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THE
LEGISLATIVE ASSEMBLY DEBATES

Official Report

Volume I, 1940

(6th February to 5th March, 1940)

ELEVENTH SESSION
OF THE
FIFTH LEGISLATIVE ASSEMBLY,
1940



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1940

M2LAD

Legislative Assembly.

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

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SYED GHULAM BHIK NAIRANG, M.L.A.

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

SIR ABDUL HALIM GHUZHNAVY, M.L.A.

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LEGISLATIVE ASSEMBLY

Friday, 23rd February, 1940.

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

MEMBER SWORN.

Mr. Kodikal Sanjiva Row, C.I.E., M.L.A. (Government of India: Nominated Official).

STARRED QUESTIONS AND ANSWERS.

(a) ORAL ANSWERS.

OBTAINING OF EXPLANATION OF RAILWAY EMPLOYEES IN CASE OF ENHANCEMENT OF PUNISHMENT ALREADY INFLICTED.

129. *Mr. Lalchand Navalrai: (a) Will the Honourable Member for Railways be pleased to state whether any provision exists in the Classification, Control and Appeal Rules for the non-gazetted railway servants, issued under the Railway Board's letter No. E-34/R. G./6, dated 22nd June, 1935, to the effect that a notice should be served upon an employee and his explanation obtained if it is proposed to enhance the punishment already inflicted on him for any lapses?

(b) If the reply to part (a) above be in the negative, do Government propose to amend the rules accordingly? If not, why not?

The Honourable Sir Andrew Clow: (a) I presume the Honourable Member refers to the Rules regulating discipline and rights of appeals of non-gazetted Railway Servants. If so, the answer is in the negative.

(b) The question is being examined.

Mr. Lalchand Navalrai: When a man is punished and the punishment is going to be enhanced, may I know why a notice should not be given to him to explain as to why there should be no enhancement and even the original orders should be withdrawn?

The Honourable Sir Andrew Clow: May I know why a notice should be given to the man if the original punishment is going to be enhanced?

Mr. Lalchand Navalrai: If the original punishment is a lenient one and it is going to be enhanced, there would be further grounds. Therefore, the man must be given an opportunity to explain as to why the punishment should not be enhanced.

The Honourable Sir Andrew Clow: I said that the question was being examined,

PAY OF DAILY-RATED STAFF OFFICIATING IN HIGHER GRADES ON STATE RAILWAYS.

130. *Mr. Lalchand Navalrai: (a) With reference to the answer to the supplementary to my starred question No. 209, asked on the 19th September, 1939, will the Honourable Member for Railways be pleased to state whether any action has been taken by the Government of India to ensure uniformity in the Fundamental Rules prevailing on the different State-managed Railways, in the matter of officiating service by the inferior daily-rated staff counting towards increment?

(b) Is it a fact that under Rule 30 of the Fundamental Rules officiating service in a higher grade counts towards increment? If so, why is the daily-rated staff on the North Western Railway dealt with differently?

The Honourable Sir Andrew Clow: (a) No. But Government are carrying out an examination of certain aspects of the question.

(b) This is the normal effect of rule 26 (a), provided that the duty is performed in a post on a regular time-scale. As I explained in the reply to the Honourable Member's question No. 209 of 19th September, 1939, the differences are due to differing action under rule 143 (2) of the State Railway Establishment Code.

Mr. Lalchand Navalrai: May I know why there should be any difference between the North Western Railway and other Railways in this matter? Is the North Western Railway superior or sacred?

The Honourable Sir Andrew Clow: The simple reason is that different administrations have taken different views, but actually the position on the railways is not identical, because in some places there are, I think, a good many more daily-rated men than in others.

Mr. Lalchand Navalrai: May I request the Honourable Member to see that there is a uniform rule; otherwise different rules in different railways under the same Government would be felt as a hardship?

The Honourable Sir Andrew Clow: I have said that we are examining certain aspects of this question.

REFUND OF OVERDRAWS BY CERTAIN EMPLOYEES ON THE NORTH WESTERN RAILWAY.

131. *Mr. Lalchand Navalrai: (a) With reference to the answer to my supplementary to my starred question No. 281, asked in September, 1939, will the Honourable Member for Railways be pleased to state whether it is a fact that the deductions from the wages of certain employees on the North Western Railway, representing the difference between the old and the revised scales of pay, have been stopped in accordance with the opinion of the Supervisor of Railway Labour?

(b) If the reply to part (a) above be in the affirmative, have the employees concerned received refunds of the amounts previously deducted from their wages? Is it a fact that the Railway Board has called for a statement of amounts previously deducted? If so, when is the refund likely to be arranged? If not, why not?

The Honourable Sir Andrew Clow: (a) and (b). I would refer the Honourable Member to the information laid on the table of the House on the 6th February, 1940, in reply to his starred question No. 1537 asked on the 5th April, 1939.

Mr. Lalchand Navalrai: My question is this. When these withdrawals were considered illegal and some of them were returned, may I know why the money, that has been taken from these men in an illegal manner and which has not been returned, has not been refunded. I am asking for the future, not in regard to the past.

The Honourable Sir Andrew Clow: To the best of my recollection, I do not think that the withdrawals were considered illegal but if the Honourable Member will refer to the statement laid on the table to which I have referred and which apparently he has not yet read, he will find that it has been decided to waive the recovery of amounts paid in excess more than one year before the discovery of over-payment and if recoveries already made exceed the amounts which, it has now been decided to recover these will be refunded.

PROVISION OF AN ENQUIRY OR RESERVATION CLERK AT HYDERABAD (SIND) RAILWAY STATION.

132. *Mr. Lalchand Navalrai: (a) Will the Honourable Member for Railways be pleased to state the names of stations on the North Western Railway which employ :

- (i) enquiry clerks, and
- (ii) reservation clerks?

(b) Is it a fact that Hyderabad (Sind) station is a junction having connection with the Jodhpur Railway? Why is no Enquiry or Reservation Clerk provided at this station?

