

18th March 1938

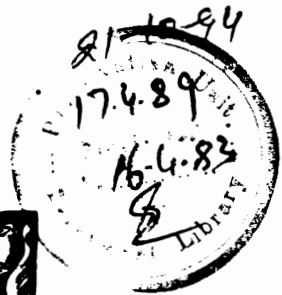
THE LEGISLATIVE ASSEMBLY DEBATES

(Official Report)

Volume II, 1938

(23rd February to 23rd March, 1938)

SEVENTH SESSION OF THE FIFTH LEGISLATIVE ASSEMBLY, 1938



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M77LAD

Legislative Assembly.

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LEGISLATIVE ASSEMBLY.

Friday, 18th March, 1938.

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

STARRED QUESTIONS AND ANSWERS.

(a) ORAL ANSWERS.

LAND ROUTE CONNECTING UPPER BURMA WITH ASSAM.

797. ***Mr. Brojendra Narayan Chaudhury:** Will the Honourable Member in charge of Communications please state:

- (a) if Government's attention has been drawn to the fact that there exists a trade route in the shape of a bridle path from Jirighat, the border of Cachar District (British India) through Manipore (Indian State) to steamer stations of the Upper Chindwin Steamer Service in Upper Burma, and that the path is only a distance of about 150 miles;
- (b) if Government will consider the advantages of connecting Upper Burma with Assam by a motorable road along the above route or any other suitable route; and
- (c) if the project of connecting British India with Burma by Railways is merely in abeyance or definitely abandoned?

The Honourable Sir Thomas Stewart: (a) No, Sir, but I am prepared to accept the Honourable Member's statement.

(b) No. It is for the Provincial Government to consider whether such a road is required and if it can be financed within the resources available.

(c) The project of connecting British India with Burma by railways has not been definitely abandoned. It would, however, be so expensive that there is no likelihood of its being taken up in the near future.

Mr. Brojendra Narayan Chaudhury: Is not a trade route between India and Burma a matter of all-India concern?

The Honourable Sir Thomas Stewart: Sir, it is primarily the concern of the Provincial Government.

Mr. Brojendra Narayan Chaudhury: Have there been any communications between the Government of India and the Provincial Government on this subject?

The Honourable Sir Thomas Stewart: So far as I am aware, I have seen no communication from the Provincial Government.

Mr. Brojendra Narayan Chaudhury: Will the Honourable Member kindly communicate with them?

The Honourable Sir Thomas Stewart: No, Sir, this is a matter in which the Provincial Government takes the initiative.

Mr. T. S. Avinashilingam Chettiar: May I know what is the exact situation in the matter,—whether the Government of India have abandoned it or are considering it?

The Honourable Sir Thomas Stewart: You are referring to the railway project?

Mr. T. S. Avinashilingam Chettiar: Yes.

The Honourable Sir Thomas Stewart: The project is in abeyance.

Mr. M. Ananthasayanam Ayyangar: Is any portion of the expenses of the railway construction going to be borne by the Burma Government?

The Honourable Sir Thomas Stewart: That does not arise out of this question.

Mr. Manu Subedar: With regard to clause (b), when the Provincial Government makes a proposal of this kind, would they have to contribute to the road, or would there be any liability at all on India in case such a road is constructed?

The Honourable Sir Thomas Stewart: There will be no liability. It is possible, however, if such a project were put forward, that the Government of India might make a contribution from the Central Reserve in the Road Fund.

Mr. Manu Subedar: Does the Honourable Member propose to approach the Government of Burma on this subject?

The Honourable Sir Thomas Stewart: No, Sir.

BURNING OF THE CONTENTS OF TWO LETTER BOXES IN KASHMIRI GATE, DELHI.

798. ***Mr. T. S. Avinashilingam Chettiar:** Will the Honourable Member for Communications state:

- (a) whether it is true that the contents of two letter boxes in Kashmiri Gate at Delhi were found to be burned on the 23rd February, 1938;
- (b) whether they have enquired into the matter; and
- (c) if so, what has been the cause of this mishap?

The Honourable Sir Thomas Stewart: (a) The facts are not as stated by the Honourable Member. On the 17th February, 1938, nine letters were received burnt from street letter boxes at Motibagh, Jumna Mills and Subzimandi Bazar, three postcards and one cover from the letter box at the Kashmiri Gate Police Station and three covers from the letter box near the

Dufferin Bridge. Again on the 21st February, 1938, a burnt envelope containing a powder and an empty phial was found in the letter box of the Subzimandi sub-office. No such case occurred on the 23rd February, 1938.

- (b) The matter is under enquiry by the Police and postal authorities.
- (c) The result of the enquiry is not yet available.

Mr. T. S. Avinashilingam Chettiar: May I know whether this is the first occasion on which such a thing has happened?

The Honourable Sir Thomas Stewart: I must ask for notice of that.

ABSENCE OF LADY TICKET COLLECTORS ON THE METRE GAUGE SECTION OF THE BOMBAY, BARODA AND CENTRAL INDIA RAILWAY.

†799. ***Syed Ghulam Bhik Nairang:** Will the Honourable Member for Railways be pleased to state:

- (a) whether it is a fact that there are no lady ticket collectors on the Bombay, Baroda and Central India Railway (metre gauge); and
- (b) in case the answer to part (a) be in the affirmative, whether Government are aware that the absence of lady ticket collectors is a source of great inconvenience to female passengers, especially to *purdah* ladies, and whether Government are prepared to direct the Bombay, Baroda and Central India Railway Administration to provide lady ticket collectors at the bigger railway stations; if not, why not?

The Honourable Sir Thomas Stewart: (a) and (b). Government have no information, as this is a matter of detailed administration within the competence of the Agent, Bombay, Baroda and Central India Railway, which is Company-managed. I am, however, sending a copy of the question to the Agent for such action as he may consider necessary.

ABSENCE OF A TONGA STAND AT THE REWARI RAILWAY STATION.

†800. ***Syed Ghulam Bhik Nairang:** Will the Honourable Member for Railways be pleased to state:

- (a) whether it is a fact that there is no *tonga* stand at the Rewari railway station, nor are *tongas* allowed to approach the gate of the platform; and
- (b) in case the answer to part (a) be in the affirmative, whether Government are aware that the absence of a *tonga* stand near the platform is a source of great inconvenience to passengers, especially to *purdah* ladies, and whether Government are prepared to direct the Railway authorities concerned to provide a *tonga* stand near the platform?

The Honourable Sir Thomas Stewart: With your permission, Sir, I propose to reply to questions Nos. 800 and 801 together.

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

The Honourable Member is referred to the reply given in this House to question No. 424 asked by Mr. Sham Lal on 20th March, 1936.

ABSENCE OF THIRD CLASS ZENANA WAITING ROOM AT THE REWARI RAILWAY STATION.

††801. ***Syed Ghulam Bhik Nairang:** Will the Honourable Member for Railways be pleased to state:

- (a) whether it is a fact that there is no third class *zenana* waiting room at the Rewari railway station; and
- (b) in case the answer to part (a) be in the affirmative, whether Government are prepared to direct the Railway authorities concerned to provide such a waiting room?

CLASSIFICATION OF RAILWAY STATIONS.

802. ***Mr. Amarendra Nath Chattopadhyaya:** (a) Will the Honourable Member for Railways be pleased to state the difference between a regular station and a flag station?

(b) Will the Honourable Member be pleased to state if there is any standard for classification of railway stations?

(c) Is it not a fact that flag stations are transformed into regular better class of stations in accordance with the growing importance of the station from view points of passengers and goods traffic improvement?

(d) Is it not a fact that the stations in the neighbourhood of mill areas and industrial areas have their own importance and are generally equipped with a telegraph office and a larger number of stoppages?

The Honourable Sir Thomas Stewart: (a) and (b). I would refer the Honourable Member to rule 2 of Chapter I, Part I, of the General Rules for All Open Lines of Railways in British India, a copy of which is in the Library of the House. He will see that a distinction is made between block stations which are those at which the driver must obtain an "authority to proceed" to the next block station, and non-block or flag stations at which an "authority to proceed" is not required.

(c) The conversion of a flag station into a block station depends mainly on whether the number of trains running on the section has increased to such an extent that more block sections are required. The standard of accommodation for passengers and goods is not dependent on the station being a block station or flag station. It would only be in the case of trade increasing to such an extent that traffic would be unduly delayed were no crossing facilities to be provided, that the actual amount of goods and passenger traffic would affect a decision as to the category of a station.

(d) Without a detailed examination of the position in regard to all industrial areas in India, it is not practicable to answer this part of the Honourable Member's question.

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

†† For answer to this question, see answer to question No. 800.

CONTEMPLATED TRANSFORMATION OF KHARDA STATION ON THE EASTERN BENGAL RAILWAY INTO A FLAG STATION.

803. ***Mr. Amarendra Nath Chattopadhyaya:** (a) Will the Honourable Member for Railways be pleased to state if there is a scheme for turning the Kharda station on the Eastern Bengal Railway into a flag station?

(b) Is it not a fact that the Kharda railway station is an important station, yielding good income to the Eastern Bengal Railway?

(c) Is it not a fact that representations by passengers and the public of Kharda have been made to the Agent and the Traffic Manager of the Eastern Bengal Railway regarding this matter?

(d) If so, will the Honourable Member be pleased to state if the contemplated transformation of Kharda station into a flag station has been abandoned?

(e) If not, will the Honourable Member be pleased to state what benefit to the Railway will accrue by this transformation to the detriment of the interests of the local and neighbouring public who have been trying to retain the *status quo* of the Kharda station?

(f) Will the Honourable Member be pleased to state if he will take into his consideration the matter of this station and find out ways and means to meet the wishes of the public concerned and retain the present status of the Kharda station?

The Honourable Sir Thomas Stewart: Enquiries are being made from the Railway Administration concerned and a reply will be laid on the table in due course.

TERM OF OFFICE OF SIR GUTHRIE RUSSELL AS THE CHIEF COMMISSIONER OF RAILWAYS.

804. ***Mr. T. S. Avinashilingam Chettiar:** Will the Honourable Member for Railways state:

(a) how long Sir Guthrie Russell, has been the Chief Commissioner of Railways;

(b) when his term of contract expires; and

(c) whether there is any proposal to re-appoint him for a fresh term of office?

The Honourable Sir Thomas Stewart: (a) Sir Guthrie Russell was appointed Chief Commissioner of Railways with effect from the 16th October, 1929.

(b) His present term of office expires on the 15th October, 1938.

(c) His term of office has been extended up till the 15th April, 1940, or till the inauguration of the Federal Railway Authority whichever date is earlier.

Mr. T. S. Avinashilingam Chettiar: May I know what is the connection between the inauguration of the Federal Authority and the extension given to Sir Guthrie Russell?

The Honourable Sir Thomas Stewart: The only connection is this, that the present extension must determine on the coming into operation of the Federal Railway Authority.

Mr. T. S. Avinashilingam Chettiar: May I know the reasons for this extension?

The Honourable Sir Thomas Stewart: It is in the public interest.

Mr. Mohan Lal Saksena: Is it because no suitable Indian is available?

Mr. T. S. Avinashilingam Chettiar: May I know whether the Government of India have considered the claims of any suitable Indian who can be appointed to that post?

The Honourable Sir Thomas Stewart: We have considered the claims of all possible incumbents of the post.

Mr. Manu Subedar: Do Government propose to bring in a Bill for the appointment of the Federal Railway Authority?

The Honourable Sir Thomas Stewart: That, I submit, does not arise.

Mr. T. S. Avinashilingam Chettiar: Does the extension granted mean that the Federal Railway Authority is expected to come into existence in 1940?

The Honourable Sir Thomas Stewart: No, Sir; nor can that be deduced from my reply.

Mr. T. S. Avinashilingam Chettiar: Is it in contemplation to continue Sir Guthrie Russell in his present post till the Federal Railway Authority comes into existence?

The Honourable Sir Thomas Stewart: No, Sir.

Mr. M. Ananthasayanam Ayyangar: May I know why during all this tenure by Sir Guthrie Russell of his appointment no attempt has been made by Government to get a suitable Indian to succeed him after he retires?

The Honourable Sir Thomas Stewart: Sir, the Honourable Member's question contains an assumption.

Mr. T. S. Avinashilingam Chettiar: Is any Indian being trained for this post?

The Honourable Sir Thomas Stewart: There are many Indians under training for this post.

Mr. M. Ananthasayanam Ayyangar: Why then is no Indian going to be appointed to this post?

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

CASUALTIES AMONGST THE INDIAN COMMUNITY IN SHANGHAI.

905. *Mr. Badri Dutt Pande: (a) With reference to my starred question No. 20, asked on the 31st January, 1938 and the reply thereto, will the Secretary for External Affairs be pleased to state how the casualties amongst the Indian community occurred in Shanghai?

(b) Have the persons been identified?

(c) Have their relations been informed?

(d) Who were they and what was their status and profession in life?

(e) Have any compensations been given to the families of the deceased?

Sir Aubrey Metcalfe: (a) As a result of the Sino-Japanese conflict. No further details are available.

(b) Yes.

(c) Information was forwarded to the Governments of the Punjab and the North-West Frontier Province and the Honourable the Resident for the Punjab States on the 10th January, 1938, for communication to the relatives concerned.

(d) All the persons concerned were men belonging to Northern India who were serving in Shanghai as policemen, jailors and watchmen.

(e) No, but the question is being taken up with the appropriate authorities.

Mr. T. S. Avinashilingam Chettiar: Who are the appropriate authorities?

Sir Aubrey Metcalfe: That still really remains to be seen,—whether it is the Japanese Government or the Chinese Government.

Mr. Badri Dutt Pande: How did the casualties occur?

Sir Aubrey Metcalfe: I have explained that it was as a result of the Sino-Japanese conflict. I cannot give any exact details because none are available, but the Honourable Member can imagine that when there is a lot of fighting going on, there are bound to be casualties among innocent people.

Mr. Manu Subedar: Have the Government made any attempt to secure compensation from the new Government set up in Shanghai?

Sir Aubrey Metcalfe: The matter is being taken up by His Majesty's Government through the Consul-General, Shanghai, and the diplomatic authorities there.

Mr. Manu Subedar: Have there been any Indian casualties in the French Concession, and has any attempt been made to secure compensation for the parties injured from the French Concession authorities?

Sir Aubrey Metcalfe: I am not aware what the French Government are doing.

DENIAL OF CERTAIN CONCESSIONS TO THE POSTAL STAFF AT KHATMANDU.

806. ***Mr. B. B. Varma:** (a) Will the Honourable Member for Communications be pleased to state if it is a fact that the Nepal Post Office has been established in the British Legation in Khatmandu for the benefit of the staff of the British Legation and His Highness the Maharaja of Nepal only?

(b) Is it a fact that the following concessions are given to the members and the staff of British Legation in Khatmandu, *viz.*:

(i) special transit for ten days is allowed on occasion of proceeding on and returning from leave from Nepal to Raxaul and *vice versa*;

(ii) special transit for ten days is allowed on transfer or first appointment from Nepal to Raxaul and *vice versa*;

(iii) travelling allowance at the usual rate is given to them for the journey made on occasion of proceeding on and returning from leave from Nepal to Raxaul and *vice versa*;

(iv) the scale of clerical staff is Rs. 50—225; and

(v) rent-free quarters are given to them?

(c) Is it a fact that all concessions mentioned in part (b) are denied to the Sub-Postmaster and clerks of the Nepal Post Office?

(d) Is it a fact that clerks of the Nepal Post Office are in the scale of Rs. 35—5—135 and with Rs. 15 per month as compensatory allowance and the Sub-Postmaster in the scale of Rs. 160—10—250 with no compensatory allowance?

(e) Is it a fact that the rent at the rate of ten per cent. on the emoluments is recovered from the clerks of the Nepal Post Office for the quarters occupied by them?

(f) If the answer to parts (a) to (e) be in the affirmative, will Government state the reasons for such differentiation, and whether they now propose to give all concessions enjoyed by the staff of the British Legation at Khatmandu to the Sub-Postmaster and clerks of the Nepal Post Office also? If not, why not?

The Honourable Sir Thomas Stewart: (a) No, Sir.

(b) (i) and (ii). Joining time of five days, each way, is admissible for journeys between Nepal and Raxaul except in the case of journeys to take up first appointments.

(iii) Travelling allowance is allowed at transfer rates on the occasions mentioned.

(iv) and (v). Yes.

(c) Yes, except that item (iv) of part (b) cannot be described as a concession.

(d) and (e). Yes.

(f) The differentiation is due to the difference in the nature and conditions of service of the two classes of staff.

Mr. T. S. Avinashilingam Chettiar: May I know what the Honourable Member meant by saying 'No' to part (a) of the question? May I know for whose benefit was it established?

The Honourable Sir Thomas Stewart: I suggest that the Honourable Member had better read the question.

Mr. T. S. Avinashilingam Chettiar: May I ask whether it was not established for the sake of the Nepal Government and the British Legation at Calcutta?

The Honourable Sir Thomas Stewart: No, Sir.

Prof. N. G. Ranga: What is the nature of the work done by the employees in these two post offices?

The Honourable Sir Thomas Stewart: One set of staff performs duties in the British Legation and the other performs duties in a post office.

Mr. Badri Dutt Pande: Do the Nepal Government contribute something towards the working of this post office?

The Honourable Sir Thomas Stewart: I must ask for notice.

ESTABLISHMENT OF BROADCASTING STATIONS IN SHILLONG AND GOPALPUR.

807. ***Mr. Kuladhar Chaliha:** Will the Honourable Member for Communications please state whether Government have considered the advisability of starting Broadcasting Stations in Shillong in Assam and Gopalpur in Orissa?

The Honourable Sir Thomas Stewart: No, Sir. The Honourable Member's attention is invited to the reply given to parts (b) and (c) of Mr. M. S. Aney's unstarred question No. 114 in the last Session.

Mr. Kuladhar Chaliha: May I know the reasons for not starting the station?

The Honourable Sir Thomas Stewart: I would refer the Honourable Member to the reply to Mr. Aney's unstarred question No. 114.

Mr. K. Santhanam: May I know when this question will be reviewed again?

The Honourable Sir Thomas Stewart: At a guess, I would suggest that within the next year or so the whole of our programme will be reviewed.

DELAY IN CARRIAGE OF MAILS FROM JORHAT TO GAUHATI.

808. ***Mr. Kuladhar Chaliha:** (a) Will the Honourable Member for Communications please state whether he is aware that a letter posted at Jorhat (Assam) is delivered on the third day at Gauhati to the addressee, a distance of only 189 miles?

(b) In view of the inconvenience felt by the public are Government prepared to see that the mail is carried by the petrol express of the Assam Bengal Railway from Upper Assam to Gauhati and Shillong, which will give great facilities to the public and obviate the delay?

The Honourable Sir Thomas Stewart: (a) and (b). Government have no information. The matter is one with which the Postmaster General.

Bengal and Assam Circle, is fully competent to deal. A copy of this question and my answer will be sent to him for such action as he may consider suitable.

RETRENCHMENT IN THE POSTS OF INDIAN DISTRICT MEDICAL OFFICERS ON THE EAST INDIAN RAILWAY.

†809. ***Mr. M. Asaf Ali:** (a) Will the Honourable Member for Communications please state if it is a fact that while the post of Indian District Medical Officers on the East Indian Railway is being retrenched on the ground of economy the pay of European District Medical Officers is being increased?

(b) What was the pay of the present Chief Medical Officer, East Indian Railway, on the 31st March, 1937, and what is it now in February 1938?

(c) Is it a fact that there is a Sub-Assistant Surgeon in the East Indian Railway with the L.R.C.P., M.R.C.S. qualification, which the present Chief Medical Officer possesses, and what is his pay?

The Honourable Sir Thomas Stewart: (a) There are no posts of Divisional Medical Officers on the East Indian Railway reserved for either Indians or Europeans. I may add that Government have under consideration a proposal submitted by the Agent, East Indian Railway, in connection with the re-organisation of the medical branch of that railway.

(b) The present pay of officiating Chief Medical Officer is Rs. 2,125+£13-6-8 overseas pay. His pay as Divisional Medical Officer on the 31st March, 1937, was Rs. 1,250+£30 overseas pay.

(c) Government have no information.

GRIEVANCES OF THE LOW-PAID STAFF ON THE NORTH WESTERN RAILWAY.

810. ***Mr. Amarendra Nath Chattopadhyaya:** (a) Will the Honourable Member for Railways be pleased to state if the majority of the station staff, viz., parcel booking clerks, train goods clerks, ticket collectors, generally retire on Rs. 60?

(b) Is it a fact that the maximum grade for class I clerks is Rs. 33-3-60, or Rs. 33-3-50-5/2-60 and class II is Rs. 66-4-90, and both generally retire before the maximum is reached? Has the Honourable Member any statistics for five years from 1930 of such retirements and, if so, will he be pleased to lay them on the table?

(c) Is it a fact that the class I and II assistants working on the line in the North Western Railway are to work even on gazetted holidays and have to work for sixty hours in a week, while their fellow-workers of the same class working in station work for thirty-six hours per week and enjoy all gazetted holidays and Sundays?

(d) Is it a fact that these class I and II clerks get no quarters, while better paid staff get quarters and bungalows?

(e) Is it a fact that the low paid staff do not get the same privilege of passes as highly paid staff get?

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

(f) Is it a fact that in Railways staff doing out-door work, like chargemen, ticket collectors, accountants, get less pay and passes than station clerks and assistants?

(g) Is it not a fact that grades of the Chief Accounts Office have recently been amalgamated and will the Honourable Member be pleased to state if there is in contemplation of the Honourable Member any such scheme of amalgamation of the grades of clerks on the line?

(h) Will the Honourable Member be pleased to state if accountants, cashiers, store keepers, representatives, agents clerks and public servants, working on the lines, will have a chance of getting their grades amalgamated?

(i) Is it a fact that the supply of uniforms and passes to these workers has been curtailed?

The Honourable Sir Thomas Stewart: Presumably the Honourable Member is referring to the North Western Railway. If so,

(a) Government have no information.

(b) As regards the first part, the scales of pay quoted by the Honourable Member are correct except that the scale Rs. 33—3—50-5/2—60 should be Rs. 30—5—50-5/2—60.

As regards the latter parts, Government have no information.

(c) The hours of work of the staff mentioned by the Honourable Member are regulated by the Hours of Employment Regulations which have been given statutory effect on that railway since 1st April, 1931. Government have no reason to believe that these regulations are being infringed.

(d) I would refer the Honourable Member to the reply given to part (e) of starred question No. 570, asked by Mr. C. N. Muthuranga Mudaliar in this House on the 2nd March, 1938.

(e) I would refer the Honourable Member to the reply given to parts (b) and (c) of Mr. Muhammad Azhar Ali's unstarred question No. 34 on the 2nd March, 1937. This also disposes of the point in regard to passes to which reference is made by the Honourable Member in parts (f) and (i) of this question.

(f) As regards pay, I would refer the Honourable Member to the reply given to part (a) of starred question No. 233, asked by Mr. Lalchand Navalrai, on the 10th February, 1936, in this House.

(g) and (h). As regards the first part (g), I would refer the Honourable Member to the reply given to part (e) of unstarred question No. 33, asked by Mr. Lalchand Navalrai, on the 21st February, 1938, in this House. As regards the second part of part (g) and part (h), I would refer the Honourable Member to the reply given to starred question No. 569, asked by Mr. C. N. Muthuranga Mudaliar, on the 2nd March, 1938, in this House.

(i) As regards uniforms, Government have no information, as it is a matter with which the Agents of these railways are competent to deal.

