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LEGISLATIVE ASSEMBLY DEBATES

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THIRTEENTH SESSION OF THE FIFTH LEGISLATIVE ASSEMBLY, 1941



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Legislative Assembly

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SIR ABDUL HALIM GHUZNAVI, M.L.A.

SIR H. P. MODY, K.B.E., M.L.A.

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LEGISLATIVE ASSEMBLY

Monday, 3rd March, 1941.

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

MEMBER SWORN.

Mr. John Francis Sheehy, C.S.I., M.L.A. (Government of India: Nominated Official).

STARRED QUESTIONS AND ANSWERS.

(a) ORAL ANSWERS

RESTRAINT ON POWERS OF APPOINTMENT VESTED IN AN OFFICER OF THE ARCHÆOLOGICAL DEPARTMENT.

224. *Sir Syed Raza Ali: (a) Will the Education Secretary please state who is the appointing authority under the Civil Service Classification, Control and Appeal Rules in respect of non-gazetted subordinate posts under the control of Circle Superintendents of the Archæological Department?

(b) Do the rules empower the Director General to interfere with appointments made or proposed to be made by Circle Superintendents to posts mentioned in part (a) above? If so, will the Secretary please quote the rule?

(c) If not, is it a fact that the Director General recently ordered the Superintendent, Archæological Survey, Agra, to abstain from exercising the power legally vested in the matter of filling the vacant post of Gallery Assistant?

(d) Are there any instances in other Departments of the Government of India in which the head of a department has put a similar restraint on the powers of appointment vested in an officer?

Mr. J. D. Tyson: (a) The Circle Superintendent.

(b) The Governor General in Council has made no rule on the subject but subordinate authorities in the exercise of the executive powers delegated to them are always subject to the direction and control of the head of the Department.

(c) Yes: he drew the attention of the Circle Superintendent to a circular issued in 1935 by the then Director General of Archæology, Mr. Blakiston, to all Circle Superintendents requiring them not to fill certain technical posts, of which the post of Gallery Assistant was one, without obtaining the Director General of Archæology's previous sanction. The present Director General of Archæology's order to the Superintendent was mainly due to the fact that control of the museum was shortly to pass to the Director General of Archæology.

(d) Yes.

Sir Syed Raza Ali: Will my Honourable friend explain whether Mr. Blakiston's Circular issued in 1935 did not go against the provisions of the Classification and Appeal rules?

Mr. J. D. Tyson: I have already said that the Governor General in Council has made no rule on the subject. We do not regard it as contrary: it is supplementary to the Governor General in Council's rules.

Sir Syed Raza Ali: I take it that these Classification, Control and Appeal rules were duly formulated and published by the Government of India under their own authority?

Mr. J. D. Tyson: I have no information on the subject.

Sir Syed Raza Ali: May I take it that the Honourable gentleman is not aware that rules known as the "Classification, Control and Appeal Rules" exist on the subject?

Mr. J. D. Tyson: Yes, Sir. I have referred to the rules by implication in my answer to part (a). These rules certainly exist, and I have a copy in my hand.

Mr. Lalchand Navalrai: Has the head of the office given any instructions with regard to the procedure which should be observed? If so, under what conditions?

Mr. J. D. Tyson: I could not answer that without notice. The Circular to which I have referred refers specifically only to the question of appointments. There may be other Circulars.

Dr. Sir Ziauddin Ahmad: Is it not a fact that the rules which the Honourable gentleman has got in his hands were framed under the authority of the Government of India, and that they are still in force?

Mr. J. D. Tyson: Yes, Sir. They were framed by the Governor General in Council under rule 44, and they are still in force.

Sir Syed Raza Ali: Will my Honourable friend inform me whether the posts of the Curator of the Lucknow Museum and that of the Curator of the Taxila Museum are included in the list issued by Mr. Blakiston in 1935?

Mr. J. D. Tyson: No posts were included by name at all. The Circular referred to certain categories of posts, such as Assistant Curators, Gallery Assistants, Munshis, Custodians, Epigraphical Assistants, Junior Assistants, Readers, Conservation Assistants and Sub-Overseers.

Sir Syed Raza Ali: Can the Honourable Member inform me as to who is the man appointed to the post of the Gallery Assistant, and what were his technical qualifications?

Mr. J. D. Tyson: Nobody has been appointed to the post of the Gallery Assistant yet. The clerk in the Museum is holding charge of the post in addition to his own duties.

Sir Syed Raza Ali: When do Government propose to fill up this post? It is a very important post, as my Honourable friend will realise.

Mr. J. D. Tyson: The post will be filled after advertisement.

EMPLOYMENT OF ADDITIONAL STAFF IN THE ARCHÆOLOGICAL DEPARTMENT.

225. *Sir Syed Raza Ali: (a) With reference to the answer to starred question No. 566, dated the 28th March, 1940, regarding transfer of the charge of ancient monuments in Delhi will the Education Secretary please state whether the following staff has been employed in the Archæological Department and, if so, which of them is employed as a sequence to the transfer of the work of Delhi monuments to the direct charge of the Director General of Archæology :

- (1) Clerk of Works, Agra.
- (2) Sub-overseer at Delhi (Mr. Dass), and
- (3)—(6). Three temporary draftsmen?

(b) Is it a fact that a number of sub-overseers and mistries have also been employed and included in estimates for Delhi monuments? How many such men are employed, what are their salaries and which of these posts were provided for in the estimates when the work was being executed by the Public Works Department?

(c) What is the total expenditure involved in these appointments?

(d) Is it a fact that the post of "Clerk of Works" at Agra was sanctioned in lieu of the post of the clerk transferred from Agra to Delhi as a sequence of the transfer of the Delhi monuments, and was that post sanctioned by Government or the Director General? If by the latter, is he authorised to sanction the creation of posts for clerical work?

(e) Did the Department of Education, Health and Lands receive any unfavourable report of Government engineers, through the Labour Department on the maintenance and condition of ancient monuments in Delhi? If so, will the Education Secretary please place a copy of the report on the table of the House?

Mr. J. D. Tyson: (a) and (d). When the maintenance of Delhi monuments was transferred from the Superintendent, Northern Circle, to the Director General of Archæology in India, a clerk was transferred from Agra to Delhi. The Superintendent, Northern Circle, had, however, frequently brought to notice the insufficiency of his staff and it was finally decided that the most suitable relief for him would be the appointment of a Clerk of Works. The post was sanctioned by the Director General of Archæology in India in exercise of the powers delegated to him to sanction temporary technical staff.

No sub-overseer of the name of Mr. Dass has been employed at Delhi. Temporary draftsmen are employed from time to time at various places as necessity arises. No draftsmen have been employed as a sequence to the transfer of the Delhi monuments.

(b) Sub-overseers and mistries are employed from time to time when works are in progress. At present one overseer and one mistry on Rs. 50 and Rs. 45 per mensem, respectively, are employed at Delhi. A similar establishment was provided for by the Public Works Department in the estimates for repairs to Delhi monuments when the work of maintenance was in their charge.

(c) About Rs. 400 during the current financial year.

(e) No such report was received but the Chief Engineer in 1940 drew attention to certain monuments in Delhi which in his opinion required

conservation work. His comments were transmitted to the Archæological Department. The second part does not arise.

Sir Syed Raza Ali: Will the Honourable Member be pleased to state as to what were the duties of this Clerk of Works who was employed by the Director General on his own authority?

Mr. J. D. Tyson: To supervise works at headquarters and to help in the preparation and copying of estimates and the submission of accounts in the form required by the Accountant General, Central Revenues, under the recently introduced Archæological Works Code.

Pandit Lakshmi Kanta Maitra: Is it not a fact that the post of the Clerk of Works is of a technical nature and that it is not a ministerial job? It is concerned with the technique of conservation.

Mr. J. D. Tyson: Yes, Sir, it is mainly a technical job, but it has certain accounts aspects too : but they also are of a technical nature.

Sir Syed Raza Ali: Does my Honourable friend realise that the nature of the duties of the Clerk of Works given by him comprise exactly the duties that are performed in other Circles and Public Works Department offices by the clerical establishment? Is it not a fact that in every other office such duties are performed by the clerical establishment?

Mr. J. D. Tyson: No, Sir, I do not understand that at all.

Sir Syed Raza Ali: Will my Honourable friend please make inquiries whether the duties of this Clerk are not the duties that in other offices are performed by the clerical establishment, and not by a technical man?

Mr. J. D. Tyson: Yes, Sir, I will make inquiries, but it is not my present information.

Sir Muhammad Yamin Khan: I hope the Honourable Member will take due care that in the Delhi Fort Museum the man who is appointed is able to understand and explain the articles which are there and that he is not an ordinary man imported from some other office?

Mr. J. D. Tyson: That is one of the reasons why the appointment has not yet been filled. We want to get a man of very high qualifications.

Sir Muhammad Yamin Khan: Is it not a fact that there is already a trained man who has been there for a very long time?

Mr. J. D. Tyson: The other man there is a clerk who has been there for a very long time, but in the opinion of the Director General he has not got the qualifications of a Gallery Assistant.

Sir Muhammad Yamin Khan: Has the Honourable Member also verified whether the opinion of the Director General is really sound on this matter especially in view of the fact that the previous Directors General have spoken highly about this clerk?

Mr. J. D. Tyson: The appointment is made not by Government at all. The appointment is made by the Circle Superintendent with the concurrence of the Director General, Archaeology. We have certainly not gone into the merits of the case in the Department of Education, Health and Lands.

Sir Muhammad Yamin Khan: I only ask the Honourable Member to see that unnecessary hardship is not caused in order to favour somebody to the great inconvenience of those people who really go and take interest in the museum and want to find out something for their benefit and that through favouritism another man is not imported at all?

Mr. J. D. Tyson: There is no question of favouritism. There is nobody in mind, but the post has not yet been advertised.

Sir Syed Raza Ali: Has the Honourable Member satisfied himself that the estimate of works now, namely, since the maintenance of the Delhi Monuments was transferred to the Director General, does not exceed the estimate of works when this maintenance was under the Central Public Works Department?

Mr. J. D. Tyson: I have not satisfied myself, but this question does not seem to arise out of the original question.

Sir Syed Raza Ali: It arises out of part (b).

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

COMPETENCY OF THE DIRECTOR GENERAL OF ARCHÆOLOGY FOR CREATING CLERICAL POSTS.

226. *Sir Syed Raza Ali: (a) Will the Education Secretary please state if the Archæological Superintendent, Madras, applied in the beginning of the year 1939 for the creation of an additional post of accounts clerk in his circle? If so, is it a fact that the Director General of Archæology sanctioned an overseer's post for six months and directed the Superintendent to employ him on accounts work?

(b) Is it a fact that in August or September 1939, the Superintendent applied for the extension of the services of the overseer on the ground that the accounts work in his office continued to be heavy? If so, is it again a fact that the Director General thereupon sanctioned the extension?

(c) Is it a fact that the Director General is not empowered to sanction the creation of posts of clerk, but is authorised to sanction technical posts like overseers?

Mr. J. D. Tyson: (a) The Archæological Superintendent, Madras, drew attention to difficulties which had arisen over the construction of the museum at Nagar-janakonda and mentioned that the Head Clerk could not handle the technical work,—for example check of measurements and of muster rolls (imposed by the introduction of the Archæological Works Code). He asked for "an extra hand". The Director General of Archaeology in India sanctioned the temporary employment of a sub-overseer in recognition of the inability of the Superintendent's office to "cope with the technical part of the work". There was no direction that the sub-overseer was to be employed on accounts work and in fact he has been employed both on supervision of conservation work and on accounts work.

(b) The answer to both parts of the question is in the affirmative.

(c) The Director General is empowered to sanction the creation of temporary posts up to a period of one year for technical men and inferior servants for the work of conservation. He has no power to sanction the creation of posts of clerks.

Sir Syed Raza Ali: Can the Honourable Member inform the House whether the duties of this additional man entertained at the request of the Circle Superintendent, Madras, mainly consisted of accounts work, and very rarely were his duties of a technical character?

Mr. J. D. Tyson: I have no information as to the apportionment of his time between the two branches of work, but the accounts work in itself is of a technical character.