(c) Is it a fact that the matter has been repeatedly brought before the Local Railway Advisory Committee?

(d) Is it a fact that an Enquiry Clerk is employed at Rohri station? If so, is it proposed to lay on the table of the House a statement for six months ending 31st December, 1939, showing the following information for Hyderabad and Rohri stations:

- (i) Number of upper class tickets issued;
- (ii) Number of reservation coupons issued;
- (iii) Number of enquiries attended to?

(e) Is it a fact that there is also a public telephone connection at Hyderabad (Sind) on which enquiries are made from railway officials, while no such telephone connection is provided for at Rohri station? Is it also a fact that there have been complaints of non-attendance to these telephone enquiries as no particular person is charged with the duties to reply to such telephone calls?

(f) Do Government propose to have:

- (i) an enquiry or reservation clerk at Hyderabad (Sind); or
- (ii) transfer the present Rohri clerk to Hyderabad (Sind);

to afford necessary facilities to public at Hyderabad? If not, why not?

The Honourable Sir Andrew Olow: (a) (i). Enquiry clerks are employed at Peshawar Cantonment, Rawalpindi, Lahore, Amritsar, Delhi, Simla, Rohri, Karachi Cantonment, Karachi City and Quetta.

(ii) Reservation clerks are employed at Lahore and Delhi only. Enquiry clerks at Peshawar Cantonment, Rawalpindi, Simla and Quetta do reservation work also.

(b) The answer to the first portion of the question is in the affirmative. As regards the second portion, the Administration consider that the existing staff is sufficient and the employment of an enquiry or reservation clerk is unnecessary.

(c) On three occasions.

(d) Yes. The statement asked for by the Honourable Member is laid on the table.

(e) A telephone connection is provided at Hyderabad but not at Rohri. To meet the complaints of inattention to calls from the public, the telephone at Hyderabad was moved to the Booking Office with an extension to the office of the Assistant Station Master on duty and no further complaints have since been received.

(f), (i) and (ii). Government do not propose to interfere in this matter of detail. They are satisfied that the question of appointing a clerk at Hyderabad has received the careful consideration of the Railway Administration and understand the General Manager is re-examining the question of retaining the enquiry clerk at Rohri.

Statement.

Name of Station.	No. of upper class tickets issued during the 6 months July to December 1939.		Total.	No. of reservation coupons issued during the 6 months July to December 1939.	No. of enquiries attended during the 6 months July to December 1939.
	1st Class.	2nd Class.			
Rohri	52	1,165	1,217	59	728 approx.
Hyderabad	232	2,926	3,158	406	6,370 approx. (telephone calls).

BOOK-STALL CONTRACT ON THE NORTH WESTERN RAILWAY.

†133. ***Bhai Parma Nand:** (a) Will the Honourable the Railway Member be pleased to state whether it is a fact that arrangements made between the North Western Railway Administration and Messrs. A. H. Wheeler and Company regarding the bookstalls on station platforms are to expire in 1940?

(b) If so, will Government kindly state if they intend to issue a public notice before the renewal of the present arrangements?

(c) If not, will Government kindly state the reason why they are departing from the past practice in this matter?

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

The Honourable Sir Andrew Clow: (a) The present contract is due to expire then but the General Manager has renewed the contract for a further period of three years, with an option of renewal for a further three years.

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

METEOROLOGICAL OBSERVATORY AT KARACHI.

+134. ***Seth Haji Sir Abdoola Haroon:** (a) Will the Honourable Member for Railways and Communications be pleased to state the approximate amount of expenditure incurred annually on meteorological organisation situated at Karachi during the last three years?

(b) How long has the organisation existed?

(c) What benefits are derived by Government and the public by its maintenance?

(d) Are Government aware that there is a strong rumour that forecasts of the above Organisation seldom turn out to be true?

(e) What do Government propose to do in the matter to derive benefit out of the department for which it is maintained?

The Honourable Sir Andrew Clow: (a) I lay a statement on the table.

(b) Since December, 1926.

(c) The Meteorological Office, Karachi, was established primarily as a forecasting centre for aviation to fulfil the requirements of the International Convention for Air Navigation to which India is a party. It issues weather reports and forecasts for several main air routes in North-West India, including the air route from Sharjah and Jask on the West to Jodhpur and Raj Samand on the East. It issues a daily telegraphic summary of the weather over North-West India during the past 24 hours and a forecast of the major changes in weather expected during the next 24 hours. It prepares climatological summaries which are of considerable value in connection with engineering, agriculture, irrigation, public health, water-supply and drainage. It broadcasts synoptic data of selected stations in its area twice daily through the local aeronautical wireless station for the benefit of neighbouring meteorological services.

(d) No. In the present state of meteorological science forecasts cannot all be correct, but I understand that the services of this station are appreciated by aviators to whom accurate forecasts are of particular importance.

(e) Does not arise.

Statement.

	Rs.
1936-37	78,658
1937-38	79,047
1938-39	81,082

The approximate annual expenditure on weather telegrams during these years was Rs. 1,70,000.

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

LATE ARRIVAL OF TRAINS AT THE DELHI RAILWAY STATION.

135. *Dr. Sir Ziauddin Ahmad: (a) Will the Honourable the Railway Member be pleased to lay a statement on the table showing the arrival time of Up East Indian Railway trains at Delhi station in the month of January, 1940, and showing the number of minutes by which the trains were late?

(b) Did the East Indian Railway Administration attempt to find out the unpunctuality of these trains?

(c) What percentage of fast trains of the East Indian, the Great Indian Peninsula, the Bombay, Baroda and Central India and the North Western Railways arrived at Delhi station late by more than five minutes in the month of January?

The Honourable Sir Andrew Olow: (a) I have obtained a statement giving these particulars but it is a very large one and could not easily be incorporated in our debates, even if the details were of general interest. It is open to inspection by the Honourable Member or any other Honourable Member in the Railway Board's Office.