Mr. President (The Honourable Sir Abdur Rahim): I must point out to the Honourable Member that this is a typical question in which questions that had been answered before are repeated almost verbatim. This is simply wasting the time of the House and, if Honourable Members

who are interested in putting questions to the Government for obtaining information take care to inform themselves whether this information has already been supplied or not, a good deal of time of the Government, of the House and of the Chair will be saved.

RESTRICTIONS AGAINST THE THIRD CLASS PASSENGERS TRAVELLING BY CERTAIN TRAINS ON THE EAST INDIAN RAILWAY.

†811. ***Maulvi Abdul Ghani**: Will the Honourable Member for Railways be pleased to state:

- (a) whether the East Indian Railway have put any restrictions against the third class passengers travelling by the 1-Up and 2-Down mail trains; if so, whether he will be pleased to lay on the table a copy thereof;
- (b) whether the 13-Up (Howrah-Delhi Express B) was late in arriving at Delhi Station on the 1st March, 1938; if so, how much;
- (c) who is responsible for the inconveniences of the third class passengers due to unusually late arrival of the second train at Delhi; and
- (d) whether a bogie for third class passengers is attached with the 1-Up mail at Patna Junction?

The Honourable Sir Thomas Stewart: (a) I would refer the Honourable Member to the reply I gave to Mr. Mohan Lal Saksena's question No. 488 on the 24th February, 1938. I am placing on the table a copy of the relevant notification issued by the East Indian Railway.

(b) Yes. Two hours 20 minutes late.

(c) The Agent, East Indian Railway, states that the late running of the train was due to time being lost in finding accommodation for passengers at some stations, to speed restrictions imposed, consequent on engineering works in progress over certain sections and to the train being held up to cross 2 Down Mail and 8 Down Express and to give precedence to 1 Up Mail.

(d) No. The train does not pass Patna Junction.

Copy of a Notification by the East Indian Railway imposing the restrictions on Third Class Passengers by Mail Trains.

"Only those third class passengers excluding servants of first and second class passengers will be allowed to travel by 1 Up and 2 Down Mails who hold tickets from and to Howrah and via to and from stations above Moghal Sarai and via. Third class passengers between points other than those named above will not be accommodated on these Mail trains."

FREIGHT PAID BY SUGAR MILLS FOR CARRIAGE OF SUGAR AND SUGAR-CANE ON STATE RAILWAYS.

812. ***Mr. J. Ramsay Scott** (on behalf of Seth Haji Sir Abdoola Haroon): Will the Honourable Member for Railways be pleased to state the amount of freight paid by sugar mills to the various State Railways, i.e., East Indian Railway, Bengal and North Western Railway, Rohilkund and Kumaon Railway, North Western Railway, for carriage of (i) sugar, and (ii) sugar-cane during the last five years?

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

The Honourable Sir Thomas Stewart: I would refer the Honourable Member to the reply given to Seth Govind Das and Dr. N. B. Khare's question No. 778 on the 30th March, 1937.

Mr. K. Ahmed: The previous question to which the Honourable Member has referred was with regard to the export and not the import. The question here is quite different from the previous question.

(No answer.)

Mr. Mohan Lal Saksena: The Honourable Member has referred to certain answers but in the present case the answer is required for the last five years. I want to know what is the information for the last year?

The Honourable Sir Thomas Stewart: If the Honourable Member will refer to the reply which was given to the previous question, he will see that there is a reference to a Statistical Volume where the necessary information is obtainable.

Dr. Sir Ziauddin Ahmad: The last answer was given on the 30th March, 1937, and we want the figures for the current year. Nearly a year has passed away.

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

BAN ON MR. D. SARKAR OF BERLIN AND MR. AND MRS. S. MUZAMMAR OF NOWGONG.

813. ***Mr. Kuladhar Chaliha:** (a) Will the Foreign Secretary please state whether they are prepared to lift the ban imposed on Mr. D. Sarkar of Berlin and permit him to visit India and go back?

(b) Will Government please state whether they are prepared to allow Mr. S. Muzammar of Nowgong (Assam) and his wife, Mrs. Florence Muzammar, now in Japan, to visit their home in Assam and go back?

(c) Will Government please state the alleged charges against Mr. S. Muzammar for which he is not allowed to come to India?

Sir Aubrey Metcalfe: This question should be addressed to the Member in charge of the Home Department.

CHECKERS RETRENCHED FROM THE RAILWAY BRIDGE WORKSHOP, JHELUM.

814. ***Mr. Govind V. Deshmukh** (on behalf of Mr. Sham Lal): (a) Will the Honourable Member for Railways and Communications be pleased to state if it is a fact that in 1936 some checkers were retrenched from the Railway Bridge Workshop, Jhelum?

(b) Had they been in Railway service for more than 10 and 18 years?

(c) Were their names sent to the Labour Exchange Office, Moghalpura, for re-employment?

(d) Were the names of such Railway employees sent previously to the Labour Exchange Officer for re-employment?

(e) If the reply to part (c) be in the negative, why were not their names sent?

(f) Are Government prepared to reconsider the cases of these retrenched employees?

The Honourable Sir Thomas Stewart: (a) to (f). This is a matter of detailed administration within the competence of the Agent, North Western Railway, to whom I am sending a copy of the question for such action as he may consider necessary.

GRIEVANCES OF THE CLERICAL STAFF ON THE NORTH WESTERN RAILWAY.

815. ***Mr. Govind V. Deshmukh** (on behalf of **Mr. Sham Lal**): (a) Will the Honourable Member for Railways be pleased to state the total number of employees over the North Western Railway, the office clerks and the clerks working on the line separately?

(b) What is the average retirement pay of a clerk in the office and on the line?

(c) Are Government aware that the majority of grade I clerks are under debt to various agencies and there are attachments of their pays?

(d) How many of them are indebted to the North Western Railway Co-operative Society, Limited, Lahore?

(e) Has any representation been received for amalgamation of their grades I (Rs. 33—3—60) and II (Rs. 66—4—90)? If so, on which dates, and what reply has been given?

(f) Is it a fact that they work for 24 hours in eight hour shifts, do not enjoy the religious holidays, and work 60 hours a week as compared with 36 hours per week in the office, and have the Railway authorities amalgamated their grades I and II?

(g) Is it a fact that the drivers, guards and firemen get wages and allowance if they work on holidays, but the clerks on the line do not get any such allowance? If so, why?

(h) Is it a fact that most of the guards, drivers and firemen are Europeans or Anglo-Indians?

The Honourable Sir Thomas Stewart: (a) The available information will be found in the statement at pages 234, 235 and 236 of Volume II of the 'Railway Board's Report on Indian Railways for 1936-37', a copy of which is in the Library of the House. Government do not propose to supplement this information as the expense and labour involved in collecting it will not be commensurate with the results likely to be obtained.

(b), (c) and (d). Government have no information.

(e) I would refer the Honourable Member to the reply given to parts (a) and (b) of starred question No. 570, asked by Mr. C. N. Muthuranga Mudaliar, on the 2nd March, 1938, in this House.

(f) As regards the first part, I would refer the Honourable Member to the reply I have just given to part (c) of starred question No. 810 asked by Mr. Amarendra Nath Chattopadhyaya. As regards the second part, the reply is in the negative.

(g) The Hours of Employment Regulations have been given statutory effect on the North Western Railway since 1st April, 1931, and the stationery staff to whom these regulations apply are paid overtime in accordance with section 71 (c) of the Indian Railways (Amendment) Act, 1930, &

copy of which is in the Library of the House. Guards, drivers and firemen get mileage allowance and overtime according to rules in force.

(h) No.

Mr. M. Ananthasayanam Ayyangar: May we know whether after the receipt of this question the Honourable Member tried to correspond with the North Western Railway Co-operative Society which met at Lahore to ascertain if any first class officers were indebted to that Co-operative Society?

The Honourable Sir Thomas Stewart: I do not see that that is the function of the Railway Board or of the Government of India.

Mr. M. Ananthasayanam Ayyangar: I want the Honourable Member to look into the spirit of the question. These people with low salaries get constantly indebted and their salaries are attached and, therefore, if some answer is forthcoming as regards the state of their indebtedness, some effective steps might be taken.

The Honourable Sir Thomas Stewart: The Honourable Member is indulging in argument.

Prof. N. G. Ranga: With reference to part (h), what proportion of these guards, drivers and firemen are Europeans and Anglo-Indians?

The Honourable Sir Thomas Stewart: I submit that does not arise.

Mr. K. Santhanam: With reference to part (g), do the clerks on the line get these allowances?

The Honourable Sir Thomas Stewart: The stationary staff gets overtime allowances in accordance with section 71 (c) of the Indian Railways (Amendment) Act of 1930.

ABSENCE OF THROUGH RAILWAY SERVICE BETWEEN DELHI AND KARACHI.

816. ***Sardar Sant Singh** (on behalf of Mr. H. M. Abdullah): (a) Will the Honourable Member for Railways please state if it is a fact that no through service is provided for passengers travelling between Delhi and Karachi?

(b) Have the North Western Railway Administration received any complaint from the public about the inconvenience felt especially by lower class passengers due to the absence of such a service?

(c) Do Government propose to provide such a service for the convenience of passengers?

The Honourable Sir Thomas Stewart: (a) and (b). Yes.

(c) The Agent, North Western Railway, states that the matter has been investigated several times and it has been found that there is no justification for the provision of such a service.

RAILWAY CONCESSIONS TO THE SCOUT AND OTHER VOLUNTEER ASSOCIATIONS.

817. ***Mr. Govind V. Deshmukh** (on behalf of **Mr. Sham Lal**): (a) Will the Honourable Member for Railways be pleased to state whether any railway concessions are given to the Scout Association and other association troops when they go to attend fairs, etc.?

(b) If so, are the same concessions available to other similar associations, like the Sewa Samiti Boy Scouts, Mahabirdals and Sewa Samitis, etc.?

(c) If the answer to part (b) be in the negative, will the Honourable Member state the reasons for this discrimination?

(d) During the forthcoming Kumbh fair in April next, are Government prepared to extend privileges enjoyed by Baden Powell Scouts Associations in matters of railway fare concessions to the Sewa Samiti Boy Scouts, the Mahabirdals and the Sewa Samitis?

(e) Has the Mela Officer requested the Railway Board to extend such privileges to the volunteers, including the abovementioned organisations?

The Honourable Sir Thomas Stewart: (a) to (d). I would refer the Honourable Member to Serial Nos. 13 and 14 of the list of concessions appearing on page 150 of the Indian Railway Conference Association's Coaching Tariff, No. 11, a copy of which is in the Library of the House. The question of extending the concession to other associations, not at present specified, is a matter for Railway Administrations to consider on receipt of representations from such associations.

(e) Yes. He was advised to communicate direct with the Railway Administrations concerned who are fully competent to deal with the matter.

Mr. T. S. Avinashilingam Chettiar: Are the exemptions given generally to all the scouts or to any particular class of scouts?

The Honourable Sir Thomas Stewart: The nature of the concessions will be found if the Honourable Member refers to Serial Nos. 13 and 14 of the list of concessions appearing on page 150 of the Indian Railway Conference Association's Coaching Tariff, No. 11.

Mr. T. S. Avinashilingam Chettiar: My question was whether exemptions are given to any particular class of scouts or to all scouts generally?

The Honourable Sir Thomas Stewart: There are two classes as described in Serial Nos. 13 and 14.

**ALLEGED RUDE BEHAVIOUR OF CERTAIN OFFICERS OF THE CALCUTTA
BROADCASTING STATION.**

†818. ***Pandit Nilakantha Das:** (a) Has the attention of the Honourable Member for Communications been drawn to the editorial comments published in the *Hindustan Standard* of the 13th February, 1938, and the *Kheyali* of the 20th Magh B.S. 1344 about the rude behaviour of some of

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

the officers attached to the Calcutta Broadcasting Station, to a band of amateur artistes, including girls and ladies of respectable families?

(b) If not, does he propose to make a thorough investigation into the matter? If not, why not?

(c) Are Government aware that a group of respectable and popular amateur artistes have taken exception to such rude and insulting behaviour of the officials of the Broadcasting Station at Calcutta and have ceased giving any further performances? If not, do they propose to make a thorough investigation by calling for evidence from both the parties concerned? If not, why not?

(d) Is it a fact that one of the alleged accused officers has been exonerated by the Controller of Broadcasting from all charges in the following terms—"I find it difficult to believe that a man of Mr. Mukherji's character and charm could have behaved in a manner which made it necessary for you to leave the studio"? Do Government propose to have a magisterial enquiry into the allegations of rude and insulting behaviour towards the amateur artistes and especially respectable ladies and girls? If not, why not?

(e) Will Government be pleased to state the names of the Broadcasting Stations in India where the Directors are wholetime Government servants?

(f) Is it a fact that the Director of the Calcutta Broadcasting Station is a part-time servant? If so, will Government be pleased to state the number of hours the Director works daily, and the remuneration paid to him for that service per month? Will Government be pleased to state the amount of salary he draws also from Messrs. Marconi Intl. Marine Com. Co., Ltd., and what is the total remuneration he receives?

The Honourable Sir Thomas Stewart: (a) Yes.

(b) and (c). The matter was investigated by the Station Director, Calcutta, and the Controller of Broadcasting and the allegations were found to be exaggerated.

(d) The behaviour complained of was in connection with the pauses that occurred between the items given by the Sangha which the station staff considered were too long. Mr. Mukherjee was reported to have been very curt and rude. The Station Director personally discussed the matter with the leader of the Bani Sangha in the presence of Mr. Mukherjee and the latter expressed regret for any remark which may have been considered objectionable. This, however, was not regarded as sufficient. Subsequently, the Controller was asked to look into the matter during his visit to Calcutta. The extract which the Honourable Member has quoted from the last paragraph of the Controller's letter conveys a misleading impression. The Controller also stated that he greatly disapproved of any discourtesy on the part of his staff towards the artistes and offered to discuss the matter further with Mr. Ghosh. The latter did not, however, think fit to avail himself of the offer. The reply to the second part of the question is in the negative.

(e) Peshawar, Lahore, Delhi, Lucknow, Bombay and Madras.

(f) Yes. He works for eight hours daily and is paid Rs. 1,000 per mensem for his services. The amount of salary drawn by him from Messrs. Marconis is not known to Government.

QUALIFICATIONS OF THE STATION DIRECTOR OF THE BOMBAY BROADCASTING STATION.

819. ***Mr. Mohan Lal Saksena:** (a) Will the Honourable Member for Communications please state if it is a fact that the present Station Director of the Broadcasting Station at Bombay was appointed as a programme assistant in the department?

(b) What are his special qualifications, if any, for which he has been considered specially fitted for his present post?

The Honourable Sir Thomas Stewart: (a) No.

(b) Mr. Bokhari is the most senior Station Director and has been transferred to Bombay on administrative grounds. The qualifications required for the post of Station Director, Bombay, are not substantially different from those for Station Directors in other places.

Mr. Manu Subedar: Is it not a fact that Mr. Bokhari was in a subordinate capacity in Delhi before his transfer to Bombay?

Mr. President (The Honourable Sir Abdur Rahim: I disallow that question. It does not arise.

Mr. Manu Subedar: With reference to part (b), is it true that the Station Director of Bombay absented himself frequently from Bombay after he was appointed?

The Honourable Sir Thomas Stewart: I submit that the question does not arise.

Mr. K. Santhanam: May I know if this gentleman has got any technical qualifications?

The Honourable Sir Thomas Stewart: Yes, Sir.

Mr. T. S. Avinashilingam Chettiar: What are those technical qualifications?

The Honourable Sir Thomas Stewart: He underwent a special course of training in Broadcasting House in London.

REPRESENTATION OF PEASANT ASSOCIATIONS ON THE RAILWAY ADVISORY COMMITTEES.

820. ***Prof. N. G. Ranga:** Will the Honourable Member in charge of Communications be pleased to state:

(a) if it is a fact that at the meeting of the Central Advisory Council for Railways held on the 3rd and 8th October, 1936, Mr. Giri was asked by the Chairman to submit a note on the constitution of peasant organisations in Provinces where it was considered desirable that such associations should have representation on local advisory committees;

(b) if it is a fact that Mr. Giri submitted such a memorandum in May, 1937, which was acknowledged by the then Honourable Member in charge of Railways;

- (c) if it is a fact that I had submitted again another memorandum at the time of the council's meeting during the last Simla session;
- (d) if so, what action has been taken so far by Government to implement the assurance given in 1936 that early steps would be taken to provide such additional representation to peasant associations; and
- (e) which of the local advisory committees it is proposed to grant such representation during the current year?

The Honourable Sir Thomas Stewart: (a) Yes.

(b) Mr. Giri's memorandum was received and acknowledged in March, 1937.

(c) I have not been able to trace the receipt of the memorandum referred to, but understand that the Honourable Member wrote a letter on the subject to Sir Saiyid Sultan Ahmed.

(d) There is no record of any such assurance having been given.

(e) No proposal of the nature referred to is under consideration at present.

GENERATING COST OF THE RAILWAY POWER HOUSE AT KALKA.

821. ***Sardar Sant Singh** (on behalf of Mr. H. M. Abdullah): Will the Honourable Member for Railways please state the generating cost of the railway power house at Kalka as per following details separately:

- (i) fuel, (ii) oil lubricating, (iii) stores running other than oil, (iv) wages running, (v) repairs labour and material, (vi) supervision, (vii) interest and depreciation and (viii) total?

The Honourable Sir Thomas Stewart: Enquiries are being made from the Railway Administration and a reply will be laid on the table in due course.

COOLY CONTRACT AT THE LAHORE RAILWAY STATION.

822. ***Sardar Sant Singh** (on behalf of Mr. H. M. Abdullah): (a) Will the Honourable Member for Railways please state if it is a fact that the supply of coolies at Lahore railway station on the North Western Railway is entrusted to the contractors?

(b) What are the terms of the contract?

(c) Is the contractor required to pay any money to the Railway Administration for enjoying the contract? If so, what is the amount paid by him?

(d) Is it a fact that each coolie has to pay a monthly levy varying from Rs. 6-4-0 to Rs. 11-2-0?

(e) If the answer to part (d) be in the affirmative, what is the authority under which this levy is charged by the contractor from the coolies?

(f) Have the coolies submitted any representation to the Railway authorities against the abuses of the present system? If so, what action do Government propose to take in the matter?

(g) Are Government prepared to abolish the contract system and make recruitment of coolies through some Railway officer?

The Honourable Sir Thomas Stewart: (a) No. A jamadar has been appointed to arrange for the supply of coolies.

(b) I will place in the Library of the House a copy of the form of agreement signed by the jamadar.

(c) The reply to the first part is in the negative, and the second does not, therefore, arise.

(d) No. The maximum charge which the contractor is permitted to recover from each cooly is Rs. 2 per mensem.

(e) Clause 2 of the agreement with the jamadar authorises a charge of Rs. 2.

(f) Yes. Normally, the Administration does not intervene in disputes between the jamadar and the coolies, but does so when it is believed that some useful purpose will thereby be served. The Agent, North Western Railway, states that the majority of representations received have been from coolies who have been either discharged, or who for any other reason, have a grudge against the jamadar.

(g) Government do not propose to interfere with the discretion of the Administration in matters of this kind.

Sardar Sant Singh: With reference to part (b) is the Honourable Member prepared to lay a copy of that draft agreement on the table of this House?

The Honourable Sir Thomas Stewart: I said I would place a copy in the Library of the House.

Dr. Sir Ziauddin Ahmad: When was this agreement signed? On the last occasion during the Budget debate the Honourable Member clearly said there was a contractor for all the coolies at Lahore.

The Honourable Sir Thomas Stewart: On the contrary I did not admit that there was a contractor. I said that the Jamadar system was in existence on the North Western railway.

Dr. Sir Ziauddin Ahmad: For how long has it been in existence?

The Honourable Sir Thomas Stewart: I want notice.

Dr. Sir Ziauddin Ahmad: Is it not a fact that this contract was signed within the last 30 days?

The Honourable Sir Thomas Stewart: I want notice.

Mr. N. M. Joshi: May I ask what is the difference between the Jamadari system and the contract system?

The Honourable Sir Thomas Stewart: If the Honourable Member will refer to my speech on the occasion of the Budget debate some weeks back, he will find that I explained it there.

Sardar Sant Singh: With reference to part (d) may I know whether as a matter of fact the contractor charges the same as he is permitted under the rules or charges much more than he is permitted?

The Honourable Sir Thomas Stewart: I cannot answer that without notice.

Sardar Sant Singh: Will the Honourable Member make enquiries?
(No answer.)

Mr. K. Santhanam: With reference to part (d) may I know if the Jamadar gives receipts for the amount he recovers from these coolies?

The Honourable Sir Thomas Stewart: I cannot answer that without notice.

Mr. K. Ahmad: In view of the fact that there is great unrest among the coolies whether they are drawn, under the Jamadari system or under the Sardari system, like the tea plantations which have acquired a notorious history, and in view of the fact that the people who engage these coolies are suspected of corruption and bribery, do the Government propose, with a view to the amelioration of the hardship of these coolies, to appoint some respectable gentlemen on the same terms as the Jamadars are working now?

The Honourable Sir Thomas Stewart: It is a matter of regret to me that the Honourable Member was not present during the Budget debates; otherwise he would not have asked this question.

Mr. K. Ahmad: Do I understand the Honourable Member to suggest that it is a disqualification

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

NON-OBSERVANCE OF ORDERS ABOUT COMMUNAL PERCENTAGE IN THE RECRUITMENT OF LABOUR ON RAILWAYS.

823. ***Sardar Sant Singh** (on behalf of Mr. H. M. Abdullah): (a) Will the Honourable the Railway Member please state if it is a fact that Railway Board have issued instruction to all Railways that the order regarding communal representation should be allowed in direct recruitment while filling up vacancies in all categories and grades of all departments of the Railways?

(b) Is it a fact that these orders are not being observed in the recruitment of labour in the different grades and categories?

(c) Is the Railway Member prepared to draw the attention of all the Railways to this fact and ask the Agents to issue clear instructions to the recruiting authorities that communal percentage should be observed in all grades and categories in the direct recruitment of labour, as is being done in the case of supervising staff?

The Honourable Sir Thomas Stewart: (a) I would refer the Honourable Member to the memorandum of supplementary instructions connected with the orders contained in the Government of India. Home Department

Resolution No. F-14/17-B./33-Ests., dated the 4th July, 1934,, a copy of which is in the Library of the House. These instructions apply to class I railways, excluding the Jodhpur and H. E. H. the Nizam's State Railways.

(b) I would refer the Honourable Member to the reply given to part (b) of starred question No. 289 asked by Mr. Lalchand Navalrai in the Legislative Assembly on the 11th March, 1936.

(c) Does not arise.

RATE OF FREIGHT ON WHEAT FROM LYALLPUR.

824. ***Sardar Sant Singh** (on behalf of Mr. H. M. Abdullah): (a) Will the Honourable the Railway Member be pleased to state the rate of freight on wheat from Lyallpur to Karachi?

(b) Is this a concession rate?

(c) Is there any similar concession to Calcutta or any other Indian port for the Punjab wheat?

(d) If so, which? If not, why not?

(e) Is he aware that import of Australian wheat in Calcutta has an effect on prices of wheat in the Punjab?

(f) What will be the effect on wheat price per maund in Lyallpur, if freight concession is given for Calcutta?

The Honourable Sir Thomas Stewart: (a) Rs. 0-11-10 per maund. A rebate of 25 per cent. is, however, allowed on consignments exported to countries West of Aden and East of Singapore.

(b) No.

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

(e) and (f). Fluctuations in the price of wheat are due to so many factors that it is not possible to isolate the bearing of one or two of them on the prices ruling in any particular market.

Mr. K. Ahmad: Is it not a fact that Australian wheat coming to Calcutta is much cheaper than the wheat from the Punjab to Calcutta?

