasions, that while the Assembly was sitting there was no discussion about the treatment that is now being meted out to Mahatma Gandhi. I do not care whether I win or lose at the time of voting. I know the depleted condition of the elected Members on this side of the House and I also know that the Government have got packed benches. I do not blame anybody. The constituencies will take care of the elected Members if they fail to discharge their duties. Those who are present in the House, it is their duty to give expression to their views.

Sir, the policy of the Government is neither logical nor politic. However much one may regret, yet one could appreciate the Government's position if they had maintained the strict rule of law. Whoever breaks the law will suffer the consequences. The Law is no respecter of persons. Fortunately for all, the Government have not accepted that narrow interpretation of law. Laws were made for men, and men were not made for laws ; and I am very glad that Government have followed the spirit and the fundamental ideal of law, and have conceded privileges to Mahatma Gandhi, which have been denied to other prisoners of unblemished character, punished for the same offence under the same law. But I have no fetish for logic as well. I say when once it is conceded that Mahatma Gandhi is not to be treated like an ordinary prisoner, why should be there this petty-mindedness on behalf of the Government ? Whatever we may say here, we all know that Mahatma Gandhi is not an ordinary man. Kingdoms and Empires will vanish into oblivion, but the name of Mahatma Gandhi will still survive. He is a prophet of non-violence and, if I have time, I shall develop how he is fully justified in not even accepting the conditions of Government to secure his own freedom on the condition that he will restrict his activities merely to Harijan work. The Honourable the Home Member said yesterday that " no unreasonable obstacle should interpose to any work which was believed to be of social importance ". That was the manner in which Mahatma Gandhi was treated during his last imprisonment. We congratulate Government for their decision to give Mahatma Gandhi even this time some extraordinary privileges. We also appreciate the high sentiment that actuated Government in releasing Mrs. Gandhi to attend on Mahatma Gandhi during the days of his fast. But I lay stress on my former point. It has been truly said that the great Empires and little minds go ill together. Government can certainly now afford to be generous. What is there which stands in the way of Government allowing Mahatma

[Mr. S. C. Mitra.]

Gandhi the same privileges that were given to him only a few months back. If we analyse the particular items of the differences, it comes to this. Government want to allow him two visitors a day, and not more than that. It stands to reason that it may not be necessary for Mahatma Gandhi to have more than two visitors every day, but on a particular day it may be necessary for him to have interviews with four or five provincial leaders who may like to consult him about the untouchability work. Similarly, there is a restriction about letters. He is allowed to write three letters a day, but when he has to address all the provincial workers, he might, on some occasions, require more letters to be written. If you pay a little attention to these particular items you will find that they are unnecessarily restrictive. It is not to serve any great purpose that these humiliating conditions are now imposed on him. As I have already said, Government should be generous and should do away with these little pin-pricks. It has been said that Government offered Mahatma Gandhi to secure his release on condition that he will restrict his activities to Harijan work only. Those who know Mahatma Gandhi and have any intimacy with his writings know for certain that this condition cannot be acceptable to him. If he is anything, he is a man of very strict and strong principles. He believes in the principle of non-violence and he believes that everything can be attained by civil disobedience. I maintain that civil disobedience by itself cannot be considered as unconstitutional. Of course, when it is taken up in order to subvert the Government, there may be occasions when it may be necessary to declare it illegal or unconstitutional. But every kind of civil disobedience cannot be considered as an illegitimate weapon. To speak of individual disobedience, it requires no argument that it can never be regarded as unconstitutional. Suppose a particular man feels in his conscience that he cannot strictly abide by a particular law, what course is open to him? He is agreeable as an honest citizen to undergo penalties that are enjoined for the breach of these laws. If he willingly suffers the consequences and by his suffering draws the attention of the country and of Government, what is there which is wrong, morally or even legally and that such a man should not take recourse on the principles of individual civil disobedience. Now, it is at least ideally conceded that war is a barbarous method and it is not a civilised method for the settlement of any disputes and thus civil disobedience is the only method by which one can expect to bring round his opponents to his views and settle their differences. It has never been maintained that the actions of the majority are always good and what is left for minority except civil disobedience to resist the evil. Mahatma Gandhi is determined not to hurt the feelings of anybody, but to suffer himself and thus to induce other people to come to the right way of thinking. It is a matter for very attentive and clear thinking. Individual civil disobedience or, as a matter of fact, even mass civil disobedience are not necessarily unconstitutional and illegal. The high ideal that is now gaining ground is I think,—even the International conscience is slowly accepting the view—that for rectifying our wrongs and for settling our disputes, we, as civilized people, should not wage war against each other. What is left, then, except to agree voluntarily to suffer the consequences to get those

wrongs remedied? I maintain that as an honest man and as a great man that he is, Mahatma Gandhi had no other course open to him when he was asked but to tell the Government that he was not willing to secure his liberty restricting his activities to the Harijan work alone.

One other point I should like to make clear and here I shall quote from the Government communique itself that, when facilities were given to Mahatma Gandhi, he did not misuse them in the least. The Government communique says quoting Mahatma Gandhi :

“ I miss Government's response to meticulous care with which I am endeavouring to observe jail discipline and as prisoner tender co-operation which as a citizen outside prison walls I consider it a religious duty to withhold. I have read your notes three times and each reading has increased my grief to discover that Government cannot appreciate the desperate need there is for me to do Harijan work without let or hindrance.”

I think the Honourable the Home Member also admitted that not only in mere technicalities of the rules, but in its true spirit, Mahatma Gandhi kept his word of honour about the restrictions that were imposed upon him on the last occasion. In vain I tried to understand from the Honourable the Home Member how he makes a difference between a State Prisoner and an ordinary prisoner. He had to admit that all these privileges are not allowed to ordinary prisoners. He had to admit under stress of cross-examination by my friend, Mr. Puri, that Mahatma Gandhi is treated differently from other 'A' class Prisoners. I found it even in the communique itself that the Government have admitted it. They say :

“should not be allowed any special treatment. Nevertheless the Government have been reluctant to take action which would be regarded as unreasonable interference with the work of social reform or to take their stand too rigidly on the fact that Mahatma Gandhi is by his own deliberate act a prisoner convicted for breach of the law. In spite of the inconvenience to jail discipline and the anomaly of the position.....”

So it requires no argument from me. Government admit it as an anomaly and that Mahatma Gandhi is not an ordinary prisoner. In the best interest of the country and of the Government themselves they should treat Mahatma Gandhi exceptionally and to accede to his reasonable requests. It is a social work, the same social work for which he was allowed all facilities.

By oppressions and tyrannous acts Government may be carried on for some time, but it is well known even to Government that they can not carry them for all time. It is a very opportune moment and a psychological moment, and I say, Government can be generous and can settle many of our problems and troubles. The people of India will appreciate if Government can bring themselves up to that attitude of mind and offer Mahatma Gandhi the facilities for his work, social work, and I understand the Government do not disapprove of the nature of social work in which Mahatmaji is at present engaged.

Mr. President (The Honourable Sir Shanmukham Chetty) : The Honourable Member has two minutes more.

Mr. S. C. Mitra : I have tried to impress upon the House the point that the Mahatma will not in any way abuse or misuse any of the concessions that will be allowed to him. I think the Government also is

[Mr. S. C. Mitra.]

absolutely certain that there is no risk on that account. When they have conceded to a certain length, no good will be obtained by these half-hearted measures. Either he should be treated as an ordinary prisoner or an extraordinary prisoner. When he appeared before the tribunal, I remember I read in the papers that he did not demand to be classed as 'A' class prisoner. He said he was a farmer and a weaver and that he would be satisfied if he was classed as an ordinary prisoner. Once you concede—it may be that the Honourable the Home Member does not agree that it was for political consideration, let it be from any other consideration—once you concede a certain special privilege it is but right that you should concede the whole of his reasonable demands and thus save the life of this great man who is a great asset not only for this country, I say also for the Government. His ideal of non-violence has saved the country from many a trouble. It may not be known to everybody—I think the Honourable the Home Member knows it well—that this great ideal of non-violence greatly helped in keeping the country very quiet. Do not put any obstacle against the spread of this high ideal of non-violence and Truth, which is India's cherished ideal, by killing this apostle of non-violence. On these considerations, I commend my motion for the acceptance of the House.