(b) Yes.

(c) East Indian Railway 55 per cent.

Great Indian Peninsula Railway 26 per cent.

Bombay, Baroda and Central India Railway 32 per cent.

North Western Railway 21 per cent.

Dr. Sir Ziauddin Ahmad: If the Honourable Member gave us a list of the trains which arrived in time, the answer will be 'No'.

The Honourable Sir Andrew Olow: The Honourable Member cannot draw that inference from the reply I have given to part (c).

Dr. Sir Ziauddin Ahmad: I have personal experience of the East Indian Railway. On every occasion on which I happened to travel, the train arrived late.

The Honourable Sir Andrew Olow: My Honourable friend has been unlucky.

Dr. Sir Ziauddin Ahmad: I have yet to see a person who is more lucky than myself.

OPTION TO RAILWAY STAFF TO CHOOSE NEW OR OLD LEAVE RULES.

136. *Mr. N. M. Joshi: Will the Honourable the Railway Member be pleased to state:

- (a) whether it is a fact that Government had given option to all railway employees engaged prior to 1st April, 1930, to choose either (i) the Old Leave Rules by which they were governed up to that date, or (ii) the Revised State Railway Leave Rules;

- (b) whether any class of employees were excepted from the operation of the exercise of this choice; and
- (c) if so, the categories and the particulars of such staff and also the grounds on which such exceptions were based?

The Honourable Sir Andrew Clow: (a), (b) and (c). The option referred to was given to all railway servants appointed prior to the 1st April, 1930, with the following exceptions:

- (i) The Chief Commissioner of Railways, the Financial Commissioner of Railways and the Members of the Railway Board.
- (ii) Railway servants under the administrative control of the Auditor General (including those whose services are temporarily placed at the disposal of the Financial Commissioner of Railways).
- (iii) Officers of the Indian Audit and Accounts Service.
- (iv) Military Commissioned Officers.
- (v) Railway servants appointed in England by the Secretary of State in Council.
- (vi) Those appointed on the condition that when the revised leave rules for State Railway employees were introduced, they would be brought under them.

Those in the first five categories were excluded because under the conditions of their service their leave was governed by other rules. Those in the sixth category were excluded because of the condition of their appointment which has been mentioned.

HOLIDAY TO WORKSHOP STAFF GOVERNED BY THE REVISED STATE RAILWAY LEAVE RULES.

137. ***Mr. N. M. Joshi:** Will the Honourable the Railway Member be pleased to state:

- (a) whether it is a fact that Government have given concession of 17 days' holiday with pay to such of the workshop staff as are governed by the Revised State Railway Leave Rules;
- (b) if so, whether there is any test for determining the categories of workmen who are called workshop staff;
- (c) whether such test was published in the Periodical Gazette; and
- (d) if not so published, whether it is proposed to publish the same now?

The Honourable Sir Andrew Clow: (a) No. Staff who are daily-rated or were originally daily-rated are normally granted holidays with pay, but the number of such holidays is not the same in all workshops—it is 17 in some—and no distinction is drawn between those subject to the Revised Leave Rules and those subject to the older rules.

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

DIFFERENT GRADES OF DRIVERS AND GUARDS ON THE GREAT INDIAN PENINSULA RAILWAY.

138. *Mr. N. M. Joshi: Will the Honourable the Railway Member be pleased to state:

- (a) whether it is a fact that on the Great Indian Peninsula Railway there are four classes of Drivers and Guards, namely, A, B, C and D;
- (b) whether it is a fact that these classes have got different grades of pay;
- (c) if the answer to part (b) be in the affirmative, what the grades of pay of each class of Drivers and Guards are;
- (d) the number of posts of Guards and Drivers of each class and grade;
- (e) whether it is a fact that an anomaly has been created by reason of keeping uneven number of grades kept in the Drivers' class as compared with those of the Guards;
- (f) whether Government are prepared to abolish the different grades and introduce uniform scales to Drivers and Guards; and
- (g) if not, the reasons for not adopting such a course?

The Honourable Sir Andrew Clow: (a), (c) and (d). I lay on the table a statement giving the latest information available to Government which refers to August, 1939.

(b) Yes.

(e), (f) and (g). I am not aware of any anomaly. There are more grades of drivers than of guards, but the duties are different and there is no sufficient reason for interference to secure uniformity.

Drivers.

Grade.	Old Scale.		New Scale.		Total No.
	Rs.		Rs.		
Mail and Passenger Driver "A" Class and Ghaut	285—310	.	225	.	113
Mail and Passenger Driver "B" Class	220—225	.	225	.	67
Goods Driver "A" Class	160—15—15—20—10— 20—15—15—270.	.	140—20—200	.	202
Goods Driver "B" Class	130—10—20—15—15— 20—210.	.	110—10—130	.	129
Driver "C" Class	125—140	.	90	.	48
(Branch Line Passenger and Main and B. L. Passenger Shuttles.)					(included 13 Tempy.)
Driver "C" Class (Branch Line, Mixed and Goods).	72—10—8—20—15—125	.	90	.	113
Driver "D" Class (Shuttle)	66—8—72	.	60	.	10
Driver "D" Class (Banking)	58	.	50	.	17
Driver "D" Class (Shunting)	46	.	50	.	150
Driver "D" Class (Shunting)	58—66	.	50	.	44
Assistant Goods Driver "A" Class	75—15—15—10—115	.	60—5—90	.	10
Assistant Goods Driver "B" Class	60—10—90	.	60—5—90	.	109
Assistant Goods Driver "C" Class	40—10—80	.	60—5—90	.	24

Grade.	Guards.		Total.
	Old scale.	New scale.	
	Rs.	Rs.	
Passenger Guard "A" Grade . . .	170—15—10—15—210 .	160 . . .	151
Goods Guard "A" Grade . . .	115—15—10—15—155 .	120 . . .	83
Goods Guard "B" Grade . . .	70—10—15—10—15—10 —130.	70—5—90 . . .	341
Guard "C" Grade . . .	50—5—70 . . .	50—5—60 . . .	94
Guards "C" Grade . . .	50—5—70 . . .	60 . . .	77
Guard "D" Grade . . .	35—3—50 . . .	30—4—50 . . .	41

CHANNEL OF PROMOTION FOR FIREMEN ON THE GREAT INDIAN PENINSULA RAILWAY.