The Honourable Sir Thomas Stewart: I suggest that the Honourable Member addresses his question to the representative of the Commerce Department in this House.

Mr. K. Ahmad: Sir, the original answer was given by the Honourable Member and he should answer supplementaries also which arise on that question.

The Honourable Sir Thomas Stewart: The information I gave was in respect of railway freight. The Honourable Member is asking about market prices in Calcutta.

Mr. K. Ahmad: It is the question of freight which decides the cheapness or dearness of a thing. And it is impossible and impracticable that the railway should charge so much for wheat coming from the Punjab to Calcutta whereas the charges for wheat coming from Australia is very much less.

The Honourable Sir Thomas Stewart: Sir, I do not feel competent to quarrel with the Honourable Member's economics.

Dr. Sir Ziaud-din Ahmad: What is the freight between Lyallpur and Calcutta and also between Australia and Calcutta?

The Honourable Sir Thomas Stewart: I can give the information if the Honourable Member will give me notice.

SPEEDING UP OF THE TRAIN SERVICE FROM LAHORE TO LYALLPUR.

†825. ***Mr. H. M. Abdullah:** Will the Honourable the Railway Member be pleased to state:

- (a) whether he has considered if the speeding up the train service from Lahore to Lyallpur will not check the loss to Railways caused at present by lorry competition and slow railway service;
- (b) whether it is a fact that the average time taken by a train to cover a distance of only 90 miles (Lahore to Lyallpur) is more than $3\frac{1}{4}$ hours and the average speed is about 25 miles per hour only; and
- (c) whether he is aware that, due to this slow speed, many private owners like to go in their cars rather than by train, specially those who want to return the same day?

The Honourable Sir Thomas Stewart: (a) This is a consideration which every Railway Administration has always in mind when drawing up the time-table for its passenger services.

(b) The figures given are approximately correct. The booked speed of the trains, however, averages about 35 miles per hour. The necessity for providing for halts at practically all stations in order to meet public requirements precludes the possibility of reducing the time of the journey between Lahore and Lyallpur.

(c) No, but I am prepared to accept the Honourable Member's statement, though I do not agree with his view about the speed being low.

RE-EMPLOYMENT OF THE CONSTRUCTION STAFF OF THE NORTH WESTERN RAILWAY.

†826. ***Mr. H. M. Abdullah:** (a) Will the Honourable the Railway Member please state if it is a fact that the construction hands of the North Western Railway, who rendered meritorious services for a number of years, and were thrown out of employment, have not been re-engaged?

(b) Is it also a fact that new persons are being appointed and have been appointed to the same or similar posts which the construction hands held?

(c) Is it a fact that the Railway spends a lot of money in giving practical training to these newly recruited persons?

(d) Are Government prepared to employ the old hands of construction who are willing to be re-employed?

† Answer to this question laid on the table, the questioner having exhausted his quota.

(e) Are Government prepared to take the old staff of construction who are working in construction at present in open line on occurrence of vacancies in preference to outsiders and to those who are under training at present?

The Honourable Sir Thomas Stewart: (a) to (e) This is a matter of detailed administration within the competence of the Agent, North Western Railway, to whom I am sending a copy of the question for such action as he may consider necessary.

HOOURS OF DUTY OF THE NORTH WESTERN RAILWAY OFFICES.

1827. ***Mr. H. M. Abdullah:** (a) Will the Honourable the Railway Member please state whether it is a fact that duty hours of North Western Railway offices in the summer are 10 A.M. to 17 hours?

(b) Is it a fact that duty hours in winter are 10 A.M. to 16 hours?

(c) Is it a fact that no arrears in work are caused in winter?

(d) Is it a fact that duty hours in other Government offices where North Western Railway offices are located, are from 10 A.M. to 4 P.M.?

(e) Is it a fact that the office hours of Government of India's offices are 10 A.M. to 4 P.M.?

(f) If the reply to the above be in the affirmative, are Government prepared to reduce the office hours in summer from 10 A.M. to 4 P.M. in Railway offices?

The Honourable Sir Thomas Stewart: (a) and (b). The information available with Government refers only to the Headquarters Office of the North Western Railway situated in Lahore, and is to the effect that the working hours of this office are:

1. From the 1st April to the 30th September:

10-0 A.M. to 5-0 P.M. from Mondays to Fridays (inclusive) with half an hour's recess from 1-15 to 1-45 P.M.

2. From the 1st October to 31st March:

Office hours are the same as in one above, but the half hour break is abolished and the staff are permitted by Superintendents of Branches or Heads of sections, if their work is clear, to leave office at 4 P.M.

The hours on Saturdays, in both cases, are from 10 A.M. to 2 P.M.

Government have no information as regards other officers of that railway.

(c) Government have no information.

(d) and (f). I would refer the Honourable Member to the reply given to parts (b) and (c) of starred question No. 1378 asked by Mr. Lalchand Navalrai in this House on the 23rd March, 1936.

(e) I would refer the Honourable Member to the reply given to Mr. C. N. Muthuranga Mudaliar's starred questions Nos. 1098 and 1099 in this House on the 12th October, 1936.

† Answer to this question laid on the table, the questioner having exhausted his quota.

CRITERION OF EFFICIENCY AND INEFFICIENCY APPLICABLE TO TEACHERS IN THE EAST INDIAN RAILWAY SCHOOLS.

828. ***Mr. B. B. Varma** (on behalf of Mr. Muhammad Azhar Ali): Will the Honourable Member for Railways please state:

- (a) the criterion of efficiency and inefficiency applicable to teachers employed in both Indian and European schools on the East Indian Railway;
- (b) the period within which a teacher could be adjudged inefficient;
- (c) the authority (educational or administrative) who is competent to adjudge a teacher inefficient;
- (d) (i) the authority who is competent to remove a teacher employed in both Indian and European schools, from service in terms of agreement, and (ii) whether the information given on the 31st August, 1936, in reply to unstarred question No. 100, asked in this House on the 4th February, 1936, *viz.*, power to remove from service, according to service agreement, can be exercised *only* by an Agent, is applicable to the school staff; if not, why this differential and discriminatory treatment is in existence amongst the non-gazetted staff; and
- (e) whether the rules issued under Railway Board's letter No. E.-34/R.G./6, dated the 22nd June, 1935, are applicable to teachers and other school staff of both Indian and European schools; if not, whether he will place on the table a copy of the rules applicable to such staff?

The Honourable Sir Thomas Stewart: I am obtaining information and will lay a reply on the table of the House in due course.

RECOGNITION OF TRADE UNIONS AND ASSOCIATIONS.

829. ***Mr. B. B. Varma** (on behalf of Mr. Muhammad Azhar Ali): Will the Honourable Member for Railways please refer to answers given to unstarred questions No. 182 and 183, asked in this House on the 29th September, 1937, and state:

- (a) the Departments which do not ordinarily enter into correspondence with unrecognized trade unions and associations;
- (b) the Departments which generally do not acknowledge the receipt of correspondence from unrecognized trade unions or associations;
- (c) whether this differential treatment was laid down in the policy declared in reply to unstarred question No. 398, asked in this House on the 20th March, 1936; if not, the date since when this differential treatment is incorporated in the said policy;
- (d) the terms upon which the Government of India in the Railway Department (not the Agents of State-managed Railways) recognise trade unions or associations; if none, why this differential treatment is introduced in the Departments of the Government; and

- (e) whether Government propose to remove this distinction and differential treatment; if not, why not?

The Honourable Sir Thomas Stewart: (a), (b) and (c). Departments of Government do not enter into correspondence of any kind with an unrecognised Union or Service Association except in connection with applications for recognition. Government have no reason to believe that the practice in this respect differs in various Departments of Government. The instructions referred to in the reply given to unstarred question No. 398 asked by Mr. Sham Lall, on the 20th March, 1936, are intended to regulate correspondence between Government and associations, commercial bodies, etc., other than Trade Unions or Service Associations referred to above.

(d) and (e). I would refer the Honourable Member to the reply to item (i) of the information laid on the table of the House on the 21st January, 1935, in reply to starred question No. 480, asked by Lt.-Col. Sir Henry Gidney, and the supplementary questions asked in connection with it, on the 14th March, 1934, in the Legislative Assembly.

Prof. N. G. Ranga: With reference to part (a) of the question, what are the departments in which there are no recognised trade unions?

The Honourable Sir Thomas Stewart: If that is an issue which arises from this question, I must have notice; I cannot give details.

CERTAIN COMPLAINTS AGAINST RAILWAYS.

830. ***Mr. B. B. Varma** (on behalf of Mr. Muhammad Azhar Ali): Will the Honourable Member for Railways please refer to my speech in this House on the 17th February, 1938, regarding (i) stoppage of 17-Up Howrah-Punjab Express train at Radauli, (ii) demands of the residents of Amethi; and (iii) reduction in the strength of luggage porters on Ghaziabad-Karnal-Kalka Section of the North Western Railway, and to state the actions taken thereon? If no action has been taken, why not?

The Honourable Sir Thomas Stewart: Relevant extracts from the Honourable Member's speech have been forwarded for such action as the Administrations concerned may consider necessary to the Agent, East Indian Railway, in regard to items (i) and (ii), and to the Agent, North Western Railway, in regard to item (iii).

REFUSAL OF LEAVE TO SUBORDINATES ON THE GREAT INDIAN PENINSULA AND EAST INDIAN RAILWAYS.

831. ***Mr. J. D. Boyle:** (on behalf of Lieut.-Colonel Sir Henry Gidney): (a) Will the Honourable Member for Railways please state:

- (i) the number of subordinates on the Great Indian Peninsula and East Indian Railways who were refused leave in 1935-36 owing to shortage of staff; and

- (ii) the percentage of officials who were granted leave during 1935-36?

(b) Do Government propose to take steps to ensure that subordinates are not deprived of their privileges on the ground of shortage of staff?

The Honourable Sir Thomas Stewart: I am obtaining information and will lay a reply on the table of the House in due course.

PROPOSAL TO ABANDON THE COCANADA-KATIPALLI RAILWAY.

832.***Mr. K. Santhanam** (on behalf of Mr. Thirumala Rao): (a) Will the Honourable Member for Railways state at what stage is the proposal to abandon the Cocanada-Katipalli Railway?

(b) Have Government investigated the plan of maintaining the Diesel car service which is now running on the said line permanently without abandoning it altogether?

(c) Are Government aware of the strong agitation carried on by the people of the area for the retention of the line?

The Honourable Sir Thomas Stewart: (a) The Honourable Member is referred to the reply given in this House to question No. 53 by Mr. Umar Aly Shah on the 2nd March, 1938;

(b) All factors, including utilisation of the cheapest form of traction, will be taken into consideration before a final decision is taken as to whether the line should be closed or kept open;

(c) Yes.

REFUSAL OF PERMISSION TO THE KALKA-SIMLA HILLS MOTOR UNION TO PLY THEIR CARS IN DELHI.

833. ***Pandit Sri Krishna Dutta Paliwal:** Will the Honourable Member for Communications please state:

(a) whether it is a fact that the Kalka-Simla Hills Motor Union, Limited, Kalka, brought their motor cars in Delhi early in November 1937 for plying on hire;

(b) whether it is also a fact that the said Union made personal representations to the Senior Superintendent of Police, the Deputy Commissioner and the Chief Commissioner, Delhi, but they were not permitted to ply their cars in Delhi;

(c) what is the total number of motor cabs plying, or which are entitled to ply, on hire in Delhi, without taximeters fitted to them;

(d) whether the numbers of motor cabs and taxi cabs which can ply in Delhi are limited; if so, what is the number and what are the reasons therefor;

(e) whether there is any rule which empowers the police authorities in Delhi to refuse the grant of a certificate to a motor car not fitted with a taxi meter; if so, what is that rule;

(f) whether he is aware that there are private individuals who bring their motors from the Kalka-Simla road for plying on hire in Delhi for several years past during the winter and they do so and are doing so without being required to fit their motor cabs with taximeters; and

(g) whether there are any special reasons for refusing such permission to the Kalka-Simla Hills Motor Union, Limited, Kalka?

The Honourable Sir Thomas Stewart: (a) Government have no information, but the Managing Director of the Union in a representation made to the District Magistrate, Delhi, in January last, stated that he had brought a number of cars to Delhi in November, 1937.

(b) Yes.

(c) The number of motor cabs permitted to ply on hire without taximeters is 29. This is to meet the needs of hotels and of tourist traffic generally.

(d) The answer to the first part is in the negative, and the second part does not therefore arise.

(e) Yes, Rule 13-A read with Rule 68 of the Delhi Motor Vehicles Rules, 1933.

(f) No.

(g) It would be unfair to add to the number of motor cabs permitted to ply without taximeters, as the taxi drivers of Delhi have repeatedly represented that the existing number is already excessive.

Mr. Manu Subedar: With regard to clause (f), do Government propose to pass an order that all taxi cabs plying in Delhi should be fitted up with a meter?

The Honourable Sir Thomas Stewart: No, Sir.

Mr. Manu Subedar: Why not?

Mr. Badri Dutt Pande: Sir, I rise on a point of order. Mysterious and subtle ways of replying to our questions are being adopted by that side of the House. On one day it is said that the information is being collected; on the second day, secretly and silently the answer is laid on the table. I think this is done to avoid supplementaries. I think if the Member cannot answer the question in ten days he may take another four or five days.

Mr. President (The Honourable Sir Abdur Rahim): Can the Honourable Member give an example? Has it happened today?

Mr. Badri Dutt Pande: There is this ghee question. It was a very important question, and the other day the Defence Secretary.

Mr. President (The Honourable Sir Abdur Rahim): What is the question asked today regarding ghee?

Mr. Badri Dutt Pande: I will give one or two instances later on.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member is absolutely out of order in raising a point which does not arise on any answer which has been given today. His observation casts a serious reflection on Government Members, and if the Honourable Member has any information on which he has based his statement, surely he ought to disclose that at the proper time.

SLOW SPEED OF THE GRAND TRUNK EXPRESS.

833A. ***Mr. K. Santhanam** (on behalf of Mr. Thirumala Rao): Is the Honourable Member for Railways aware of the fact that the Grand Trunk Express takes a longer time than mails on other railways do to traverse the same distance.

The Honourable Sir Thomas Stewart: I would refer the Honourable Member to the reply given to Dr. T. S. S. Rajan's question No. 1211 on the 30th March, 1935.

Mr. K. Santhanam: Is the Honourable Member aware that his replies have had no effect on the time-table of the Grand Trunk Express?

The Honourable Sir Thomas Stewart: That, Sir, is a matter of opinion.

Mr. M. Ananthasayanam Ayyangar: Have Government taken any steps to speed up the train service in view of the fact that there is only one through service between Madras and Delhi?

The Honourable Sir Thomas Stewart: I have answered that question.

Prof. N. G. Ranga: Is there any proposal to increase the speed of this Grand Trunk Express in the near future?

The Honourable Sir Thomas Stewart: No, Sir.

Mr. M. Ananthasayanam Ayyangar: Since that question was answered, have Government written to any of these administrations to speed up the train?

The Honourable Sir Thomas Stewart: I should like to have notice of that question.

Mr. M. Ananthasayanam Ayyangar: What steps have Government taken since that question was asked and answered?

The Honourable Sir Thomas Stewart: The Honourable Member is putting his question in another form for which also I must have notice.



SHORT NOTICE QUESTIONS AND ANSWERS.

NEGOTIATIONS FOR A TRADE AGREEMENT WITH SOUTH AFRICA.

Mr. Manu Subedar: Will the Commerce Secretary state:

- (a) at what stage the negotiations for the conclusion of a formal trade agreement with South Africa are;
- (b) who is negotiating;
- (c) for what period, roughly, the provisional arrangement announced today is to remain in operation; and
- (d) whether the formal trade agreement will be placed before the Assembly before it is concluded?

Mr. H. Dow: (a) The negotiations may be said to be in the embryo or prenatal stage.

(b) Nobody.

(c) As stated in the communique published on the 10th March the provisional arrangement will remain in force until superseded by a more comprehensive commercial agreement or until the expiration of three calendar months from the date on which notice of termination shall have been given by either Government to the other.

(d) This question has not been considered by Government, and it would clearly be premature to consider it at the present stage.

Mr. T. S. Avinashilingam Chettiar: May I know whether the Government will take the Standing Commerce Committee into consultation in this matter?

Mr. H. Dow: I have told the Honourable Member that there are no negotiations going on.

Mr. Manu Subedar: Do I understand that the arrangements which have been made will therefore stand, and that Government do not propose to have any negotiations for the final trade agreement?

Mr. H. Dow: The present *modus vivendi* will go on, as I pointed out in part (c) of my answer, until notice of termination is given by one or the other party.

Mr. Manu Subedar: Do Government propose to have any negotiations for a final trade agreement in which the proper position from the Indian point of view may be examined?

Mr. H. Dow: Government are not considering the initiation of any such agreement.

NEGOTIATIONS FOR A TRADE AGREEMENT WITH SOUTH AFRICA.

Seth Govind Das: Will the Commerce Secretary please state:

- (a) whether the attention of Government has been drawn to the publication in the *Hindustan Times* of the 11th March, 1938, regarding a trade treaty with South Africa;
- (b) the reasons actuating Government to take the initiative of starting the negotiation for a trade agreement with the Government of the South African Union;
- (c) whether the notes were signed in South Africa by Sir Raza Ali, Mr. Rama Rau or by the Secretary; if the latter has signed the notes, the reasons of Government to choose a time for the purpose when Sir Raza Ali was on his way back to India and Mr. Rama Rau not yet settled to his task;
- (d) the special reasons of Government for trying to secure a trade agreement with the Union of South Africa, when the trade balance was in our favour;
- (e) the principal commodities that the Union of South Africa contemplate exporting to this country;
- (f) who discussed the terms of the notes; and
- (g) whether it is a fact that Sir Raza Ali refused to sign the notes prepared for the purpose?

Mr. H. Dow: (a) The *Hindustan Times* of the 11th March published the Press Communiqué on the exchange of notes with South Africa, and also an extremely inaccurate exposition of the same over the name of Mr. Manu Subedar. I am not sure to which of these the Honourable Member's question is intended to refer, but Government have seen both of them.

(b) and (d). The reasons are fully set forth in the Press Communiqué issued by the Government of India on the 10th March last, a copy of which is in the Library.

(c) and (g). The note was signed by the officiating Agent-General for India in the Union of South Africa, Mr. Ridley. As the document was signed on behalf of the Government of India and under the Government of India's instructions, personal questions were in no way involved. As a matter of fact, when the decision was taken that the Agent-General should sign, it was not known who would be the Agent-General at the time the agreement would be ready for signature; but there is no ground for any suggestion that any person holding that office could have any possible reason for refusing to obey the Government of India's instructions. I understand that Sir Raza Ali handed over charge about a month earlier than had been anticipated; otherwise the note would have been signed by him.

(e) There is nothing in the notes exchanged which has any bearing on this question.

(f) The discussion took place by correspondence between the two Governments concerned.

Seth Govind Das: You have not answered part (g).

Mr. H. Dow: I have answered parts (c) and (g) together.

Mr. Manu Subedar: May I ask a supplementary question, Sir, as my criticism has apparently gone home? Will the Government issue a press note refuting my contentions on the subject?

Mr. H. Dow: I am not sure whether it is worth while issuing a press note on the subject; but I am prepared to refute sentence by sentence the criticism which was made by the Honourable Member and to show that every sentence is inaccurate, with the exception of one or two that contradict each other to the extent one of them must be right. I am prepared to demonstrate that to the satisfaction of the Honourable Member.

Mr. Manu Subedar: Is the Honourable Member in order, Sir, in indulging in abuse instead of dealing with the subject-matter of the note? I am challenging him to issue a press note on the subject. Does he propose to do so?

Mr. H. Dow: I have no objection to do so, and I will do so with the greatest of pleasure.

Mr. Manu Subedar: I think it is mean to hit below the belt like that.

UNSTARRED QUESTIONS AND ANSWERS.

PREPONDERANCE OF ANGLO-INDIANS IN CERTAIN LOCC. POSTS ON THE NORTH WESTERN RAILWAY.

80. **Mr. N. M. Joshi:** (a) Will the Honourable Member for Railways please state the number of Indian Loco. Shed Foremen, Assistant Foremen and Loco. Inspectors employed on the North Western Railway?

(b) Is it a fact that, barring one or two posts, all the posts mentioned in part (a) above are held by Anglo-Indians? If so, will Government please state the number of Indian Loco. Shed Foremen, Assistant Foremen in these posts?

(c) Will Government please state if Indians (excluding Anglo-Indians) were given adequate chances to work as Loco. Shed Foremen or Assistant Foremen or Loco. Inspectors on the North Western Railway? If not, will Government be pleased to state the reasons for not employing Indians in adequate number?

(d) Is it a fact that a special test (T.-13-Course) has been laid down to qualify for promotion in the posts mentioned in part (a) above?

(e) Is it a fact that generally Anglo-Indians are earmarked for qualifying in the aforesaid test on the North Western Railway?

(f) Is it a fact that, although an Indian of the Loco. Shop, North Western Railway, who was qualified as A.M.I.M.E. and A.M.I.E.E. (London), and had qualified much earlier than some of the Anglo-Indians, was not given a chance to work as Loco. Foreman, while some Anglo-Indians, who passed the test in later years, (e.g., 1937), got promotions even though they did not originally belong to the Loco. Department and their training was for quite different jobs?

(g) If the above facts are correct, will Government please state the reasons for giving preference to Anglo-Indians for posts mentioned in part (a) above?

The Honourable Sir Thomas Stewart: (a) and (b). The available information is given in the North Western Railway 'Classified List of Subordinate Staff of all Departments on pay of Rs. 250 and above' a copy of which is in the Library of the House.

(c) to (g). Government have no information, but have asked the Agent, North Western Railway, to examine the allegations of discrimination in the question and to take whatever steps may be necessary to give effect to the policy of the Government in the matter.

DRIVERS, FITTERS-IN-CHARGE AND SHEDMEN NOMINATED TO T.-13-COURSE ON THE NORTH WESTERN RAILWAY.

81. Mr. N. M. Joshi: Will the Honourable Member for Railways please state:

(a) the number of drivers, fitters-in-charge and shedmen, who have been nominated on the North Western Railway for the next T.-13-Course;

(b) how many qualified T.-13 Indians and Anglo-Indians are on the waiting list; and

(c) how long it will take to absorb those on the waiting list?

The Honourable Sir Thomas Stewart: Government are informed as follows:

(a) If necessary the next training Course T.-13 will commence in September, 1938, and the staff who will attend this course have not been nominated as yet.

(b) Indian—1.

Anglo-Indians—5.

- (c) The number of vacancies which will occur on account of superannuation during 1938, 1939 and 1940 is seven.

COMPLAINTS AGAINST LOCO. FOREMEN AT CERTAIN STATIONS ON THE NORTH WESTERN RAILWAY.

82. Mr. N. M. Joshi: Will the Honourable Member for Railways please state if it is a fact that several of the Loco. Foremen at Lahore, Saharanpore, Kundian, Rohri and Jullundur Sheds were found guilty of complaints of a very serious nature? Will Government please place on the table details of these cases, showing also the punishments awarded?

The Honourable Sir Thomas Stewart: I am afraid I am unable to reply to a question couched in such general terms. If the Honourable Member would specify the complaints he is referring to, I shall consider his request.

FREIGHT RATES ON TRANSPORT OF SUGAR-CANE.

83. Seth Haji Sir Abdoola Haroon: Will the Honourable Member for Railways specify the rate charged for transport of sugar-cane on the various railways beginning from thirty miles up to hundred miles?