Sir Syed Raza Ali: Will my Honourable friend consider the advisability of laying the correspondence on the table of the House that took place between the Circle Superintendent and the Director General? I put this question, because that will reveal the object for which this clerk was employed there?

Mr. J. D. Tyson: I do not propose to lay the correspondence, but we know that the Circle Office is understaffed. A senior officer of this Department inspected it a few months ago—within the last two months—and found it hopelessly understaffed, the Madras Circle Office.

Sir Syed Raza Ali: What is the objection to laying the correspondence on the table of the House?

Mr. J. D. Tyson: It is departmental correspondence, and it is, therefore, not usual to lay it on the table of the House.

ANCIENT MONUMENTS IN DELHI.

227. *Sir Syed Raza Ali: (a) Will the Honourable the Labour Member be pleased to state if any officer of the Central Public Works Department submitted in 1940 a report to Government on the condition of ancient monuments of Delhi area within the last two years? If so, what were the circumstances under which the report was made?

(b) Will the Honourable Member please place a copy of the report on the table of the House; failing which, will he please place on the table a summary of it?

Mr. J. D. Tyson: Attention is invited to the reply given to part (e) of question No. 225.

APPOINTMENTS TO THE SENIOR GAZETTED POSTS IN THE OFFICE OF THE DIRECTOR GENERAL OF AMMUNITIONS PRODUCTIONS.

228. *Sardar Sant Singh: (a) Will the Honourable the Leader of the House please state if it is a fact that all the senior gazetted posts, like Deputy Director General, Directors, Deputy Directors, in the office of the Director General of Ammunitions Productions, are held by Britishers?

(b) Will the Honourable Member please state if any attempt was made to obtain the services of suitable Indians for these high posts? If so, what was the nature of such attempts and what was the result thereof?

(c) Is it a fact that in cases where the services of Railway officers have been requisitioned, recruitment has been made either solely from the Great Indian Peninsula Railway, or mostly from that Railway? If so, what are the reasons for giving preference to the Great Indian Peninsula Railway officers?

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

(b) The question of the employment of Indians is always borne in mind, and an attempt is made to find a suitable Indian for each vacancy as it occurs. Senior appointments in the Directorate General, Munitions Production, were filled partly by transfers from other Departments and partly by officers who came with the Branches of the Army Headquarters, etc., on their transfer to the control of the Supply Department.

(c) No.

Mr. Lalchand Navalrai: May I know if hitherto any Indians have been appointed, or only Britishers have been appointed?

The Honourable Sir Muhammad Zafrullah Khan: Under the Director General of Munitions Production, yes.

Sardar Sant Singh: May I know the proportion of Indians?

The Honourable Sir Muhammad Zafrullah Khan: I have not got the proportion at my fingers ends.

Sardar Sant Singh: Did the Honourable Member satisfy himself that the proportion was adequate?

The Honourable Sir Muhammad Zafrullah Khan: I have already stated, in answer to part (b), that an attempt is made to find a suitable Indian for each vacancy as it occurs.

Sardar Sant Singh: What is the nature of the attempt? Was the post advertised and applications invited?

The Honourable Sir Muhammad Zafrullah Khan: Sometimes it is advertised, and on other occasions a reference is made to such Departments of Government or other organisations where a person of requisite qualifications is likely to be found.

Pandit Lakshmi Kanta Maitra: What percentage of these appointments are cases of direct recruits, and what percentage from other Departments of Government?

The Honourable Sir Muhammad Zafrullah Khan: I could not possibly answer that question without notice.

Dr. Sir Ziauddin Ahmad: Is it a fact that Engineers are mostly drawn from the Great Indian Peninsula Railway as mentioned in part (c)?

The Honourable Sir Muhammad Zafrullah Khan: That is part (c) of the question.

Dr. Sir Ziauddin Ahmad: I want to know whether it is a fact or not?

The Honourable Sir Muhammad Zafrullah Khan: That is the question, and I have said "no" in reply.

REQUEST TO INDIAN CHAMBERS OF COMMERCE FOR ASSISTANCE TO THE AMMUNITIONS PRODUCTION DEPARTMENT AND OTHER WAR DEPARTMENTS.

229. *Sardar Sant Singh: Will the Honourable the Leader of the House please state whether Indian Chambers of Commerce were asked to assist the Ammunition Production Department and other departments connected with war effort, in the same way as the National Service Committee (mostly consisting of members of the European Chambers of Commerce) were asked? If so, in what way were such requests made, and for what purposes and with what results?

The Honourable Sir Muhammad Zafrullah Khan: The National Service Advisory Committees to which the Honourable Member refers have been constituted under section 5 of the National Service (European British Subjects) Act, 1940, and as they are concerned only with Europeans, their composition is naturally confined to Europeans. These Committees are consulted by the Supply Department only in the matter of recruitment of Europeans who are subject to the Act referred to.

As the Honourable Member is doubtless aware a degree of compulsory national service applicable to British Indian subjects has also been introduced by the National Service (Technical Personnel) Ordinance, 1940. Section 5 of this Ordinance provides for the constitution of National Service Labour Tribunals composed entirely of officials and officers of Company-managed Railways and these Tribunals are consulted in the matter of the recruitment for the Ordnance Factories of personnel affected by the Ordinance.

Dr. Sir Ziauddin Ahmad: May I know whether there is any other Committee which is consulted except this particular one for the recruitment of officers in the Supply Department?

The Honourable Sir Muhammad Zafrullah Khan: These two are consulted as I have explained in reply to the question. Other organisations may be consulted when the services of somebody are required who is likely to be found with those organizations.

Dr. Sir Ziauddin Ahmad: In view of the fact that this is the only Committee which is consulted for the recruitment of Officers in the Supply Department, does it not follow *ipso facto* that Government do not want to appoint anybody except Europeans in this Department?

The Honourable Sir Muhammad Zafrullah Khan: That is an argument. But it is entirely wrong. There are two Committees that I have been talking about, the Honourable Member goes on talking about only one committee.

Dr. Sir Ziauddin Ahmad: What are those two Committees?

The Honourable Sir Muhammad Zafrullah Khan: The Honourable Member did not do me the honour of listening to the reply I gave just now. I shall read out the answer again:

"As the Honourable Member is doubtless aware a degree of compulsory national service applicable to British Indian subjects has also been introduced by the National Service (Technical Personnel) Ordinance, 1940. Section 5 of this Ordinance provides for the constitution of National Service Labour Tribunals composed entirely of officials and officers of company-managed railways and these Tribunals are consulted in the matter of the recruitment for the Ordnance Factories of personnel affected by the Ordinance."

This relates to British Indian subjects.

Pandit Lakshmi Kanta Maitra: Where is the location of this National Service Committee? I do not know this.

The Honourable Sir Muhammad Zafrullah Khan: What does the Honourable Member mean by "location"? It functions at various places.

Pandit Lakshmi Kanta Maitra: Where is its headquarters?

The Honourable Sir Muhammad Zafrullah Khan: I am not aware; possibly in Calcutta.

Dr. Sir Ziauddin Ahmad: How many officers have been recruited on the recommendation of the other Committee to which the Honourable Member has just referred?

The Honourable Sir Muhammad Zafrullah Khan: It is not a question of recommendation. Take the case of a European whom on his merits the Department desires to recruit. If he is a person who is liable to compulsory military service under that Act to which I have referred, his services must be obtained through the Committee. That is the position.

PAUCITY OF INDIANS IN THE SUPERIOR POSTS OF THE AMMUNITIONS PRODUCTION DEPARTMENT, CALCUTTA.

230. *Sardar Sant Singh: Will the Honourable the Leader of the House please state if he is satisfied that suitable Indians are not available to fill the high posts in the Ammunitions Production Department at Calcutta?

The Honourable Sir Muhammad Zafrullah Khan: I am satisfied that there is considerable difficulty in finding suitable Indians to fill most of the posts down to and including posts of Deputy Director. An attempt is made to find a suitable Indian for each vacancy as it occurs.

Mr. Muhammad Nauman: May I know if Indians are given the same facilities as Europeans in the matter of recruitment?

The Honourable Sir Muhammad Zafrullah Khan: I do not know what the Honourable Member means by facilities. I am on the look-out for suitable Indians all the time. As a matter of fact, in effect they are given a preference, other things being equal.

CUT IN THE OVERTIME ALLOWANCE OF MUSLIM EMPLOYEES OF THE GOVERNMENT OF INDIA PRESSES IN RESPECT OF THE FRIDAY PRAYER HOUR.

231. *Nawab Siddique Ali Khan: Will the Honourable Member for Labour be pleased to state:

- (a) whether one hour's leave per week is admissible for Friday prayers to all Government servants in all the Government of India offices;
- (b) whether it is a fact that Muslim employees of the Government of India Presses are allowed this one hour weekly leave on pain of their overtime allowance being cut for that hour;
- (c) whether it is a fact that overtime allowance is granted in Government Presses only after an output of eight consecutive hours work;
- (d) whether it is a fact that the Muslim employees who go for *Juma* prayers and do overtime work on that day are not held to be entitled to the usual allowance, as the output of work is short by one hour spent in Friday prayers which is not counted towards total duty hours;
- (e) whether the Honourable Member is aware that employees of these Presses who attend military parades for two and a quarter hours three times a week get their full overtime allowance, though they are not on duty in the Presses;
- (f) whether the Honourable Member is aware that differential treatment in respect of two sections of employees is deeply felt by the Muslim employees of the Presses; and
- (g) whether he is prepared to allow the overtime allowance to Muslim employees on Fridays, even if they have attended prayers for one hour; if not, why not?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: (a) Leave for the actual time spent for Friday prayers is granted to Muslim employees on condition that such time is made up, if necessary, after the office hours, on the same or other days of the week.

(b) The time spent for attending Friday prayers is deducted for the purpose of calculating overtime.

(c) The normal working hours for industrial employees are eight on each week day in the Government of India Presses, New Delhi and Aligarh, exclusive of rest intervals. Overtime allowance is earned by such employees only after they have actually worked for the prescribed normal working hours.

(d) Yes.

(e) Time spent on military parades is under the military regulations regarded as 'duty' for purposes of civil leave and pension and on that analogy it is treated as 'duty' for the purpose of calculating overtime allowances.

(f) I have no information.

(g) No. There can obviously be no justification for paying for overtime unless the hours actually worked are in excess of those prescribed as the normal working hours.

Mr. Muhammad Nauman: With reference to part (b) of the question, may I know whether the period of one hour is given with pay or without pay? My information is that, on the East Indian Railway Press, that period is deducted and treated as without pay.

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: This question only refers to employees in the Government Presses, and there the leave is given with pay.

Mr. Muhammad Nauman: But the East Indian Railway Press is also a Government Press, because that is a Government Railway.

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: The Member in charge of Labour is not responsible for that.

RISE IN THE PRICES OF FOOD-STUFFS.

232. *Mr. Amarendra Nath Chattopadhyaya: (a) Will the Honourable the Commerce Member be pleased to state if the prices of food-stuff in general have gone up and, if so, what is the percentage in the increase?

(b) Will the Honourable Member be pleased to state if the price of 'rice' is going up by leaps and bounds on account of want of import of Burma rice? If so, what steps does the Honourable Member intend to take to stop such increase?

(c) Is there any export of rice, wheat and cereals allowed from India to countries outside India, where some sort of war preparation is going on? If so, what is the quantity of rice, wheat and cereals already exported and what quantity is yet in contemplation for export?

(d) How would these exports affect prices of the commodities in India?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: (a) Yes.

According to Calcutta Index Number, the rise in the prices of sugar, tea and other food articles is between 50 and 70 per cent over the base-price of July, 1914.

(b) The price of rice is not going up by leaps and bounds. Certain rise has, however, taken place in consequence of shipping shortages and deficit harvests in certain Provinces. All efforts are being made to provide as much of shipping facilities as is under the present conditions possible for the import of Burma rice into India.

(c) Subject to the Export Control restrictions notified by the Government, export of rice, wheat and cereals are allowed from India to countries outside India. It is not in public interest to give an answer to part two.

(d) Exports prevent Indian prices from falling.

Pandit Lakshmi Kanta Maitra: Is the Honourable Member in a position to give us some idea as to the quantity of the import of Burma rice during the last three months?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: I am afraid I have not got that with me here.