139. *Mr. N. M. Joshi: Will the Honourable the Railway Member be pleased to state:

- whether it is a fact that there are three classes of Firemen on the Great Indian Peninsula Railway, namely, A, B, and C, and their channel of promotion is A Class Fireman to B Class Driver and C Class Fireman to C Class Drivers;
- if the answer to part (a) be in the affirmative, whether it is a fact that an A Class Fireman on Rs. 115, the maximum of his grade, gets on promotion Rs. 160 and reaches Rs. 310, the maximum of A Class Driver, while the seniormost B Class Driver would remain on his maximum of Rs. 235 or a C Class Driver on Rs. 140;
- whether Government are prepared to abolish the different channels of promotions and introduce a uniform method of promoting all Firemen as C Grade Drivers, C Grade Drivers as B Class Drivers and B Class Drivers as A Class; and
- if not, the reasons for not adopting such a course?

The Honourable Sir Andrew Clow: With your permission, Sir, I propose to answer questions Nos. 139 and 140 together.

I have called for information and will lay a reply on the table of the House in due course.

EMPLOYMENT OF STAFF FOR CONSERVANCY WORK IN THE PAREL WORKSHOPS OF THE GREAT INDIAN PENINSULA RAILWAY.

†140. *Mr. N. M. Joshi: Will the Honourable the Railway Member be pleased to state:

- whether it is a fact that in the Parel Workshops of the Great Indian Peninsula Railway, separate staff is employed for conservancy purposes;
- if not, whether the ordinary workmen are required to do conservancy and similar other jobs;
- whether Government propose to consider the employment of a staff for conservancy work; and
- whether refusal to do such work by ordinary workers is made punishable?

† For answer to this question, see answer to question No. 139.

COMMUNAL COMPOSITION OF CERTAIN ASSISTANT WAY INSPECTORS ON THE NORTH WESTERN RAILWAY.

141. *Mr. H. M. Abdullah: Will the Honourable Member for Railways please state, community-wise, viz., Hindus, Muslims and other minority communities:

- (a) the number of Assistant Way Inspectors qualified for the post of Permanent Way Inspectors on the North Western Railway;
- (b) the number of Assistant Way Inspectors officiating as Permanent Way Inspectors at present in Multan and Lahore Divisions; and
- (c) the number of Assistant Way Inspectors confirmed as Permanent Way Inspectors during the course of the last three years?

The Honourable Sir Andrew Clow: (a) 66 Hindus, 51 Muslims, 19 Sikhs and eight Anglo-Indians.

(b) Three Hindus and two Muslims.

(c) In the three years ending 31st December, 1939, the numbers are six Hindus, four Muslims, two Anglo-Indians, one Indian Christian and one Sikh.

MUSLIM OFFICE SUPERINTENDENTS AND HEAD CLERKS ON THE NORTH WESTERN RAILWAY.

142. *Mr. H. M. Abdullah: Will the Honourable Member for Railways please refer to the reply to part (f) of question No. 191, asked by Khan Bahadur Shaikh Fazl-i-Haq Piracha on the 14th September, 1939, and state:

- (a) whether he has ascertained from the General Managers of Railways what difficulties have stood in the way of the General Managers of Railways in complying with the desire of the Railway Board for the employment of more Muslims as Head Clerks, Superintendents and Office Superintendents;
- (b) whether he is satisfied that the difficulties were genuine; and
- (c) what steps, if any, have been, or are being taken to overcome any such difficulties?

The Honourable Sir Andrew Clow: (a) to (c). The matter is still under examination.

MUSLIM TRAFFIC INSPECTORS ON THE NORTH WESTERN RAILWAY.

143. *Mr. H. M. Abdullah: (a) Will the Honourable Member for Railways please refer to his answer to part (d) of my question No. 270, asked on 22nd September, 1939, and state the number of Muslim Traffic Inspectors on the North Western Railway selected as a result of the interview of the candidates on 3rd July, 1939?

(b) What is the total number of selected candidates, community-wise?

The Honourable Sir Andrew Clow: I have called for the information and will lay a statement on the table of the House in due course.

DEARTH OF MUSLIMS IN THE RAWALPINDI DIVISION OF THE NORTH WESTERN RAILWAY.

144. *Mr. H. M. Abdullah: Will the Honourable Member for Railways please refer to his answer to part (b) of question No. 244, asked by Maulana Zafar Ali Khan in the Legislative Assembly on 19th September, 1989, regarding dearth of Muslims in the Rawalpindi Division of the North Western Railway and state:

- (a) whether it is a fact that the four persons said to have been taken from other departments were taken as follows:
 - (i) one man, who was a purely temporary substitute cooly, was transferred against a permanent appointment;
 - (ii) two men, holding purely temporary appointments in the same Electrical Department of the Rawalpindi Division employed on construction works, were transferred against permanent appointments; and
 - (iii) one man was transferred from the Engineering Department;
- (b) whether it is a fact that communal ratios have to be applied in cases of transfer from temporary to permanent establishments and whether they were applied in the case of items (i) and (ii) of part (a) above;
- (c) on what dates exactly the three coolies, said to have been discharged, were actually settled up;
- (d) whether the vacancies created by the discharge of these persons were filled up by permanent incumbents or by other substitutes; what the communal composition of their successors was;
- (e) whether any special authority had been given to the Divisional Superintendent, Rawalpindi, to recruit non-Muslims alone in this particular category from September, 1985, to April, 1989; if not, why no Muslim was recruited;
- (f) what was the total number directly recruited during this period; if any of these was a Muslim, the period of his appointment;
- (g) whether it is a fact that non-Muslims were recruited direct in these categories in the Rawalpindi Division on the dates noted below and that no Muslim was so recruited during that period:

October, 1986,

December, 1986.