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

“ That the House do now adjourn.”

Pandit Satyendra Nath Sen (Presidency Division : Non-Muhammadan Rural) : Sir, I have listened to the speech of my Honourable friend, Mr. Mitra.

[At this stage Mr. President (The Honourable Sir Shanmukham Chetty) vacated the Chair which was occupied by Mr. Deputy President (Mr. Abdul Matin Chaudhury).]

I am sorry to say that I have to oppose the motion. I realise that I am in a rather awkward position, because I will have to oppose not only my Honourable friend, Mr. Mitra, but also many of my friends on this side of the House. But I would be failing in my duty if I would not give expression to my views on this important question.

Mr. Lalchand Navalrai (Sind : Non-Muhammadan Rural) : Do you want Mahatma Gandhi to die ?

Pandit Satyendra Nath Sen : Certainly, I do not. My Honourable friend in this motion refers to facilities for conducting the untouchability movement, although in his speech he referred to the civil disobedience movement also. I will confine my remarks to the untouchability movement only. My Honourable friend has his grievances, but we too have our grievances regarding that movement. Our grievance is not that facilities have been curtailed, rather that facilities should at all have been given to him. You may give him every facility in other directions, but so far as this movement is concerned, when there is a volume of opposition to this movement, it is only reasonable on the part of the Government that they should maintain perfect neutrality which means no change of existing jail rules.

Sardar Sant Singh (West Punjab : Sikh) : May I know whether the Honourable Member is in order in discussing a principle which has already been conceded by Government themselves by granting a few facilities to Mahatma Gandhi to carry on the work of untouchability. The question is whether full facilities should be granted or not. This is the subject of the motion as I understand it.

Mr. Deputy President (Mr. Abdul Matin Chaudhury) : The Honourable Member is perfectly in order in saying that no facilities should be granted to Mr. Gandhi.

Pandit Satyendra Nath Sen : I have every sympathy for a man who, through some mistaken belief or ideals, is about to commit suicide. But I shall be the last person to allow a man any facility for conducting a propaganda which is opposed by a large number of people with all their might, although they cannot create so much noise as is being created by the other party. I do admit that Mr. Gandhi....

An Honourable Member : Say Mahatma.

Pandit Satyendra Nath Sen : We, orthodox people, refuse to call him a Mahatma, because he has got his frailties some of which are more serious than those of ours.

Mr. Lalchand Navalrai : Is that your definition in your Shastras ?

Pandit Satyendra Nath Sen : Yes, a Mahatma should not have ordinary frailties. I do admit that Mr. Gandhi or Mahatma Gandhi if you like (Laughter) is a big personality and, if he were not a big personality, I think he would have been hauled up under some section of the Penal Code for attempting to commit suicide. However that may be, Government certainly cannot identify themselves with a propaganda when there is so much opposition to that propaganda from some other quarters.

So far as the fast is concerned, I think it is as irreligious as the propaganda itself. Mr. Gandhi pins his faith exclusively on the Gita,—a queer insistence indeed ! Be that as it may, the Gita itself condemns such a fast in unequivocal language.

An Honourable Member : What is the *sloka* ?

Pandit Satyendra Nath Sen : I will give it if you want it. This fast as well as its predecessors are intended to achieve some object ; that means, some *kama* or *raga*, i.e., desire or attachment. And in his occasional utterances we come across his rather peremptory orders that such and such thing should be done by such and such date, otherwise he will fast unto death, and so forth. This smacks of what is called *dambha* and *ahankara*, i.e., pride and vanity. Such a fast has been condemned by the Gita. My friend wants the *slokas*. The *slokas* are these :

“ Ashāstra-vihitam ghoram tapyante ye taho janāt
Dambhāshamkāram āsṛitya kāma-rāga-valān-witāḥ
Karsāyantah sarivastham bhūtagrāmam ahetasah
Mām chaivāntah-sarivastham tām viddhyāsure-nischayār.”

And there are other *slokas* also :

“ Yāh shāstra-vidhim utarijya varttate kāma-chāṛataḥ
Na sa siddhim avāpnōti na sukam na parām gatim.”

An Honourable Member : Translate please.

Pandit Satyendra Nath Sen : The first two *slokas* mean this : " Those unwise people who practise severe penance under the influence of desire and attachment, pride, vanity and strength and emaciate their limbs as well as Myself living within are to be known as having a demoniac determination." That is the true translation of the *slokas*. I can see that my Honourable friends on this side are inclined to take exception to the expression " demoniac " but that is not my language. I am simply quoting the text ; I am not responsible for the exact phraseology.

Mr. Lalchand Navalrai : That does not apply to Mahatma Gandhi.

Pandit Satyendra Nath Sen : Yes. His fast is intended to achieve an object and not for the purification of his own self. He wants to screw out something from another party. And the *sloka*, which I quoted last, means this :

" He who does not follow the Shastric injunctions and is pleased to conduct himself according to his own whim does not attain success nor happiness nor salvation."

It may sound strange to some people that Mr. Gandhi failed to distinguish right from wrong, but there is nothing strange in it ; because the same Gita says :

" Pravrittim cha nivrittim cha janā na vidur āsurāh."

" Those who are under an evil influence cannot discern what is right and what is wrong."

There is nothing strange in it. He may be a Mahatma, but at times it is quite possible that he fails to be a Mahatma, because there is a constant conflict between good and evil in every individual. You may be a Mahatma just now, but the next moment you may turn out to be a *durātma*.

Sir, under the circumstances I think the right course for every well-wisher of society would be not to give him undue facilities for carrying on an unholy propaganda, but to dissuade him from undertaking such an unholy fast. And my suggestion to Government is that they should forthwith release Mr. Gandhi and we should like to see what he can do against us openly without being allowed to attract some artificial sympathy from the people for his unholy work.

Rao Bahadur M. C. Rajah (Nominated Non-Official) : Sir, you have just now listened to the graceful speech of Pandit Sen. It is his pride and vanity that he should obstruct Mahatma Gandhi's great work on behalf of the depressed classes. He belongs to the 18th century. Let me not touch him ; I leave him alone.

Sir, first of all let me thank the Government of India for giving Mahatma Gandhi unlimited facilities during the last September fast for inaugurating a movement for the abolition of untouchability in India. That act of Government did really help the cause of the depressed classes to a great extent. There is no doubt that Mahatma Gandhi is sincere in raising the status and condition of the depressed classes whom he calls Harijans,—God's people.

Pandit Satyendra Nath Sen : And are the others Satan's children ?

Rao Bahadur M. C. Rajah : Might be ; if the cap fits them, they can put it on.

His personality, his influence and the position he occupies in the Indian society are factors to be counted that go to help the cause he has so nobly undertaken. Sir, I was glad to learn from the reply of the Honourable the Home Member to the short notice question yesterday that there should be no obstacle interposed to any work which is believed to be of social importance. So the work that Mahatma Gandhi has undertaken is of social importance. I was also glad to hear that Government do not want to appear to be impeding the efforts to raise the status and condition of the depressed classes. The *raison d'être* of British rule in India is to secure just treatment for the depressed classes and to stimulate and guide progress among weaker communities, and one of the justifications of British rule in India is the rendering of justice to, and the liberation of, our oppressed communities. Therefore, they should welcome a movement in the Hindu community itself to reform its religious practice in respect of the treatment and status accorded to the depressed classes. This is what Mahatma Gandhi is doing by inaugurating the movement and pushing it through. It is but right that every facility should be given to him for the prosecution of this very important movement.