NON-GRANT OF ACTING ALLOWANCE TO JUNIOR READERS OFFICIATING AS SENIOR READERS IN THE GOVERNMENT OF INDIA PRESSES.

†233. *Mr. Muhammad Azhar Ali: (a) Will the Honourable Member for Labour state whether it is a fact that there are various grades of

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

readers in the Government of India Presses but no acting allowance is allowed under Fundamental Rule 30 to a junior reader in the lower grade when he is performing the duties of a senior reader in the higher grade on the plea that such officiating appointment does not involve the assumption of duties and responsibilities of greater importance than those attached to the post of a junior reader?

(b) If the reply to part (a) be in the affirmative, will the Honourable Member be pleased to refer to the reply given by Government to question No. 274 asked by Mr. S. C. Mitra on the 30th January, 1929 regarding pay of Readers and Revisers in the Government of India Press, Calcutta, in which Government distinctly stated that "The responsibilities of a reader vary according to the grade to which he is employed," and state the reason why officiating allowance is not allowed in such cases?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: (a) and

-(b) The matter is under consideration.

RESERVATION OF THE RECENTLY ADVERTISED POST OF ASSISTANT VETERINARY RESEARCH OFFICER FOR MUSLIMS.

234. *Mr. H. A. Sathar H. Kasak Salt: (a) Will the Education Secretary be pleased to state whether, in view of the great paucity of Muslims in the staff of the Imperial Veterinary Research Institute and the complete absence of Muslims in the medical staff of that Institute, as disclosed in the information laid on the table of the House on the 27th November, 1940, and the 11th February, 1941, in answers to questions Nos. 141 to 153, asked by Haji Chaudhury Muhammad Ismail Khan, on the 18th November, 1940, Government are prepared to reserve for Musalmans the vacancy of Assistant Veterinary Research Officer for investigation of tuberculosis and Johne's disease among animals in the Imperial Veterinary Research Institute, which has been advertised in the *Pioneer*, dated the 9th February, 1941, and thus help to raise the percentage of the Musalmans on the superior staff of this institution?

(b) If the answer to part (a) be in the affirmative, are Government prepared to re-advertise this vacancy, especially in such newspapers as to reach Muslim public and Muslim educational institutions like the Muslim University, Aligarh.

Mr. J. D. Tyson: (a) The staff at the Imperial Veterinary Research Institute covered by the questions and answers to which the Honourable Member refers, is the non-gazetted staff. Government do not agree that there is a great paucity of Muslims in that staff. As regards Class I and Class II posts, the Honourable Member will realise that they have been excluded from the rules regarding communal representation on account of the high technical qualifications required. Government do, however, pay regard to communal proportions in these posts also and recently a Muslim who was second in the Federal Public Service Commission's list of recommendations was preferred for appointment to a Class I post. The particular post to which the Honourable Member refers is under the control of the Imperial Council of Agricultural Research to whom a copy of this question and answer will be sent.

(b) Does not arise.

**REQUISITIONING FOR WAR PURPOSES OF INDIAN SHIPS IN PREFERENCE TO
BRITISH SHIPS ENGAGED IN COASTAL TRADE OF INDIA.**

235. *Mr. Akhil Chandra Datta: (a) Will the Honourable the Commerce Member be pleased to state if it is a fact that the British ships on the Register of the United Kingdom were requisitioned by His Majesty's Government from the 1st February, 1940?

(b) Is it a fact that the British ships referred to in part (a) above were allowed to be run in the coastal trade of India on account of His Majesty's Government?

(c) Is it a fact that, instead of calling upon all the British ships referred to in part (a) above, to meet the requirements of the war, Indian ships on the Indian Register were requisitioned by the Government of India for war purposes? If so, why were not all the British ships, requisitioned by His Majesty's Government first utilised for that purpose before requisitioning ships on the Indian Register?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: (a) Presumably the Honourable Member is referring to His Majesty's Government's Liner Requisition Scheme which was introduced on the 1st February, 1940. This applied to all vessels upon the United Kingdom Register which were engaged in the deep sea liner and tramp trades.

(b) Yes.

(c) The reply to the first portion is in the affirmative. As regards the latter portion there are three reasons:

Firstly, it is fair that Indian Registered ships should be requisitioned for meeting requirements of Indian Defence forces.

Secondly, urgent defence requirements may necessitate the requisitioning of a particular ship, which, either by reason of its situation or design, is in the circumstances of the case most suitable for the purpose.

Thirdly, Government considered it equitable that the burden imposed by the necessity of meeting defence requirements should be borne both by the owners of British Registered ships based on India and also by the owners of Indian Registered ships.

**REQUISITIONING FOR WAR PURPOSES OF INDIAN SHIPS IN PREFERENCE TO
BRITISH SHIPS ENGAGED IN COASTAL TRADE OF INDIA.**

236. *Mr. Akhil Chandra Datta: Will the Honourable the Commerce Member be pleased to state :

(a) the principles on which the Government of India are requisitioning the Indian ships on the Indian Register;

(b) the number of Indian ships on the Indian Register requisitioned by them either for the purpose of defence or for carrying men and materials to the theatre of the war;

(c) whether it is a fact that the ships on the Register of the United Kingdom are plying in the coastal trade and the Indian ships plying in the coastal trade are requisitioned for the carriage of men and materials in proportion to their share of the carriage of the coastal trade of India, Burma and Ceylon;

- (d) whether it is a fact that nearly 70 per cent. of the fleet of the Scindia Company has been requisitioned; and
- (e) whether it is a fact that the share of the Scindia Company in the coastal trade is only 20 per cent. of the entire coastal trade; if so, what is the basis on which the ships of the Scindia Company have been requisitioned?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: Government are unable in the public interest to furnish the full information asked for by the Honourable Member. The Government of India have requisitioned ships on the Indian Register when they were required for urgent defence purposes. Ships on the United Kingdom Register do ply on the coastal trade, but many of those which ordinarily ply in those waters are now plying elsewhere for urgent defence purposes. The Government of India's requisitioning policy is directed to ensuring that while urgent defence requirements are met, un requisitioned Indian Registered ships remain able to carry their share (as fixed by agreement between members of the Conference) of the total freight carried in the coastal trade by ships managed by the Conference lines.

NON-SETTLEMENT OF RATES OF HIRE AND COMPENSATION FOR INDIAN SHIPS IN COASTAL TRADE OF WEST INDIA REQUISITIONED FOR WAR PURPOSES.

237. *Mr. Akhil Chandra Datta: (a) Will the Honourable the Commerce Member be pleased to state the number of ships owned by the Indian shipping companies plying on the West coast of India and the number of their ships which are requisitioned for the purpose of defence?

(b) Is it a fact that the ships referred to in part (a) above have been requisitioned now for over 17 months, if so, whether the questions regarding their rates of hire and compensation have been finally settled? If not, why not?

(c) If the reply to part (b) be in the negative, will Government be pleased to state when they propose to settle these questions finally?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: (a) I would refer the Honourable Member to the reply just given by me to his question No. 236. It is not in the public interest that this information should be disclosed.

(b) and (c). The reply to the first portion of part (b) is in the affirmative. As regards the question of rates of hire and compensation, the matter is engaging the urgent attention of the Government of India and the final decision will be reached as early as possible. In the meanwhile advances of hire are being paid.

Qazi Muhammad Ahmad Kazmi: With reference to part (a) of the question, can the Honourable Member give the percentage without any risk attendant on publicity?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: I think it is somewhere between 50 and 55 per cent, but to be more accurate I should like to have notice.

RATES OF HIRE AND COMPENSATION FOR INDIAN SHIPS REQUISITIONED FOR WAR PURPOSES.

238. *Mr. Akhil Chandra Datta: Will the Honourable the Commerce Member be pleased to state whether the rates of hire and compensation that would be paid for the Indian requisitioned ships be on the same lines as those paid by the British Government to the British requisitioned ships, or whether Government propose to take into consideration the peculiar circumstances of the Indian shipping industry and arrive at a basis of compensation which may not put Indian ships in a position worse than that in which they were when those ships were requisitioned?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: The question of the fixation of rates of hire and compensation for requisitioned ships is receiving the active consideration of the Government of India. I may assure the Honourable Member that in arriving at a decision the peculiar circumstances of Indian Shipping will not be overlooked.

Dr. Sir Ziauddin Ahmad: What is the answer to this part of the question—will the Government of India see that the compensation given to the Indian Companies is on the same level as the compensation given to British companies?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: I do not think that would satisfy the Indian Companies at all.

GOVERNMENT POLICY IN THE MATTER OF EXPANSION OF INDIAN SHIPPING FOR THE PURPOSES OF INDIA'S MARITIME TRADES.

239. *Mr. Akhil Chandra Datta: (a) Will the Honourable the Commerce Member be pleased to state if he is aware that His Majesty's Government have given an assurance to the British Shipping industry that it will be maintained in adequate strength and full competitive efficiency after the war and that they would be prepared to give that industry such financial aid as may be found necessary for the purpose?

(b) If the answer to part (a) be in the affirmative, will the Honourable Member be pleased to state what national policy has been evolved by the Government of India for expanding and building up Indian shipping in India's maritime trades, so that national shipping can maintain their position and secure a substantial participation in the carriage of India's maritime trades? If not, what steps do Government propose to take in that connection?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: (a) An assurance was given in the Memorandum on War-time Financial

Arrangements between His Majesty's Government and British ship-owners, and I read the assurance in the context in which it was given:

"His Majesty's Government felt bound to take the view that rates of hire to be paid for the use of requisitioned vessels during the war should be based upon a proper allowance for running expenses, a proper provision for current depreciation and a reasonable return upon capital. They were unable to agree that it would be proper to include in these rates, the cost of which would fall on the community during the war, any allowance towards making good past arrears of depreciation (apart from the allowance for accruing depreciation) or towards building up provision for replacement in the future. At the same time His Majesty's Government recognise that their predecessors in office in 1939 found it necessary to formulate a number of proposals for according financial assistance to British shipping which they invited Parliament to authorise by the British Shipping (Assistance) Bill, 1939. The progress of this legislation was interrupted by the outbreak of war, but the necessity of maintaining the British Mercantile Marine in adequate strength and in a position of full competitive efficiency is recognised no less strongly by His Majesty's Government today. They will, therefore, keep this question constantly in mind as one with which it will be necessary to ask Parliament to deal in due course."

(b) For many years the Government of India has declared its policy of developing the Indian Mercantile Marine, but the uncertainties of the post-war situation make it impossible for me to forecast the manner in which the Government of India will give effect to this policy after the war.

UNSTARRED QUESTION AND ANSWER.

WIREMEN IN THE ELECTRICAL DIVISION OF THE CENTRAL PUBLIC WORKS DEPARTMENT.

91. **Pandit Lakshmi Kanta Maitra:** Will the Honourable the Labour Member please lay on the table a statement showing:

- (a) the number of the Wiremen in the Electrical Division of the Central Public Works Department, who have obtained Class II or Class I Certificates of Competency for Electrical Wiremen, the year they joined the Electrical Division and their present pay; and
- (b) the number of the Wiremen who joined the Electricity Division of the Central Public Works Department during the year 1930 and are now in receipt of Rs. 60 or more per mensem?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: A statement is laid on the table.

(a) *Particulars of Wiremen holding certificates of competency for electrical wiremen (class I or II) and employed in the Electrical Division, Central Public Works Department.*

Number.	Year of appointment.	Present pay.	Remarks.
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Class I.

		Rs.	A.	P.	
1	1940	35	0	0	
1	1939	37	0	0	
1	1938	44	0	0	
1	1934	57	8	0	Appeared for I class (Result awaited).
1	1928	65	0	0	
1	1926	68	0	0	Appeared for I class (Result awaited).
1	1922	40	0	0	

Class II.

		Rs.	A.	P.	
4	1940	30	0	0	
1	1940	25	0	0	Appeared for II class (Result awaited).
2	1940	40	0	0	One appeared for II class (Result awaited).
1	1939	42	0	0	
1	1938	37	0	0	
1	1938	36	0	0	
1	1937	38	0	0	
1	1936	44	0	0	
2	1936	43	0	0	
1	1936	36	0	0	Appeared for II class (Result awaited).
2	1935	44	0	0	
1	1935	35	0	0	
1	1935	26	0	0	
1	1935	48	0	0	
1	1935	36	0	0	
1	1934	32	0	0	
1	1934	45	0	0	
1	1934	30	0	0	
1	1932	38	0	0	

Wireman (Bombay.)