April, 1987.

April, 1988,

November, 1988; and

- (h) if so, whether Government now propose to direct the General Manager to obtain the explanations of the persons responsible for defying instructions in regard to the communal representation and take necessary action against them to prevent a recurrence of such incidents in future?

The Honourable Sir Andrew Clow: (a) One man was taken from the Engineering Department. The other three were taken from construction, where such appointments are ordinarily temporary.

(b) The answer to the first part is in the affirmative. As regards the second part, the orders regarding communal representation for inferior services do not treat the electrical branch separately and any deficiency in the electrical branch will have to be made good in some other branch.

(c) and (d). Government are not in possession of these particulars.

(e), (f) and (g). I am not aware of any special authority given to Divisional Superintendents in this matter. I have given, in part (c) of the reply to the question cited by the Honourable Member, figures which would indicate that Muslims were recruited during the period in question, but in view of the Honourable Member's question, I am calling for the particulars he desires and shall ask that the previous information should be checked.

(h) There is no indication of any defiance of instructions having taken place.

APPOINTMENT OF A MUSLIM AS ASSISTANT SIGNAL ENGINEER ON STATE RAILWAYS.

145. ***Mr. H. M. Abdullah:** Will the Honourable Member for Railways please refer to part (d) of question No. 240, asked by Maulana Zafar Ali Khan in the Legislative Assembly on 19th September, 1939, and state:

- (a) whether recruitment has since been made to the posts of Assistant Signal Engineers for Railways by the Federal Public Service Commission; and
- (b) whether the Federal Public Service Commission had been advised before the recruitment took place that one of the vacancies was reserved for a Muslim, as stated in reply to part (d) of the above noted question; if not, why not?

The Honourable Sir Andrew Clow: (a) and (b). Yes. The latter part of (d) does not arise.

NECESSITY OF A RADIO STATION FOR SIND.

146. ***Mr. Lalchand Navalrai:** (a) Will the Honourable Member for Communications be pleased to state if his attention has been drawn to an editorial in the *Sind Observer*, dated Tuesday, the 6th February, 1940, regarding the necessity of a radio station for Sind?

(b) Is it a fact that the Provincial Government of Sind have made representations to the Government of India for establishing a radio station in Sind as early as possible, especially in these days when it is in the public interest of Sind to listen to authentic news throughout Sind?

(c) What do Government propose to do in the matter which is pending since long and for which hopes have been given on the floor of this House?

The Honourable Sir Andrew Clow: (a) and (b). Yes.

(c) The attention of the Honourable Member is invited to the reply given by Sir Thomas Stewart to his starred question No. 1914 on the 7th December, 1938. It will be realised that war-time conditions have not rendered the position easier and I cannot give any undertaking at present.

Mr. Lalchand Navalrai: Will it be after the war is over?

The Honourable Sir Andrew Olow: I cannot give any undertaking at present.

Mr. Lalchand Navalrai: May I know if the Honourable Member knows that on the floor of this House at least a hope was given that it would be done after Dacca, that is, a broadcasting station would be established at Karachi?

The Honourable Sir Andrew Olow: I have no objection to the Honourable Member entertaining that hope.

GUARDS ON THE NORTH WESTERN RAILWAY.

†147. *Sardar Sant Singh: Will the Honourable Member for Railways please refer to the reply given to part (d) of starred question No. 1576, asked on the 29th November, 1938, placed on the table of the House on the 14th February, 1939, regarding guards on the North Western Railway, and state:

- (a) the consideration or criterion upon which increase and decrease in sanctioned strength in each grade is made;
- (b) the number of trains (mail, express, passenger and goods, separately) taken into consideration for fixing the strength in each grade in 1928 and on 8th November, 1938, division by division;
- (c) casualties which took place in each grade between 1928 and 1939;
- (d) sanctioned and actual strength in each grade on 1st January, 1940; and
- (e) the reasons for discrimination, if any, between grades IV, III, II and I?

The Honourable Sir Andrew Olow: (a), (d) and (e). I have called for information and will lay a reply on the table of the House in due course.

(b) and (c). I regret it is impracticable to obtain all the information required to enable a reply to be given.

GUARDS ON THE NORTH WESTERN RAILWAY.

†148. *Sardar Sant Singh: Will the Honourable Member for Railways please state the criterion on which the appointments of guards on the North Western Railway are divided into grades, that is, whether it is the nature of duty, importance of trains, responsibilities, or anything else?

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

The Honourable Sir Andrew Olow: The classification of guards into grades has reference to the work to be done. Second guards are not placed in charge of trains. The division into the other grades has a general correspondence with the classification of trains, the highest grade being normally employed, for example, on mails and fast express trains. But it is not practicable to confine such guards entirely to such work and there is no completely rigid line between the duties assigned to guards in grades above the lowest.

GUARDS ON THE NORTH WESTERN RAILWAY.

†149. ***Sardar Sant Singh:** Will the Honourable Member for Railways please state:

- (a) whether it is a fact that guards on the North Western Railway are not given promotions to higher pay in grades than Rs. 115 and Rs. 68;
- (b) the minimum and maximum length of service on Rs. 115 and on Rs. 68 respectively, of a guard awaiting promotion to higher pay in grades;
- (c) the number of staff blocked on Rs. 115 and Rs. 68, respectively, and
- (d) the reasons for such block?

The Honourable Sir Andrew Olow: (a) These are the maxima of grades II and III on the old scale and are therefore drawn by guards who have reached that stage and do not secure further promotion.

(b) and (c). I have called for the information and it will be furnished to the House at a later date.