Sir, whatever the Government may say, we are all convinced that the Government are treating him as a special prisoner and not as an ordinary prisoner and they have been giving him extraordinary facilities and concessions. Was not Mahatma Gandhi allowed to interview Lord Irwin in New Delhi half naked ? Was not Mahatma Gandhi allowed to go in a motor car to interview His Excellency Lord Willingdon in Simla ? Had he not an audience with His Majesty the King in London half naked, while he was attending the Round Table Conference ? Did not the London police suspend all traffic regulations for him when he was in London attending the Round Table Conference ? Now that he is in hospital, you have rightly released Mrs. Gandhi so that she may attend on him.

When he began his fast in September last in the Yerrawada prison, you gave him all facilities to discuss the question of the system of electorates for the depressed classes with the leaders of the Hindu communities. Subsequently you gave him unlimited facilities for carrying on the Harijan work and you say you gave him such facilities on account of the position that he occupies with reference to the Harijan movement.

Mahatma Gandhi did not misuse those concessions. I have no doubt Government are interested in the work of the amelioration of the depressed classes and the abolition of untouchability. Then, why not allow him the facilities you once gave him to conduct the very same work ? I do acknowledge, and I acknowledge it gratefully, that Government have done in the past something for the amelioration of the condition of the depressed classes. It was His Excellency Lord Willingdon that inaugurated the movement in the Madras Presidency when His Excellency was the Governor of that province, and I know he has the interests of the depressed classes at his heart. But you cannot go forward to abolish untouchability. You say "We can go this far and not further". But here is a man whom you acknowledge having a position in the Harijan movement, with ability, tact, knowledge and influence, coming forward to carry on the work, and I dare say if he is given such facilities he will achieve tremendous results.

Mr. R. S. Sarma (Nominated Non-Official) : Sir, I listened to the eloquence of the Mover very carefully and though I should like to congratulate him on the sober tone and the pleasant temper of his speech this afternoon, I fail to find even a single argument in favour of the motion that he initiated. On the other hand, the whole of his speech was a passionate appeal to the Government to give greater facilities to Mr. Gandhi for his Harijan work. If this motion, instead of being one of censure against the Government for the unsatisfactory reply of the Home Member yesterday, had been a straight Resolution or a motion recommending to the Governor General to give Mr. Gandhi all the facilities that he enjoyed before, I for one would have wholeheartedly supported him and I am not sure whether out of respect for the feelings of this House or to the appeal made by the Members of this House, Government would not have reconsidered their decision and sympathetically responded to their request. But this motion is one of censure against the Home Member.....

Mr. D. K. Lahiri Chaudhury (Bengal : Landholders) : It is not a motion of censure : it is definitely stated by the Mover of this motion that it is not a motion of censure.

Mr. R. S. Sarma : No, Sir. This motion is one to secure Government regarding the unsatisfactory nature of the Home Member's reply. What was the unsatisfactory nature of the replies given by the Home Member yesterday ? It was sought to be made out in the course of that long cross-examination yesterday that Mr. Gandhi was a great personality, that it was in virtue of that personality that certain privileges were given to him on the first occasion and that the same privileges should now be given because he continues to be the same personality ; and if you now withdraw certain privileges that you gave him on the first occasion, you are lacking in the observance of certain principles. I will answer these two points at once. In the present instance to my mind from the replies that emanated from the Honourable the Home Member yesterday, it was evident that there were three issues before the Government for consideration before taking the step they took. The first was the strict observance of the jail regulations ; the second was the great personality of Mr. Gandhi, and the position he held towards the Harijan movement ; and the third was the request that Mr. Gandhi himself had made in this connection. First, as the Home Member said, it was necessary from the point of view of the Government that jail discipline ought to be enforced. With regard to the second point Government felt that in view of the great public interest in the Harijan movement and Mr. Gandhi's desire to further the interests of that cause, Mr. Gandhi ought to be given certain privileges for doing his Harijan work, however, limited it might be. With regard to the third request, Mr. Gandhi himself, before the magistrate who sentenced him, made the following statement :

" I intensely dislike the classification of prisoners into A, B and C classes. I have no desire whatsoever to enjoy special comforts which for other prisoners are denied. I would like to be classified along with those whom Government considers to be the lowest."

Therefore, taking into consideration the observance of jail discipline, taking into consideration the Government's sympathy towards the Harijan movement and the great position which Mr. Gandhi held, and taking into consideration also the request of Mr. Gandhi himself, I

think Government made a fair compromise and gave him limited opportunities of service. But there is no question of principle involved in this. Of course it may be that this cannot be defended on principle, that while you could give him facilities on one occasion why should you deny it on another occasion? In this world we have to make compromises; and however much compromises may be indefensible on principle, it is always found out in practical life that they are the best *via media* and satisfactory to all parties. That is why I think they gave him this limited opportunity of service. If the Members of this House really want Mr. Gandhi to be spared, if they really want that this work should go on, if they are really anxious that he should continue this Harijan work, then, instead of making an appeal to the Government, I think they would be well advised in making an earnest appeal to Mr. Gandhi himself to give up his fast and to use the limited opportunities that have been given to him for the Harijan work; or if he wants to get wider opportunities, to accept the very graceful offer that the Government have made that they are willing to release him so that he may do wholehearted service for the Harijan movement if he abandons the Civil Disobedience Movement.

Sardar Sant Singh : Sir, unlike the Mover of the Resolution, I must censure the Government if in my humble opinion I find that the Government are pursuing a policy which is harmful to the best interests of my country. I have chosen rightly or wrongly to co-operate with the present Government.

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

I must share the responsibility with the Government for the good or evil administration of this country. Therefore I would not shirk the responsibility if it falls upon my shoulder to censure the Government. With these remarks I come now to the attitude taken up by the Honourable Mr. Sarma in connection with this motion. I charge the Government with following an inconsistent policy with regard to Mahatma Gandhi. The Book of Proverbs says—and it is an English book—“Inconsistency, thy name is woman.” I think after hearing the questions and answers on the subject of Mahatma Gandhi's conviction on the floor of this House and after reading the various communiqués and the correspondence that has passed and that has been published, the proverb should undergo a metamorphosis and should read in future “Inconsistency, thy name is the Government of India of 1933.” Why I say so will be made clear in a few words. If I am not wrongly posted with the facts of the arrest of Mahatma Gandhi this time, it was brought about in this way: that Mahatma Gandhi was not arrested under the old rusty barbarous Regulation of 1818, but he was arrested under the newly created weapon, that is to say, the Ordinance which was enacted into law by this House. Within a brief space of two days he was arrested and released, he was re-arrested, tried and convicted. The last act did not occupy more than an hour in its operation. Why was this staged? Did not the Government of India know at the time they ordered the arrest of Mahatma Gandhi under the Ordinance that he would disobey any direction or instructions that might be issued to him? They knew full well that he would not obey the notice that would be served

[Sardar Sant Singh.]