1	1934	42	0	0
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(b) *Number of Wiremen who joined Electrical Division, Central Public Works Department, during the year 1930 and are in receipt of Rs. 60 or more per mensem.*

Number.	Present pay.
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2	Rs. 65
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SHORT NOTICE QUESTION AND ANSWER.

BILLS AFFECTING CONDITION OF INDIANS IN CEYLON.

Mr. Govind V. Deshmukh: Will the Secretary for Education, Health and Lands Department please state:

- (i) if his attention has been drawn to the news published on page 9 of the *Hindustan Times*, dated the 28th February, 1941, under the caption "Non-Ceylonese in Ceylon, Two Bills approved by Board of Ministers";
- (ii) if the Board of Ministers wish to proceed with these Bills with or without the consent of (a) the Governor of Ceylon and (b) the Government of India;

- (iii) the nature of the Bills approved by the Board of Ministers, Ceylon, to be introduced on the 4th March, 1941, in the State Council;
- (iv) the effect of these Bills on Indians in Ceylon; and
- (v) the attitude of the Government of India, as well as of His Majesty's Government, towards these Bills?

Mr. J. D. Tyson: (i)–(v). Sir, with your permission I shall reply to the whole of the question together. The Government of India have seen the Press report referred to by the Honourable Member and have received a telegraphic report from their Agent that the draft Ordinances were published in Ceylon on the evening of the 28th February. These he has posted to us but they have not yet been received. The Government of India have, however, already informed the Government of Ceylon that in their opinion the emigration question should not be dealt with unilaterally and separately by Ceylon but should form part of a general settlement of the questions outstanding between the two countries. On receipt of the text of the gazetted Ordinances, the Government of India will consider whether further representations should be addressed to the Government of Ceylon. It is their intention to consult the Standing Emigration Committee of the Legislature before determining this matter. The attitude which the Governor of Ceylon and His Majesty's Government may adopt towards these draft Ordinances is a matter which can only arise after the Ordinances have been discussed in the Ceylon State Council and the outcome of that discussion is known.

Sir Syed Raza Ali: Is it a fact that any Bills were introduced in the State Council of Ceylon on the 4th March, 1941?

Mr. J. D. Tyson: We shall know that tomorrow: tomorrow is the 4th.

Dr. Sir Ziauddin Ahmad: Have the Government of India got any information that the Colonial Office has deputed a special officer to inquire into this question in Ceylon?

Mr. J. D. Tyson: We have seen that the Labour Adviser to the Colonial Office has been deputed to Ceylon—we do not know whether it is to inquire into this question. We have asked for information as to the scope of the work which he is being sent out to Ceylon to do, but we have not yet received a reply.

Dr. Sir Ziauddin Ahmad: Will the Government of India take some interest in the inquiries and see that the case of Indians is not left unrepresented?

Mr. J. D. Tyson: We will consider that. We do not know what he is being sent out for but we will certainly watch the position and we shall be guided by what we hear from the Secretary of State about the duties which Major Orde-Browne has been sent out to do. We shall certainly watch that situation.

Dr. Sir Ziauddin Ahmad: Is it not a fact that the Indian Government are taking steps to stop emigration to Ceylon and thus help this particular Bill which is being enacted in the Ceylon Legislature?

Mr. J. D. Tyson: We have stopped emigration of non-skilled labour to Ceylon,—in August, 1939.

Dr. Sir Ziauddin Ahmad: That is really helping the enactment of the Bill which is being introduced tomorrow: you are taking steps to give effect to their Bill!

Mr. J. D. Tyson: The Honourable Member is well aware of the circumstances under which we placed the ban on non-skilled emigration to Ceylon.

MOTION FOR ADJOURNMENT.

ARREST AND DETENTION OF MR. S. K. DUTTA PALIWAL.

Mr. President (The Honourable Sir Abdur Rahim): I have received a notice from Mr. Muhammad Kazmi of his intention to move the adjournment of the business of the House to discuss a definite matter of urgent public importance, namely:

"The arrest and detention of Mr. S. K. Dutta Paliwal, M.L.A., (Central), U. P. Congress President, who was touring the Gorakhpur constituency in connection with the candidature of Mr. Khedan Lal, a candidate to the membership of this Honourable House (who has been previously arrested) and whose election is to take place on the 5th of March. Mr. Paliwal was once previously similarly arrested and later on released; and in view of the declared policy of the Congress which lays down the offering of 'Satyagraha' with notice to authorities, he had done nothing of the kind, did not intend to offer civil disobedience, was proceeding according to law and whose activities could at the most amount to constitutional agitation which is not prohibited by the law and whose election campaign in itself has been taken by the authorities to be an act prejudicial to the prosecution of war, whose arrest is intended to strike terror and horror in the mind of voters for the Congress candidate and in this the Government of India have failed to carry out their undertaking to the effect that the Defence of India Act and Rules shall be so enforced that the 'liberties (of the people of India) will be in hands which will not abuse them and will cherish and guard them'. The arrest of Mr. Paliwal, in addition to amounting to harassment of a peaceful citizen, amounts to direct interference in elections to this Honourable House. If peaceful election propaganda is an act prejudicial to the prosecution of the War, then the Government are guilty of being contributory to it as they are holding elections in these days and for having laid a trap for peaceful citizens of India."

I must first point out to the Honourable Member and the House that the notice for moving for the adjournment of the House is intended for the purpose of discussing a certain matter of definite public importance and it is not intended that in the notice itself there should be a discussion of the matter; and I must inform the House that in future, if any such notice is given, the Chair will not take any notice of it. I should like to know under what Act Mr. Paliwal has been arrested?

Qazi Muhammad Ahmad Kazmi (Meerut Division: Muhammadan Rural): The news that has appeared in the *Hindustan Times* is to the effect that "he was arrested at Deoria, near Gorakhpur, today at 2 p. m., while he was proceeding to Barhaz Bazar to address an election meeting, according to a report received here"

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member need not read all that. I simply wanted to know under what Act he has been arrested.

Qazi Muhammad Ahmad Kazmi: Under section 188 and rule 88 of the Defence of India Act, of the Defence of India Rules.

Mr. President (The Honourable Sir Abdur Rahim): The Indian Penal Code?

Qazi Muhammad Ahmad Kazmi: Yes.

Mr. President (The Honourable Sir Abdur Rahim): That being so, this House certainly cannot interfere.

Qazi Muhammad Ahmad Kazmi: There is only one point that I should like to submit in this connection, and it is this. When persons are arrested and subsequently let off, after the election time is over, there will be no time or opportunity for me to move an adjournment motion to show that the arrest at this time was without any cause or proper reason.

Mr. President (The Honourable Sir Abdur Rahim): We do not know.

Qazi Muhammad Ahmad Kazmi: And unless Government are prepared to satisfy us that Mr. Paliwal has been arrested for some substantial offence

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member is trying to discuss the matter again. The arrest having been made for an offence alleged to have been committed under the Indian Penal Code, and as the matter is under investigation, it cannot be discussed by means of an adjournment motion in this House. The motion is out of order.

ELECTION OF THE STANDING FINANCE COMMITTEE FOR RAILWAYS.

The Honourable Sir Andrew Olow (Member for Railways and Communications): Sir, I move:

"That this Assembly do proceed to elect, in such manner as may be approved by the Honourable the President, 11 members to serve on the Standing Finance Committee for Railways for the year commencing 1st April, 1941."

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

"That this Assembly do proceed to elect, in such manner as may be approved by the Honourable the President, 11 members to serve on the Standing Finance Committee for Railways for the year commencing 1st April, 1941."

The motion was adopted.

ELECTION OF THE CENTRAL ADVISORY COUNCIL FOR RAILWAYS.

The Honourable Sir Andrew Olow (Member for Railways and Communications): Sir, I move:

"That this Assembly do proceed to elect, in such manner as may be approved by the Honourable the President, six non-official members to serve on the Central Advisory Council for Railways for the year commencing 1st April, 1941."

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

"That this Assembly do proceed to elect, in such manner as may be approved by the Honourable the President, six non-official members to serve on the Central Advisory Council for Railways for the year commencing 1st April, 1941."

The motion was adopted.

ELECTION OF A MUSLIM MEMBER FOR THE STANDING COMMITTEE ON PILGRIMAGE TO THE HEDJAZ.

Mr. J. D. Tyson (Secretary, Department of Education, Health and Lands): Sir, I move:

"That this Assembly do proceed to elect, in such manner as the Honourable the President may direct, a Muslim Member to sit on the Standing Committee on Pilgrimage to the Hejaz vice Syed Ghulam Bhik Nairang, M.L.A. whose term of membership has expired."

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

"That this Assembly do proceed to elect, in such manner as the Honourable the President may direct, a Muslim Member to sit on the Standing Committee on Pilgrimage to the Hejaz vice Syed Ghulam Bhik Nairang, M.L.A. whose term of membership has expired."

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim): I may inform Honourable Members that for the purpose of elections of members for the Standing Finance Committee for Railways, the Central Advisory Council for Railways and the Standing Committee on Pilgrimage to the Hejaz the following dates have been fixed for receiving nominations and for holding elections, if necessary, namely:—

	Nominations.	Election.
1. Standing Finance Committee for Railways.	5th March, 1941.	7th March, 1941.
2. Central Advisory Council for Railways.	10th March, 1941.	14th March, 1941.
3. Standing Committee on Pilgrimage to the Hejaz.	5th March, 1941.	7th March, 1941.

The nominations for the two Committees and the Council will be received in the Notice Office upto 12 Noon on the dates mentioned above for the purpose. The elections which will be conducted in accordance with the principle of proportional representation by means of the single transferable vote will be held in the Assistant Secretary's Room in the Council House New Delhi, between the hours of 10-30 A.M. and 1 P.M.

THE INDIAN MERCHANDISE MARKS (AMENDMENT) BILL.

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar (Member for Commerce and Labour): Sir, I move:

"That the amendments made by the Council of State in the Bill further to amend the law relating to fraudulent marks on merchandize be taken into consideration."

These are two amendments which the House will notice are not amendments which affect any principle or even any provision of the clause, but are simply drafting amendments which clarify the position. The first amendment adds "and thread" to the title in section 7 so as to include

[Diwan Bahadur Sir A. Ramaswami Mudaliar.]

thread which is dealt with in one of the sub-sections of this clause. The second amendment introduces the word "printed" which it is considered desirable to treat separately, and not under dyed or coloured, and opportunity has been taken to frame this clause in a more elegant manner than was possible on the previous occasion. Sir I move that these amendments be taken into consideration.

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

"That the following amendments made by the Council of State in the Bill further to amend the law relating to fraudulent marks on merchandise be agreed to :

In clause 7—

(a) for the heading preceding proposed section 12, the following heading be substituted, namely :

'Stamping of Piece-goods, Cotton yarn and Thread.'

(b) for sub-section (1) of the proposed section 12, the following sub-section be substituted, namely :

'(1) Piece-goods, such as are ordinarily sold by length or by the piece, which have been manufactured, bleached, dyed, printed or finished in premises which are a factory, as defined in the Factories Act, 1934, shall not be removed for sale from the last of such premises in which they underwent any of the said processes without having conspicuously stamped in English numerals on each piece the length thereof in standard yards, or in standard yards and a fraction of such a yard, according to the real length of the piece, and, except when the goods are sold from the factory for export from British India, without being conspicuously marked on each piece with the name of the manufacturer, or of the occupier of the premises in which the piece was finally processed or of the wholesale purchaser in India of the piece.'

The motion was adopted.

THE ASSAM RIFLES BILL.

Mr. O. K. Garo (Secretary, External Affairs Department): Sir, I move:

"That the Bill to provide for the regulation of and the maintenance of discipline in the Assam Rifles be taken into consideration."