(d) The Honourable Member is referred to part (c) of the information laid on the table on the 14th February, 1939, in reply to his starred question No. 1576 asked on the 29th November, 1938.

POST OF THE SUPERINTENDENT OF POST OFFICES, AMBALA DIVISION, HELD BY MEMBERS OF ONE FAMILY.

150. ***Maulvi Muhammad Abdul Ghani** (on behalf of Maulana Zafar Ali Khan): (a) Will the Honourable Member for Communications be pleased to state whether it is a fact that the post of Superintendent of Post Offices, formerly Simla, now Ambala Division, has been held by the members of a single family of Jullundur for the last three generations and the present Superintendent belongs to the same family, inasmuch as the first of the family, was, on retirement, succeeded by his son who on retirement was succeeded by his younger brother and now a nephew of his is holding charge of the Division?

(b) If the answer to part (a) be in the affirmative, will Government please state the reasons why such a thing has been allowed to continue for so long?

(c) Will Government please state how far the appointment of the present Superintendent to the said Division is justified?

(d) Are Government prepared to replace the present Superintendent immediately by another Superintendent?

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

The Honourable Sir Andrew Olow: (a) The facts are not exactly as stated by the Honourable Member. During the last thirty years, there have been two members of the same family who have been in charge of the Simla Postal Division; the first one from 1909 to 1919 and the second one from 1919 to 1921. The present Superintendent of Post Offices, Ambala Division, who is the son of the Superintendent who was in charge of the Simla Division from 1909 to 1919 was posted to that Division in April 1938.

(b) Does not arise.

(c) Government have no reason to believe that the appointment is not fully justified.

(d) There are no grounds for so doing.

Mr. Muhammad Nauman: May I know, with regard to this post, whether it is considered to be an appointment to be filled by competition or one which is considered to be a hereditary post?

The Honourable Sir Andrew Olow: It is not considered to be a hereditary post at all.

Mr. Muhammad Nauman: But then it appears so.

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

Dr. Sir Ziauddin Ahmad: May I ask one question if the Honourable Member is in a position to answer it? May I know who the persons were who occupied these posts between 1921 and 1938?

The Honourable Sir Andrew Olow: I have not got such a statement here, but I can assure the Honourable Member that I did look at it and that it contains the names of Europeans or Anglo-Indians and I think at least one Muslim.

Maulvi Muhammad Abdul Ghani: May I know whether all these Superintendents from amongst the same family were appointed by direct recruitment or by competition?

The Honourable Sir Andrew Olow: I do not know whether they were made by recruitment or by promotion.

Maulvi Muhammad Abdul Ghani: May I know whether it is, in the public interest, desirable to place a division in the charge of persons of the same family?

The Honourable Sir Andrew Olow: I can see no objection at all to appointing in 1938 a man who is a son of a gentleman who last held the appointment in 1919.

PRODUCTION OF MEDICAL CERTIFICATES BY SUBORDINATE RAILWAY OFFICIALS.

151. ***Mian Ghulam Kadir Muhammad Shahban:** (a) Will the Honourable Member for Railways be pleased to state whether it is a fact that railway employees on State-managed Railways are supposed to produce sickness certificates from the railway medical staff?

(b) If the reply to part (a) above be in the affirmative, are certificates from the following also accepted:

- (i) Government doctors,
- (ii) doctors of local bodies, and
- (iii) registered practitioners?

(c) Is the Honourable Member aware that in all other Government Departments or even courts, certificates from officers mentioned in part (b) above are accepted? If so, what objection should the railway administrations have in not accepting a certificate from such medical officers?

(d) Is it a fact that no railway employee is bound to undergo the treatment of a railway medical officer, and he is free to have medicine or treatment from any doctor? If so, what objection is there to accept certificates from officers mentioned in part (b) above?

(e) Do the railway doctors countersign certificates given by Government or private doctors? If so, what is the consideration for such counter-signature?

(f) Does the Honourable Member approve of the necessity of counter-signature of certificates issued by the Civil Surgeons or such highly qualified medical authorities? If so, why?

The Honourable Sir Andrew Olow: (a) Yes, except in the case of staff whose residence is beyond the jurisdiction of a railway doctor.

(b) Yes, in the case of railway servants residing beyond the jurisdiction of a railway doctor, with the proviso that the competent authority may accept the certificate or refer it to the District Medical Officer for advice or investigation and then deal with it as circumstances may require.

(c) The answer to the first part is in the negative. The latter part does not arise.

(d) The answer to the first part is in the affirmative. As regards the latter part, 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 outsiders.

(e) The answer to the first part is in the affirmative. A railway doctor does not receive any specific remuneration for this duty.

(f) As regards the first part, I presume the Honourable Member refers to medical qualifications. If so, the answer is in the negative. The latter part does not arise, but I would refer the Honourable Member to my predecessor's reply to a cut motion moved by Mr. N. M. Joshi on 21st February, 1938, in the first paragraph on page 905 of the Legislative Assembly Debates for that day. This explains the importance which Railway Administrations attach to certificates from their own doctors.

Mr. Lalchand Navalrai: May I know from the Honourable Member that, in case a competent Civil Surgeon outside the Railway Department gives a certificate, and if there is no objection or rather any doubt about any authenticity of it, then will the Honourable Member advise the Administration that, only in those cases of course, they need not refuse those certificates but may accept them?

The Honourable Sir Andrew Olow: Will the Honourable Member kindly repeat his question?

Mr. Lalchand Navalrai: May I know if a certificate from an outsider doctor who is already competent as a Civil Surgeon is produced for the illness of an employee, and when that is forwarded to the head office or to the D. M. O., then the D. M. O., if he is in doubt, then only he should reject it, but that otherwise there should be no objection to accepting it when he is satisfied that the man is ill,—that is, he should be given at least that discretion?

The Honourable Sir Andrew Olow: No, Sir, I do not think that. I am afraid the answer to part (f) of the question was not clear, because my own view is that there ought to be a countersignature even when the officer is well-qualified, for the reason that the railway doctors are natural specialists in this line and are very often acquainted with the previous medical history of particular men.