upon him ; they also knew perfectly well that after he was released he would disobey the notice, and he would be tried, he would be convicted by a competent court of law and would be sent to jail. Honourable Members are aware, and it appeared in the Press before the arrest of Mahatma Gandhi, that this time he would be regularly tried and convicted. The position is this. Government deliberately adopted the policy of treating him as a prisoner. They deliberately avoided the reproach this time of keeping him behind the bars without trial. Therefore, they took up the more straightforward course of treating him as a prisoner this time. So far so good. Probably all the formalism to which the law courts are subject were observed. Salmond, in his work on Jurisprudence, regards formalism a necessary evil connected with the administration of law through law courts. However, the position is that the Government of India deliberately adopted the policy of treating him as a prisoner. May I ask, why do the Government of India refuse to follow up this policy to its logical conclusion ? Why should not Mahatma Gandhi be treated as a prisoner now ? Why don't they permit him to die as they permitted the convicts in the Andamans to die when they wanted certain facilities under the threat of hunger-strike ? If the Government of India claims the virtue of consistency, they should shoulder the responsibility and face the consequences that are likely to follow Mahatma Gandhi's death behind the bars. If they cannot shoulder that responsibility, if they think that Mahatma Gandhi's death behind the prison bars will be another crucifixion of Christ, let them have the courage of their conviction, and let them release him to work out the salvation of the country according to his lights. I am really at a loss to understand the attitude of the Government in the matter. Let the Government be consistent. We have a right to demand it of the Government. Why there should be a tug of war between the two big personalities, an important personality like the Government of India with full physical force behind them to carry out their orders and they leave their naked Faqir wielding immense influence with his countrymen ? Why should not, with all the physical force behind them, Government act up to it, why should they not use that force if they think the occasion demands it ? If on the contrary they think that the occasion does not demand it, then they should not delay entering into a compromise with Mahatma Gandhi. Let the Government hasten to change the conditions which may go to allow an honest man to live in this country. Really, one feels that a tug of war is going on between the Government of India and Mahatma Gandhi. A little incident inside the prison sets the telegraph wires in motion between Bombay and Simla and Simla and Whitehall. Why, Sir ? Are we being ruled by the Government of India or by Mahatma Gandhi ? I think virtually we are being ruled by Mahatma Gandhi, and not by the Government of India. If my friend, the Honourable the Home Member, thinks that the Government were strong enough to have put down the Civil Disobedience Movement completely, why does he not allow Mahatma Gandhi with his beggar's bowl to walk over India to preach the gospel of truth and non-violence ? Have the Government forgotten that when Mahatma Gandhi came into the field of politics, there were terrible conditions in Bengal, and violence was taking the place of constitutional

agitation ? Did he not serve the Government by promoting the spirit of non-violence in the country ? He did so, and I think he saved the country from many deplorable results.....

Mr. S. C. Mitra : During the war he helped recruitment.

Sardar Sant Singh : May I remind this House that it is our duty to see that the Government carry on a consistent policy. If the Government are going to shoulder the responsibility for the death of Mahatma Gandhi, and if they are going to turn him out of the jail when he is on death bed, then they cannot reasonably say that they are not responsible for his death. That Mahatma Gandhi has a strong hold on the masses of India, nobody can deny for a moment. Even the prejudiced mind of my friend, Pandit Sen, could not control his tongue, and it involuntarily escaped him when he called him Mahatma and said that Mahatma Gandhi is a dynamic force in this land. Sir, if Mahatma Gandhi dies in jail, it will give birth to another Krishna in jail. His death in jail will be the birth of another Krishna in jail. His death will be another crucifixion and it will be the darkest blot on the civilized name of this country. Sir, the real difficulty that faces the Government at this juncture is the delay in bringing about the reformed administration. I cannot understand, Sir, why five years should have been taken to bring about a reformed constitution. Five long years have been allowed to pass without satisfying the political aspirations of India. Therefore, Sir, if it is delayed any longer, I am afraid more complications will follow. I think the best course for the Government to adopt would be either to listen to the demands of Mahatma Gandhi and to yield to him till the reformed constitution comes into existence, or be prepared to face the consequences that will follow the death of Mahatma Gandhi. Nobody can deny that Mahatma Gandhi has a hold even upon those who happen to differ from him in his programme or in his policy ; everybody regards him to be a sincere son of India. Everybody knows that he wants a reformation of the Government, of the system of administration. The idea is laudable ; nobody can deny that. But the difficulty is that somehow or other we are standing on false ideas of prestige and we are not admitting that Government require to be radically changed before it becomes suitable for being co-operated with. Therefore, I will censure the Government for this that they are not playing the game by this country.

Nawab Major Malik Talib Mehdi Khan (North Punjab ; Muhamadan) : Sir, this is not the first time that Mahatma Gandhi has been sent to jail. He has been in and out of it, and always came out with a set of promises. We have to see whether the promises he made with the Government or the line of action he chalked out for himself have been fulfilled or followed respectively. No doubt, the Mahatmaji is worshipped as a saint, but the time of idealism is gone, we are governed by circumstances which are materialistic and we have to see whether a man is doing what is required at the time. Mahatmaji has seen that all his pet schemes have gone to nothing. The civil disobedience is gone, non-co-operation is gone, the *charkha* cult is gone, and what have they left in their train ? Hundreds and thousands are lamenting the loss of their sons or relatives. There are others, who are going astray and using a path which is not fit for the sons of India who aspire to be her saviours, or leaders, and so forth. Excuse me for saying that this is all due to the cult which Mahatmaji has started. This reformation of Harijans—this is not the first time that it has been put forward by him. If I remember aright, he came out from jail recently

[Nawab Malik Talib Mehdi Khan.]

with the same object, but are my friends prepared to say, that he kept to that, and succeeded in raising the status of that unfortunate body of God's creatures, called untouchables, to any appreciable degree? I would be the last person to say that he should cease to work, I would rather like every human being to do it. But what are the means, what are the steps that are being adopted to attain that object? Are we in earnest about it? Mahatmaji has got round him many illustrious persons who do not seem to be playing the straight game, I am sorry to say, because if they all combined together and put their shoulders to the wheel, I am dead sure all this untouchability would have vanished. But, Sir, platform personality is one thing and private another. If the Government are doing what they are charged with, it has done so under regulations and according to law, and it could not do more under the circumstances. We are at this moment confronted with the question of life and death of Mahatmaji. Every one would be sorry to lose him, but the question is whether it is the Government's doing or his own.

An Honourable Member : He is committing suicide.

Nawab Major Malik Talib Mehdi Khan : Looks like it. The Government, as is known, went out of their way many times in allowing facilities to him. Have they been properly and wholly availed of? I am afraid, not. How long should this game of fast and loose be played? We ought to come to the realities, we ought to face the facts as they are forced on us. Well, what good did Mahatmaji do for this poor country? Did he attain Swaraj for it? Did he train people for it? Did he fill up the gap that exists between communities and communities who are constantly at war with one another? By studying facts, the plain answer is "nothing". If we come to the realities, I am sorry to say we find the whole country in a chaos. Economic depression is eating into our very vitals.... (*An Honourable Member :* Is that due to him?) Agriculture is neglected. (*An Honourable Member :* "All due to Gandhi?") No doubt it is the result of the cult that has been taught, it may be by him, or by others. We should not lose sight of the fact, and it is our primary duty to fight all these enemies that are devouring us. Gentlemen, we should not abuse Government simply because Mahatma Gandhi does not wish to come out of the jail. All the facilities that have so far been awarded are quite sufficient to enable him to pursue the work that he has set before him if he is in real earnest. Mahatmaji is getting very old, his power of resistance is almost nil, and he is starving himself. Excuse me, but I must say that it will take a long time for him to pull up if at all and be a man to work all that he has put his shoulder to. It is time that some of his bosom friends came forward, and relieved him of the hard task that he has put before himself, and for which he is not fit. It is good that he is left to his fasting, to his prayers and to his God. The work in the world is very hard and we have heavy odds against us. The whole world is passing through various phases and its wisest politicians are trying to bring out something. My friends, do you think seriously that Mahatmaji alone is able to solve these difficulties? I say, no. He should be relieved by now.

Mr. Lalchand Navalrai : Who will be his successor?

Nawab Major Malik Talib Mehdi Khan : It is for the country to find out, and not for me alone. Pray let us put our heads together and find him out.