This is a very simple Bill, but it relates to a part of India's frontier with which this House is perhaps not so familiar as the North West. We have to remember that there is a North-East Frontier and that there are in some ways analogous conditions on that frontier to those which exist on the North West Frontier. We have an administered border of the province of Assam. Beyond it we have tribal areas leading up to the external frontiers of India. There is, therefore, on the North-East Frontier a problem of watch and ward which has to be performed by a Government force, and that force is the Assam Rifles which has hitherto been governed by a Provincial Act. This force has to control the tribal areas, to prevent and punish raiding, and it has the additional function that it is available for the purposes of the Assam Government whenever they require it. The financial position has been explained in the Statement of Objects and Reasons which shows that a curious fraction of 43/58ths of the force is paid for by the Central Government and 15/58ths by the Provincial Government. It is a very odd fraction, but it works out to almost exactly three-fourths and

one-fourth. In return for one-fourth contribution the Assam Government expect that the force should be available for use when they need it. As appears in the Statement of Objects and Reasons, the Auditor General has committed himself to the view that any arrangement by which a force which is paid for in such a large proportion from the Centre and performs Central functions—any arrangement whereby that force is not Centrally controlled is not in accordance with the facts, and I think possibly the House will endorse that opinion. At any rate, it is a view with which the Assam Government themselves are in full accord, and it is for that reason that the House is now being asked to abandon the present fictional treatment whereby the force is regulated by a Provincial Act and to substitute a Central Act by the enactment of legislation. The Statement of Objects and Reasons explains that what lies behind this is that a force which has hitherto been treated as a police force which would fall under the 3rd entry in List 2 of the 7th Schedule of the Government of India Act, is now to become an "armed force raised by the Crown" which will be found in entry 1 of the Federal Legislative List in Schedule 7.

Sir, I am anxious to make it clear that this Bill now before the House is almost in its entirety a re-enactment of the Provincial Act. It contains, as Honourable Members will see, a large number of provisions relating to the internal management and discipline of the force, and these provisions follow well-established phraseology adapted from Acts to regulate discipline within forces and have been taken almost *verbatim* from the provincial Act. I hope the House will agree that the force which, after all, remains the same force, whether it is centrally or provincially regulated, will find it simpler to proceed under cover of legislation which is familiar to them and to which through long usage they have become used, and they would find it more difficult if they had to adapt themselves to an entirely new set of provisions.

Sir, the Assam Rifles has very multifarious duties to perform,—in the tribal areas, in the defence of India's frontier, when needed by the Assam Government in the Assam Province itself. It is not inaptly though rather crudely described as a servant of all work. Nevertheless, its duties are of real importance, and, as I have mentioned, it is almost entirely paid for from the Centre, and its duties are, of course, of not less importance in the general situation which now confronts us. I, therefore, ask the House to do what is possible to provide the legislative cover to bring this force under Central control. Sir, I move:

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

"That the Bill to provide for the regulation of and the maintenance of discipline in the Assam Rifles be taken into consideration."

An amendment has been given notice of by Mr. Abdur Rasheed Chaudhury that the Bill be circulated for the purpose of eliciting opinion. Does he wish to move it?

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

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 1st June, 1941."

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

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 1st June, 1941."

[Mr. President.]

Now, both the main motion and this amendment are before the House for discussion.

Maulvi Abdur Rasheed Chaudhury: Sir, this is a Bill which is very important from the point of view of the people of the province of Assam. It is not so simple a thing as my Honourable friend has depicted it to be. It is neither analogous to that in the North-West Frontier

Mr. President (The Honourable Sir Abdur Rahim): Will the Honourable Member speak up please?

Maulvi Abdur Rasheed Chaudhury: The Bill has its own importance so far as the province of Assam is concerned. This is an armed force and the only force available to the province of Assam for the ultimate peace and tranquillity of the province. It consists of something like 58 platoons, 48 of which are for the use of the Central Government and 15 for the province of Assam, and the cost of maintenance of this force is shared proportionately by the Central Government and the Provincial Government.

The force is controlled under the Assam Rifles Act, 1920 and the controlling authority has been all along the Government of Assam and not the Central Government. By this Bill it has been proposed to take away the control of the force from the Government of Assam to the Central Government. It is a very interesting thing so far as the province is concerned and both the Government and the people have got a right to have their say on this Bill. Sir, it cannot be said that the Assam Rifles is a superfluous force so far as the province of Assam is concerned. Although it is not required for every day work, still its existence as a force in Assam has got its moral effect on the ultimate peace and tranquillity of the province. Of course we have got our police. But the police has got its assigned duties, which are mainly connected with the investigation of crime and such like things. The police is not at all times sufficient for the maintenance of peace in a province like Assam, for example, at the time of the non-co-operation movement, when the police could not cope with the work of the maintenance of peace and tranquillity, the mere marching of this force had the desired effect so far as the peace of the province was concerned. It cannot be said that it was a superfluous force not needed for the province of Assam.

Then, Sir, we have to see the reason which has necessitated this change. A perusal of the Statement of Objects and Reasons will show that the Mover of the Bill has thought it necessary to call the present arrangement as something fictional. The question arises at once—this arrangement is continuing for the last 21 years and if it is fictional, why was it allowed to continue so long and what has made it fictional. So far as the people of the province are concerned, we have not heard much against the Assam Rifles in the course of the last 21 years. We have occasionally heard of maltreatment by individual members of the Assam Rifles. Nothing has yet appeared by way of a Government communique in the Press saying that a necessity has arisen on account of which the entire control of the Assam Rifles should be transferred from the Province to the Centre. It may be that the Government may think that the province has advanced so much in education and in morality and in other ways that a military force like the Assam Rifles is no longer necessary for the province of

Assam. I wish it was the case. I wish it was the case throughout the whole of India, and also the whole of the world, so that the race for armaments may cease and money could be found for the uplift of the country. It may be that the province has advanced in other directions and the Government find that the province is moving on the lines of the sister province of Bengal and other provinces in India so far as this demand for self-government is concerned, and the Government may think that the 15 platoons set apart for the province of Assam is no longer sufficient. Whatever may be the reasons, at least so far as we are concerned, we have no ulterior motive and we do not oppose this Bill at all but we have got a right to have our say on this important Bill. The first question that arises is this. 15 platoons of the Assam Rifles is being taken away out of the control of the Assam Government. Are the Government arranging for any substitute for this force for the use of the province of Assam. This is the first question and I wish, Sir, that the Honourable the Mover of the Bill could have given us some indication that though the Assam Rifles will be taken out of the control of the Provincial Government, something would be available for the use of the Government. This has not been given.

Then, Sir, in the Statement of Objects and Reasons and in the speech of the Honourable the Mover of the Bill it has been given out that the Government of Assam was consulted and the Government of Assam has given its consent to this Bill. Now, Sir, so far as we, in this House, are concerned, the correspondence between the Central Government and the Assam Government is not in our possession. So we are in the dark as to what are the reasons why the Government of Assam has given its consent to this important transfer of power from the Provincial Government to the Central Government. Then, Sir, in a matter like this, not only the Government but the people of the province have got their right to say something. There is nothing to show that the Assam Government before giving its consent had this matter threshed out in the Legislature or that the Assam Government had called for public opinion in the province and they arrived at their decision after consulting the people of the province. We do not know anything about that. At least no correspondence on that account is in our possession. We are absolutely in the dark as to the reason why the Assam Government found it worth while to give its consent to the transfer of the control of this force. This Bill curtails the power of the Provincial Government a good deal so far as its control over its only armed force is concerned. The whole of the world is mad after power. It may be that the Assam Government is finding it too much to control this Assam Rifles. But I do not see the reason for this. The Assam Government is assisted by as many as nine ministers whose services are at the disposal of the Governor. These ministers go out in batches, sufficient in themselves to constitute even an unlawful assembly, if necessary. I see no reason why the Assam Government should consider itself to have been fed up with the control of this important armed force. The upkeep of this armed force is shared, as I have said, both by the Provincial Government and by the Central Government, and as only fifteen out of the fifty eight platoons

Mr. P. J. Griffiths (Assam: European): Which pays the most?

Maulvi Abdur Rasheed Ohaudhury: The Centre. Sir, the Central Government have been paying for the last twenty or twenty-five years, and we do not find any sudden necessity arising to alter the present arrangement and to call this arrangement a "fictional" one. So far as the provisions

[Maulvi Abdur Rasheed Chaudhury.]

of the Bill are concerned, we the people of the Province are vitally interested. I take first clause 2, sub-clause (1) of the Bill. This clause defines the active service

Mr. President (The Honourable Sir Abdur Rahim): That is a matter which the Honourable Member can discuss when the clauses are before the House,—and he has given notice of amendments himself.

Maulvi Abdur Rasheed Chaudhury: I am just mentioning one or two facts in order to explain to the House that we the people of the Province are vitally interested in this matter. Sir, in this Bill there is a mention of the "hostile tribes".

Mr. O. K. Garoe: On a point of order, Sir, that is one of the detailed amendments which is down on the paper.

Mr. President (The Honourable Sir Abdur Rahim): That is what the Chair has been pointing out to the Honourable Member. If he is going to move his amendments, there will be time to discuss that.

Maulvi Abdur Rasheed Chaudhury: I am only making a passing reference. Firstly, we have got no hostile tribe in Assam in the sense that there is a hostile tribe in the North-West Frontier Province. We have got all the docile tribes there. Sir, the word "tribe" has not been defined here.

Mr. O. K. Garoe: That, Sir, is also on the paper,—one of the detailed amendments.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member will have an opportunity to discuss the clauses in detail.

Maulvi Abdur Rasheed Chaudhury: I am not discussing these things. I am simply making a passing reference to what the Bill is going to deal with and how the people of Assam are interested. Sir, unless there is a definition of "tribe", they may apply this Act against anybody in the Province of Assam; if it suits them, they may use it against the non-co-operation movement, they may use it against the Congress, they may use it against the Hindu Mahasabha, they may use it against the Muslim League followers,—so it is necessary that the words "tribe" and "hostile tribe" should have a definition given to them.

Then there is a provision that under the new Act the personnel of the Assam Rifles will be appointed under the new Act. Now, the existing personnel of the Assam Rifles is, of course, appointed under the Assam Rifles Act, 1920, and even under the Eastern Bengal Rifle Act, 1912. Under clause 13 of the Bill, it is clear that as soon as this Bill will come into force, the Force under the previous Acts will cease to exist. Now, Sir, we have not been given to understand what is the fate of the people who are already in the Assam Rifles,—whether they will be given any pension or whether they will be driven out without any pension, whether Government will consider the position about their future, and all these things. These are points in which the people of Assam are interested. I may say, Sir, that we are not enamoured of the Assam Rifles in Assam. We do not consider the present arrangement to be an ideal one. In fact we have been considering this Assam Rifles to be a nuisance so far as the people of Shillong are concerned.

An Honourable Member: Why?

Maulvi Abdur Rasheed Chaudhury: They are an eye-sore, and the Assam Rifles people are considered to be nothing but a nuisance to the fruit sellers and provision sellers of the Shillong Bazaar. It is a common thing that these people, half-drunken, are frequenting the bazaars of Shillong

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member need not go into that.

Mr. M. Ghiasuddin (Punjab: Landholders): So the Government of India will subject them to "discipline" in a better manner.

Maulvi Abdur Rasheed Chaudhury: Their notoriety went so far that when I was in the Assam Council I had to bring an adjournment motion regarding the conduct of this Assam Rifles in 1935. Sir, whenever there was a complaint about the misconduct of the Assam Rifles, we used to go to the Chief Secretary, simply to be told that he had no effective control over the Assam Rifles. Then we went to the Commandant, but he was unapproachable. So, Sir, we are between two fires. The result was that the people began to take the law into their own hands and give tit for tat once there was misconduct on the part of the Assam Rifles, and it went so far that a son of an Honourable Minister was assaulted at a public place and it came to the notice of the Government and the Government had to put a picket for controlling these unruly men of the Assam Rifles in the bazaars and other thoroughfares of Shillong. So, Sir, we would be glad if a change is made in the method of control of this Assam Rifles. Then, there is another point on which we have got a word to say. The present Assam Rifles consist of men mostly illiterate and it is controlled by Subedars and people like that, but, Sir, on account of this war people are paying attention to military service, and sooner or later the Government will have to take the educated youths of the Province into this Assam Rifles and the control of the Assam Rifles will have to pass to the educated youths of the Province. So the conditions of service, the control of the service and all these things have got to be revised and adapted to the requirements of the Province.