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

ALLOWANCE ADMISSIBLE TO GOODS CLERKS IN TRANSIT DUTY ON THE NORTH WESTERN RAILWAY.

152. ***Mian Ghulam Kadir Muhammad Shahban:** (a) Will the Honourable Member for Railways be pleased to state whether any allowance is admissible on the North Western Railway to Goods Clerks employed in transit duty?

(b) If the reply to part (a) above be in the affirmative, is such allowance paid to Parcel Transit Clerks? If not, why not?

The Honourable Sir Andrew Olow: (a) Yes.

(b) The answer to the first part is in the negative. As regards the latter part, the duties performed by parcel clerks who do transhipment work are not of such an arduous nature as to warrant the grant of additional pay.

STATION MASTERS, ETC., FAILING IN VISION TEST ON THE NORTH WESTERN RAILWAY.

153. ***Mian Ghulam Kadir Muhammad Shahban:** (a) Will the Honourable Member for Railways be pleased to state whether any Station Master or Assistant Station Master failed in vision test examination during the last three years commencing from 1st April, 1936?

(b) Have they been provided with suitable appointments? If so, what is the average reduction in their emoluments?

(c) What steps does the Honourable Member propose to take to ensure that the percentage of reduction in wages in the new post for the visioned-failed employees is reduced to the minimum?

The Honourable Sir Andrew Olow: (a) and (b). I regret that it is impracticable to carry out the researches necessary to supply the information asked for by the Honourable Member, but I can assure him that as far as State-managed Railways are concerned every endeavour is made to employ in some other capacity an employee who has failed in a periodical examination of this kind for his own post.

(c) I have no steps in contemplation. The percentage reduction in wages in the case of an employee who, having failed medically for one category, is employed in some other category, is dependent mainly on the vacancies available at the time of his failure to pass the medical examination.

Mr. Lalchand Navalrai: The point that is being made out in this question is that if their vision is found to be defective, they are not given appointments which carry reasonable salaries: they are given appointment which carry low salaries. Will the Honourable Member ask the Railway Administration to consider that point and give them suitable pay?

The Honourable Sir Andrew Olow: No, Sir. I have said the appointments must naturally depend on the vacancies available and I could not possibly promise posts of equivalent status or pay.

MEDICAL OFFICERS CONSIDERED TO BE IN INDEPENDENT MEDICAL CHARGE ON THE NORTH WESTERN RAILWAY.

154. *Mian Ghulam Kadir Muhammad Shahban: Will the Honourable Member for Railways be pleased to state:

- (a) whether the Chief Medical Officer, North Western Railway, has decided, under rule 501 of the State Railway Establishment Code, which Sub-Assistant Surgeons or Assistant Surgeons on his railway are to be considered as in independent medical charge; if so, whether the Honourable Member will please lay on the table of the House a statement showing the names of those stations; and
- (b) whether an Assistant Surgeon at a hospital where a Divisional Medical Officer is stationed, is considered to be in independent medical charge of the hospital?

The Honourable Sir Andrew Olow: (a) The answer to the first part is in the negative, as there are no Assistant Surgeons or Sub-Assistant Surgeons in independent medical charge on the North Western Railway. The latter part does not arise.

(b) No.

RULES REGARDING CLASSIFICATION, CONTROL AND APPEAL OF NON-GAZETTED RAILWAY SERVANTS ON STATE RAILWAYS.

155. *Mian Ghulam Kadir Muhammad Shahban: (a) Will the Honourable Member for Railways be pleased to state whether the Governor General in Council has framed any rules regarding classification, control and appeal of non-gazetted railway servants employed on the State Railways, *vide* direction appended to the Secretary of State "Railway Services (Classification, Control and Appeal) Rules" of 1932? If so, have these rules been published in the Government of India Gazette? If not, why not?

(b) If the reply to the second part of part (a) above be in the affirmative, will the Honourable Member please refer to the specific notification in the Government of India Gazette?

The Honourable Sir Andrew Olow: (a) and (b). The answer to the first part of (a) is in the affirmative. The Governor General in Council has issued orders regulating the discipline and rights of appeal of non-gazetted Railway Servants; these have not been gazetted, but are embodied in rules 680 to 718 of the State Railway Establishment Code which is a priced publication. As regards classification and control, the Governor General in Council has delegated his powers with regard to non-gazetted Railway Servants under the Railway Department Notification No. 089-F, dated the 15th October, 1936.

NON-GRANT OF CASUAL LEAVE TO INFERIOR AND DAILY-RATED STAFF ON STATE RAILWAYS.

†156. ***Mian Ghulam Kadir Muhammad Shahban:** (a) Will the Honourable Member for Railways be pleased to state whether railway employees on the State-managed Railways in inferior and daily-rated services are entitled to casual leave? If so, how much per year?

(b) If the reply to the first part of part (a) above be in the negative, will the Honourable Member be pleased to state the reasons for not granting any casual leave to inferior and daily-rated service staff on State-managed Railways?

The Honourable Sir Andrew Olow: (a) and (b). Casual leave is not recognised and is not subject to any rules. It is a concession and the amount of such leave and the conditions under which it is granted are at the discretion of General Managers. In the case of daily-rated staff in workshops, it is ordinarily the custom to grant paid holidays and not casual leave.

PROVISION OF A RADIO STATION IN ASSAM.

157. ***Manvi Abdur Rasheed Ohaudhury:** Will the Honourable Member for Communications please state:

- (a) the number of licensees of radios in Assam; and
- (b) whether Government propose to have a radio station in Assam; if not, why not?

The Honourable Sir Andrew Olow: (a) The number of licences in force in the Province of Assam on the 31st December, 1939, was 1,545.

(b) No. The Province receives a satisfactory service from the short-wave station at Calcutta which broadcasts Assamese items also. Broadcasts from the newly established station at Dacca should also prove satisfactory.