Mr. Lalchand Navalrai : Then the Honourable Member should not denounce Mahatma Gandhi.

An Honourable Member : "Lalchand Navalrai".

Mr. Lalchand Navalrai : No. He is not capable.

Nawab Major Malik Talib Mehdi Khan : I have laid before the House the realities of the problem. I would beg my friends, the Honourable Members, to be cool and see what is to be done. With these words, I resume my seat. (Applause.)

Mr. Abdul Matin Chaudhury (Assam : Muhammadan) : I have gone

5 P.M.

very carefully through the communiqué that was issued by the Government of India on Mahatma Gandhi's fast. I also listened very attentively to the answers that had been given by the Honourable the Home Member to the volley of supplementary questions that were hurled at him and the impression I formed in my mind from a study of the communiqué and the answer is that the Government position is entirely untenable. Government has not treated Mahatma Gandhi as they have treated any other ordinary A class prisoner. They have given him facilities which they have denied to other A class prisoners and in the Government communiqué it is said that the position is anomalous and that it means inconvenience to the jail authorities. Still they have given all these facilities to Mahatma Gandhi. I do not question nor do I deprecate this departure on the part of the Government from the actual jail regulations. On the contrary I appreciate the wisdom of the course they have adopted. What are the facilities they have granted to Mahatma Gandhi ? They have allowed him the use of periodicals, the use of a typist, two interviews and they have allowed him three letters a day.

The Honourable Sir Harry Haig (Home Member) : Five.

Mr. Abdul Matin Chaudhury : I am glad to hear that. Now, what are the things they have refused ? So far as I could find out from the Government communiqué, they have limited the number of visitors to only two and no more, and disallowed Press interviews. These are the restrictions that have been placed. As regards the interviews, what I do not understand is this. Mahatma Gandhi wants facilities not for political work but for Harijan work. You allow him to *write* to the Press on the Harijan movement and what is the harm in his *speaking* to the pressmen about the Harijan movement ? As regards interviews, having regard to the state of Mahatma Gandhi's present health, the time at his disposal, his preoccupations, his prayers, his reading and his *charkha*, it is inconceivable that there will be any great rush of visitors to interfere with jail discipline. The difference between what Government has granted and what still remains to be granted is so small that I am surprised that Government allowed such a momentous crisis to develop on such a trivial issue. The Government gave the whole show away by treating Mahatma Gandhi in an exceptional way and if I may say so, after swallowing a whole camel, it is now too late for the Government to strain at a gnat. Yesterday when my Honourable friend, Mr. Puri, put the Honourable the Home Member under a severe cross-examination, however cleverly and ingeniously he evaded an admission, the fact remains that they are treating Mahatma Gandhi in this way because of his unique personality. He is undoubtedly one of the greatest men of the age and in recognition of that fact Government have granted him those special facilities and it is absurd that Govern-

[Mr. Abdul Matin Chaudhury.]

ment should endanger so valuable a life merely on the petty issue whether he should have two interviews or more or whether he should see the pressmen or not. We expect from the Government a better sense of proportion than that.

Mr. B. V. Jadhav (Bombay Central Division : Non-Muhammadian Rural) : In 1930 when Mahatma Gandhi started on his historic march Government made very light of the thing and when he started breaking the salt laws Government was obliged to arrest him. Although at that time he had broken a law by which Government derived salt revenue, Government did not think it right to bring the Mahatma to trial and they simply detained him in prison under Regulation III of 1818. Again in 1932, when Government again wanted to restrict the movements of the Mahatma, they had to keep him under that same Regulation. Now, Sir, when the mass Civil Disobedience Movement was completely stopped and replaced by individual civil disobedience and when all secret conclaves and secret meetings and secret propaganda was banned by Mahatmaji, and everything was to be worked in the open, Government thought it right to make the Mahatma commit a nominal crime and then bring him to trial and got him convicted. In 1930 he had actually committed a crime against a statute of very long standing. In 1933, the offence of which he had been convicted was an Ordinance Bill offence and I think every man of self-respect in the same circumstances will think it more honourable to break that law than to obey it. This time Government wanted to treat the Mahatma as a convict and that is the reason brought forward to deny him the same facilities that were given him on the previous occasion. I am at one with Government in their action in restricting the movements of the Mahatma. I have my agreement with them that they should not allow Mahatma to go again out in the villages and preach non-violent civil disobedience. No sane Government would allow such a thing to be done. But I do not approve of the conduct of Government in getting him convicted and kept as a convict in Yeravada. He ought to have been treated much better—on the same lines as he was treated on the previous occasions and his claim that he should be given the same facilities for Harijan work as on the former occasion is a perfectly legitimate one and a right one. Government by themselves cannot right the wrong that has been done to the Harijans for so many generations. Government cannot interfere. Government expect the community itself to right this wrong. And for this purpose it is necessary that proper facilities should be given to Mahatma Gandhi to carry on that work. Mahatma Gandhi has never broken his work ; he has never taken advantage of the Harijan movement to make propaganda in other directions. Government may safely rely upon him that he will work honestly and without transgressing any laws. But Government seem not to trust him. Although they say that they are very eager for the Harijan work, they have in a way showed to the world by putting restrictions on the conduct of Mahatma Gandhi that they are not themselves so very zealous in the cause of the uplift of the Harijans. This charge might be brought against them and I trust Government will do everything in their power to leave no ground for that charge. The mere assertion that they are very eager of the uplift of the Harijans will not do. I look upon Mahatma Gandhi as a peace-maker and as a great asset in the preservation of law and order in India. He is preaching non-

violence and many will realise that but for his efforts the violent movement would have gained more ground outside Bengal. In the province of Bombay, Sir, his influence has kept the movement on non-violent lines and I shudder to think what the consequences will be if Gandhi succumbs to this fast. His loss will be a greater loss to Government than to the society. The prestige of Government will receive a great flow and at the same time Government will be instrumental in loosening the spirits of violence. He is the greatest and the most zealous policeman Government have ever had.

An Honourable Member : Not paid.

Mr. B. V. Jadhav : The present Civil Disobedience Movement which is called the individual Civil Disobedience Movement has made it quite easy for Government to put it down. Each and every leader that goes out to disobey gives a previous warning or notice to Government of his intention that at such and such time and at such and such place he is going to commit such and such an act. So, the police have to be ready at that hour and at that place simply to arrest him. The work of the secret police has been taken away and it will be seen that in a way Mahatma Gandhi has by his action made use of the Ordinance laws unnecessary. The Ordinance laws simply provide Government with the power of obliging the so-called offenders to commit technical crimes so that they should be convicted and sent to prison for six months, a year or two years. As a matter of fact, on account of this open Civil Disobedience Movement the necessity of the Ordinance laws is taken away and the sooner the Government get the laws into disuse the better for them. I therefore think that the life of Mahatma Gandhi is a great asset in the interests of Government themselves. His leadership is wanted by the people ; his leadership is the leadership of peace and progress. If that leadership is taken away and the country is deprived of this Mahatma as a leader, one does not know who will take his place and what course of political activity we shall have to face.