The Honourable Sir Thomas Stewart: The ordinary rate for sugar-cane is 0.38 pie per maund per mile. Several Railways, however, quote for sugar-cane in wagon loads schedule rates, the basis of which vary on the different Railways. Particulars of these rates will be found on pages 529 to 531 of the Indian Railway Conference Association's Goods Tariff (No. 20), a copy of which is in the Library of the House. Special station to station rates have also been quoted on some Railways and particulars of these will be found in each Railway's tariff.

PAUCITY OF BENGALI MUSLIMS IN THE BROADCASTING DEPARTMENT.

84. Maulvi Sikandar Ali Choudhury: Will the Honourable Member in charge of Communications be pleased to state:

- (a) if it is a fact that no Muslims from Bengal have as yet been employed in the Broadcasting Department;
- (b) if the reply to part (a) be in the affirmative, whether the Honourable Member proposes to see that Bengali Muslims get a fair share in the Broadcasting Department appointments in the future; and
- (c) in the contemplated opening of a Broadcasting station at Dacca and the extension of the one at Calcutta, involving the appointment of new staff, whether the Honourable Member is prepared to see that non-Bengalis do not supersede the claims of Bengalis in getting employment?

The Honourable Sir Thomas Stewart: (a) Yes.

(b) The claims of suitable Bengali Muslims for employment in the Broadcasting Department will receive consideration.

(c) I am unable to give any such assurance but so far as the clerical staff is concerned special consideration will be given to local applicants.

ACCIDENTS ON THE DIBRU SADIYA RAILWAY AND ABSENCE OF FENCING.

85. **Mr. Kuladhar Chaliha:** Will the Honourable the Railway Member please state:

- (a) the number of accidents in the Dibru Sadiya Railway within the last three years 1934-35, 1935-36 and 1936-37;
- (b) the number of passengers injured in the derailment of the passenger train on the 29th July, 1937;
- (c) the number of persons run over during the years 1934-35, 1935-36 and 1936-37;
- (d) the number of deaths on account of accidents during the said period of three years;
- (e) whether the Railway line is fenced; if not, why not;
- (f) whether it is a fact that the Dibru Sadiya Railway is demanding one quarter cost of the fencing from the Government of Assam under clauses 4 and 12 of the agreement between the Railway Company and British Government in 1888;
- (g) whether it is a fact that one Legal Remembrancer supported the claim of the Railway Company, while another held the opinion that the Assam Government need not bear the cost as demanded by the Company;
- (h) whether Government are aware that the Railway Company is running motor buses along the road parallel to the line to the injury of the private owners of buses, and whether Government are prepared to take steps to stop this; and
- (i) the number of level crossings on the line; and whether Government have put any gates at the crossings; if not, why not?

The Honourable Sir Thomas Stewart:

| | 1934-35. | 1935-36. | 1936-37. |
|--|----------|----------|----------|
| (a) (i) Failure of engines and rolling stock | 10 | 4 | NZ. |
| (ii) Trains running over cattle on the line | 17 | 22 | 12 |

(b) I am calling for the information and will lay a reply on the table when it has been received.

| | 1934-35. | 1935-36. | 1936-37. |
|----------------------|----------|----------|----------|
| (c) Killed | 13 | 9 | 6 |
| Injured | 2 | NZ. | 1 |

(d) Apart from the figures given in my reply to part (c), which are all of trespassers, there was no death.

(e) The line is unfenced, except for a short length at Dibrugarh. It is not considered that any more fencing is necessary.

(f), (g) and (i). Government have no information.

(h) The Railway Company run two buses between Dibrugarh and Tinsukia. Government see no reason to interfere with the action of the Administration in regard to this matter.

COMMUNAL PERCENTAGE IN SERVICES ON STATE RAILWAYS.

86. **Mr. Muhammad Azhar Ali:** Will the Honourable Member for Railways please refer to Government of India, Home Department, Resolution No. F-14/17-B/33, dated the 4th July, 1934, and state:

- (a) whether the percentage of each community shall be maintained in each class of employment on State-managed Railways; and

- (b) whether promotions in class to class or grade to grade should be on communal or racial basis on State-managed Railways?

The Honourable Sir Thomas Stewart: (a) I would refer the Honourable Member to paragraph 7 (1) (i) of the Home Department Resolution referred to by him in the opening part of the question and paragraph 5 of the memorandum of supplementary instructions connected with the Resolution, a copy of which is in the Library of the House.

(b) No, communal percentages fixed by Government relate only to direct recruitment and not to recruitment by promotion which is made on merit and seniority regardless of communal consideration.

EXEMPTION OF RUNNING STAFF FROM THE HOURS OF EMPLOYMENT REGULATION.

87. **Mr. Muhammad Azhar Ali:** Will the Honourable Member for Railways please refer to Government of India, Railway Department, Notification No. 40-L., dated the 31st January, 1931, and state:

- (a) whether the exemption of running staff from the Hours of Employment Regulations has been made on the consideration of the mileage allowance earned by that staff;
- (b) whether the staff defined as running staff under Hours of Employment Regulations has been classified according to the nature of their duties;
- (c) whether the running staff earn the same amount of mileage allowance if regulated within the limits laid down in the Hours of Employment Regulations;
- (d) whether it is a fact that any class of running staff which ceases to earn mileage allowance, shall automatically be regulated within the limits laid down in the Hours of Employment Regulations;
- (e) whether the classification of running staff under the Hours of Employment Regulations was made according to the scales of pay drawn by the staff in each class;
- (f) what the considerations were for exemption of running staff from the Hours of Employment Regulations; and
- (g) on what principles the classes of employees were grouped as running staff?

The Honourable Sir Thomas Stewart: (a), (c) and (f). The Hours of Employment Regulations have not so far been applied to running staff mainly because such staff are paid partly by monthly pay and partly by mileage and overtime allowances and the revision of the rules in order to adapt them strictly to the Hours of Employment Regulations might result in considerable number of staff having their emoluments reduced.

(b), (e) and (g). I would refer the Honourable Member to rule 3 (2) (a) of the Notification referred to by him in the opening paragraph of the question.

(d) On railways to which the Hours of Employment Regulations apply, the hours of work of a railway servant not excluded under Rule 3 (2) of the Notification referred to in reply to parts (b), (e) and (g) above are regulated by these Regulations.

NON-ACCEPTANCE OF CERTIFICATES FROM THE NON-RAILWAY DOCTORS.

88. Mr. Muhammad Azhar Ali: Will the Honourable Member for Railways please refer to the reply given to starred question No. 117, asked in this House on the 3rd February, 1938, and state the reasons why certificates from non-railway doctors are subject to acceptance by Railway Medical officers, and whether in other Departments of the Government, certificates from non-departmental doctors are subject to acceptance by Departmental Medical Officer; if so, in which Department; and if not, what is the reason for this discrimination?

The Honourable Sir Thomas Stewart: The railway department has its own doctors at most stations who are always within call. Moreover, railway doctors have experience of the conditions under which railway staff work and are in a much better position to say when leave on medical certificate is required than an outsider without the intimate knowledge which a railway doctor possesses. In case a railway servant resides beyond the jurisdiction of a railway doctor and obtains a sick certificate from his own medical attendant, the competent authority may, at its discretion, accept the certificate or refer the case to the District Medical Officer for advice or investigation and then deal with it as circumstances may require. In this connection I would refer the Honourable Member to rule 3 of the rules governing the grant of medical certificates to railway servants applying for leave on medical certificates, a copy of which is in the Library of the House. In other Departments the acceptance without reference to the Departmental Medical Officer of a certificate granted by a non-official medical practitioner is to some extent discretionary with the head of the Office or Department concerned. The full procedure is set out in Rules 220-231 of the Supplementary Rules.

OBSERVERS EMPLOYED IN THE UPPER AIR OBSERVATORY, AGRA.

89. Pandit Sri Krishna Dutta Paliwal: Will the Honourable Member for Communications please state:

- (a) what are the scales of observers employed in the Upper Air Observatory, Agra, and their strength in each scale; also, how this strength has been drawn from the various Provinces and States of India;
- (b) whether it is a fact that the services of observers are transferable throughout and even outside India: if so, whether any circles have been formed in order to keep Government expenditure on transfers at a minimum and to give as settled a life to the observers as possible;
- (c) whether any compensation is being given to the observers for their work on Government holidays and for extra observations called of them over and above the normal work;
- (d) whether those observers, who are ordered by their Head office to stay near their office, have been given rent-free quarters; in cases of choice and where ten per cent. rent is charged, whether the accommodation allowed is to the required standard according to the grades; and

- (e) what has been the percentage of promotions made from one ministerial scale to another in the above office each year during the last five years and whether all these promotions have been based on seniority of service; if not, why these were not based on seniority of service in those cases where service was otherwise satisfactory?

The Honourable Sir Thomas Stewart: (a) A statement giving the required information is placed on the Table of the House.

(b) Yes. Observers are liable to transfer anywhere in India and in the Persian Gulf. No circles have been formed, but transfers are made only when necessary in the exigencies of the service and are arranged with due regard to economy and the convenience of the staff concerned.

(c) No, Sir. Work on holidays and outside normal hours is restricted to a minimum, and observers are allowed holidays by turns.

(d) Yes.

(e) A statement giving the required information is laid on the table. Promotions are made with due regard to seniority except in cases where special qualifications or training are required for a particular post.

Statement showing the Scales, Strength, etc., of Observers of the Upper Air Observatory, Agra.

| Post and scale of pay. | Total No. | Province to which incumbents belong. | No. |
|--|-----------|--------------------------------------|-----|
| Chief Observer Rs. 150—10—300 (old). Rs. 125—10—275 (revised). | 1 | United Provinces | 1 |
| Senior Observers Rs. 80—5—120—4—172—175 (old). Rs. 70—4—110—5—160 (revised). | 36 | Bengal | 12 |
| | | United Provinces | 12 |
| | | Punjab | 5 |
| | | Madras | 3 |
| | | Bombay | 1 |
| | | Cochin State | 1 |
| | | Travancore State | 1 |
| | | Kashmir State | 1 |
| Junior Observers Rs. 40—4—120 (old) or Rs. 40—3—70—4—110 (revised). | 58 | Bengal | 16 |
| | | United Provinces | 23 |
| | | Punjab | 11 |
| | | Madras | 3 |
| | | North-West Frontier Province | 2 |
| | | Kapurthala State | 1 |
| | | Travancore State | 1 |
| | | Baluchistan | 1 |
| Junior Observers. Rs. 40—2—80 | 18 | Bengal | 4 |
| | | United Provinces | 7 |
| | | Punjab | 4 |
| | | Madras | 1 |
| | | Sirmour State | 1 |
| | | Pataudi State | 1 |
| Junior Observers Rs. 40—2—60. | 6 | United Provinces | 4 |
| | | Punjab | 1 |
| | | Nabha State | 1 |

Statement showing the percentage of promotions from one grade to another in the Upper Air Observatory, Agra.

| Grade in which vacancy arose. | No. of vacancies. | Promotions. | |
|--|-------------------------|-------------|--------------|
| | | No. | Per-centage. |
| 1933-34. | | | |
| Senior observers or clerks (Rs. 80—175 or Rs. 70—160) | 1 | Nil | Nil |
| Junior observers or clerks (Rs. 40—120 or Rs. 40—110) | 3 | 1 | 33·3 |
| Mechanics (Rs. 50—80 or Rs. 60) | 2 | Nil | Nil |
| 1934-35. | | | |
| Senior observers or clerks (Rs. 80—175 or Rs. 70—160) | 5 | Nil | Nil |
| Junior observers or clerks (Rs. 40—120 or Rs. 40—110) | 3 | Nil | Nil |
| 1935-36. | | | |
| Senior observers or clerks (Rs. 80—175 or Rs. 70—160) | 5 | 1 | 20·0 |
| Junior observers or clerks (Rs. 40—120 or Rs. 40—110) | 3 | 3 | 100·0 |
| Mechanics (Rs. 70—100) | 1 | 1 | 100·0 |
| Mechanics (Rs. 50—80 or Rs. 60) | 1 | Nil | Nil |
| 1936-37.* | | | |
| Inspector of Observatories (Rs. 100—200) | 1 | Nil | Nil |
| Senior observer or clerk (Rs. 80—175 or Rs. 70—160) and Stenotypist (Rs. 75—150) | 6 | Nil | Nil |
| Junior observers or clerks (Rs. 40—120 or Rs. 40—110) | 7 | Nil | Nil |
| Mechanic (Rs. 70—100 or Rs. 80) | 1 | Nil | Nil |
| * As most of the permanent men on the establishment did not volunteer to serve in Burma after separation, direct recruitment had to be made for service in Burma. Thus, no promotion could be made in 1936-37. | | | |
| 1937-38. | | | |
| Senior observer or clerk (Rs. 80—175 or Rs. 70—160) | 2 | 1 | 50·0 |
| Junior observers or clerks (Rs. 40—120 or Rs. 40—110) | 6 | 5 | 83·4 |
| Stores and Supply Assistant (Rs. 125—275) | 1 | 1 | 100·0 |
| Inspector of Observatories (Rs. 100—200) | 1 | 1 | 100·0 |

* As most of the permanent men on the establishment did not volunteer to serve in Burma after separation, direct recruitment had to be made for service in Burma. Thus, no promotion could be made in 1936-37.

GAZETTED STAFF IN THE METEOROLOGICAL DEPARTMENT AND LENGTH OF SERVICE OF THE HEAD OF THE UPPER AIR OBSERVATORY, AGRA.

90. Pandit Sri Krishna Dutta Paliwal: Will the Honourable Member for Communications please state:

(a) the strength of the gazetted staff, class I, of the India Meteorological Department;

- (b) the length of service of the present head of the Upper Air Observatory, Agra, and since what period he had been posted at Agra; and
- (c) whether there is any charge allowance attached to the above post, and, if so, since how long the present head has been drawing it?

The Honourable Sir Thomas Stewart: (a) Seventeen.

(b) The Meteorologist-in-charge of the Upper Air Observatory at Agra has nearly 17 years service. He was posted at Agra in April, 1921.

(c) The post carries a special pay of Rs. 150 per mensem. The present incumbent has been drawing it since 1st April, 1928, when it was sanctioned.

ELECTION OF A MEMBER TO THE CENTRAL ADVISORY BOARD OF HEALTH.

Mr. President (The Honourable Sir Abdur Rahim): I have to inform the Assembly that upto 12 Noon on Thursday, the 17th March, 1938, the time fixed for receiving nominations for the Central Advisory Board of Health only one nomination was received. As there is only one vacancy I declare Lieut.-Colonel Sir Henry Gidney to be duly elected.

THE MOTOR VEHICLES BILL.

The Honourable Sir Thomas Stewart (Member for Railways and Communications): Sir, I beg to move for leave to introduce a Bill to consolidate and amend the law relating to motor vehicles.

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

"That leave be granted to introduce a Bill to consolidate and amend the law relating to motor vehicles."

The motion was adopted.

The Honourable Sir Thomas Stewart: Sir, I introduce the Bill.

Mr. M. Ananthasayanam Ayyangar (Madras ceded Districts and Chittoor: Non-Muhammadian Rural): May I know, Sir, when it is likely that the Honourable Member will make a motion for the second stage?

The Honourable Sir Thomas Stewart: It is my intention to move on Monday, the 21st.

THE TRADE DISPUTES (AMENDMENT) BILL.

Mr. President (The Honourable Sir Abdur Rahim): Further consideration of the Bill further to amend the Trade Disputes Act, 1929, for certain purposes.

Prof. N. G. Ranga (Guntur *cum* Nellore: Non-Muhammadan Rural): Sir, I move:

"That for clause 2(a) of the Bill the following be substituted:

'(a) clause (g) of section 2 of the said Act shall be omitted'."

Mr. A. G. Olow (Labour Secretary): Sir, I must take objection to this amendment. I am willing to show all reasonable latitude to Honourable Members who put in amendments without notice, as the House knows. But when I am presented with a list of 34 amendments on the day just when the Bill begins, and I had no possible time to study them and they were not in possession of the House, I cannot accept it.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has not had two days' notice, is that so? Then I cannot suspend the Standing Orders.

Prof. N. G. Ranga: Sir, I wish to submit one or two matters for your consideration. I posted these amendments on the 14th and I was under the impression that the office was working on the 15th. But I learn now that the office was not working at all on the 15th and on the 16th also; and that is how it has happened that this shortness of notice has come to be complained of: otherwise I was under the *bona fide* impression that I was giving sufficient notice to the House.

Mr. President (The Honourable Sir Abdur Rahim): I understand the office was open on the 15th and it was closed on the 16th.

Prof. N. G. Ranga: In that case I do not know why my notice was not received by them on the 15th. I posted it definitely on the 14th.

Mr. President (The Honourable Sir Abdur Rahim): The notice was not received.

Prof. N. G. Ranga: May we know, Sir, when exactly it was received? It was posted on the 14th.

Mr. K. Santhanam (Tanjore *cum* Trichinopoly: Non-Muhammadan Rural): When on the 10th the Assembly was adjourned, printed copies were not available. I received it on the 14th. On the same day I posted my amendments, but as the office was closed they were not circulated. I am not asking for a ruling on a technical point, but I suggest that we are entitled to move our amendments.

Mr. A. G. Olow: I believe the printed copies were available on the 10th, and Prof. Ranga himself has put in a list of amendments which were in time.

Mr. K. Santhanam: They were not available on the 10th. I asked the office.

Prof. N. G. Ranga: I happened to be a member of the Select Committee.

Mr. A. G. Olow: Therefore, he is not entitled to any latitude.

Mr. President (The Honourable Sir Abdur Rahim): They were printed and circulated on the 10th.

Mr. M. Ananthasayanam Ayyangar (Madras ceded Districts and Chittoor: Non-Muhammadian Rural): May I request you, Sir, to call for the notices by which they were circulated. You can send for the notices.

Mr. President (The Honourable Sir Abdur Rahim): I understand these were posted on the Notice Board. The office is not bound to circulate it to all the Members, but it was in fact circulated. Under the circumstances I cannot waive the Standing Order. All these amendments stand on the same footing.

Mr. A. G. Clow: I don't propose to take objection to amendments of a purely formal nature.

Mr. President (The Honourable Sir Abdur Rahim): If any Member is prepared to deal with any such amendment, I do not want to stand in his way. Then we come to No. 3 on the printed list.

Mr. N. M. Ayyar (Government of India: Nominated Official): Sir, I move:

"That in sub-clause (a) (i) of clause 2 of the Bill, in the proposed sub-clause (ia) for all the words occurring after the words 'apply or' the following be substituted:

'tramway service, if the Provincial Government by notification in the official Gazette declares the water transport or tramway service, as the case may be, to be a public utility service for the purposes of this Act, or.'

My amendment merely seeks to introduce a drafting change to make it clear that a water transport service conveying passengers would have to be notified by the Provincial Government before it could be regarded as a public utility service. In the sub-clause as it stands all water transport services of the nature described therein would automatically be included in the definition of public utility service. This point was raised by my friend, Mr. Ananthasayanam Ayyangar, yesterday, and the proposed amendment seeks to remedy the defect pointed out. Sir, I move.

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

"That in sub-clause (a) (i) of clause 2 of the Bill, in the proposed sub-clause (ia) for all the words occurring after the words 'apply or' the following be substituted:

'tramway service, if the Provincial Government by notification in the official Gazette declares the water transport or tramway service, as the case may be, to be a public utility service for the purposes of this Act, or.'

Mr. K. Santhanam: Sir, I welcome this amendment, but if a water transport service joins two provinces, I should like to know which is the province which should notify; should both the provinces notify or only one province should do it to show that this came under the public utility service. I should like to have some light thrown on this.

Mr. A. G. Clow: Sir, that is a question which some of the distinguished lawyers in the House will be able to answer better than I can do; but my reading of it is that the Provincial Government's notification would clearly cover the service only within its own province. A notification by the Provincial Government could not apply, in my opinion, outside its own jurisdiction.

Mr. M. Ananthasayanam Ayyangar: I have given a list of amendments to make the original clause in the Bill more clear. There is an amendment in the supplementary List No. 4.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member cannot move it.

Mr. M. Ananthasayanam Ayyangar: The Honourable Member's objection is qualified, Sir. When I come to that amendment, I shall make my submission on it, and it is open to the other side either to accept it or object to it.

Mr. President (The Honourable Sir Abdur Rahim): That applies to all. I cannot have every one of them moved like that unless there is any particular amendment which the Government Member is prepared to deal with.

Mr. M. Ananthasayanam Ayyangar: At this stage I am merely submitting to you whether this amendment would be disallowed or stand in the way of my amendment in the original clause.

Mr. President (The Honourable Sir Abdur Rahim): None of the amendments on this list can be moved today, because the Government Member in charge has not been given sufficient notice. That is all that I know.

Mr. M. Ananthasayanam Ayyangar: I do not know whether Government will take objection to No. 4.

Mr. President (The Honourable Sir Abdur Rahim): I cannot have that sort of inquiry made now. The Honourable Member can deal with the amendment before the House.

Mr. M. Ananthasayanam Ayyangar: Then I have nothing to add.

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

"That in sub-clause (a) (i) of clause 2 of the Bill, in the proposed sub-clause (ia) for all the words occurring after the words 'apply or' the following be substituted:

'tramway service, if the Provincial Government by notification in the official Gazette declares the water transport or tramway service, as the case may be, to be a public utility service for the purposes of this Act, or'."

The motion was adopted.

Mr. N. M. Joshi (Nominated Non-Official): Sir, I move:

"That in sub-clause (a) (i) of clause 2 of the Bill, in the proposed sub-clause (ia) after the words 'any tramway service' the words 'which is owned and controlled by a statutory public body or by Government' be inserted."

Sir, the object of my amendment is to provide that if an inland transport service or a tramway service is to be declared as a public utility service by a Local Government, that service should be publicly owned and publicly controlled. I do not want any inland transport service or a tramway service which is owned and controlled by private companies to be declared as a public utility service. Yesterday I pointed out that hardship would be caused to the public not only by a strike on a steamer plying in an inland river or waterway but by the action of the company which owns these steamers by stopping the services altogether. We are not

proposing to make a complete stoppage of the service, not a lock-out, but altogether a stoppage of the service as a criminal offence although we know more hardship would be caused to the public. I am not, therefore, in favour of the course which has been taken by the Assembly so far. My object in making this amendment is that the benefit of this clause, namely, that the service should be regarded as a public utility service, should not be given to private companies. It may be given to inland water transport service or tramway service if it is publicly owned and controlled.

There is another reason for it, and it is this. The Royal Commission on Indian Labour had suggested that if any disadvantage is to be placed or imposed upon the employees of a public utility service, there should be some corresponding advantage given to these workers. If these services are owned and controlled by a private body, there is absolutely no compensating advantage. But if these services are controlled and

12 NOON. owned by public bodies or by Government, there is some compensating advantage. If they are owned and controlled by Government we can ask questions in the Legislature, we can pass Resolutions and we can make speeches. Similarly, if the services are owned and controlled by statutory public bodies, they are under the control of the public. There is representation of the public on these bodies, there may be also representation of the working classes on these bodies. Under these circumstances it is quite possible that the workers employed in these services may secure some redress of their grievances and I am, therefore, prepared to agree that if the public utility services are owned and controlled by the Government or by public bodies they should be treated as public utility services for the purposes of this Bill. For these reasons, I hope the House will accept my amendment.

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

"That in sub-clause (a) (i) of clause 2 of the Bill. in the proposed sub-clause (ia) after the words 'any tramway service' the words 'which is owned and controlled by a statutory public body or by Government' be inserted."

Mr. A. G. Clow: I hope my Honourable friend will indicate which of the tramways are owned or controlled by statutory public bodies or by Government and which are not. My impression is—he will doubtless correct me if I am wrong—that there is no single tramway of that kind. So the effect of his amendment, at present at least, would be to secure in another form the exact change which he wanted to secure last night and which the Assembly rejected. I oppose the amendment.