Sir, it has been said that some of the provisions of the Bill simply reproduce the provisions of the old Bill. This is another reason why the Bill should be circulated. It is our experience that whenever a Bill is worked for ten or 20 years, some defects are always found in it and then they are to be amended by another Bill. So, the mere fact that some of the sections of this Bill have simply been reproduced from the old one is another reason why the House should sit over it and consider it in details.

Now, Sir, I have given my reasons why this Bill should be circulated. So far as we can see, this Bill is not a war measure and, if it is circulated, Government will not lose anything but will have the opinion of the people concerned in the province of Assam so as to make a comprehensive Bill. We have seen that hasty measures come before this House for amendment in a year or two as was done in the case of some recent Bills. So, I would ask the Member in charge of this Bill not to rush it through this House and agree to the motion that it be circulated to elicit the public opinion thereon. Sir, I move.

Mr. M. S. Aney (Berar: Non-Muhammadan): Sir, we have a motion for circulation before the House as an amendment to the motion which

[Mr. M. S. Aney.]

the Member in charge has moved. I thought that this motion for circulation was more or less of a dilatory nature and in view of certain defects which my Honourable friend, Maulvi Abdur Rasheed Chaudhury, has pointed out and to which I have listened with great attention, it would have been better if there was a motion for reference of the Bill to the Select Committee rather than for sending it for circulation. In my opinion he has not—and he will excuse me for saying so—made out a case for sending the Bill into circulation, but he has certainly made out certain points which require to be closely gone into and carefully considered in order to fix the proper phraseology of this Act. His arguments were somewhat of a contradictory nature. He began first by telling us that the Assam Rifles was not a superfluous thing in Assam and he was unable to understand why the Local Government should have agreed to the principle of this Bill, namely, parting with its own control over the Rifles in favour of the Central Government. Then, at the close of his speech, he remarked that the Assam Rifles was a nuisance and they were not enamoured of it. We, who are not residing in the province of Assam, fail to see what the real position is if we are to get such contradictory opinions from the representative of Assam and I do not think the Members of this House will be better enlightened in dealing with the provisions of this Bill at all when their representative is not quite sure whether these Assam Rifles should be a provincial affair or whether we should allow them to be controlled by the Central Government. From his speech, at any rate, I began to feel like this. In view of the fact that he drew attention to the want of definition of the expression "hostile tribes" and some other point, it is rather difficult for any Member of this House to make any off-hand amendment without fully understanding the point of view of the Honourable Member which can be done only by taking the Bill for discussion across the table of the Select Committee.

There is one point which I myself have not been able to understand in this Bill. I particularly draw the attention of the Honourable Member in charge to clauses 3 and 11 which are new clauses in this Bill. Clause 3 is evidently intended to substitute the control of the Central Government for the control of the Provincial Government. That I can see. In clause 11 it has not been stated what is the scope or meaning of the provision that is being proposed to be enacted. I have not been able to understand this point and much light was not thrown on it by the Honourable Member in charge when he made his speech in introducing his motion. Clause 11 runs thus:

"For the purposes of sections 128, 130 and 131 of the Code of Criminal Procedure, 1898, a Commandant, Assistant Commandant, Subadar-Major, Subadar or Jemadar of the Assam Rifles shall be deemed to be an officer, a Havildar-Major, Havildar or Naik shall be deemed to be a non-commissioned officer and a buglar or rifleman shall be deemed to be a soldier of His Majesty's Army."

What is going to be the exact effect of the changes that are proposed to be brought about by this we have not been able to understand at all. That is a point which the Honourable Member may take into consideration when he rises to give a reply. It seems that for certain purposes the Members of the Assam Rifles are to be deemed as part of His Majesty's Army. That seems to be his object. Anyhow, it is rather difficult to pass this motion as it is because there are some provisions in it which require to be understood by the Members of this House before they are in

a position to record their votes. As there is no motion for referring the Bill to the Select Committee, some Member, with your permission, may move that the Bill be referred to a Select Committee.

Some Honourable Members: There is a motion to that effect in the name of Maulvi Abdur Rasheed Chaudhury himself.

Mr. M. S. Aney: I am told that there is a motion in the name of Maulvi Abdur Rasheed Chaudhury to refer the Bill to the Select Committee. If he can move that motion now, there will be no difficulty about it.

Mr. President (The Honourable Sir Abdur Rahim): He ought to have moved it before, but the Chair is prepared to give him permission to move it now.

Maulvi Abdur Rasheed Chaudhury: My own idea is that the motion that I have moved just now should come first. If this motion is not accepted by the House, I shall move the next motion which is to refer the Bill to a Select Committee.

Mr. President (The Honourable Sir Abdur Rahim): That the Honourable Member will not be able to do.

Maulvi Abdur Rasheed Chaudhury: Then, I move my amendment that the Bill be referred to a Select Committee.

Mr. President (The Honourable Sir Abdur Rahim): But the Honourable Member cannot make another speech. He has made his speech already. The chair will allow him simply to move it.

Maulvi Abdur Rasheed Chaudhury: Sir, I move :-

"That the Bill be referred to a Select Committee consisting of."

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has not given the names of the Members of the Select Committee and, therefore, he cannot move it. The Honourable Member has got to inquire from different Members whether they are willing to act on the Select Committee.

Maulvi Abdur Rasheed Chaudhury: Sir, I have consulted most of them already.

Mr. President (The Honourable Sir Abdur Rahim): That is no good.

The Honourable Sir Muhammad Zafrullah Khan (Leader of the House): The Honourable Member has not yet consulted Government.

Mr. President (The Honourable Sir Abdur Rahim): In that case, the Select Committee motion can not be moved.

Mr. O. K. Garoe: I think I may be able to reassure my Honourable friend, Maulvi Abdur Rasheed Chaudhury, to some extent. In the earlier part of his speech he was praising the Assam Rifles and saying how important they were for the purposes of the province. Before he proceeded to become rather contradictory as my Honourable friend, Mr. Aney, said,

[Mr. O. K. Caroe.]

he mentioned that only 15 platoons would be available for provincial purposes. That is not the case, Sir. The Assam Government, as I said before, have agreed to this force being made a Centrally controlled force, but there is to be an understanding that the whole or any part of the force may be used in any part or area for which the Assam Rifles are responsible. That is to say, that if there were grave disorders in Assam which my Honourable friend anticipates not only the 15 platoons but the whole force may be made available. I hope that that will reassure him to some extent.

My Honourable friend also expressed some apprehension about changing the personnel. He seems to think that when the force became a central force, the whole of the existing force would be dismissed and replaced. That, of course, is by no means the intention. Sub-clause (4) of clause 2 of the Bill defines a rifleman appointed under the Assam Rifles Act and even under the old Eastern Bengal and Assam Military Police Act, 1912 and obviously a change in legislative cover will in no way imply or connote any renovation of the personnel of the force beyond the ordinary renovation which takes place through recruitment in the normal way.

The other matters which my Honourable friend referred to are mostly down on the paper in the form of detailed amendments and I do not think that I need perhaps refer to them at this stage. The motion before the House, I understand, is not for referring the Bill to a Select Committee, but for circulation. The main ground on which I oppose the motion for circulation is that the Assam Government themselves have been consulted and brought into the picture and they themselves have agreed that the force should be centrally controlled, thus following the financial obligations and the convention that they should have the use of it in return for their contribution when they require it. Sir, I oppose the motion for circulation.

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

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 1st June, 1941."

The motion was negatived.

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

"That the Bill to provide for the regulation of and the maintenance of discipline in the Assam Rifles be taken into consideration."

The motion was adopted.

Clause 3 was added to the Bill.

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

"That clause 4 stand part of the Bill"

Maulvi Abdur Rasheed Chaudhury: Sir I beg to move:

"That in sub-clause (2) of clause 4 of the Bill, after the word 'him', occurring in line 5, the words 'if literate' be added."

Sir, I said previously that this force will have naturally to be manned by literate people, as soon as the present personnel of the force will retire. It is essential that the people who then constitute the Assam Rifles should thoroughly understand the terms and conditions of service put forward and accept those terms and conditions by putting their signature in it.

That is why I propose that if future entrants should be literates, they should sign it themselves. This is a simple amendment and I hope the Government will accept it.

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

"That in sub-clause (2) of clause 4 of the Bill, after the word 'him', occurring in line 5, the words 'if literate' be added."

The Honourable Sir Muhammad Zafrullah Khan: Sir, I would draw the attention of the House to section 3, clause (52) of the General Clauses Act which says:

"'Sign', with its grammatical variations and cognate expressions, shall, with reference to a person who is unable to write his name, include 'mark' with its grammatical variations and cognate expressions."

Mr. M. S. Aney: I was just asking whether the schedule to this Act here and to which the signature is to be affixed is translated into vernacular languages. Are the forms of the schedule prepared in vernacular in Assam or in any vernacular which a person wanting to enlist speaks?

Mr. O. K. Garoe: I have never been in the position of a Commandant of the Assam Rifles and I, therefore, cannot answer that question; but I have no doubt that the schedule would be fully explained to any recruit who did not understand English.

The Honourable Sir Muhammad Zafrullah Khan: In clause 4, sub-clause (2) it is said "the schedule shall be read and if necessary explained".

Mr. M. S. Aney: It is to be explained as a matter of fact. What is the usual practice? Perhaps the Honourable Member is not able to say that. Whether they have got these forms prepared in vernacular or not is not known to him.

Mr. O. K. Garoe: I cannot say.

Mr. M. S. Aney: Then it is a rather difficult affair.

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

"That in sub-clause (2) of clause 4 of the Bill, after the word 'him', occurring in line 5, the words 'if literate' be added."

The motion was negatived.

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

"That clause 4 stand part of the Bill."

The motion was adopted.

Clause 4 was added to the Bill.

Clause 5 was added to the Bill.

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

"That clause 6 stand part of the Bill."

Maulvi Abdur Rasheed Chaudhury: Sir, I beg to move:

"That in sub-clause (b) of clause 6 of the Bill, after the word 'duty', occurring in line 4, the words 'and without provocation' be added."

[Maulvi Abdul Rasheed Chaudhury.]

Sir, if my amendment is accepted, the clause will read thus:

"uses, or attempts to use, criminal force to, or commits an assault on, his superior officer, knowing or having reason to believe him to be such, whether on or off duty," and I have added:

"and without provocation."

The punishment meted out for these offences is very severe,—transportation, imprisonment which may extend to 14 years or fine which may extend to Rs. 500 or both. Now, Sir, in ordinary life it frequently happens that a domestic servant, however well treated he may be, sometimes resents the action of his master and it is quite natural that a rifleman may on provocation show temper against his superior officer. As the punishment to be imposed is very severe I urge that if the offence against the superior officer is done on provocation some mercy should be shown to the rifleman. Sir, I move.

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

"That in sub-clause (b) of clause 6 of the Bill, after the word 'duty', occurring in line 4, the words 'and without provocation' be added."

Mr. Muhammad Ashar Ali (Lucknow and Fyzabad Divisions: Muhammadan Rural): Sir, the idea underlying the amendment is very salutary but there is some difficulty about the drafting and the Honourable Member may accept the amendment with a little change. I think it is only reasonable that if temper is shown on provocation the man should be excused. The idea should not be given in legislation that due notice was not taken of the possibility of provocation. Therefore, if the Honourable Member accepts the amendment and puts the words in their proper place there can be no objection. To punish a man who acts on provocation is rather serious and I, therefore, support the amendment.

Mr. O. K. Garoe: Sir, this is an Act to regulate discipline inside an armed force and, apart from anything else, I think that to insert a saving on provocation would be dangerous. In addition to that there is the fact that if there is a court trying the offence and it finds that there has been provocation, it might be taken, and indeed would be taken, as a mitigating circumstance. I do not think the words should appear in the Act and in fact it would be very dangerous to include them. Sir, I must oppose the amendment.

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

"That in sub-clause (b) of clause 6 of the Bill, after the word 'duty', occurring in line 4, the words 'and without provocation' be added."

The motion was negatived.

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

"That clause 6 stand part of the Bill."

The motion was adopted.

Clause 6 was added to the Bill.

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

"That clause 7 stand part of the Bill."

Maulvi Abdur Rasheed Chaudhury: Sir, I move:

"That in sub-clause (a) of clause 7 of the Bill, after the word 'March', occurring in line 3, the words 'in any public thoroughfare or bazar' be added."