The Honourable Sir Harry Haig : Sir, the Honourable Mover of this Resolution put his case in his opening words by saying that the course that the Government had adopted was neither logical nor politic. He did not, however, feel disposed to pursue the argument of illogicality, but I think the accusation of illogicality was based on this point that if a man is a prisoner he should be treated as a prisoner and should receive no concessions at all. Now, Sir, that is a perfectly arguable position and it is one which is held with conviction by certain Members in this House, by Pandit Sen for instance. But I gather it is not, in fact, held by the majority of those who have spoken in favour of this motion. I do not, therefore, propose to direct my main argument to that. The complaint, I gather, is that it was not politic on the part of the Government not to concede to Mr. Gandhi on this occasion precisely the same treatment that was given to him on the previous occasion, and that is what is described as impolitic, inconsistent, untenable and by various other adjectives that have been used by Honourable Members opposite. Well, Sir, let us remember the circumstances in which those very exceptional facilities were given to Mr. Gandhi last autumn. Mr. Gandhi, in the first place, was at that time a State Prisoner. Honourable Members opposite themselves recognise that it is reasonable and not uncommon to give to State Prisoners facilities wider than those that can be allowed

[Sir Harry Haig.]

to ordinary prisoners. He had been imprisoned in connection with the Civil Disobedience Movement. While he was in prison, there was suddenly launched in dramatic conditions a new movement for the uplift of the depressed classes—a movement which, in general terms, could hardly fail to enlist the sympathy of people in general.

Now, Sir, it might be claimed and in effect it was claimed by Mr. Gandhi that without his personal and unhampered direction that movement could not make reasonable progress and that it could not be properly launched. Government did not wish to stand in the way of the inauguration of that movement and in the very special circumstances they did agree to give Mr. Gandhi the widest possible facilities for launching that movement. Now, I wish to draw the attention of the House to what has happened since. Honourable Members will remember that last May Mr. Gandhi was released from jail unconditionally. It was thought at that time that he was devoting himself entirely to this social movement. He was undertaking in connection with that movement a 21 days fast. But, as we all know, when he recovered from the fast, he threw himself actively into politics and during all the time between his recovery from the fast and his re-imprisonment, there were no signs that I could observe that the Harijan movement was occupying his mind to the degree to which it appears to occupy it when he is in jail. He has now deliberately courted imprisonment on a political issue and at once it appears that life ceases to interest him unless he can do Harijan work just as if he were a free man. It appears to me that Mr. Gandhi wishes to combine simultaneously two incompatible policies, deliberate self-incarceration in jail and complete freedom to carry on his social work. I think that an ordinary man would never dream of supposing that those two processes were compatible, much less claiming as an indefeasible right that he should be allowed to do both at once. When, therefore, with his arrest he claimed his previous facilities, it was a question to be very seriously considered whether he should be allowed any facilities at all. I would remind the House of what those facilities previously granted amounted to. It is argued that they did not encourage civil disobedience. I concede that. But they had very undesirable effects on the administration and discipline in jail, and they were, when one looks at them, fundamentally inconsistent with the position of a prisoner. Mr. Gandhi was allowed to interview as many visitors as he liked. The number of persons who came to him averaged over a long period 64 visitors a week, and at the same time he was conducting an extensive correspondence which, being a prisoner, had to be censored and he was giving interviews to the Press. Well, Sir, our view was that facilities of that kind were really not consistent with the position of Mr. Gandhi as a prisoner. At the same time Government felt particularly in view of what they had done before that it was undesirable that they should take steps which could reasonably be described as hampering social reform, a social reform which in its general aspects they are certainly in sympathy with. They, therefore, after very careful consideration gave Mr. Gandhi facilities which they consider are ample to enable him to make an important and effective contribution to the work he has at heart. Those facilities were given with no niggardly hand and they represent the maximum which appeared to the Government to be consistent with the observance of ordinary jail discipline. What was the effect of this offer?

Mr. Gandhi rejected the offer. It has been said that we are standing on certain trivial points, but I hope I have made it clear to the House that the Government took its decision and went as far as it felt it is reasonable to go. If there are only really small points which divide the Government and Mr. Gandhi, it is Mr. Gandhi who is to blame and not the Government. Mr. Gandhi really refuses to accept for himself the normal concomitants of imprisonment and in effect, he is claiming to dictate the terms of his imprisonment and moreover he enforces that claim by a fast. It does seem to me very lamentable that this feature of the coercive fast should have found its way into public life in India. I am well aware that Mr. Gandhi claims that his fasts are not coercive but I think that is the interpretation which public opinion unmistakably places upon them. They are intended, at any rate, they do create sympathy and a certain feeling of horror at the possibility of Mr. Gandhi's death and under the influence of those feelings it appears that people are deprived of their judgment. We all know what happened at the time of the Poona Pact. That, I understand, Mr. Gandhi claimed was not a coercive fast, but at the same time people carried away by their feelings no longer judged a public question on the issue whether it was right or whether it was wrong, but whether it was necessary to take certain action in order to save Mr. Gandhi's life. Sir, the Government of no country can be carried on on those principles (hear, hear). A year ago when Mr. Gandhi launched on that first fast, I ventured in this place to warn the House of the implications of a fast of that kind, and I said that the country if it accepted these methods would be subjecting itself to a dictatorship of a novel kind. I do think that the facts of the last year have borne out that warning. I admit that it is difficult to follow the workings of Mr. Gandhi's mind. Certain processes of thought or, as he would perhaps claim, inspirations.....

Mr. President (The Honourable Sir Shanmukham Chetty) : The Honourable Member has one minute more.

The Honourable Sir Harry Haig :lead him to conclusions which he is so convinced are right that he feels justified in employing the most extreme means to force them on other people. I hope, Sir, that Government will have the support of the House in the action they have taken and in making a stand against these methods.

Mr. Jagan Nath Aggarwal (Jullundur Division : Non-Muhamadan) : Sir, listening very carefully to the speech of the Honourable the Home Member it occurred to me that the task of the jail-keeper is a very unfortunate one. It took my mind back a century when somewhat similar circumstances arose and the British Government had to take charge of an illustrious prisoner. The Emperor Napoleon after Waterloo was kept by the British Government at St. Helena. How Sir Rudson Low, the counterpart of Sir Harry Haig, performed his duty is a matter of history. The task was not a congenial one and, as Lord Rosebery has recorded, it is a sombre chapter in history out of which neither Napoleon nor the British Government come out any the better. I hope, Sir, that when history records its decision the Honourable Sir Harry Haig will have a better verdict. But let us examine this position a little more carefully, because I feel that the issue is grave and the last word on it will not be said in this House nor within a short time to come. The issue is very grave indeed. What is it after all that we are considering ? As the communiqué put it, Mahatma Gandhi soon after his

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arrest or re-arrest, if I may say so, claimed in a communication to Government that he should be allowed to carry on Harijan work which he had been doing as a State Prisoner in the Yervada Jail before,—a tall claim. I am quite free to admit that if Sir Harry Haig had been the jail-keeper that other people in his position might have been and had been devoid of imagination, he might have taken up the Jail Administration Manual, and said to such a prisoner who had been convicted of a breach of the law of the land, “Such a demand is absurd ; I refuse to accept any such demand or any such claim and you must be treated as any other prisoner”. Then, Sir, one would have said this is perfectly logical. As my Honourable friend, Mr. Sarma, was at pains to point out, Mahatma Gandhi himself did not claim any special privileges which the lowest prisoner would not have. Then the situation would have been perfectly logical. But what is it that the Honourable Sir Harry Haig and the Government did ? They said, “Oh yes, let us examine the position. He wants the unlimited right of having visitors, we shall give him two or three a day ; he wants the right to have a typist and a stenographer, we shall give him a convict ; he wants to have the right of having interviews for the Press and for the public, we shall give him only the right of interviews for Harijan work, and so on”. Notice, Sir, that it was not a total repudiation of the claim tall as it was ; it was an admission of that claim to a certain extent. What is the implication of it ? Mahatma Gandhi put it in that communiqué which I have here, that in the Yervada Pact entered into when he was in jail last September it was implicit that the Government of India recognised that that work is being carried on with their consent. We may take it, Sir, that this work is so important, this work of ameliorating the lot of 40 million people is of such a great magnitude that the Government of India at long last have softened to it, are prepared to extend facilities even to a prisoner in jail and to relax the rules of jail discipline. If that is so and if they are prepared to concede certain rights to him, then the question arises, is it right or proper, is it just and fair or politic to deny him all those rights ?