Prof. N. G. Ranga: Only recently the Madras Corporation has resolved to acquire the tramways there in that city.

Mr. A. G. Clow: Have they acquired them?

Mr. N. M. Joshi: They have resolved to do so.

Prof. N. G. Ranga: And as far as this particular city of Delhi is concerned, either the tramways are going to be scrapped or they are going to be taken over by the Delhi Municipality. I do not know what is going to happen in Bombay. But certainly if we were to incorporate this particular provision, then we would be providing one additional reason why these various municipalities should take over the management of these tramways and thus provide better service for the passengers and better conditions for the workers.

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

"That in sub-clause (a) (i) of clause 2 of the Bill, in the proposed sub-clause (ia) after the words 'any tramway service' the words 'which is owned and controlled by a statutory public body or by Government' be inserted."

The motion was negatived.

Mr. President (The Honourable Sir Abdur Rahim): I ought to mention that I have ascertained that notice of the amendments as in the typed copy circulated to Members was received only on the 17th, and I find that some of the very Members who have given notice of these amendments had given notice of other amendments as in the printed list, long before that.

Prof. N. G. Ranga: May I submit this, Sir? I do not know where the fault is. It must lie either with the Postal Department or with our own Department here, because I definitely posted it on the 14th and I do not know how this extraordinary thing has come to happen.

An Honourable Member: It was a holiday.

Mr. President (The Honourable Sir Abdur Rahim): I may inform the Honourable Member that the office cannot take notice of when any particular amendment or any particular paper for the Assembly office was posted. They can only take notice of such papers or documents as are received by the office on a particular date.

Prof. N. G. Ranga: Was the office kept open on the 15th?

Secretary of the Assembly: Yes.

Mr. President (The Honourable Sir Abdur Rahim): I have already told the Honourable Member that it was not the fault of the office that the notice was not received earlier.

Amendment No. 6 on the printed list.

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

"That sub-clause (a) (ii) of clause 2 of the Bill be omitted."

In support of this amendment I have to say that this word "power" is a very mischievous thing. Power by itself is very powerful, and I am afraid that if this particular sub-clause (ii) were to be passed it would be very powerful indeed against workers. The whole clause here is intended to bring three more items within the category of public utilities. It has been admitted on all sides that this definition should be restricted only to public utilities which are ostensibly public utilities and nothing else. But I find that it is possible, by extending this to power also, for various employers who have nothing to do with public utilities or with rendering any sort of public utility to the public to take advantage of the provisions of sub-clause (g) of section 2 of the Act and of section 15. Power is supplied not only to electric supply companies for these various cities but also to various manufacturing concerns which, according to this Act, are not classified as public utilities. I do not know why power supplied to these various private industries should also be classified as public utilities. Power can be supplied to various employers, various concerns

which have nothing to do whatsoever with any of these public utilities that are narrated in clause (g) or that are going to be narrated here in accordance with sub-clause (i) of clause (a) of this Bill. Supposing there is an electric generating station and it supplies light not only to the city of Delhi but it also supplies power to various manufacturing concerns, then these manufacturing concerns have nothing to do with public utility and they should not be brought within the definition of a public utility under the Act or under this Bill. Why should these various concerns be given the benefit of the extension of section 15 of this Act? To obviate that particular difficulty I have one suggestion to make and that is to restrict it to power to public utility services mentioned in this clause. It is one of the supplementary amendments that I have sent in, and if Government have no objection to my moving it I am quite prepared to move it later on.

Mr. A. G. Glow: If I can shorten the discussion, I have no objection to the moving of his amendment if the present amendment is withdrawn. I do not promise to accept it, of course.

Prof. N. G. Ranga: I am quite prepared to accommodate my Honourable friend and I ask leave of the House to withdraw this amendment.

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

Prof. N. G. Ranga: I beg to move No. 5 of the Supplementary List.

It runs as follows:

"That for sub-clause (a) (ii) of clause 2 of the Bill, the following be substituted :
'(ii) to sub-clause (iii) the following shall be added at the end, namely :
power to a public utility service mentioned in this clause'."

This really meets the case of the Government. They only want to consider power supplied to any of those public utility services as public utility, and this amendment seeks to restrict its extension only to power supplied to the public utilities.

I hope Government will find it possible to accept this amendment.

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

"That for sub-clause (a) (ii) of clause 2 of the Bill, the following be substituted :
'(ii) to sub-clause (iii) the following shall be added at the end, namely :
power to a public utility service mentioned in this clause'."

Mr. K. Santhanam: I beg to suggest that a comma be added at the end.

(After a pause.)

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

"That for sub-clause (a) (ii) of clause 2 of the Bill, the following be substituted :
'(ii) to sub-clause (iii) the following shall be added at the end, namely :
power to a public utility service mentioned in this clause'."

I think the Ayes have it.

Mr. A. G. Glow: The Noes have it.

Mr. President (The Honourable Sir Abdur Rahim): I had waited for the Honourable Member to get up.

Mr. A. G. Clow: I understood that other Members wanted to support the amendment but no other Member spoke in support of it.

Prof. N. G. Ranga: Because we thought you were going to accept it.

Mr. M. Ananthasayanam Ayyangar: I was waiting to answer my Honourable friend, the Labour Secretary, if he spoke against the amendment.

Mr. President (The Honourable Sir Abdur Rahim): The amendment will be discussed now.

Mr. M. Ananthasayanam Ayyangar: I do not know whether it is proper that it should be discussed now.

Mr. A. G. Clow: I wanted to see what support the amendment had before speaking on it. I think it was not unreasonable. No other Member supported it at all.

Mr. M. Ananthasayanam Ayyangar: I am prepared to support it with both of my hands.

Mr. President (The Honourable Sir Abdur Rahim): I cannot call upon any particular Member to speak at any particular moment.

Mr. M. Ananthasayanam Ayyangar: Is not my right to speak reserved? I am appealing to the Chair.

Mr. President (The Honourable Sir Abdur Rahim): After the question is put, no Honourable Member has the right to speak. This is an elementary rule of procedure and every Honourable Member ought to know it. I waited to see whether any Honourable Member in the Opposition or the Government side would speak on this amendment. When nobody got up, I began to put the question but I had not finished putting the question. So, if any Honourable Member wishes to discuss the amendment, I am willing in the circumstances to allow it.

Mr. N. M. Joshi: May I ask your ruling, Sir, on a point of order? Is it claimed by Government that whenever an amendment is moved, they will speak last? Some of us want to know what attitude Government is going to take before we speak, and for the proper conduct of the business in this House it is necessary when an amendment is moved that the Government should indicate its approval or disapproval. In my judgment, this is the right procedure for discussion.

Mr. President (The Honourable Sir Abdur Rahim): That is certainly the proper procedure as the Honourable Member has put it but in this case I do not know what happened that nobody got up to speak and I concluded that Government was perhaps inclined to accept this amendment. That is why I started putting the question. Apparently, there was some misapprehension on the part of the Member representing the Government and as I had not concluded the question, I give an opportunity to the House to discuss the amendment.

Mr. A. G. Olow: I am sorry, Sir, if I created any confusion in the minds of the Honourable Members opposite. I would just like to explain that I anticipated that this amendment would evoke more interest and that other Honourable Members would bring forward some stronger arguments than Prof. Ranga has brought forward. I rather wanted to hear what the other Honourable Members had to say. I did not come to this House with a pre-conceived notion. We ought to pay attention to the arguments that are brought forward and Prof. Ranga had been very far from convincing me that his was a sound argument. I thought, therefore, that it would be more courteous to the House if I waited until the other Honourable Members had put forward their views.

I am not convinced that the amendment is a sound one. Apart from pure formalities, if this amendment is accepted it would create considerable confusion. We have to remember that the use of electric power is becoming an increasingly vital matter for the community and we hope that India's resources in the matter of hydro-electric power will be steadily developed. We are now coming in a small way into an electric age in which an immense number of public activities will depend on hydro-electric schemes. We have got a great hydro-electric scheme in the Punjab and there are some other schemes of a similar nature in other provinces. If you are able to cut off the power without any warning—and that is all that matters—you can inflict an extraordinary amount of hardship on the community and I think it is not unreasonable that the community should have 15 days' warning that something of this kind is going to happen so that you can take steps to settle the dispute or to reach at least some solution that will alleviate the hardship that is going to be caused. Sir, I oppose the amendment.

Mr. M. Ananthasayanam Ayyangar: Sir, in my district there is a brass metal factory where brass vessels are made. To that factory power is supplied. My Honourable friend the Government Member in opposing this amendment referred to the electric power. In the case of this factory, a gentleman uses an oil engine and produces power. He has one or two more oil engines and he supplies power and at the end of the month he charges rent. It cannot be said that it is a public utility concern. It will apply even to a private concern where nobody except the private owner is concerned. I do not know why the workers in such a factory should be affected. There are a number of places where power is generated not by any electric power but otherwise than by electricity. That kind of power is used for running a handful of looms here and there in my own province. No doubt, the person that generates the power may also suffer and the same inconvenience will hold good in the case of any other individual. That being the case, why should there be a differentiation made between small concerns and big concerns? That is my objection and it is for this reason that this amendment is sought to be introduced. In this amendment we have tried to exhaust almost all the public utility services and given them a differential treatment from the rest of the industries or other occupations where a number of persons can go on strike. Therefore, power by itself, may not be of much use and it is put at the end. That is the object of this amendment. Now, if the original Bill should stand, the word "power" comes before "light". I do not know what power light is. This amendment, therefore, only seeks to remove the inconvenience created and restricts the scope of the public utility services.

Mr. N. M. Joshi: Sir, I rise to support this amendment. The Honourable the Secretary for Labour said in his speech that electricity is becoming a matter of vital importance to the public. I agree with that statement generally. But the electric power may be used for a public utility purpose or for public convenience or it may be used for an entirely private purpose such as the private production, say of some article of luxury. I am quite sure that if electricity is used as a power for the production of an article of luxury for a few rich people in the country, it cannot be regarded as being a public utility even by the Honourable the Secretary for Labour. We are, therefore, anxious to restrict the use of this power only to public utilities. My Honourable friend, Mr. Ananthasayanam Ayyangar, has already stated that if power is used for light, it is covered because it is light, but if power is used for the production of some article of luxury, there is no reason why it should be regarded as being a public utility service. Moreover, power is not like light and water. Light and water are absolutely necessary for the public, but power is not so necessary unless it is for light,—and power used for light is already covered. The Government of India want to extend the definition of a public utility to a much greater extent than is needed, but simply because the Government of India are quite sure in their mind that this House will pass anything that they propose, I think it is wrong on the part of the Government of India to do so. There is absolutely no reason why power used for the production of an article of luxury should be treated as being a public utility.

Mr. President (The Honourable Sir Abdur Rahim): Order, order. I am told there ought to be the word “or” in the amendment moved, before the word “power”. The question is:

“That for sub-clause (a) (ii) of clause 2 of the Bill, the following be substituted :
 ‘(ii) to sub-clause (iii) the following shall be added at the end, namely :
 or power to a public utility service mentioned in this clause.’”

The Assembly divided:

AYES—45.

Abdul Qaiyum, Mr.
 Abdul Wajid, Maulvi.
 Asaf Ali, Mr. M.
 Ayyangar, Mr. M. Ananthasayanam.
 Banerjea, Dr. P. N.
 Chaliha, Mr. Kuladhar.
 Chattopadhyaya, Mr. Amarendra Nath.
 Chaudhury, Mr. Brojendra Narayan.
 Chettiar, Mr. T. S. Avinashilingam.
 Chetty, Mr. Sami Vencatachelam.
 Chunder, Mr. N. C.
 Das, Mr. B.
 Datta, Mr. Akhil Chandra.
 Desai, Mr. Bhulabhai J.
 Deshmukh, Mr. Govind V.
 Govind Das, Seth.
 Gupta, Mr. K. S.
 Hans Raj, Raizada.
 Ismail Khan, Haji Chaudhury
 Muhammad.
 Jocendra Singh, Sirdar.
 Joshi, Mr. N. M.
 Kailash Behari Lal, Babu.

Lahiri Chaudhury, Mr. D. K.
 Maitra, Pandit Lakshmi Kanta.
 Malaviya, Pandit Krishna Kant.
 Mangal Singh, Sardar.
 Misra, Pandit Shambhu Dayal.
 Mudaliar, Mr. C. N. Muthuranga.
 Paliwal, Pandit Sri Krishna Dutta.
 Pande, Mr. Badri Dutt.
 Ramayan Prasad, Mr.
 Ranga, Prof. N. G.
 Saksena, Mr. Mohan Lal.
 Sant Singh, Sardar.
 Santhanam, Mr. K.
 Shaukat Ali, Maulana.
 Sikandar Ali Chondhury, Maulvi.
 Singh, Mr. Gauri Shankar.
 Singh, Mr. Ram Narayan.
 Sinha, Mr. Satya Narayan.
 Som, Mr. Suryya Kumar.
 Sri Prakasa, Mr.
 Subedar, Mr. Manu.
 Umar Aly Shah, Mr.
 Varma, Mr. B. B.

NOES—47.

Abdul Hamid, Khan Bahadur Sir.
 Ahmad Nawaz Khan, Major Nawab Sir.
 Aikman, Mr. A.
 Ayyar, Mr. N. M.
 Bajoria, Babu Baijnath.
 Bewoor, Mr. G. V.
 Boyle, Mr. J. D.
 Buss, Mr. L. C.
 Chanda, Mr. A. K.
 Chapman-Mortimer, Mr. T.
 Clow, Mr. A. G.
 Conran-Smith, Mr. E.
 Dalal, Dr. R. D.
 Dalpat Singh, Sardar Bahadur Captain.
 DeSouza, Dr. F. X.
 Dow, Mr. H.
 Essak Sait, Mr. H. A. Sathar H.
 Fazl-i-Ilahi, Khan Sahib Shaikh.
 Ghiasuddin, Mr. M.
 Gilbert, Mr. L. B.
 Grieg, The Honourable Sir James.
 Highet, Mr. J. C.
 James, Mr. F. E.
 Jawahar Singh, Sardar Bahadur Sardar Sir.

Kamaluddin Ahmed, Shams-ul-Ulema.
 Kushalpal Singh, Raja Bahadur.
 Lloyd, Mr. A. H.
 Mackeown, Mr. J. A.
 Matthews, Mr. V. G.
 Menon, Mr. P. A.
 Metcalfe, Sir Aubrey.
 Miller, Mr. C. C.
 Ogilvie, Mr. C. M. G.
 Rahman, Lieut.-Col. M. A.
 Rajah, Raja Sir Vasudeva.
 Row, Mr. K. Sanjiva.
 Scott, Mr. J. Ramsay.
 Sen, Rai Bahadur N. C.
 Sher Muhammad Khan, Captain Sardar Sir.
 Sircar, The Honourable Sir Nripendra.
 Smith, Lieut.-Col. H. C.
 Snence, Mr. G. H.
 Stewart, The Honourable Sir Thomas.
 Snkthankar, Mr. Y. N.
 Sundaram, Mr. V. S.
 Walker, Mr. G. D.
 Yamin Khan, Sir Muhammad.

The motion was negatived.

Mr. K. Santhanam: Now that this amendment has been defeated, as the clause stands, in clause 2 (a) (ii), unless you put in a comma, it would not make much sense, because it means, power light or water.

Mr. President (The Honourable Sir Abdur Rahim): I have nothing to do with that now. Prof. Ranga will move his amendment No. 7.

Prof. N. G. Ranga: Sir, before I move my motion, I should like with your permission to make a small change. Instead of sub-clause (a) it should be (a) (i).

Sir, I move:

"That to sub-clause (a) (i) of clause 2 of the Bill, the following proviso be added: 'Provided there is no other equally regular means of transport'."

The Honourable Sir Nripendra Sircar (Law Member): May I know what is the change which has been made?

Prof. N. G. Ranga: Instead of sub-clause (a) it will be (a) (i).

The Honourable Sir Nripendra Sircar: The amendment No. 6 in the name of Professor Ranga was that sub-clause (a) (ii) of clause 2 of the Bill be omitted. We have come up to (a) (ii). Now, we are going back. I shall wait to see my friend explaining his amendment.

Prof. N. G. Ranga: In support of this item first here, it was mentioned that in certain parts of the country, specific mention was made only of one part of the country. steamship travel is the only means of transport

[Prof. N. G. Ranga.]

available. They made a sort of plausible case that such service should be classified as public utility, because if there were any strike in such a means of transport, without proper notice, then the public may be inconvenienced; but there are very many parts of the country where there is steamship travel available, as for instance between Goa and other places on the West coast such as Calicut, Cochin and Cannanore and also between Bombay and Karachi. To all these places, there is a very good, regular railway service and it is quite possible that if there were a strike in any of these steamships, then the public would avail themselves of railway travel and reach the places conveniently and under those circumstances I do not see why even in those places this means of transport should come to be classified as public utility. That is why I want clause (a) (i) to be restricted entirely, scrupulously and wholly to real public utilities and not to any and every means of transport which the public may avail themselves of and which may be considered to be convenient but at the same time which are not absolutely essential. Where, of course, that is the only means of transport, then my amendment covers that and safeguards it as one of the public utility concerns, in which case the public are safeguarded as against any lightning strikes or strikes that may take place without proper notice in accordance with section 15. Taking again tramways, as was abundantly shown yesterday, it is really a dying service. It is too slow, too inconvenient for passengers and the wages paid there are also very low. In many places they are thinking of abandoning this tramway service, because there are better means of transport than this, cheaper and more expeditious. Now, having agreed to classify this tramway service also as a public utility, I wish to get it restricted only to that tramway service which has no substitute at all in some places. If there is a good, regular and efficient bus service or local train service, then there is no need to classify tramway service as public utility. That is why I want my amendment to be accepted by the House so that this extension of public utilities will be restricted only to real public utilities and not to any other service that may be availed of by the public.

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

"That to sub-clause (a) (i) of clause 2 of the Bill, the following proviso be added :
'Provided there is no other equally regular means of transport'."

Mr. A. G. Chow: Sir, I am extremely confused by this amendment. We seem to have gone back to (a) (i), after dealing with (a) (ii). I do not think it can possibly come in the place where my Honourable friend wants to insert, that is immediately after the word 'or'. I gather his intention is that this should be a proviso to the amendment which was carried, that is No. 3, and that presumably it will come in after the word 'Act' in that amendment.

Even then I am completely in the dark as to what is the intention. Is this to be a direction to the Provincial Governments? In other words, is this merely for their guidance and benefit before they issue the notification? Are they to be satisfied that there is no other equally regular means of transport? If so, I can understand it. But that is not what the amendment says, as I read it. This would be rather a direction to the Courts if a dispute arose. In other words, the Provincial Government

issues the notification, some time later the dispute arises and the Court is then asked to say whether there is any other equally regular means of transport. That, Sir, would create an almost impossible position. You issue this notification; it is presumably binding on the workmen; the workmen have got to give notice to the employers; the employers have got to pass on that notice to the Provincial Governments. It is not until the question comes before the Court that an employer can be certain or that a worker can be certain whether he is complying with the law or not.

Even if that difficulty can be overcome, what is meant by the expression "equally regular means of transport". It can mean what my Honourable friend, Mr. Joshi,—I can only suppose humourously—remarked, namely, that the people can use aeroplanes; for aeroplanes may be running an equally regular service. Is it really reasonable to suppose that because aeroplanes or motor cars or some other form of transport is available which cannot be used by the poorer classes of the community, therefore the tramways should not be regarded as an essential service? I submit, Sir, the amendment makes complete confusion, that the clause would give confusion both to the Provincial Governments and the Courts, and that it is bad on the merits.

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

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

Mr. N. M. Joshi: Sir I support the amendment of my friend, Prof. Ranga. The Honourable the Secretary for Labour had stated that his amendment does not properly fit in with the clause and it is confusing. To my mind there is no reason for confusion arising on account of this amendment. This amendment is intended as a proviso to part (i) of sub-clause (a) of clause 2 of the Bill which deals with water transport and tramways. The amendment makes sure that the Local Government will not declare any tramway service or water transport service as a public utility service if there were other means of transport available.

The Honourable Sir Nripendra Sircar: Who will decide that?

Mr. N. M. Joshi: That can only be decided ultimately by the Court; there is no doubt about that. But the proposal of the amendment is for the guidance of the Local Government that if there is any other means of transport available, they ought not to declare that water transport service and that tramway service to be a public utility service. If they do that while there is another means of transport available, the Court will certainly decide that the Local Government has gone beyond its power. I think there is nothing wrong in giving this power to the Court. The Local Government is free to act but it takes the risk, when it acts, of the Court rejecting what it has done. I cannot see any difficulty in that. If the Local Government publishes or declares a water transport service or a tramway service as a public utility service, it takes the risk and the Court will finally decide whether the Local Government has acted within its rights or not. I, therefore, hope the House will accept this amendment.

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

"That to sub-clause (a) (i) of clause 2 of the Bill, the following proviso be added :
'Provided there is no other equally regular means of transport'."

The motion was negatived.

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

"That clause 2, as amended, stand part of the Bill."

The motion was adopted.

Clause 2, as amended, was added to the Bill.

Clause 3 was added to the Bill.

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

"That in clause 4 of the Bill, in the proposed sub-section (2) of section 4 after the words 'its members' the words 'or any vacancy in its number' be inserted."

Section 4 (2) of the Act as it stands now prescribes that a Court of inquiry having the prescribed quorum could act notwithstanding any vacancy in the number of its members other than the Chairman. This has been interpreted to mean that the Chairman must be present if a sitting is to be held; or in other words, that the Court cannot function during even any casual absence of the Chairman. The object of amending the section is to make it clear that a Court of inquiry having the prescribed quorum can continue its sittings—(1) if the Chairman is temporarily absent, (2) if any member is absent, (3) even if there is a vacancy among members due to death, resignation, etc., and (4) but not when there is a vacancy in the Chairmanship as opposed to a casual absence. Attention has been drawn by some of the Honourable Members opposite to the fact that the section as it stands in the Bill does not clearly provide for the holding of the sittings of the Court when there is a vacancy in the membership of the Court. The words "absence of any of its members" in the substantive portion of the clause would mean the absence of a person who is a member and would not include a vacancy caused by death, resignation, etc., as the non-attendance of a person under those circumstances cannot be regarded as the absence of a member. The addition proposed by me seeks to make provision for cases of this nature when a vacancy in the membership takes place. This is in accordance, I believe, Sir, with the intention of the Select Committee. I move.

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

"That in clause 4 of the Bill, in the proposed sub-section (2) of section 4 after the words 'its members' the words 'or any vacancy in its number' be inserted."

Mr. Mohan Lal Saxena (Lucknow Division: Non-Muhammadan Rural): Sir, I have got another amendment on this clause, and, therefore, I beg to oppose this amendment. My amendment is No. 12 on the Supplementary List. Now, as has been pointed out, the object of the present amendment is to provide for the Court functioning even if there was a vacancy in its number. I think what is aimed at is, even if there was a vacancy among the numbers, the Court should function, but by adding these words, even if there was a vacancy, because of the Chairman's death or resignation, even then the Court can function. Personally I feel that

this clause should be left as it is so far as part (2) is concerned, but in the proviso we may make a provision to the effect that when it is declared or notified that the services of a member of a Court have ceased to be available, the Court shall not function until some other person has been appointed in his place. The Court could carry on its business if there was merely absence and the services of the member concerned have not ceased to be available. Sir, I oppose this amendment.