It is the common experience of people who live in Shillong that these riflemen get drunk and cause a nuisance in thoroughfares and bazars, particularly to fruit and vegetable sellers who are generally Khasi women there. In their drunkenness they sometimes take away fruits and vegetables from these innocent women, and I should like to add this provision to stop this nuisance. Sir, I move.

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

"That in sub-clause (a) of clause 7 of the Bill, after the word 'March', occurring in line 3, the words 'in any public thoroughfare or bazar' be added."

Mr. Muhammad Azhar Ali: Sir, I am afraid this amendment would only make it more rigorous for the people. The clause, as it stands, is tantamount to saying that he will be on duty. But if you add this also, then, even if he is in any bazar, it will make it more rigorous for the man that whenever he is in the bazar, it will be known that he will be prosecuted if he is on duty and drunk. If you say that he will be punished when he is on the line of march in the bazar, that will make it more rigorous for the man. So it is rather against the interest of the man who is sought to be protected.

Mr. M. S. Aney: Sir, it may make the lot of that fellow more difficult, but there is no reason for us to pity him. What is being asked by my Honourable friend is that if a rifleman is found in a state of intoxication "when on, or detailed for, any duty, or on parade, or on the line of march", or in any public thoroughfare, he will be punished. The reason for punishing him, as it appears from the clause, is that, on account of his being in a state of intoxication, he will not be able to properly perform the duties required of him by Government. What my friend states is this: that there should be some provision also against his becoming a nuisance to the general public on account of his being found in a state of drunkenness on thoroughfares and bazars. I think this is also a matter to which the Members of this House should give their attention. Government are only looking at the Bill from one point of view, how to make him an efficient rifleman in the discharge of his duties. The general constituency, which my Honourable friend represents, wishes that he should also be a law-abiding citizen and a preserver of peace and order, and not a nuisance to the public. From that point of view, my Honourable friend wants to ensure one fact that a rifleman ought not to be found in a state of drunkenness at all. In his speech he has actually referred to the fact that the people of Assam look upon them, not as guardians of peace, but as a regular source of nuisance, and one of the reasons why they are found like this is that they are generally in a state of drunkenness. So I believe there is a good deal of force in the amendment of my friend; and, after all, if there is this punishment for a man being found in a state of drunkenness, he will be careful in appearing before the public or going to the bazars, and he will see, before he goes to such places, that he is in a position to control himself and his movements. I think there is a good deal of force in the amendment.

Mr. O. K. Caroe: Sir, in the first place, this clause appears in all clauses for regulating discipline against a state of intoxication, and it is very important that this House should not think that the Assam Rifles, as has been suggested, are frequently in a state of intoxication. All laws relating to discipline have this provision; and any suggestion that this force is more disorderly than any other or anything reflecting on the general character and honour of the force should be avoided. If the amendment were to stand in the way, it has been put that after the word "march" the words "in any public thoroughfare or bazar" be added

Mr. President (The Honourable Sir Abdur Rahim): The word "or" should be added—"or in any public thoroughfare or bazar."

Mr. O. K. Caroe: . . . then I would resist it on the ground that if a rifleman is drunk or disorderly in a bazar, it will be open to prosecute him in the ordinary way. This Act is intended to regulate the discipline of the force inside the force, and if he commits any offence against the public, he can be dealt with under the ordinary law

Mr. M. S. Aney: He will not be amenable to ordinary law. It is doubtful.

Mr. O. K. Caroe: . . . and I do not think that it should appear in an Act for the internal discipline of the force.

Mr. President (The Honourable Sir Abdur Rahim): Does the Honourable Member wish to add the word "or" in his amendment?

Maulvi Abdur Rasheed Chaudhury: Sir, I wanted discussion. I do not press the amendment.

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

Maulvi Abdur Rasheed Chaudhury: Sir, I move:

"That in sub-clause (b) of clause 7 of the Bill, after the word 'sentry', occurring in line 2, the words 'or any passer-by or shopkeeper in any bazar' be added."

If this amendment is adopted, it will read:

"strikes or forces or attempts to force, any sentry or any passer-by or shopkeeper in any bazar."

It happens frequently that the Assam Rifles people go out into the Shillong bazar and commit a good deal of nuisance including even assaulting the passers-by. Although sub-clause (n) says "commits extortion or without proper authority exacts from any person carriage, portage or provisions", a thing like that is frequently done, and more stringent provisions are necessary to keep the riflemen under control. The existing law is not at all sufficient, and so I wish to add these words. Sir, I move.

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

"That in sub-clause (b) of clause 7 of the Bill, after the word 'sentry', occurring in line 2, the words 'or any passer-by or shopkeeper in any bazar' be added."

Mr. O. K. Caroe: Sir, I do not quite understand why a shopkeeper in the bazar or passer-by alone are sought to be protected. But in any case

it seems to me that the argument should be that any person who is attacked by a rifleman has his recourse to the ordinary law, and that is the full answer. I oppose the amendment.

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

"That in sub-clause (b) of clause 7 of the Bill, after the word 'sentry', occurring in line 2, the words 'or any passer-by or shopkeeper in any bazar' be added."

The motion was negatived.

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

"That clause 7 stand part of the Bill."

The motion was adopted.

Clause 7 was added to the Bill.

Clauses 8, 9 and 10 were added to the Bill.

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

"That clause 11 stand part of the Bill."

Mr. M. S. Aney: Sir, with regard to clause 11, I have asked for certain explanation from the Honourable Member in charge, and I expect him to give his reply so that we may know exactly what this clause means.

Mr. O. K. Caroe: Sir, the object of clause 11 is to bring the force into relation with Chapter IX of the Code of Criminal Procedure which is the law relating to the use of military force to control civil disturbances. As I said in my introductory speech, the force is no longer a police force, but, as it were, a kind of second line military force. That will be the effect of bringing it in the Federal Legislative List and legislating for it Centrally. It is, therefore, necessary that the various ranks in that force should be brought into relation with the ranks mentioned in Chapter IX of the Criminal Procedure Code. For that purpose, section 82 of the Auxiliary Forces Act has been adapted. It reads exactly almost the same. It says:

"For the purposes of sections 128, 130 and 131 of the Code of Criminal Procedure, 1898, all officers, non-commissioned officers and men liable to perform military service under this Act, who have been appointed to a corps or unit shall be deemed to be officers, non-commissioned officers and soldiers respectively of His Majesty's Army."

Sections 128, 129, 130 and 131 are the sections relating to unlawful assemblies. The Honourable Member in moving his motion for circulation stressed the importance of the force being available for the maintenance of law and order in Assam. The effect of this section will be to give the officers, non-commissioned officers and men of the force the necessary powers as are given to regular officers and soldiers under the Code of Criminal Procedure.

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

"That clause 11 stand part of the Bill."

The motion was adopted.

Clause 11 was added to the Bill.

Clauses 12 and 13 were added to the Bill.

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

"That clause 2 stand part of the Bill."

Maulvi Abdur Rasheed Chaudhury: Sir, I have an amendment here, and it reads thus:

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

"'Hostile tribe' means a tribe in war with the Government'."

Sir, so far as we know, there is no hostile tribe in Assam. The tribes are all very docile people. The Garwas, the Nagas and others
 1 P.M. are all docile people, and I do not know what the Honourable Member means by hostile tribes. If he can prove that there is any tribe in Assam which is hostile to Government, I am prepared to withdraw my amendment.

Mr. President (The Honourable Sir Abdur Rahim): The Chair will put the question first. The amendment moved is:

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

"'Hostile tribe' means a tribe in war with the Government'."

Mr. M. S. Aney: Sir, I want to ask one question. By "hostile tribe", do you mean a tribe which is in a state of active hostility with the Government at any particular time, or do Government mean by the words "hostile tribes" that certain tribes which are, as a matter of course, treated by Government as hostile tribes? That is the point on which I want an explanation.

Mr. O. K. Caroe: The words "hostile tribe" mean hostile tribes—nothing more, nor less. It would necessarily not follow that a tribe is hostile to Government as it might be hostile to another tribe. If we try to define this by saying a tribe which is at enmity with Government, what will happen if one tribe goes and attacks another tribe in their head hunting expedition of which they are very fond? The Honourable Member suggests that all these tribes are extremely docile. Only a few years ago, they carried off 58 heads of another tribe and an expedition had to be made to punish them, and these things frequently happen. These are extremely primitive people and are not always docile, and for that reason I think it would be undesirable to attempt to define "hostile tribes" by saying it means definite hostility to the Government. On many occasions a section of one of these tribes has come down and raided, looted and burnt a village in the plains. They may say that it is merely because they are in enmity with their neighbouring tribesmen in the plains, they are not in enmity with Government at all. If we were to put in this amendment, we might be circumscribing our powers and there is a possibility of our activity against this tribe being affected very seriously. I hope this explanation will satisfy the Honourable Member.

Mr. M. S. Aney: May I ask one more question, Sir? Will the Honourable Member assure this House that no tribe will be treated as a hostile tribe unless it is first declared as such by the Government on account of certain of their activities; otherwise, nobody knows what tribes are included in the term "hostile tribe" and who will be proceeded against. It is giving a *carte blanche* to Government . . .

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member is asking for some information, the Chair takes it.

Mr. M. S. Aney: Sir, The Honourable Member must have a schedule of tribes who are treated as hostile tribes. Or Government must at least take the precaution by making a declaration to show which particular tribe is hostile for the time being on account of certain of its activities, and then they can deal with them.

Mr. O. K. Caroe: My Honourable friend appears to suggest that Government should declare war on these tribes by some sort of formal declaration. The use of the words "hostile tribe" in this Bill or in the old Act which will be replaced, does not imply any suggestion that one particular tribe was in permanent hostility to Government. There is no sort of schedule of tribes which are always hostile. The tribes are sometimes peaceful, and at other times hostile. The phrase is deliberately drawn widely, so that it may be possible to take any action against any of the tribes for unfriendliness, whether directly against the Government, attack on a Thana, or something of that kind, or against another village or against another tribe, and I do not think it would be desirable to circumscribe executive action to the extent which the Honourable Member suggests by making any formal amendment in the Bill or proceeding to give an undertaking that a declaration would always be made before any action is taken; but I can satisfy the Honourable Member to this extent, that all expeditions against tribesmen on the Assam border require the sanction of the Government of India, so that no action is taken without the fullest consideration.

Mr. President (The Honourable Sir Abdur Rahim): Does the Honourable Member wish to withdraw his amendment?

Maulvi Abdur Rasheed Chaudhury: Yes, I have got full explanation from the Honourable Member, and I am satisfied with it.

Mr. President (The Honourable Sir Abdur Rahim): Has the Honourable Member the leave of the House to withdraw his amendment?

Several Honourable Members: Yes, yes.

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

Mr. President (The Honourable Sir Abdur Rahim): There is another amendment in the Honourable Member's name.

Maulvi Abdur Rasheed Chaudhury: I don't wish to move it, Sir.

Mr. President (The Honourable Sir Abdur Rahim): The question is: "That clause 2 stand part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill.

The Title and the Preamble were added to the Bill.

The Schedule was added to the Bill.

Clause 1 was added to the Bill.

Mr. O. K. Caroe: Sir, I move:

"That the Bill be passed."

Mr. President (The Honourable Sir Abdur Rahim): The question is: "That the Bill be passed"
The motion was adopted.

THE MADRAS PORT TRUST (AMENDMENT) BILL.

The Honourable Sir Andrew Clow (Member for Railways and Communications): Sir, I move:

"That the Bill to alter the constitution of the Board of Trustees of the Port of Madras be circulated for the purpose of eliciting opinion thereon."