Now, Sir, one or two observations which fell from my Honourable friend opposite may be examined. He said the Government of India is not sticking at trifles ; it is Mahatma Gandhi who is sticking at trivial points. I make a present of that to my Honourable friend opposite. If it is on trivialities that Mahatma Gandhi is insisting, cannot the Government of India out of the fullness of their heart give way on trivialities ? Where is the question of principle involved ? We were at pains to find out yesterday if any question of principle was involved in the refusal of these requests. We were able to ascertain that no question of principle was involved because we have conceded the position that Mahatma Gandhi must be given certain privileges. We have conceded that position ; but having conceded that position, are we not prepared to go to the fullest extent, to the extent that privileges had been accorded to him either out of deference to his position or out of regard for the work that was being done when he was a State Prisoner ? Now, Sir, the net result of all that has happened between May and August is that from the position of a State Prisoner the Mahatma has been reduced to the position of an ordinary convict. If the jail rules are to be studied at this time, certainly the rules of discipline were there to be studied

when he was a State Prisoner. If those rules gave way to the considerations of untouchability work or, what I think is more important perhaps and is a more important reason, to the outstanding personality of the Mahatma, then certainly that blue book of jail discipline can yield now as well. Where is the point of sticking at trifles, as has been said? Well, Sir, the real question is neither of jail discipline nor of dictation. Some people appear in a century who are inconveniently great, the esteem in which they are held by the people is so great and they have such a hold on the affections of the people that they defy not only jail rules but they defy classification; and my Honourable friend is faced with that contingency. Similar was the case, as I pointed out, with Napoleon Bonaparte, the Emperor Napoleon as I will call him, who surrendered himself to the Captain of the "Bellerophon". An amusing incident comes to my mind. The Captain of the ship inquired of the British Government, "How shall we address him?" The mighty Napoleon who had upturned more thrones and created more thrones, swallowed up more princes and princelings than anybody else in the last century, about him this funny question was put to the British Government, "How shall we address him?" The British Government ransacked papers and thought furiously, and what was the result? The result was, "Refer to him as General Bonaparte". They might have called him Bishop Bonaparte; he was head of the church as he was head of the army, or head of the State, and the British Government had entered into negotiations with him as such at Amiens 14 years back. But after that furious thinking, they said he was General Bonaparte. Are we going to deal with these things in this petty manner, to ransack our dictionaries and to find out whether for this mighty man, for whom history shall have to record a verdict, our jail rules make any provision? No jail rules in the world will ever make provision for such an inconvenient prisoner. The role of a jailor is a very unfortunate one and I must pity the Government of India for having to lock him up and let him out over and over again. It is just as well that we came to terms with him. It would lead to the peace of the country, it would lead to the progress of the country and it would lead to a lasting solution of many important problems that sorely await solution. But if this game of hide and seek goes on then my Honourable friend will in vain look into the jail rules for a solution; he has to make use of his imagination. Part of it he did use. The keeper of Napoleon Bonaparte had not got a bit of it, he was absolutely without it. Sir Harry Haig is better, sitting on the heights of Simla. I only wish he had soared a little bit more. The idea that he is dictating the terms of his imprisonment or that he can be making Government impossible is one of those things which have been borrowed from no one knows where. Who ever considered that the Mahatma was for dictating anything? It is a question of your having a particular point of view with regard to negotiations which you carry on with him. As has been remarked more than once he is the man who can deliver the goods—perhaps the goods have perished or another change has come over the Government of India; but the position remains that you shall have to take serious account of the Mahatma and his following and the movement that he launched; we are not safe, no constitution in this country will be safe with Mahatmaji within the jail walls or with Mahatma Gandhi on the wrong side. Now, the issue that we have to face at this time is, is the Government of India prepared with that meticulous sticking to jail rules for the serious consequences that

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might ensue if the Mahatma dies in jail because he sticks at trifles ? The Government of India would look ridiculous before the Bar of the world because he is well known not only in this country, but also in Europe and America and your action will be indefensible. Are you prepared to face the consequences that because the Mahatma stuck at trifles therefore you were also stuck up and you were not prepared to yield an inch ? That is the position that has emerged out of the statement made by the Honourable Member opposite. I submit I looked for much better arguments and reasoning from my Honourable friend than what I have received. With regard to this matter, as has been said before, let us look at it properly. The whole position has been that the Mahatma left the thread of his movement in the jail when he was released in May, and has now gone back to take it up at the very place where he left it. Apart from the fact whether he is a State Prisoner or an ordinary prisoner, the tale is where it was. There is no difference in essentials and if you are prepared to concede part of the ground that you have conceded, you are treating him as a special prisoner. Otherwise how could he be put into A class ? I would put it to my Honourable friend opposite by what rule of logic did you put him in the A class ? He never goes anywhere near the European style of living, he owns no property ; why did you not put him in class C ? By what rule do you put him into A class ?

An Honourable Member : He is a barrister.

Mr. Jagan Nath Aggarwal : He is a spinner ; he is an agriculturist ; he refuses to have anything to do with barristers or with law.

Mr. B. R. Puri (West Punjab : Non-Muhammadan) : Many a barrister is rotting in C class.

Mr. Jagan Nath Aggarwal : Therefore your jail rules have already yielded ; they are not there, if that is so.....

An Honourable Member : He is an English barrister.

Another Honourable Member : He is no longer an English barrister : he has been struck off the rolls.

Mr. Jagan Nath Aggarwal : My friend says that he is an English barrister. I had not forgotten it, nor had the magistrate ; but it is not because he is a barrister that he has been put in the A class. If that were so it would be an incitement to all barristers to commit civil disobedience. (Laughter.) It is not so and I would wait for that assurance from the opposite benches. If that is so and if all barristers were to be placed in the A class, I am sure, the jails will again be overcrowded and the A class would have to be modified. I say, these jail rules have given way and if they have given way, what is the point in sticking at trifles ? As I said, either you do not want to parley with him or a change has come over the Government of India and they have become self-sufficient for the time being : but I think one may safely say that you are in that state, then the only thing that you can say is that you cannot stand dictation by a prisoner as to the terms of his imprisonment or that his imprisonment is self-inflicted or that you find it very difficult to classify him under the jail rules. In that case, I am afraid, you have not got much justification for the stiff-necked attitude that you have taken up.....

Mr. President (The Honourable Sir Shanmukham Chetty) : The Honourable Member has got one minute more.

Mr. Jagan Nath Aggarwal : If you had started like that from the very beginning and taken your stand on the jail manual, you might have been correct. But it does not follow that everything correct in an extraordinary situation like this would be the most proper thing to do. I make a present of that to my friend opposite. Let him beware that the same verdict of history which was passed on Sir Hudson Low is not passed on him ; he will pardon me for the parallel if he thinks it is an affront to him ; but I cannot help pointing out that the verdict on this question may be recorded by an authority other than that of this House.

Several Honourable Members : The question may now be put.