Mr. M. Ananthasayanam Ayyangar: Sir, this amendment is too general. It means that even if there is a vacancy in the office of the Chairman a meeting could go on with its deliberations. The Chairman is an independent person owing to whose integrity the proceedings are expected to be absolutely impartial. We have also a similar provision later on. Now, I want this amendment that is now sought to be made to be restricted in its scope to the vacancy caused by the vacancy of any member other than the Chairman. If the Chairman is absent, even though it may not be notified to the Court by the Provincial Government, then automatically the proceedings ought not to go on. It may take a long time to notify. If the Provincial Government does not do so, the work can go on. In the later portion there is no obligation imposed on the Provincial Government to notify immediately to the Court on the occurrence of a vacancy. It may or may not do so. But what I want to draw the attention of the Honourable Member is this, that even though there is a vacancy, and not mere absence, the proceedings may go on. That is a contingency which is not contemplated in the original Act. I think there is serious objection to the proceedings going on in the absence of an independent Chairman. Therefore, apprehending this difficulty, I and my friend, Prof. Ranga, have tabled an amendment, which is amendment No. 10 in the Supplementary List. It is no doubt true that I have not been allowed to move it except with the consent of the Mover of the Bill. There I have stated the absence or any vacancy in their number except that of the Chairman be substituted. If the Government sees its way to accept it, there may be no exception taken to the addition of the words "or even if the vacancy is caused by any of its members except that of the Chairman", otherwise we should oppose it.

Mr. A. G. Clow: I think my Honourable friend is either under a misapprehension or is acting a little unreasonably. All we want to do is to ensure first that when a member is temporarily absent, that is when he happens to be unwell on that day or otherwise absent, the proceedings are not interrupted. That is the first object, and that is surely reasonable because a serious situation may have arisen between employers and workers and we do not want to delay the proceedings. As regards vacancies, we recognise the Chairman's right, but we also recognise in the next clause that any members representing the parties, the workers or the employers, must be there. We cannot have the Board over-balanced by having the employers' man and not the representative of the workers or *vice versa*. They may also have independent members on the Board, and I see no reason why the Board or the Court should not continue to function if one of them happens to retire or die

Mr. M. Ananthasayanam Ayyangar: It includes the Chairman also.

Mr. A. G. Clow: The Chairman must be there.

Mr. M. Ananthasayanam Ayyangar: Your wording is too general.

Mr. A. G. Clow: I think the Honourable Member has overlooked the proviso which says:

"Provided that if the appointing authority notifies the Court that the services of the Chairman have ceased to be available, the Court shall not act until a new Chairman has been appointed."

Mr. Mohan Lal Saksena: If there is a vacancy among its number

Mr. A. G. Clow: The Court will be inhibited from acting, under the proviso, as soon as it receives intimation that the Chairman has died or retired

Mr. Mohan Lal Saksena: Supposing the Government has not notified that the services have ceased to be available; supposing the Chairman dies today, it will certainly take some time to notify to the Court of inquiry that his services have ceased to be available and the Court of inquiry could go on functioning.

Mr. A. G. Clow: I do not think there can be any serious objection on that score. These actual words about notifying were. I think, put in because apprehension was expressed in some of the opinions that the time would be uncertain when the Chairman's services ceased to be available. Actually the report has to be signed by all the members, and this really relates to the interim proceedings. If an independent member disappears, and the Chairman and one of the members representing the parties are present, I see no harm in the Court going on. If the Provincial Government think that the vacancy should be filled, it is at liberty to fill it

Mr. Mohan Lal Saksena: The point is this

Mr. Deputy President (Mr. Akhil Chandra Datta): Let the Honourable Member go on.

Mr. Mohan Lal Saksena: I wanted to ask a question, Sir. Suppose the amendment is accepted, it will read like this:

"A Court having the prescribed quorum, may act notwithstanding the absence of the Chairman or any of its members:

Provided that if the appointing authority notifies the Court that the services of the Chairman have ceased to be available, the Court shall not act until a new Chairman has been appointed."

Suppose the Chairman dies today, and there is a vacancy amongst its number, and therefore the Court will continue to function, because the Government will take some time, they will take at least 24 hours or 48 hours between the time of his death or resignation and the issuing of the notification; meantime this Court of inquiry can function. What we want to make clear is that the vacancy should be amongst its number, and that is why I wanted another amendment.

Mr. A. G. Clow: That would render the proviso entirely superfluous. The point is, I see no harm in the Court meeting going on without the Chairman

Mr. Mohan Lal Saksena: We object to that.

Mr. A. G. Glow: If the Chairman dies, I presume the meeting would close as a mark of respect; but supposing he has retired, there is no reason why the Court should not go on acting. The Provincial Government would appoint a new Chairman before the Report can be presented.

Mr. Mohan Lal Saksena: We object to that, and therefore we oppose the amendment.

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

"That in clause 4 of the Bill, in the proposed sub-section (2) of section 4 after the words 'its members' the words 'or any vacancy in its number' be inserted."

The motion was adopted.

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

"That clause 4, as amended, stand part of the Bill."

The motion was adopted.

Clause 4, as amended, was added to the Bill.

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

"That in clause 5 of the Bill, in the proposed sub-section (3) of section 6, after the words 'its members' the words 'or any vacancy in its number' be inserted."

I need not explain the object of this amendment in detail as the circumstances under which it is proposed to be introduced are exactly the same as in the case of the last section. I move.

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

"That in clause 5 of the Bill, in the proposed sub-section (3) of section 6, after the words 'its members' the words 'or any vacancy in its number' be inserted."

Mr. M. Ananthasayanam Ayyangar: Sir, I oppose this amendment. There may be some justification for the proceedings going on in a Court of law where all the persons are independent judges even in the absence of the Chairman for some time. But where a board is constituted and where the Chairman is the only independent person normally—one or more persons being chosen by the employer and one or more persons being chosen by the other side—if the only person who can bring his independent judgment dies, even in that case this amendment says that the proceedings shall go on. Here are two parties wrangling and there is no intermediary to keep the balance or direct the proceedings properly; and I wonder how in the absence of such a person you can allow the proceedings to go on. It would practically be a travesty of justice. There is no doubt here a proviso saying that if the appointing authority notifies the Board that the services of the Chairman or any such person have ceased to be available the Board shall not act. But what happens if a similar notification is not issued and in the interval these parties want to go on? The quorum may be fixed at three out of the four; and if only two for the employers and one for the employees is present, in the absence of any independent person, the proceedings may go on: that would be a very

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unfortunate contingency in case the absence of the Chairman is also condoned or tolerated. I say in that case the proceedings ought not to go on. That is the object with which I proposed my amendment and if that is accepted, I should have no objection to this amendment. Whatever the other difficulties in the case of a Court may be, this difficulty will not be there, since the Chairman is the only independent person in a Board and he should not be absent from the deliberations of the Board. I have tabled a similar amendment to the one in regard to the previous section; and if the Government can see its way to accept it there may not be any objection. I say the words "the services of the Chairman or" in the proposed proviso should be omitted. If the amendment of the Government is sought to be pushed through as it is, without making an exception in the case of the Chairman, I will say that the amendment is opposed to the very object of the conciliation board that is sought to be appointed and I have to oppose it.

Mr. A. G. Olow: Sir, I am sorry I cannot accept this suggestion. (Interruption.) I recognise that the point at issue is a matter of detail and not really one of great importance, and I feel that we are talking a little at cross purposes. When we introduced this Bill the proviso read as follows:

"Provided that if the services of the chairman or, where the Board includes an equal number of persons representing the parties to the dispute, the services of any such person cease to be available, the Board shall not act"

Some of the opinions pointed out that there may be a little uncertainty as to the moment at which they cease to be available and therefore the Select Committee inserted—I think I am right in saying unanimously as there is no mention in the dissenting minutes—the words "the appointing authority notifies the Board". It is not intended that a formal notification need be issued. They would simply send a letter saying that the Chairman or one of the members of the parties have ceased to be available and the Board cannot go on acting if either the Chairman or any of the members whom I may call, without casting any reflection, partisan members, cease to be available. They can go on acting if one of the independent members dies. This is a Board of Conciliation which is trying to meet and settle differences in rather a more informal manner than a Court of inquiry, and the case seems to me stronger than it is in the case of a Court.

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

"That in clause 5 of the Bill, in the proposed sub-section (3) of section 6, after the words 'its members' the words 'or any vacancy in its number' be inserted."

The motion was adopted.

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

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

The motion was adopted.

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

Clause 6 was added to the Bill.

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

"That in sub-clause (b) of clause 7 of the Bill for the proposed sub-section (2A) of section 15 the following be substituted:

'(2A) If on any day an employer receives from any persons employed by him any such notices as are referred to in sub-section (1) or gives to any persons employed by him any such notices as are referred to in sub-section (2), he shall within five days report to the Provincial Government or such authority as the Provincial Government may prescribe the number of such notices received or given on that day, and, if he fails to do so, he shall be punishable with fine which may extend to five hundred rupees'."

The clause provides that an employer should report to the Provincial Government the number of notices issued and received by him within five days; but it does not make it entirely clear as to when the period of five days begins when notices are given in batches or are issued in batches. The intention is obviously that the number in each batch shall be reported within five days of receipt or issue. My amendment is intended to make this clear. Secondly, Provincial Governments may prefer that such information as is to be transmitted to them should preferably be sent to some officer or authority of their choice and not to the secretariat. The inclusion of the words "or such authority as the Provincial Government may prescribe" is intended to meet such a contingency. Sir, I move.

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

"That in sub-clause (b) of clause 7 of the Bill for the proposed sub-section (2A) of section 15 the following be substituted:

'(2A) If on any day an employer receives from any persons employed by him any such notices as are referred to in sub-section (1) or gives to any persons employed by him any such notices as are referred to in sub-section (2), he shall within five days report to the Provincial Government or such authority as the Provincial Government may prescribe the number of such notices received or given on that day, and, if he fails to do so, he shall be punishable with fine which may extend to five hundred rupees'."

Mr. K. Santhanam: Both in this section and in amendment No. 6 it is said that the employer should report the number of such notices. I suggest that it is not enough. He should report not only the number but also the nature of the notices. The substance of these notices should be reported, otherwise there is no use saying, "I have got a hundred notices". What sort of notices are they? Should he not give particulars to the Government? And for this purpose I have tabled an amendment—No. 20 on the Supplementary List—which I should like the Government to see if they could not accept. Otherwise, there is no meaning in the present amendment. If it is strictly construed, every employer can say, "I have received 50 notices", and it would have satisfied the requirements of the section. It is not obligatory on him to send a copy of the notice. He should inform the Provincial Government of the actual stipulations and conditions made in the notices. It is the substance that matters and not the mere number of notices. In the original section it was said, you must report the receipt of such a notice. In order to improve it, the Select Committee said, you must report the number of such notices. I submit that this is unsatisfactory and I suggest that Government might accept No. 20 on the Supplementary List.

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

"That in sub-clause (b) of clause 7 of the Bill for the proposed sub-section (2A) of section 15 the following be substituted:

'(2A) If on any day an employer receives from any persons employed by him any such notices as are referred to in sub-section (1) or gives to any persons employed by him any such notices as are referred to in sub-section (2), he shall within five days report to the Provincial Government or such authority as the Provincial Government may prescribe the number of such notices received or given on that day, and, if he fails to do so, he shall be punishable with fine which may extend to five hundred rupees'."

The motion was adopted.

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

"That clause 7, as amended, stand part of the Bill."

The motion was adopted.

Clause 7, as amended, was added to the Bill.

Mr. Deputy President (Mr. Akhil Chandra Datta): Clause 8.

Mr. F. E. James (Madras: European): I should like to have your permission to move an amendment to clause 8, sub-clause (b). I think that is an amendment that has been agreed upon. It is an amendment which I understand has been circulated to the Leaders of the various Parties.

Mr. K. Santhanam: We have no notice of it. We object.

Mr. Deputy President (Mr. Akhil Chandra Datta): I want to know if there is any objection to this amendment being moved on the ground of notice?

Some Honourable Members: Let us first know what the amendment is.

Mr. F. E. James: May I read the amendment? It runs as follows:

"That for sub-clause (b) of clause 8 of the Bill the following be substituted, namely:

'(b) in clause (b) for the words 'general and prolonged' the words 'and general' shall be substituted'."

Mr. N. M. Joshi: On a point of order, Sir. Am I to understand that Prof. Ranga and Mr. Gadgil have withdrawn their own amendments on clause 8, namely:

"That for clause 8 of the Bill the following be substituted:

'8. Section 16 of the said Act shall be omitted'."

Is that withdrawn?

Mr. Deputy President (Mr. Akhil Chandra Datta): As the Honourable Member has pointed out, please let me know whether amendments Nos. 14, 15, 16 and 17 are being moved.

Prof. N. G. Ranga: I am not moving No. 14.

Mr. Abdul Qaiyum (North-West Frontier Province: General): I am not moving No. 15.

Mr. N. V. Gadgil (Bombay, Central Division: Non-Muhammadan Rural): I am not moving No. 16.

Prof. N. G. Ranga: I am not moving No. 17.

Mr. Deputy President (Mr. Akhil Chandra Datta): Now Mr. James may go on.

Mr. F. E. James: If this amendment is accepted, section 16 (1) (b) will read as follows " . . . is designed or circulated to inflict severe and general hardship upon the community"; instead of the words "is designed or calculated to inflict severe, general and prolonged hardship upon the community". In other words, the words "and prolonged" are being dropped. That is my amendment and I move it.

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

"That for sub-clause (b) of clause 8 of the Bill the following be substituted, namely:

'(b) in clause (b) for the words 'general and prolonged' the words 'and general' shall be substituted'."

Mr. N. M. Joshi: I am sorry that I cannot say that by the moving of this amendment and by the passing of this amendment my objection to section 16 disappears. I have no doubt that if this amendment is carried the Bill as it has come out of the Select Committee will to some extent be improved. There is no doubt on that point, but at the same time let me make it clear that my objection to section 16 of the Bill does not disappear. I remain opposed to section 16 of the Bill as before and I also remain opposed to the Bill and to the original Act. While speaking on the motion that the Bill be taken into consideration the Secretary for Labour stated that clause 8 of the Bill was omitted by the Select Committee and Government acquiesced in the omission of clause 8 on the ground that there was opposition to clause 8 and secondly some of us preferred section 16 of the Act to clause 8 of the Bill. It is true that so far as I am concerned I prefer the original section 16 of the Act to clause 8 of this Bill, but it is necessary for me to point out that I did not prefer clause 8 of the Bill as it came out of the Select Committee to clause 8 of the original Bill. The Government of India changed their ground. They acquiesced in the omission of clause 8 of the Bill. At the same time they started on a new career of amending section 16 as it existed in the original Act of 1929. They succeeded in persuading the Select Committee to omit the words "general and prolonged". The omission of these words has widened the scope of section 16 considerably. In my speech of yesterday I pointed out why I am opposed to section 16 of the Bill and if I am opposed to the original section of the Bill I am naturally much more opposed to the change made by the Select Committee. The amendment moved by my Honourable friend, Mr. James, restores one of the two words dropped by the Select Committee. He restores the word "general" and takes out the word "prolonged". There is no doubt that, as I have stated, this

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improved the section from the point of view of labour but at the same time the improvement is not sufficient. In any case, it will be easier to make strikes illegal if the hardship is to be severe and general, and also not prolonged. I am surprised to hear that this amendment has met with the support or been acquiesced in by the Congress Party. I do not know what their view is.

Mr. Bhulabhai J. Desai (Bombay Northern Division: Non-Muhamadan Rural): What is yours?

Mr. N. M. Joshi: I have just stated mine.

Mr. Bhulabhai J. Desai: Then carry on.

Mr. N. M. Joshi: It is my right to criticise any Party in this House.

3 P.M. I do not think there is anybody here whom a Member is not entitled to criticise, so long as he is here. I do not know why the Congress Party should have accepted it. If they yielded to force, I can understand it. Let them say so. On account of the Independent Party having joined the Government and the Congress Party not having sufficient votes, they have yielded to force. If that is the argument of the Congress Party, then I can understand it and on that ground also I am prepared to say that this agreement is much better than the original Bill.

Mr. Muhammad Azhar Ali (Lucknow and Fyzabad Divisions: Muhammadan Rural): On a point of order. On behalf of my Party, I may point out that we were never coerced and never influenced.

Mr. Deputy President (Mr. Akhil Chandra Datta): That is not a point of order.

Mr. N. M. Joshi: I never said that the Independent Party was coerced by anybody. If we accept this amendment it is not because we consider it to be satisfactory, but because we are forced to accept it as a slight improvement. If the Congress Party accepted it because of the force of circumstances and because they would like to take advantage of whatever little is obtainable, then I can understand it but I am sure that the Congress Party realise that if there are any people who are likely to suffer on account of the taking out of the word "prolonged" it is the Congress Party itself. It is the Congress Party that is in the habit of declaring *hartals*. Men in the labour party do not declare *hartals*. They go on prolonged strikes and in their case the amendment does not introduce a new disadvantage. It is the Congress Party which declares *hartals* and these *hartals* would be newly included within the scope of this Bill. I expressed my surprise because if any Party suffers on account of the omission of the word "prolonged", it will be the Congress Party.

An Honourable Member: We will not suffer; don't worry about that.

Mr. N. M. Joshi: It is my duty to point out to you that it is the people who declare *hartals* who will suffer now while they were free from the disadvantage before. Sir, I have made my attitude quite clear that I do not approve of the original section. I cannot, therefore, approve

of the amended section at all. However, on account of the force of circumstances, on account of the fact that a little improvement is better than no improvement at all. I must agree to this amendment.

Mr. Bhulabhai J. Desai: Mr. Deputy President, I did not intend to take part in this debate, but as I find that the section as it stands, read with clause 8 (a) of the amending Bill, requires some explanation, so that the fears of my friend, Mr. Joshi, in particular, may be allayed, I may say that speaking for the Congress it is a matter of history that when this Bill was first brought before this Assembly some seven years ago, it was undoubtedly our position that section 16 of the Act should not find a place in the Act at all. And the reason, Sir, was obvious,—at least from the point of view of those whom I represent; the reason was that to make what you may call a political strike illegal was a matter on which, so far as we were concerned, we were not prepared to give our assent; and I have seen the debates, which clearly show that a political strike, as a part of one of the weapons of those who are struggling, as we are struggling in this country, for the ultimate attainment of what they feel they owe to themselves, is justifiable; it is one of the weapons which they honestly and frankly and candidly put forward as being the one that they must use; and therefore Government, following I believe in the footsteps of the English Act which was passed in the year 1927 subsequent to the general strike in England, enacted this, and evidently it is that which inspired section 16 which now finds a place in the Act. I wish to call attention to the provision of the English Act to the extent to which it is useful to compare it with the present Act. The English section runs thus:

“It is hereby declared :

(a) that any strike is illegal if it :

- (i) has any object other than or in addition to the furtherance of a trade dispute within the trade or industry in which the strikers are engaged; and
- (ii) is a strike designed or calculated to coerce the Government either directly or by inflicting hardship upon the community;”

The section 16 as it was passed in 1929 had not the words “or in addition to” as now in clause 8(a) which are sought to be added by the amending Bill. I have compared the Bill as it was introduced and the reported Bill from the Select Committee and it is clear from the report of the Select Committee that the words “severe, general and prolonged” preceding the word “hardship” were fought for in the Select Committee by those who represented the Party in the shoes of whom stand those for whom I speak now and they succeeded in qualifying the provision of the English Act, which merely talks of inflicting hardship on the community; the Executive here, not being similar to the responsible Executive in England, would be likely to use a section of this kind on any pretence, and would be likely to strain this section and seize any opportunity of a political strike, whether it involved even a slight hardship, and they would be likely to use it for a purpose somewhat different to a purpose which would appeal to the British Cabinet. In so far as the British Executive is concerned, naturally it would not happen, as it does happen in this country, that the use of a weapon of this kind would be infrequent in its very nature. A general strike is an event which must necessarily be rare in their history, except when the socialist or communist elements try to fight measures such as those of the representatives of the European Groups in this country. It is only on those

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occasions that strikes of that kind are likely to come into being. So far as India is concerned, in addition to merely a difference in the ideologies in the very course of our struggle for our cause, it may be possible that what you may call a political strike, that is to say, a strike whose object is other than a mere settlement of a trade dispute, may be undertaken. Therefore, while being reluctant that there should be any restraint or check on our country undertaking a political strike—and I am very glad for the compliment that Mr. Joshi has given—at the invitation of the Congress,—for I believe he understands that any other invitation is not likely to be very seriously accepted—I say, the invitation, therefore, is undoubtedly ours and therefore the responsibility is ours. We, therefore, realized that it was necessary to so qualify the language of the English Statute that at all events its abuse may be mitigated. Hence, the second qualification was added to “illegality”, *viz.*, that the strike would be illegal only if it is designed or calculated to inflict not merely hardship, because of that you may have many different measures. The executive of a particular place may undertake to prosecute a person on account of what *they* may call hardship, but once the qualifying words were there, *viz.*, that it should be a case of severe hardship, it should be a case not merely of severe, but general, hardship, and it should be a case of a prolonged hardship, the position becomes better.

Sir, I wish to call the attention of the House to a decision of the Bombay High Court where the word “general” and the word “community” became the subject for decision in a very prolonged strike in the textile industry. The strike undoubtedly lasted a little over four months and inflicted an undoubted, severe hardship, at least on the restricted community to which those engaged in the textile industry either as employers or as employees belonged, but the High Court was of opinion that the strike was not illegal, because, even though it was severe even though it was prolonged, and even though it might even be called general, it did not inflict a hardship on the community, that is to say, on the city as a whole. Therefore, they held that in so far as the words “hardship on the community” were concerned, the material words really were “hardship on the community”. Those words are being retained and are not being altered. We are also retaining the words “severe” and “general”. It is true that some of our friends probably pressed the idea that it would be better to omit all the three and bring it into line with the English Act. I see some official amendments given notice of, firstly, that in clause 8 (b) the word that is sought to be retained is merely “severe”. There is also an official amendment to the effect that even that word may be omitted. With those omissions, the result would be that we would be on a par with the English Act, and having regard to the conditions in this country I think it is our duty to retain at least the addition of the three qualifying words qualifying the word “hardship” and we have succeeded in retaining the words “severe” and “general”; and I feel that the true effect of the section, except in one matter which I shall presently explain, still remains so far as the prevention of its abuse is generally concerned. When it is said that it is calculated to inflict a severe, general and prolonged hardship, the only element that is now being omitted is that if at the moment when the strike, for instance, has lasted a week and the question of legality or illegality arises, then it would be up to them as a matter of inference

when facts are put before them by the issue of bulletins or by the very nature of the strike to estimate whether it will be prolonged or not. Of course, if you are going to emphasise every word inasmuch as it pleases or satisfies some of our friends, I do not wish to stress it any further. After all, the word "prolonged", namely, its length, is certainly not qualified in any way. The word "prolonged", without reference to its true dictionary meaning, means to an ordinary speaker in English that it must be something very long, but its length, so far as I know, no dictionary has given. Therefore, the word "prolonged" or the word "lengthened" may also be easily capable of an interpretation where a week's strike may, in the view of one class of thinkers, be a prolonged strike and in the view of another class of thinkers a year's strike may not be a prolonged one. It depends whether Prof. Ranga is speaking or Mr. Clow is speaking. It is from the point of view of each party that they will use that word which, in a pure dictionary meaning, has no particular defined length. I frankly confess that I am not one of those who are frightened by the word "prolonged" at all because the prosecution would still have to prove that the expected hardship is severe and general and also on the whole of the community even though the hardship may be very severe on the employers and on the employees. The protectors of each appear to have agreed on this matter. If both of them are prepared to suffer, it does not matter. They will make it illegal only if the community also suffers. I am quite content with this position because I am neither the employer nor the employee. I am really concerned with the community as a whole and that is what my Party stands for. We are neither capitalists nor labourers. We are both and it is our intention to reconcile the interests of both in order that the general interest of the community may not suffer in this country. Therefore, the operative words from the point of view of the Party to which I belong still remain in the section, namely, that it has to be proved that it is a strike that is designed or calculated to inflict severe and general hardship on the community. Therefore, the omission of the "prolonged" in the circumstances in which we find ourselves now seems to meet by what I may call a general favour of a vote, and if that meets with a general favour of a vote, then each one probably has decided this matter for himself. If they have done that, I have no quarrel with them. I am only pointing out that their view may not be in accordance with the legal words that are interpreted by the High Court and, as I see the section, it remains as ineffective from the point of view of the purpose that we have in view, though we would wish that the whole of section 16 were omitted, that is to say, a political strike should never be regarded as illegal. While we have to submit to this, we must, as far as it lies in us, see that conditions are introduced in the section which may prevent its abuse, and from that point of view, notwithstanding the fact that the word "prolonged" is omitted, I feel that the mischief of the section—not in its legal sense, meaning what it is designed to strike, but the mischief which is involved in the section meaning thereby its abuse by the other side. This, as I understand it, in a true interpretation, remains as much curbed as it is possible to do so by using appropriate words. Therefore, I support this motion.