I have explained the scheme of the Bill in the Statement of Objects and Reasons, and need add very little to that. At present five commercial bodies are represented on the Port Trust,—there is the Madras Chamber of Commerce, a body which is predominantly though not entirely European, and there is the Southern India Chamber of Commerce, an Indian representative body. These are the two Chambers of Commerce; the first has four seats at present and the second two. Then there is the Madras Trades Association, which has at present two seats and to which, as Honourable Members will find, it is not proposed to give any seats in the revised constitution. This is a body which is almost entirely European, although I think there is at least one Indian member, and which includes retailing firms. It also includes a very prominent newspaper which is represented, I think, also in the Madras Chamber. I do not feel myself that bodies of this kind have in present times a very direct interest in Port Trust affairs. They are obviously interested, but if you carry the interest in Port Trust affairs into the indirect field, there is hardly any limit to the bodies which could claim consideration. Then there are two other bodies; one is the Southern India Skin and Hide Merchants' Association, whose representation we propose to leave for special reasons indicated in the Statement of Objects and Reasons. The other is the Madras Piecegoods Merchants' Association which does not appear in the revised clause. We do not feel that normally sectional interests of this kind representing particular trade ought to have representation. The Chambers of Commerce are more comprehensive and can voice more direct commercial interests as distinct from particular trade interests.

If these proposals are approved, they leave us, on the assumption that we do not want to enlarge the Board, three seats, and these three seats it is proposed to assign to the Government of Madras, to the Corporation and, by way of an additional seat, to the Southern India Chamber of Commerce. I feel sure that the House will agree that it is desirable that the Provincial Government should be represented. Formerly, it controlled the Trust affairs and when the present Act was passed, it was, of course, a Provincial Act. The transfer of the control of the major Ports to the Government of India has left it without any effective voice in the affairs of the Trust in which it is obviously closely interested. For somewhat similar reasons we propose to give a seat to the Madras Corporation. The third seat, as I have said, we propose to give to the Southern India Chamber of Commerce which will raise their membership from 2 to 3. The only other change that I need refer to is the proposal that one nominated seat should be earmarked for labour. That follows the recommendation made by the Royal Commission on Labour in India.

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

"That the Bill to alter the constitution of the Board of Trustees of the Port of Madras be circulated for the purpose of eliciting opinion thereon."

Mr. H. A. Sathar H. Essak Sait (West Coast and Nilgiris: Muhammadan): I am very happy to find that my Honourable friend has come out with this Bill which tries to do justice to Indian merchants in Madras and gives better proportion of representation to those who are interested in the affairs of the Port Trust of Madras. I am very glad that the Bill is going out for eliciting opinion, and I hope that any suggestions that may be made will be incorporated in the Bill later on when the Bill goes to a Select Committee. I have only one suggestion to make. In granting representation to the various bodies my Honourable friend has neglected to grant any representation to the Muslim Chamber of Commerce in Madras. I am sure he has received representations from that body and from other bodies urging that some representation should be given to this body. So far as the trade of Madras is concerned, I understand that about 46 per cent. of this trade is controlled by Mussalmans, or that Mussalmans are interested to the extent of 46 per cent. in the trade of Madras, and, therefore, it will be necessary for my Honourable friend to consider the reasonableness of the demand that one seat at least should be granted to the Muslim Chamber of Commerce. When we look at the Bill, what my Honourable friend is trying to do is to re-distribute the existing number of seats to the various bodies. I would suggest that he may even go to the extent of increasing the number of seats so that this representation may also be included. I may have to speak later on on this subject when the Bill comes before the House next time and so I do not want to detain the House. I hope my suggestion will receive proper consideration. With these few words I support the motion.

Mr. N. M. Joshi (Nominated Non-Official): I am glad that the Honourable the Communications Member has not forgotten the recommendation of the Royal Commission and has provided one seat for labour, but, Sir, while allowing the seats for commercial bodies to be filled by election, he provides that the seat for labour should be filled by nomination by the Central Government. I would suggest to him that labour should not be treated in a discriminatory manner. The seat for labour should also be filled by election by registered trade unions in the city of Madras. Labour interests have got representation in the provincial Legislature and that representation is provided by election. If that could be done, I think representation given on the Port Trust should also be filled by election. I am not at this stage suggesting what should be the method of election, I am prepared to leave that to Government. This method of nomination does not always lead to good results. The Karachi Port Trust has provided for representation by nomination for labour, but I do not want to take the time of the House by telling how that nomination has been made. I have received complaints and I am sure the Government themselves have received complaints about the nomination made by the Central Government on the Karachi Port Trust. They have nominated some persons who have nothing to do with labour. They did that twice, and on the third occasion they nominated a gentleman who was connected for a few months only with a trade union, leaving aside the claims of other people who have been in the labour movement for a long time. I, therefore, recommend

[Mr. N. M. Joshi.]

to the Government of India to think of some method by which labour seat shall be filled by election. I hope my recommendation will be accepted by the Government of India.

Sir F. E. James (Madras: European): I support the motion for circulation and would only detain the House for one moment. In the first place, I think it is unfortunate that in the Statement of Objects and Reasons the Honourable the Communications Member has raised a racial issue. In the first sentence of para. 2 he seems to suggest that the assignment of seats should be made on the basis of European commercial interests and Indian commercial interests, and yet, in his comment on the Bill, he suggested that representation should be based upon "direct interest" in the trade of the Port. Surely that is a much more proper basis for representation and I hope my Honourable friend will not apply the racial test to these matters in considering the constitution of these bodies. He has referred to the major change in the commercial and trading representation. The major change is to remove the Madras Trades Association from any representation on the Trust and to give one of those extra seats to the Southern India Chamber of Commerce. The interests that I represent are certainly pleased that the Southern India Chamber of Commerce should have additional representation. The Honourable Sir Andrew Clow has himself admitted that the Madras Trades Association is not an entirely communal body. There are Indian members; in point of fact, I would remind him that originally the Madras Trades Association had only one seat, and it was as a result of representation to the Provincial Government that a second seat was given to that body, which for a considerable number of years was occupied by an Indian member. Therefore, I do regret the suggestion in the Statement of Objects and Reasons that these matters should be placed upon racial considerations. Neither the Madras Chamber of Commerce nor the Madras Trades Association has a membership based upon race. It is open to Indians to join either body, and, in fact, there are Indian members both of the Madras Chamber of Commerce and the Madras Trades Association. Therefore, if the representation on the Port Trust is to be based upon direct interest, then I suggest that the exclusion of the Madras Trades Association needs further consideration. I should like to ask the Honourable Member what in his view is the proper basis for the representation of commercial and trade interests on these various Port Trusts, because this affects not only this particular Port Trust, but also other similar bodies in the country.

There is only one other point,—a small point. I have noticed that in some of these bodies where there is a considerable fee attached to attending meetings, the subject of representation assumes an enormous importance. Perhaps if that fee were reduced or abolished altogether, a great deal of the agitation which now takes place would also disappear!

Dr. Sir Ziauddin Ahmad (United Provinces Southern Divisions: Muhammadan Rural): Sir, I do not understand the distinction which my friend has just drawn between racial and communal. That is a point which really I do not understand, and I wish he might have clearly explained what is the difference he makes out. Suppose there is a Muslim Chamber of Commerce. I don't know if there is one. There may be. There may be a

Marwari Chamber of Commerce. There may be a Southern India Chamber, there may be a European Chamber of Commerce. Will he call these Chambers racial or communal? I wanted clearly to know whether in case there is a Muslim Chamber of Commerce in Madras—I do not know if there is one—whether it should be excluded from representation on the ground that it is communal. That is what I want to know.

Sir F. E. James: I did not say it was communal at all.

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

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

Mr. M. S. Aney (Berar: Non-Muhammadan): Sir, I only want to make one or two suggestions as regards this motion. I am glad that a law which was passed in 1923 is now being considered by the Government with a view to make suitable amendments therein and they have introduced the present Bill for the purpose. I also am entirely in agreement with the principle of the Bill, viz., the distribution of the seats to be such as to add to the Indian element on a larger and more equitable scale on the Port Trust than what it was before. The attempt is made here practically to increase the Indian element there.

Dr. P. N. Banerjee (Calcutta Suburbs: Non-Muhammadan Urban): Is that quite clear—to increase the Indian element?

Mr. M. S. Aney: That is the main object of the Bill.

Dr. P. N. Banerjee: I do not know, I am suspicious of everything that comes from the Treasury Benches.

Mr. M. S. Aney: But the Bill is there before you. Anyhow my point is this. Now you are thinking of adding to the Indian element. I find that an institution which used to have some representation on this Port Trust is deprived of that representation here in that Bill. What the exact ground for that is I do not know, but the Madras Piece-goods Merchants Association was one of the bodies which used to send one representative on the Madras Port Trust. When there is a question of adding to the Indian element, it does not necessarily mean that certain bodies which used to enjoy the right of representation should be deprived of it—unless that representation is made up in some other way so as not to prejudice the interests of the particular body which is affected by the Bill. I want to bring to the notice of the House the claims of this body. There is also another thing. In Madras there is a movement going on which aims at the separation of the province of Andhra. That movement is going on and it is natural that the Andhra districts have now established an Andhra Chamber of Commerce, and I am told that the Andhra Chamber of Commerce has received recognition at the hands of the Government also. If that is so, it is time that the Government should consider whether the Andhra Chamber of Commerce should not have separate representation on the Port Trust also.

Dr. P. N. Banerjee: They will have it on the Vizagapatam Port.

Mr. M. S. Aney: I do not know; when a Vizagapatam Port Trust Bill comes here, you may reduce their number from one member here, but until then, their claims should be recognized here. That is another point which I thought I should bring to the notice of this House. Anyhow, as the Bill is going up for eliciting public opinion, it is very likely that these various interests will be alert and will assert their claims and the House will have to consider the relative importance of the claims put forth by the different bodies. Sir, I support the motion.

The Honourable Sir Andrew Olow: Sir, I would like to reply briefly to a few of the suggestions made. Mr. Essak Sait put forth the claims of the Muslim Chamber of Commerce, I believe that that is a fairly recently incorporated organization, whereas, the Skins and Hides Merchants' Association, which we have included, although not an exclusively Muslim body, is very largely a Muslim body and has been in operation for a large number of years. The point, however, is obviously one which the Select Committee can consider when the Bill comes before us again.

I was not very clear if the objection made by Sir Fredrick James was whether I had rightly described two organizations, which I recognize do include a few Indian members, as European commercial interests or not. We are not giving representation on a racial basis, but what we have to recognize is that, unfortunately, the commercial interests are not represented by one Chamber. They are divided into different bodies, and some of these are predominantly European and naturally, therefore, tend to reflect the attitude of the European commerce while the others are I think exclusively Indian. My observations in the Statement of Objects and Reasons were not intended to convey anything more than that, and what we tried to do was to give representation roughly on the basis of direct interest in the export and import trade of the Port . . .

Sir F. E. James: May I ask my Honourable friend one question? I take it that "direct interest in the export and import trade of the Port" would mean broadly the volume of trade done by the interests concerned in the Port?

The Honourable Sir Andrew Olow: Generally speaking, I do not think we can tie ourselves down to a close definition. There are conflicting statistics put before us; some statistics were considered by the Port Trust showing that about two-thirds of that trade was in European hands, and some other statistics were put forward to show that this is not so. It is not a matter that can be defined mathematically, but we have generally tried to give representation on the basis of the direct interests in the trade.

Then, I was surprised to find Mr. Joshi such a strong critic of nominees for labour interests. I feel he was too modest in descanting on their unfitness because, for many years, I do not believe that there is any elected representative who could have served the interests of labour better than Mr. Joshi himself has. Actually, if he will refresh his memory by looking at the report of the Royal Commission on Labour, he will find that the provision in the Bill here follows very closely their recommendation, as they did not contemplate the nomination of representatives. I do not think

they laid stress on that, what they were anxious to secure, undoubtedly, was that labour should have a voice within the Trusts. I understand that Mr. Joshi is anxious that the nominee should be selected in consultation with trade unions. If he wanted that included in the Bill itself, that would be a point for the Select Committee to consider.

As regards the exclusion of the Piecegoods Association to which Mr. Aney referred, he will find the explanation in the Statement of Objects and Reasons. My own view is that these particular trades are, normally, better excluded because the leading Chambers of Commerce are able effectively to express the views of commerce and because this trade has not, in my view, a strong claim to representation. We have, I admit, made an exception in the case of Skins and Hides Merchants Association, but, as Mr. Aney himself will recognise, the circumstances there are exceptional. I have nothing else to add.

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

"That the Bill to alter the constitution of the Board of Trustees of the Port of Madras be circulated for the purpose of eliciting opinion thereon."

The motion was adopted.

The Assembly then adjourned till Eleven of the Clock on Tuesday, the 4th March, 1941.