Mr. Muhammad Azhar Ali (Lucknow and Fyzabad Divisions : Muhammadan Rural) : Sir, this motion by my friend, Mr. Mitra, is not a motion that can be regarded as a mere academic discussion in a debating society. I would ask the Government to consider this question with that coolness of mind, heart and head which is the characteristic of the British nation on very serious occasions. The difference between the Government and these Benches is that the Government are not actually very serious about this question, but we on this side are serious. We consider this matter to be of very great importance not only to this country, but also to the whole world at large. We as representatives of the people have come here to co-operate with the Government and to represent to the Government the true feeling and the true sentiments, not of our own, but of our constituents, and if any of the Members here do not represent the views of their constituents, I am sure they are misleading the Government on this point. The Government do not still seem to be serious about this question. They have of course pride and prestige : they have their army and police behind them, owing perfect allegiance to them ; but our position is that we are here to represent the people and we have the interests of the country at heart. To the Government it may not appear a country-wide question. But so far as I have been able to read in the papers and the Government communiqués, what I find is this : that Government have always been impervious at first and have not listened to the reasonable arguments of the people on such occasions. As a lawyer I will say that we are always blamed to resort to legal quibbles and to legal hair-splitting. But in this case I find that Government have done more hair-splitting and the question of a prisoner and accused and so forth has been raised and thus the issues have been clouded. But it is no use now saying more as I know that the time at my disposal is very short and other speakers might be willing to speak. I will place before you, Sir, the latest telegrams which were received from Poona. They read as follows :

“ From Special Commissioner—I shall be failing in my duty to press, public and Government if I don't take earliest opportunity of bringing to their notice publicly very grave risks which Government as well as country are running if there is no immediate change in treatment accorded to Gandhiji as it is inevitable that under present treatment Mahatmaji's condition likely assume grave proportions without any previous warning.”.....

Mr. Vidya Sagar Pandya (Madras : Indian Commerce) : Sir, to shorten the proceedings I wish to put a question, whether it is not a fact that at 3-45 P.M. to-day Mahatmaji has been released.

The Honourable Sir Harry Haig : I do not know what the Honourable Member's authority for that statement is.

Mr. Vidya Sagar Pandya : The Associated Press, if you please. Just now they have got the news and that is why I want confirmation or contradiction of it.

The Honourable Sir Harry Haig : The news has not reached me.

Mr. B. B. Puri : Is there any possibility of his having been released without the Honourable Member knowing it ?

Mr. Muhammad Azhar Ali :

“ Poona Special Commissioner—I shall be failing in my duty to press, public and Government if I don't take earliest opportunity of bringing to their notice publicly very grave risks which Government as well as country are running if there is no immediate change in treatment accorded to Gandhiji as it is inevitable that under present treatment Mahatma's condition likely assume grave proportions without any previous warning. There are two aspects to question which agitates public mind over deadlock which prevails between Gandhiji and Government. Predominant aspect pertains to measures taken by Government to safeguard Gandhiji's health. Other and more secondary aspect pertains to rights and wrongs of issues in dispute between Gandhiji and Government. Present position with regard to treatment accorded Gandhiji is that he continues to be convicted prisoner removed to Sassoon Hospital by Yeravada prison authorities with view enable one their prisoners whose physical condition causing anxiety attended to better effect in hospital. Since Gandhiji continues prisoner entire responsibility for medical attendance, nursing and provision other facilities borne by Government. Civil Surgeon who Chief Officer of Sassoon Hospital Chief Medical officer in charge. Civil Surgeon assisted by other surgeons attached to Hospital according to routine prevailing in Hospital. Civil Surgeon visits Gandhiji in morning and in evening. Other surgeons also in close touch through nurses. There are certain hospital nurses ministering to Gandhiji in usual routine way. Gandhiji placed in enclosed balcony on first floor. It is in this very room that Gandhiji underwent his operation in 1924 as prisoner for appendicitis. Gandhiji because he is prisoner under constant vigilance of two police officers. One of police officer sergeant always inside room. Other Indian takes his seat outside room which is again covered from public by screen shutting out light and air to that extent. As concession Government Bombay agreed allow two visitors meet Gandhiji one of whom Mathuradas Tricumji other at present Andrews. This in addition to interviews in connection with Harijan publications. In addition Kasturbai whose sentence suspended allowed stay with Gandhiji during day time. Kasturbai remained with Gandhiji on Monday from 4-30 till 8 P.M. On Tuesday Kasturbai remained with Gandhiji throughout whole day retiring to Parnakuti at 7 P.M. With regard to interviews allowed to Andrews and Mathuradas Tricumji Civil Surgeon stipulated that interviews shall for half an hour only and that one interview shall be allowed between 11-30 and 12 noon and other interviews between 4 and 6. Mathuradas Tricumji had first interview at 4 P.M. on Tuesday.....”

Mr. D. K. Lahiri Chaudhury : May I know for how long these interviews were permitted ?

Mr. Muhammad Azhar Ali : For half an hour.

An Honourable Member : May I know, Sir, if this telegram is addressed to the Honourable Member alone or it is addressed to all Members ?

Mr. Muhammad Azhar Ali : It was a Free Press telegram.

Mr. M. Maswood Ahmad (Patna and Chota Nagpur cum Orissa : Muhammadan) : It is true, Sir, that Mahatma Gandhi has been released. I have just now got the news confirmed.

An Honourable Member : The Local Government had no time to consult the Government of India.

Mr. Muhammad Azhar Ali :

“ Andrews saw Gandhiji in forenoon, but it would appear that condition to condition on which interviews allows is that no disclosure shall be made of Gandhiji's condition to press. Nor do Government propose issue any official communiqué. Reasons which have led close students of situation reach conclusion that unknowingly in all probability Government are heading towards crisis. Mahatmaji's health can be readily stated. This is not first time Mahatmaji faced fast. Therefore, there are available authentic data of reactions of system of fasts. Experience of previous fasts proved that minimum conditions which are essential for Mahatmaji's good health are, one, selection of site which is open to fullest extent of light and air, two, provision regular scientific massage similar to what Dr. Dinshaw Mehta used to provide Mahatmaji in last fast, three provision regular anemas and taking all necessary steps to secure regular and complete working eliminatory system. Four taking necessary steps ensure Mahatmaji taking necessary quantity of water that his kidney may be kept in good working condition, five, provision necessary congenial mental environment. So far enquiries able elicit selection Sassoon Hospital specially particular room most unfortunate. It is true room has adequate windows but friends who have visited room in 1924 have clearest recollection that it is most inadequately open to light and ventilation. Room certainly according to nature cure experts most ill-suited for fasting patients. In opinion friends Mahatmaji would have been better situated in Yeravada Prison under mango tree.....”

(Interruption.)

Mr. President (The Honourable Sir Shanmukham Chetty) : The Honourable Member should not be interrupted. He can proceed.

Mr. Muhammad Azhar Ali :

“ If there was feeling that mango tree was luxury, European cells in which Gandhiji lodged it is asserted compare favourably with room in Sassoon Hospital. It is stated that it is possible for any fasting patient lodged in present room in Sassoon Hospital avoid having headache agues all over body, frequent recurrence of nausea. Similarly Mahatmaji has to do without massage. It is believed that nurses apply to Mahatmaji's feet oil massage, but it cannot be considered adequate substitute for scientific massage which would tone up system of fasting patient. If Gandhiji been lodged in Yeravada Prison and allowed Girdhar Kripalani Mahadeo Desai and Baba Kalelkar they should be able serve efficient nurses.

No adequate news available regard working eliminatory system Mahatmaji. There is reason however to believe that owing to ill-lighted and ill-ventilated room and absence scientific massage eliminatory system not working satisfactorily resulting in pain in limbs, headaches, etc. There is also reason to believe owing unsatisfactory conditions in which fast conducted Mahatmaji unable take necessary quantity of water which very essential for proper working kidney. It needs be hardly stated there is no congenial.....

Mr. President (The Honourable Sir Shanmukham Chetty) : The Honourable Member has got only half a minute more.

Mr. Muhammad Azhar Ali : Very well, Sir. I will read a telegram which has just been received :

“ Free Press, Bombay, Free Press, Simla. Gandhiji released unconditionally at three fortyfive afternoon, looking very weak. He is staying Parnakuti. Fast broken.” (Applause.)

Mr. President (The Honourable Sir Shanmukham Chetty) : The House stands adjourned till 11 O'clock to-morrow.

The Assembly then adjourned till Eleven of the Clock on Thursday, the 24th August, 1933.