Mr. A. G. Clow: Sir, I do not propose to say much on the motion. My Honourable friend, Mr. Joshi, has so often held up to me the English law as a paragon of all that is wise in labour legislation that I could

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almost have expected him to move the amendment which was tabled by my friend, Mr. Mahadeva Ayyar.

Mr. N. M. Joshi: I do not wish to interrupt the Honourable Member but I want to make an offer to him. If he is prepared on behalf of the Government of India to introduce in India all the labour legislation of Great Britain, I am prepared to accept also this legislation of Great Britain.

Mr. A. G. Clow: Sir, I am sure you will not allow me to do that without notice. My Honourable friend, Mr. Joshi, will not expect me to subscribe to his view that the amendment which has been moved represents an improvement on the Bill. I think I could improve the Bill considerably and I could improve this section also but I am afraid I am in fairly close agreement with the Honourable the Leader of the Opposition that this clause is a somewhat ineffective one and it can be used only in very rare cases. I should personally like to see that it have a wider application because I sincerely believe that many of the strikes at which it aims or at which it could be aimed are strikes which bring nothing but sorrow to those who participate in them and to the community at large. I recognise, however, that I have very little prospect at the moment of improving the Bill and therefore I do not oppose this amendment.

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

"That for sub-clause (b) of clause 8 of the Bill the following be substituted, namely:

'(b) in clause (b) for the words 'general and prolonged' the words 'and general' shall be substituted'."

The motion was adopted.

Mr. K. Santhanam: Sir, I wish to make a few observations on clause 8 as a whole. When an existing Act is sought to be changed, there ought to be sufficient reasons for doing so. The Honourable Mr. Clow said that section 16, as it is, has not been of much use and it has not been in operation many times.

Mr. Muhammad Azhar Ali: Sir, the Honourable Member is not talking on any amendment. If he is speaking on clause 8, as it stands, how can he have a general discussion on clause 8?

Mr. Deputy President (Mr. Akhil Chandra Datta): Before I put clause 8, he wants to speak on that clause.

Mr. K. Santhanam: I am opposing clause 8.

Dr. Sir Ziauddin Ahmad (United Provinces Southern Divisions, Muhammadan Rural): What is the amendment before the House?

Mr. K. Santhanam: I am opposing the clause as a whole and not any particular amendment. The House is entitled to reject the entire clause. I am pleading for its rejection and I am adducing arguments in support of rejection.

Dr. Ziauddin Ahmad: On a point of order, Sir. When a certain amendment to clause 8 has been carried by the House, is any Honourable Member in order to move that the whole clause be omitted?

Mr. Deputy President (Mr. Akhil Chandra Datta): It can certainly be done, because what is the use otherwise of putting the clause before the House. This is the proper time to oppose the clause.

Mr. K. Santhanam: I hope there will be no more points of interruption. No instance has been brought before the House to show that these amendments are necessary. They have been brought forward on some imaginary pretext. It has been argued as if section 16 of the original Act applies only to political strikes. I submit that it applies not only to political strikes but also to what may be called sympathetic strikes. Suppose there is a tramway strike in Madras today and supposing the busmen in sympathy with the tramway men also strike. That strike is covered by section 16 because it is not in furtherance of a trade dispute within the trade or industry. Whether such sympathetic strikes are desirable or not, it is another question. Sometimes if it is only of a short duration to show sympathy, it may have very good effects. For instance a single day's bus strike in the City of Madras might force both the people and the Government to find a solution for the tramway strike. It may thus be to the benefit of the community as a whole. Therefore it is wrong to imagine that clause 8 applies only to what are called political strikes. As my Honourable friend, Prof. Ranga, put it if it is a question of a general political strike, no law can prevent it. The labourers are still illiterate and Government have not so far taken any pains to educate them. The labourers being illiterate, feelings among them might on occasions run high. There may be sympathetic strikes. I am sure that the addition of the three words to clause 8 will inflict a great hardship on the labourers. When did the Government find that the adjectives used in the original clause of the Bill were not satisfactory? Have they given any instance in which there was a strike which was severe, and which inflicted a hardship on the community and the community wanted to stop that strike, but that the adjective 'prolonged' has prevented them from doing so? Was the existing law proved to be ineffective? As some Honourable Member has already pointed out the Courts will construe the amended section in the light of the old section. They will say that there were three words in the original clause and now there are only two. Why was that adjective omitted? I submit the effect of its omission will be like this. If there is severe and general hardship even for a single day, the section might come into operation. Of course, there might be some doubt as to whether the word "prolonged" covered any particular duration of time. But there could have been no doubt that if there were only lightning strikes for one or two days—sympathetic strikes—they would not have come within the mischief of clause 8. Now, as the amended section stands, it will penalise even spontaneous outbursts of enthusiasm and sympathy in the case of labourers. Of course, if there had been numerous strikes which the Government wanted to prevent and if the existence of this adjective "prolonged" had prevented them from doing so, the Government would then have been entitled to come before the House and it would also have been reasonable for us to give them this

[Mr. K. Santhanam.]

power. But the Government have not put forward any convincing case, and now we are asked to clothe the executive with more powers.

I submit that executive powers have always been the bane of this country. Even in countries which have got responsible governments, the more the executive has got the power, the greater is the temptation to abuse those powers. Everywhere people have been pleading for restriction of executive powers, but here in India we want to give the Executive enlarged powers. We want to give the Police the power to prosecute the poor labourers and I say this is a wholly unwarranted and unjustified extension of powers which the Government already possess. I submit the whole clause is a most obnoxious one. This is going to inflict unnecessary hardship upon the labour movement which the Government have not tried to foster or develop. I say that if the Government had taken pains to foster this labour movement and to see that every trade union is automatically recognised and that the labour movement is supplied with proper leaders, then I can understand their saying "you must exercise restraint". On the one hand, they are not taking any steps whatsoever to help the labour movement, on the other hand, they are coming down and saying, "you shall not do this, you shall not do that and so on". How are the poor labourers to know the effect of this clause? How are the busmen in Madras to know whether a strike is severe and general but not prolonged? The original adjectives that were put in would make the occasion for the use of the power as restricted as possible. Under the amendment that you have passed, you want to create more occasions for suppression of strikes. I submit you are thereby doing the greatest harm to the labour movement and the result is going to be the exact opposite of what you expect. An amendment like the one which has been accepted by the House is going to put the back of labour up everywhere and as this amendment strikes a blow at labour movement in the country, there are going to be a large number of strikes. I take this opportunity of warning the House of the consequences of a provision like this. You are creating an unnecessary flutter in the labour ranks and possibly create unrest which will have to be paid for dearly by the community at large, by the employers and by the labour, all of us together.

Mr. Abdul Qaiyum: Sir, I rise to support what my Honourable friend, Mr. Santhanam, has said about the harmful effects of this clause. I am opposing the whole clause.

An Honourable Member: You cannot oppose the clause at this stage.

Mr. Abdul Qaiyum: I fail to see these meaningless points of order and these meaningless interruptions. I am perfectly within my rights in taking exception to clause 8 being put on the Statute-book.

As far as section 16 of the original Act was concerned, it was a positively harmful and obnoxious provision, and it becomes all the more dangerous when we find that it will be made use of by the irresponsible Executive in this country. When this new Bill was introduced we all thought that suitable amendments would be made which would be more in the interests of the labourers and which would strengthen their hands.

and result in improving their economic condition and in strengthening their organisation. But we unfortunately find that as a result of this amendment this section 16 has been made even more stringent. The position of labour has been considerably weakened as a result of the deletion of the word "prolonged". The presence of the word "prolonged" in this clause was an absolute necessity. After all by the deletion of the word "prolonged" Courts will begin to think that any strike—however short its duration may be—can be declared an illegal strike having a political object. The result will be that the rulings which will follow as a result of this amendment to section 16 will be more against the interests of labour than any previous rulings could have been. It is really a pity that the attitude of the House in the matter of this amendment to section 16 has been directly against the interest of labour and very much in favour of strengthening the hands of the capitalists. We may be in a minority in this House, but we will be failing in our duty if we do not warn the House of the wrong step which the House has taken. I assure this Honourable House that this challenge to organised labour will not be ignored, and that it will be taken up at the first available opportunity. I can certainly say with confidence, that the opinion of this Honourable House on this question is not in consonance with the opinion which is held by a majority of people in the country. A majority of people in this country certainly believe in the cause of labour. They are out to strengthen labour, they are out to improve their conditions. They certainly believe that the force of organised labour in this country must be harnessed for patriotic purposes and that occasions may arise when political strikes may become a necessity in this country. But as a result of this amendment we find that the position of labour has become more insecure and more crippled, and that an irresponsible Executive has been armed by this House with wider and ampler powers to crush labour. Sir, I oppose this clause.

Several Honourable Members: The question may now be put.

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

"That the question may now be put."

The motion was adopted.

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

"That clause 8, as amended, stand part of the Bill."

The motion was adopted.

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

Clause 9 was added to the Bill.

Mr. A. Aikman (Bengal: European): Sir, with regard to clause 10 I should like to move the amendment which stands in my name in the typed sheet instead of the one on the printed list.

Prof. N. G. Ranga: I object to that.

Mr. Aikman: The sense is exactly the same. The second proviso as it appears

Mr. Deputy President (Mr. Akhil Chandra Datta): If it is objected to, the Honourable Member had better move it in the form in which it appears in the printed List.

Mr. A. Aikman: I wish to submit that the language of the second proviso in the printed sheet is misleading and not correctly expressed and in the Supplementary List the error is corrected.

Prof. N. G. Ranga: Sir, on a point of order, I object to the moving of this amendment in the typed List.

Mr. Deputy President (Mr. Akhil Chandra Datta): As it is objected to, I do not think the Honourable Member should move the one in the supplementary List. He may move it in the form in which it appears in the printed List.

Mr. A. Aikman: Sir, I move:

"That in clause 10 of the Bill after sub-section (3) of the proposed section 18A the following be added :

'Provided that a conciliation officer shall not disclose any information or the contents of any document obtained under this sub-section if the party to the dispute giving the information or producing the document requests the same to be treated as confidential.

(4) If a conciliation officer wilfully discloses any information or the contents of any document in contravention of sub-section (3) of this section he shall be punishable with fine which may extend to one thousand rupees :

Provided that no Court inferior to that of a Presidency Magistrate or a Magistrate of the first class shall try any offence under this sub-section except with the previous sanction of the Central or Provincial Government, as the case may be'."

The terms of the amendment are, I think, self-explanatory and it merely proposes to place the same restrictions with regard to the disclosing of information on a Conciliation Officer as are placed on the members of a Court of Inquiry or a Board of Conciliation in section 18 of the Act. Sir, I move.

Mr. Deputy President (Mr. Akhil Chandra Datta): Motion moved:

"That in clause 10 of the Bill after sub-section (3) of the proposed section 18A the following be added :

'Provided that a conciliation officer shall not disclose any information or the contents of any document obtained under this sub-section if the party to the dispute giving the information or producing the document requests the same to be treated as confidential.

(4) If a conciliation officer wilfully discloses any information or the contents of any document in contravention of sub-section (3) of this section he shall be punishable with fine which may extend to one thousand rupees :

Provided that no Court inferior to that of a Presidency Magistrate or a Magistrate of the first class shall try any offence under this sub-section except with the previous sanction of the Central or Provincial Government, as the case may be'."

Mr. B. Das (Orissa Division: Non-Muhammadan): Sir, I am surprised at this amendment because the Honourable the Mover is trying

to create a new offence for the Civil Services and the Provincial Civil Services under the various Governments. In the Select Committee I asked Government to explain who will be these Conciliation Officers, and I was told that they will be from among the existing servants of the Crown. They may be officers of the Indian Civil Service or the Provincial Civil Service or any of the other services. My Honourable friend, Mr. Aikman, was not a Member of this House when his colleague Mr. James took such active part in safeguarding the rights and privileges of the civil servants before the Joint Parliamentary Committee and the Round Table Conferences. Do I understand, Sir, that the European Group are now amenable to introduce penal clauses whereby the civil servants, however, they may be protected under the Government of India Act, can be penalised and punished, as has been suggested by my Honourable friend, Mr. Aikman? Personally we on this side would welcome such a penal provision if it is not applicable only to this particular Trade Disputes Act but to all actions of Government servants. My Honourable friend, Mr. Clow, will explain it later on but he himself knows how a State servant is immune from any misdemeanour that he may commit and how he cannot be punished under the statutory rules under which he is employed. Sir, we that are accustomed to provincial lives find that the provincial civil servants claim similar exemption and similar status as the Indian Civil Services claim to have acquired by belonging to the heaven-born services. Sir, even Mr. Aikman in his minute of dissent did not suggest that he contemplates to penalise Government servants who will be Conciliation Officers.

I recollect that I told Mr. Clow and the Honourable the Law Member that my province of Orissa being a poor province we cannot have a new class of servants such as Conciliation Officers, and I was told that the existing Government servants will function as such. Does that mean that under this Trade Disputes Act the European Group want the Congress Ministries and the other Provincial Governments to exercise and work this Act in such a fashion that they can punish civil servants? I call it ludicrous and I do not think that at more sober moments Government or the European Group will agree to this principle. If they agree to that principle all along I will join them, but if it is meant only to create trouble for the Congress Ministries in the Congress provinces or to the popular Ministries that are functioning in most of the eleven provinces of India, then the Europeans do not know their own mind and they must have to revise it again.

Mr. K. Santhanam: Sir, as the amendment stands these Conciliation Officers cannot disclose this information even to the Ministers of the Provincial Governments concerned. I do not see how they can work at all because after all these Conciliation Officers are appointed so that they may investigate cases and report to the Minister concerned. Except with the consent of the party concerned, they cannot disclose it. I think it reduces the provision about Conciliation Officers to a *reductio ad absurdum*. I am afraid the Honourable the Secretary for Labour has not heard the point, but anyway the House will see

Mr. A. G. Clow: I have heard the point but am not sure I agree with the Honourable Member.

Mr. K. Santhanam: Thank you. This amendment will mean that the whole provision for conciliation becomes useless and these Conciliation Officers will be father confessors to these employers; and of course no employer wants any information to be revealed to anybody, and so automatically this information given to the Conciliation Officers becomes sterilised altogether and the conciliation work cannot proceed. With these words, I oppose this amendment.

Prof. N. G. Ranga: Sir, I oppose this amendment and that very strongly because even this clause 10 providing for the appointment of these Conciliation Officers is not welcome to organised labour in this country; it has been felt that ordinarily these Conciliation Officers may act more as strike breakers than as real helpers of labour; but in spite of that they have, after having made a thorough-going research into this Bill, if at all there can be any sort of blessing in this Bill, come to the conclusion that this must be the only silver lining in the whole gloomy atmosphere created by this Bill; and even this my Honourable friend, Mr. Aikman, and the European Group behind him want to destroy by getting this amendment passed. If this amendment is passed, what will be the effect? The Conciliation Officer is told so many things by the employers; he has to go to the workers and inform them as much about this information as possible and try to make them take a reasonable attitude. He has again to go back to the employers, indicate the views of the workers and the mood of the workers and try to make these people also to take up a reasonable attitude. Will it be possible for him to play this part and try to tell the workers, in a hypothetical case, that the employers are not in a position to pay any higher wages, that the employers are not able to make any profits, that the employers in fact are losing year after year or month after month, and therefore it will be unwise in the interests of the industry as a whole and also in the particular interests of the workers themselves for them to insist upon their demands for an increase in wages. It will be impossible for him to do this. Therefore, even in the interests of the employers themselves this amendment should not be insisted upon because it prevents the Conciliation Officer from disclosing the facts which are relevant for those particular negotiations and from bringing about a proper atmosphere for a settlement amongst the workers. Similarly, supposing he finds that the employers are making good profits and are really in a position to pay and yet are obdurate and unreasonable, then he must be able not only to argue with them but also ask the workers not to demand all that they want but only a portion and then offer his good offices and go to the employers and say "Look here, you must agree to so much: otherwise it is going to be very unreasonable and very difficult both for you and for the employees and for every body".

Thirdly, there is the Government. What is the object of appointing a Conciliation Officer unless he is allowed to be in constant communication with the Local Government and inform the Government about the true state of things in that industry both in regard to the employers and the employees? Supposing the employers take a highly unreasonable attitude. Then, should it not be permissible for him to go to the Minister concerned and tell him that in such and such an industry so much profits are being made—so much in the previous year and so much in the present year—and, therefore, the employers are in a position and may be expected to pay such and such higher wages or to restore such and such cuts in

wages effected before. Or supposing the workers themselves are unreasonable, should it not be permissible for him to go to the Government and tell them "Here is the position of the industry: the workers seem to be unreasonable: you send for the leaders of the workers and have a talk with them and discuss everything". Therefore, it is a highly unwise provision and if it is passed it will make clause 10 thoroughly useless and, therefore, I oppose it.

The Honourable Sir Nripendra Sircar: Sir, I think I should ask the Honourable the Mover of this amendment to consider the position and to withdraw this—for this reason. I am proceeding entirely on the language of the draft which is before me, and I believe Mr. Santhanam's point is sound and almost unanswerable that this will prevent the officer from making any communication about information anyway, including even disclosure to proper officials. Whether this point is covered by the Official Secrets Act or not is one on which I am not going to make any pronouncement; nor do I say as to whether if so advised Government will or will not consider the possibility of moving something on these lines if later on a defect is felt at a later stage of the Bill. But so far as this particular amendment is concerned—and no other amendment is being permitted to be moved in this House—I would ask my Honourable friend that as possibly he will find that he is unable to meet the points which have been made against him he may withdraw his amendment.

Mr. T. Chapman-Mortimer (Bengal: European): Sir, just before my Honourable friend withdraws this amendment which was proposed in the name of our Group, I should like to explain to the House what our object and intention was. It certainly was not to secure anything such as now transpires from what my Honourable friend, Mr. Santhanam, has suggested would be in fact the effect of this amendment if carried; and that seems to be also the impression of my Honourable friend, the Leader of the House, to whose weighty knowledge in these matters I naturally defer. I just want to make it clear on behalf of this Group that it was certainly not our intention when we proposed this amendment, to make it impossible for a Conciliation Officer to use any information, that he might secure in the proper conduct of his business, in such a way that he could not even tell his responsible Minister what information he had secured. We merely had in mind the same purpose as is put into effect in the Bombay Trades Disputes Conciliation Act, where a very similar clause is, I believe, incorporated.

Mr. A. Aikman: Sir, with your permission, I beg to withdraw this amendment.

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

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

"That clause 10 stand part of the Bill."

The motion was adopted.

Clause 10 was added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

Mr. A. G. Olow: Sir I move:

"That the Bill, as amended, be passed."

[Mr. A. G. Clow.]

I do not want to take up the time of the House by discussing the various questions that we have already gone through in so much detail; but I would just like to say one thing and that is this. We have been discussing in the main restrictions on strikes; and I think there has been a tendency to assume that if you place restrictions on strikes you are necessarily injuring the workers. That is not my conviction at all. We have maintained in my Department a record of strikes for a good many years, and there has been hardly one important strike in India of which we have not seen something; and my experience is that in the great bulk of strikes the workers lose and often lose heavily, and that if a great many of them could have been prevented it would have been all to the advantage of labour. I do not think, therefore, that those who are in favour of reasonable curtailment of the license to strike are necessarily acting against the cause of labour in any way. Strikes there must be unless you are going to have a State on the totalitarian model where all liberty is denied, because in some cases the workers have definitely no other means of redress. But I believe that in many cases checks on strikes would be as much in the interests of the workers as of any other party, perhaps more, for there are such things as strikes that are profitable to the employers.

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

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

"That the Bill, as amended, be passed."

Prof. N. G. Ranga: Sir, I am not at all happy at the turn that this Bill has taken through all its stages. I entirely agree with my friend, Mr. Clow, when he says that strikes inflict a terrible amount of harm and damage to workers. It is quite true, but knowing that when workers go on strike, it only means that the conditions of their labour are so intolerable that they think that even a strike is preferable to continuing to exist and work under those hard conditions of work. In order to show that workers have not really resorted to strikes in a light-hearted fashion, I need only draw your attention, Sir, to some of the statistics which I daresay were compiled and published on the authority of my friend, Mr. Clow, himself. I quote, Sir, from Bulletin No. 62 called "The Industrial Disputes in India". By referring to page 2 we find that whereas in 1928 there were as many as 203 strikes, in 1936 there was only 157, and in 1928 the men involved in the strikes were as many as 507,000, whereas in the later year there were only 169,000. Again, Sir, the number of work days lost in 1928 was as much as thirty one million six hundred and forty-seven thousand, whereas in 1936 the number of work days lost was two million three hundred and fifty-eight thousand. These quite clearly demonstrate that workers, because of their growing organizations though they are developing in a very very slow fashion, are becoming conscious of the fact that they ought not to resort to strikes for anything and every thing but reserve them as their last weapon and use them carefully, sparingly and when adopting them use them as determinately as possible.

Then, Sir, my friend said that to go on strike does not really represent any advancement in the mentality of the workers or something
 4 P.M. to that effect. I quote, Sir, from the Report of the Royal Commission on Labour from page 333. They themselves say that strikes took

place occasionally on the railways and in other branches of the industry, but to the majority of industrial workers, the use of strike was probably unknown. Lacking leadership and organization and deeply imbued with a passive outlook on life, the vast majority of the industrial workers regarded their return to the village as the only alternative to the endurance of hard conditions of industry. Then the end of the war saw an immediate change. Then they attribute the later development of strikes more to the development of a spirit of self respect amongst the workers and naturally the consequent anxiety to improve their conditions. Sir, many an English economist and many an English philanthropist as well as politician has deplored the apathy and contentment of the Indian working classes, and every one has been anxious to put a match into the workers and create some life among them. But the moment they have begun to think of improving their own conditions, Government are turning round and say "You are not to go on strikes whenever you like, but you can go on strike only conditionally and whenever I like, or whenever I am prepared to permit you to go on strike". I say, Sir, that attitude is not reasonable.

Then, Sir, coming to the question of political strikes, let us see what the Royal Commission on Labour itself says. For what purposes do these people go on strike? This is what they say. They quote that in 976 disputes the principal demand related to the question of bonus or pay and in 425 cases to the question of personnel. In the latter cases the demand was normally for the reinstatement or dismissal of one or more individuals and the proportion under this head appears to us to be high. These are really not grievances for which organized labour in England is obliged to go on strike, because there there is plenty of conciliation machinery by using which the labour is able to get many of their ordinary grievances redressed.

Then, Sir, 74 strikes were primarily concerned with questions of leave or hours of work, and the remaining 382 are unclassified, in respect of demands made, in the official returns. Two thirds of the returns are classified as unsuccessful. This again shows that even though the workers go on strike, they are not able to succeed in inflicting hardship upon employers or even upon the community, but even in gaining a betterment of the conditions of labour. When their own last weapon is not even successful in affording them better conditions of labour, then certainly it is the duty of the Government and the community to come to their rescue and do everything possible to help them. Instead of that, the Government comes forward with this Bill only to make the Act much more rigorous, much more troublesome for the workers and make it more and more difficult for them to go on strike, whether it is sympathetic or a regular strike, and thus improve their own condition and the conditions of their fellow workers.

Then, Sir, behind immediate causes such as these, it is possible to trace the wider influences which have been at work. The great war had obvious economic influence but yet it was possible to stave off these strikes in the post-war days by adopting one very useful method, and that was, "the State, employers and the public co-operated in introducing certain ameliorative measures". It was because of that the number of strikers had gone down, and there was a certain amount of industrial peace. Peace was brought to the country as well as the community by adopting ameliorative measures and improving the conditions of labour.

[Prof. N. G. Ranga.]

but what is it that the Government now proposes to do? They do not want to improve their conditions, but they want to impose more restrictions. When I was told that this last amendment was going to be withdrawn by my European friends, I thought the Law Member was going to say that he was opposed to that amendment on its merits, but to my surprise he only said he was opposed to it because of some legal defect in it, and he would not even give us any assurance that Government's opposition to it would not change at all. In fact, he even threw out a sort of warning that at a later stage Government may think of bringing forward some such amendment in order to give effect to the object underlying that particular amendment. So, if and when that particular amendment comes to be placed on the Statute-book, it will make this Act much more unacceptable, much more obnoxious than it already is.

Then, Sir, I take the House to the last year for which we have got figures, namely, 1936, and I quote these figures from the Report on Industrial Disputes in India. There were as many as 157 strikes. Out of these, in 95 the main demand was for wages, another for bonus, 24 for personnel, leave and hours 6, others 30. So, if any strike can come to be considered as having been resorted to for not a specified cause or anything like it, it could only be these 30 strikes. I do not know how many of them were themselves genuine strikes. I am even inclined to think that there was not even one strike which was resorted to in a light-hearted fashion by the workers because, if there was a sort of a strike which was not taken up for a serious cause, then there would be no chance at all for those workers to resort to another strike in the same industry. I know from personal experience that in this town itself, during the month of last October, there were several attempts by workers to go on strike. Four times some of them wanted to go on strike and had gone on strike, but the majority of the workers refused to go on strike with the result that after four attempts had been made—and I do not think these four could be considered to have been full-fledged strikes at all—the fifth one was successful. That shows that workers usually are not in the habit of going on strike. They really consider the pros and cons of a strike very very carefully. There may be some agitators, some workers amongst these who are really anxious that for a very good reason they should go on strike, but all workers do not agree to go on strike on every occasion although there is a genuine grievance for them to do so, because they want to see that once they go on strike they should be able to maintain themselves, they should be able to make their strike successful and effective and thus bring about some improvement in their own conditions.

Then, coming to this question of political strike, I need only say this. This Bill makes the position of the workers much worse than what it is today. According to this Bill it will be easy for any sympathetic strike to be declared as illegal. It is one thing to give power to Provincial Governments to declare any strike as illegal. Once they declare a strike illegal, then they make themselves responsible to the Local Legislature and to the local public. On the other hand, a strike is considered to be illegal and straightaway the police are there. They become seized of the strike and they can launch prosecutions and cases are taken before Courts, and even in the Local Legislature an adjournment motion cannot be moved.

a resolution cannot be discussed, a cut motion cannot be taken up, and the Local Government will find it impossible to withdraw a case because the question of the *izzat* of its own Indian Civil Service Officers comes up and the Governor will be there behind the officers involved. Therefore, it does not even give a chance to the Local Governments to interfere. It gives away the fate of the workers to the tender mercies of the police and we know what sort of police we have. It may be that we are having Congress Ministries in seven provinces, but we know that the police is not completely under the muzzle of our Ministers but is able to do whatever it likes and whenever it wants. We know only the other day the case of one prosecution in one of our provinces which was ordered by the Governor and not by the Ministry.

Mr. S. Satyamurti (Madras City: Non-Muhammadian Urban): No, nothing of the kind. The Ministry ordered the prosecution.

Prof. N. G. Ranga: It was said so in the Court.

Mr. N. M. Joshi: Why did not the Minister resign?

Prof. N. G. Ranga: We know that the Governor has got that power. He may or he may not exercise it, but unless there is a sort of written assurance or statutory provision by which we know that the Governor is not going to use his power, I am particularly opposed to leaving all this power in the hands of the police. How is it going to be worked,—that is a very important matter. They may go on an industrial strike. They want to improve their conditions, but in stating their own case they may also state some political reasons also. Rightly or wrongly, wisely or unwisely it is for the police to use their discretion whether it is absolutely industrial or whether it is really political. There are always mischief-mongers in this country. I do not know what it is in other countries. Naturally they want to foment trouble. If there are more cases there are more prosecutions, and there will be more convictions and more rewards for the police. It may be news to the House, but it is a fact that policemen get promotions . . .

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member is really wandering away from the Bill. This is the third reading stage and the Honourable Member must confine himself to the motion that the Bill, as amended, be passed.

Prof. N. G. Ranga: I think it is really unreasonable to leave so much power in the hands of the police especially where the livelihood of workers is at stake. Are we to allow workers to go on a sympathetic strike or not? That is the most important thing. Suppose there is a strike in a textile mill in a town and there are workers there in other industries. They want to strengthen those people, and suppose they go on strike. They have already got their own genuine grievances over which they had not till then preferred to go on strike. Therefore, they give notice to the employers of their intention to go on strike for the redress of their own grievances. But the police come in and say, these people are going on strike just now in order to help other people. The workers may turn round and say, the effect of our strike may be partly also to help those people but we want to gain such and such genuine demands. I do not

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know how the Court is going to decide under those circumstances. I am not concerned about the decision of the Court, but I am more concerned about the attitude of the police, about the activities of the police. Once they catch hold of some of the ringleaders as they are contemptuously termed,—once they catch hold of the leaders and put them into jail and charge them under this Act, the workers' union goes down, the organised life of the workers is disturbed, the morale of the workers is gone and they are obliged to go back again to their employment, and then again, they are in danger of being victimised by their employers. Sir, I want such a contingency never to arise, and that is why I oppose section 16 and its further extensions here. What are those extensions?

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has dealt with all these matters at length on the second reading and now the only question is that the Bill, as amended, be passed. The Honourable Member should not repeat all that he had been saying before.

Prof. N. G. Ranga: The effect of the amendment that has been passed this afternoon is that the word "prolonged" is dropped with the result that any strike, that may go on for a few days, but provided it is general, provided it is supposed to be severe in the opinion of the police and later in the opinion of the Court, will come to be declared as illegal and the workers would be penalised. And that is why I deplore the omission of this word "prolonged". Our opposition to section 16 stands. Our opposition becomes much more vehement after this word "prolonged" is withdrawn.

Then, Sir, I want to make one suggestion to the Government. Government wants to circularize their suggestion contained in clause 8 of the old Bill to all the Provincial Governments to ascertain their opinion. I want them also to ascertain the opinions of the various Governments in regard to the need and the advisability of establishing forthwith joint standing conciliation machinery in every industry in this country, so that the industrial peace that my Honourable friends on the opposite Benches so much desire may become established at least temporarily not only for the benefit of the employers but also for the benefit of the workers. If they ascertain those views, then let them come back to the House with a suitable piece of legislation. Then there will be time enough for us to consider whether we will at all look at the metamorphosed clause 8 of the old Bill.

I want to make one offer. My friend, Mr. Joshi, has said: Let the Government come forward with a Bill to amend all other labour laws and to enact several other labour laws which will be on a par with the English labour laws. Let the Indian worker be put on the same footing as the English worker and then let them test our party and then see how we are likely to react to it. Instead of that, if they come here with piecemeal legislation like this and try to corner this Party and try to canvass votes and in that way put everybody in great difficulty and have their own way, all the while only satisfying this little Group who are their own cousins, that is not a fair thing to do. For these reasons, I deplore the necessity of the Government to get this Bill passed.

Mr. N. M. Joshi: I am sorry I cannot congratulate the Government of India upon this Bill which they are trying to pass this afternoon.

The Honourable Sir Nripendra Sircar: That is your perpetual song.

Mr. N. M. Joshi: There were many times when I have congratulated the Government on passing some Bills. I cannot, judging this Bill as a whole, feel that this Bill is conceived mainly in the interest of labour. It is true that it provides for the appointment of Conciliation Officers but I have no doubt in my mind that if the Provincial Governments want to appoint Conciliation Officers there is nothing to prevent their doing so either in the Government of India Act or in any other Statute in our country without being empowered to do so by this Bill. However, admitting that some small measure of good may be done to labour on account of this legislation so far as the appointment of Conciliation Officers is concerned, I do not feel that this legislation was necessary. I have already stated that I do not like strikes. Not only that but I would like to have some machinery for the settlement of trade disputes. When the Act of 1929 was passed I was unable to be in the Legislature on account of my illness. The Congress Party at that time was opposing the whole legislation. In spite of the fact that section 16 of the Act was in that Bill, I was anxious that the Bill should be passed. I felt at that time, Mr. President, that in spite of the disadvantage of section 16 of this Bill, if it created a machinery for the settlement of trade disputes, the existence of that machinery and the use of that machinery may do a great deal of good to Indian labour and the disadvantage of section 16 will not be so great as the advantage of the machinery provided by that Act. Unfortunately, I was severely disappointed both by the Government of India and the Local Governments. The Act of 1929 was not given a fair trial especially by the Provincial Governments. The Act was used only half a dozen times during the last 9 or 10 years. There were hundreds of strikes in the country but the Local Governments refused to make use of that legislation. The Royal Commission on Indian Labour will support what I have said in this matter. If that Act had been properly used and often and promptly, many strikes in this country would have been settled. The unrest and the fear that we see today would not have come into existence at all but the Local Governments depended more on their repressive powers than the machinery of the Indian Trade Disputes Act. Even today if the Provincial Governments and the Government of India will change their spirit and make use of the Act of 1929, as it was, that Act will be useful. Unfortunately the Government of India somehow feel that they must do something new. They have not given a fair trial to the Act but on account of the labour unrest that exists in this country and on account of the fact that Governors and Provincial Governments want something to be done, the Government of India must undertake some new legislation. I feel that it is a needless waste of energy and time of this House to have brought forward this measure, without giving a fair trial to the measure that was already on the Statute-book.

I feel that the Government of India during the last few years have got a feeling that their capacity to do good to Indian labour has gone, but unfortunately the Department remains. They have got a department called the Department of Labour. The Department must do something. There are men of great energy and capacity in that Department. Sometimes when I see Bills of this kind introduced by the Government of India, I am reminded of a proverb in some of the Indian vernaculars. At least

[Mr. N. M. Joshi.]

in my own, there is a proverb that if a barber is unemployed, he begins to use his skill on a wall. In some other languages, the proverb says that the unemployed barber shaves a buffalo or a cat. I feel sometimes that the Labour Department is in the position of an unemployed barber. I am not saying that my Honourable friend, Mr. Clow, does not pour over files from 10 o'clock in the morning till 6 o'clock in the evening or even longer, as I am told, but I feel that he is not doing much useful work. I compared the Labour Department to the unemployed barber but the unemployed barber, although he wastes his time, is harmless. If he employs his skill on the wall, it does not do much harm. Sir, the Government of India in the Department of Labour being unemployed are trying to introduce some measures to while away their time and have become dangerous. This is my explanation of the Bill which the Honourable Member in charge of the Department has introduced.

I have no doubt that the Government of India even under the present Constitution, and even after the introduction of Provincial Autonomy, can do a great deal of good if they have courage. Unfortunately they have lost courage and they have lost confidence in themselves. They feel that they cannot introduce important measures in the Central Legislature unless the Provincial Governments agree, and unfortunately they have no confidence in the Provincial Governments also. The Government of India do not realize that in the provinces different sets of Government have come into existence. They are not the Governments which were there two years ago. The Governments now are more popular Governments who are committed to a programme of labour legislation and such Governments have now come into existence. Sir, the Members of the Government of India are able and clever men but they are not good politicians. They cannot realize that the conditions in the country have changed; they are afraid that if they undertake some important legislation beneficent in character, the Provincial Governments may not support them. Sir, they are wrong. I have no doubt in my mind that if the Government of India undertake some really important measures of a beneficent character to labour, they will get the support of the Provincial Governments. What is needed is some courage and some confidence in the Government of India themselves in their own ability and in the Provincial Governments.

Sir, I quite understand that passing measures like health insurance, unemployment insurance, old age pensions or even such a small measure as some legislation for providing for a wage-fixing machinery is quite a different thing from passing legislation for the settlement of trade disputes. The last kind of legislation is the easiest. It does not cost the Government of India anything and it does not cost the Provincial Governments very much. If you try to pass legislation providing for health insurance or for unemployment insurance or for old age pensions, that will cost you something. Therefore, the Government of India try the easiest course because they want to show that they are doing something. They cannot, however, undertake important things. Therefore, they introduce measures of this kind which will not cost them and the Provincial Governments anything. This is natural but it is not the right course. I do not blame the Government of India alone; it is not they alone who try to take this easy course. I am watching some Provincial Governments also. My own Government of Bombay is proposing to introduce legislation for the settlement of trade disputes. That will not cost the Bombay Government anything.

The Honourable Sir Nripendra Sircar: All wise men think alike.

Mr. N. M. Joshi: It will please some people, it will create an impression in the country that the Bombay Government are interested in labour matters,—it does not matter whether they are interested in favour of or against labour. In any case it will not cost the Bombay Government anything. Then, the first piece of legislation which the United Provinces Government is trying to place before their Legislature is again a Bill for the settlement of trade disputes. Sir, we have already got sufficient machinery for the settlement of trade disputes. I feel, however, Sir, that if the Provincial Governments and the Government of India want to do something for labour, if they have got the capacity, if they have got the desire, if they have got the courage and confidence, then let them undertake measures which will be really beneficial for labour. They need not waste their time and the time of the Legislatures in passing measures of this kind. I hope, Sir, that the Government of India will get some more confidence and they will get some more courage and when they come before the Legislature next time, they will introduce measures of an admittedly beneficial character.

Several Honourable Members: I move that the question be now put.

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

“That the question be now put.”

The motion was adopted.

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

“That the Bill, as amended, be passed.”

The motion was adopted.

THE HINDU WOMEN'S RIGHTS TO PROPERTY (AMENDMENT) BILL.

The Honourable Sir Nripendra Sircar (Law Member): Sir, I beg to move:

“That the Bill to amend the Hindu Women's Rights to Property Act, 1937, be taken into consideration.”

Sir, the object of this Bill, as appears from the Statement of Objects and Reasons, is not either to widen the scope of the original bill or to limit it in any way, but to correct a mistake made. The language was very unhappy when we used the words “along with lineal descendants”. It was pointed out by many of the law journals in Calcutta including the *Calcutta Weekly Notes* that it is quite capable of the construction that we are giving rights to all lineal descendants,—that is to say, the daughter's daughter, the daughter's son, the daughter's daughter's son, and so forth,—that they are all going to get a share as a result of the enactment of this measure. That of course was not the intention, but the language employed has been very unhappy. It was pointed out in the *Calcutta Weekly Notes* and also in the Bombay and Madras law journals, and we are trying to correct that

[Sir Nripendra Sircar.]

Then the other object, as will appear from paragraph 2 of the Statement of Objects and Reasons, is this :

"As section 2 stands, if a Hindu dies a widower, the right of inheritance conferred on his widowed daughters-in-law by the provisos to section 3 cannot take effect. It was not the intention of the Act that this right should depend on the survival of a widowed mother-in-law."

It might be the case of a widower. It is not the desire of this Act that the right of the other lady will be influenced by the existence or otherwise of a widowed mother-in-law. Then the only other defect which really has been removed is where there is more than one widow, say two widows, we want to make it perfectly clear, (although possibly it might be construed on the original Act as it exists) that the two widows between themselves jointly and together will get what would be the share of one son.

Sir, a number of amendments have been tabled by Messrs. Anantha-sayanam Ayyangar and others and I had the opportunity of discussing them with him as well as the Leader of his Group and I may inform the House—I do not say of course that anybody is bound by it—that there has been an understanding that the amendment which will be moved will be No. 6 and I have intimated and I shall adhere to what I told them that I shall accept amendment No. 6. Sir, I do not think there is anything which is controversial in this Bill and I do not propose to take more time of the House.

Mr. President (The Honourable Sir Abdur Rahim): Are there not other amendments which have been given notice of?

The Honourable Sir Nripendra Sircar: Of course there are two notices of amendments handed in by Mr. Kailash Behari Lal, but I shall object to them on the ground that two days' notice has not been given. They were handed in just now only. Sir, I move.

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

"That the Bill to amend the Hindu Women's Rights to Property Act, 1937, be taken into consideration."

Babu Kailash Behari Lal (Bhagalpur, Purnea and the Sonthal Parganas: Non-Muhammadian): Sir, as the Leader of the House has pointed out, this Bill is intended to make clear some of the legal phraseology and not to extend the scope of the Act. I wish to make a few suggestions to the Honourable Member in this connection. Though it may appear that my suggestion seeks to extend the scope of the Act, I submit that it is meant to remove the anomaly that seems to exist in the present Act. In the Act we find that there are two provisos to sub-section (1) of section 3 which confer some right upon the widow of the deceased son governed by the Dayabhag school of the Hindu Law, whereas the widows who are similarly placed under the Mitakshara school of Hindu Law have been left in the lurch. There is no such proviso for them. I think that this apparent injustice is in the nature of an anomaly whose removal would not mean an extension of the scope of the Act. As the Honourable Member has said that he intends only to remove the anomalies, I think perhaps he will take into consideration this thing also and he will find at once that for no fault

of the widows who are governed by the Mitakshara school of Hindu law, they are given an inferior place as compared to the similarly placed widows who are governed by the Dayabhag school of Hindu law.

The Honourable Sir Nripendra Sircar: On a point of explanation. My Honourable friend is under a complete misapprehension. All that the original Bill has done is to give the widows certain rights in respect of property, namely, separate property, under the Mitakshara law and property under the Dayabhag law. What my friend is now proposing is to change the whole of the Mitakshara law and to do away with the survivorship and with the incidence of the joint family property and so on. I pointed out to my friend before he handed over the amendment to me that it was completely out of the scope of the amending Bill and there is no scope for such discussion now. If any drastic changes are intended to be made later on, they can properly be discussed afterwards but they are beyond the scope of this little amending Bill.

Babu Kailash Behari Lal: What I meant to say was that there was, of course, going to be some change in the present Act and the remedy that I suggest is that the widows governed by the Mitakshara school of Hindu law who were expecting the same relief by the passage of this Bill have not been taken into consideration and they are not entitled to any relief under the present Act, whereas the widows of the pre-deceased son under the Dayabhag school of Hindu law will get some relief. What I want to say is that the widows under the coparcenary family should also have some relief under this Bill.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member is discussing his own amendment. Objection has been taken that the Honourable the Law Member has not had sufficient time as required by the Standing Order and in these circumstances he cannot refer to these amendments.

Babu Kailash Behari Lal: Sir, I had expected that this Bill may go over to Monday and then my amendments will be in time.

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

"That the Bill to amend the Hindu Women's Rights to Property Act, 1937, be taken into consideration."

The motion was adopted.

Clause 2 was added to the Bill.

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

"That clause 3 stand part of the Bill."

Mr. M. Ananthasayanam Ayyangar (Madras Ceded Districts and Chittoor: Non-Muhammadan Rural): Sir, I move:

"That in sub-clause (a) of clause 3 of the Bill, in the proposed paragraph the word 'such' occurring in the last but one line be omitted and after the word 'property' the words 'in respect of which he dies intestate' be inserted."

[Mr. M. Ananthasayanam Ayyangar.]

Sir, this is not an amendment involving any principle but it is a purely formal one. It appears from the existing Bill that the words 'dies intestate leaving any property' are left alone without the qualifying portion at the end. It will mean that if a portion of the property is governed by a will and with respect to other property there is no will of the deceased, the law of succession as embodied in the original Act may not come into operation, or the entire property, including that covered by the will, may be affected. It is no doubt true that a definition is added under clause 4 but even that definition does not apply completely for the reason that it does not define an intestate property. It only says: "A person shall be deemed to die intestate in respect of all property. . . ." For this reason the words "in respect of which he dies intestate" should be added to clause 3. If a person dies intestate in respect of certain property and if he leaves a will with respect to some other property, then the property with regard to which he dies intestate will not be affected; but that is not the object of the Bill and this amendment is necessary.

Sir, I move.

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

"That in sub-clause (a) of clause 3 of the Bill, in the proposed paragraph the word 'such' occurring in the last but one line be omitted and after the word 'property' the words 'in respect of which he dies intestate' be inserted."

The Honourable Sir Nripendra Sircar: Sir, I accept the amendment.

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

"That in sub-clause (a) of clause 3 of the Bill, in the proposed paragraph the word 'such' occurring in the last but one line be omitted and after the word 'property' the words 'in respect of which he dies intestate' be inserted."

The motion was adopted.

Mr. G. H. Spence (Secretary, Legislative Department): Sir, I move:

"That to clause 3 of the Bill the following be added:

'and

(c) in sub-section (4), after the words 'rule of succession' the words 'or by the terms of the grant applicable thereto' shall be inserted'."

I may just explain that sub-section (4) of section 3 of the principal Act provides that "the provisions of this section shall not apply to an estate which by a customary or other rule of succession descends to a single heir". The Honourable the Leader of the House mentioned on an earlier occasion that it was a lacuna that the sub-section as it stands fails to cover the case of an estate descending by the terms of an applicable grant. This amendment is designed to fill that lacuna. Sir, I move.

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

"That to clause 3 of the Bill the following be added:

'and

(c) in sub-section (4), after the words 'rule of succession' the words 'or by the terms of the grant applicable thereto' shall be inserted'."

The motion was adopted.

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

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

The motion was adopted.

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

Clause 4 was added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

The Honourable Sir Nripendra Sircar: Sir, I move :

"That the Bill, as amended, be passed."

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

"That the Bill, as amended, be passed."

The motion was adopted.

STATEMENT OF BUSINESS.

The Honourable Sir Nripendra Sircar (Leader of the House): Next week, Sir, the first business will be the motion for reference to Select Committee of the Motor Vehicles Bill which was introduced this morning. The business entered on today's list has been finished and the next item will be that Mr. Clow will move his Resolution regarding the Draft Convention relating to Safety in the Building Industry. If time permits and if the relevant papers can be circulated in time, certain Supplementary Demands will also be moved in the course of the week.

Mr. K. Santhanam (Tanjore *cum* Trichinopoly: Non-Muhammadan Rural): Sir, we should like to have some more time to look into this Motor Vehicles Bill which was given to us this morning. It is a big Bill with 137 clauses and we must have time to look thoroughly into it.

The Honourable Sir Nripendra Sircar: We are only asking that the Bill be referred to Select Committee. There is no question of notifying amendments.

Mr. K. Santhanam: Still we would like to have more time to study it.

The Honourable Sir Nripendra Sircar: I think Mr. Santhanam can master up bulkier papers within the course of three days.

Mr. K. Santhanam: I am grateful for the compliment, but still I should like to have more time.

The Assembly then adjourned till Eleven of the Clock on Monday, the 21st March, 1938.