Mr. Lalchand Navalrai: In view of the fact that the number of these licences has been increased to a very great extent, may I ask if the Honourable Member will reduce the price of these licences?

The Honourable Sir Andrew Olow: I submit that hardly arises out of this question.

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

Maulvi Abdur Rasheed Chaudhury: May I ask, Sir, whether the increase in the number of licences does not justify the opening of a Radio Station in Assam?

The Honourable Sir Andrew Clow: No, Sir. If the Honourable Member will multiply the number of figures by 10, he will get a sum of about Rs. 15,000 and probably a part of that is paid for the advantage of listening to foreign radio stations. The Honourable Member will realise that that will not be enough for the maintenance of a radio station in Assam.

DISTRICT BOARD'S CONTROL OVER RAILWAY LANDS AND BUILDINGS IN A DISTRICT.

158. *Mr. Umar Aly Shah: (a) Will the Honourable Member for Railways please state whether it is a fact that the Railway lands and buildings in a civil district of a Province are within the powers and duties of the District Boards?

(b) Is it a fact that construction, repair and maintenance of roads on those lands and generally the improvement of communications to those buildings are done by those Boards?

(c) Is it a fact that construction and repair of wells, tanks, water works and drainage works and the supply of water to those buildings are done by those Boards?

(d) Is it a fact that those Boards provide for vaccination, sanitation and schools for the education of the railway staff residing on those lands and in those buildings?

The Honourable Sir Andrew Clow: (a), (b), (c) and (d). Sir, this question is of a very general nature and I can give only a very general reply. In many places railway lands and buildings are situated within the jurisdiction of district boards and in some of these, railway administrations and railway servants benefit, directly or indirectly, by the activities of the boards in providing the facilities or amenities to which the Honourable Member refers. There is, however, a large number of places—I may mention particularly railway colonies—where it has been found necessary in the interest of the railway administration and its employees, to provide these at the cost of railway revenues. Taxation of railway property by district boards is regulated by section 135 of the Indian Railways Act, 1890, and by section 154 of the Government of India Act, 1935.

PROPOSAL TO IMPOSE A CERTAIN TAX ON RAILWAY EMPLOYEES AT CERTAIN STATIONS IN THE UNITED PROVINCES.

159. *Mr. Umar Aly Shah: Will the Honourable Member for Railways please state:

- (a) the date on which the District Boards at Hardoi, Shahjahanpur and Sitapur, in the United Provinces framed proposals to impose a tax under section 108 (b) of the United Provinces District Board Act No. X of 1922 on railway employees residing on lands and in buildings of railways within the rural area of those districts by assessing the pay and allowances of those employees, by a resolution as required by section 115 of that Act;

- (b) the date of the gazette in which the resolution of those Boards was notified, as required by section 120 (2) of that Act; and
- (c) the date of the communications from those Boards to the railway staff as required by section 126 of that Act; and if available, to lay on the table those communications?

The Honourable Sir Andrew Olow: Government have received no particulars of the action mentioned by the Honourable Member. The railway authorities are not concerned with taxes of a personal nature (in this instance the "tax on circumstances and property") payable by railway employees to district boards under provincial Statutes.

Dr. Sir Ziauddin Ahmad: May I ask whether a railway officer living within the railway precincts is liable to the District Board taxes?

The Honourable Sir Andrew Olow: I imagine that he is in some cases.

UNSTARRED QUESTIONS AND ANSWERS.

GUARDS ON THE NORTH WESTERN RAILWAY.

26. Sardar Sant Singh: Will the Honourable Member for Railways please refer to the reply given to part (b) of starred question No. 1849, asked on the 28th March, 1939, and

- (a) lay a statement showing the number of posts of grade IV of the Guards on the North Western Railway, abolished and the corresponding increase of posts in grade III made, since 1935;
- (b) state the reasons for not carrying out the assurance given to the staff in the administration's circular No. 522-E./199, dated the 12th August, 1936, viz., "with corresponding increase in guards grade III posts"; and
- (c) state the action taken by Government in securing the benefits to the staff by fulfilling that assurance; if no action has been taken, why not?

The Honourable Sir Andrew Olow: I have called for information and will lay a reply on the table of the House in due course.

GUARDS ON THE NORTH WESTERN RAILWAY.

27. Sardar Sant Singh: Will the Honourable Member for Railways please lay a statement on the table of the House showing the equivalents of old grades of guards on the North Western Railway with the new grades of guards introduced from 15th July, 1931, together with the number of posts in each grade?

The Honourable Sir Andrew Olow: I have called for information and will lay a reply on the table of the House in due course.

GUARDS ON THE NORTH WESTERN RAILWAY.

28. Sardar Sant Singh: Will the Honourable Member for Railways please state:

- (a) whether it is a fact that the General Manager, North Western Railway, invited applications by 14th February, 1940, for the posts of guards, [8 in class I, grade II, 65-5/2 years 85, equivalent to grade III (old), and 11 class I, grade I, 30-5-50/2 years-60, equivalent to grade II (old)];
- (b) the actual number of vacancies in each grade on the date the applications were invited;
- (c) the rules under which applications for posts in class I, grade II, equivalent to grade III (old) (highest existing grade of guards) were invited against normal channel of advancement from grade below;
- (d) the date on which the General Manager has declared and communicated to the present staff awaiting advancement from grades below, as inefficient, incapable and unfit for advancement; and
- (e) the reasons for placing the new entrants upon the heads of those who have already rendered service to the administration and have been considered fit for promotion before?

The Honourable Sir Andrew Clow: I have called for information and will lay a reply on the table of the House in due course.

REGULATIONS PRESCRIBING PUNISHMENTS FOR OFFENCES UNDER THE INDIAN RAILWAYS ACT.

29. Mr. Umar Aly Shah: Will the Honourable Member for Railways please state the regulations under which offences against rules made under section 47 of the Indian Railways Act, 1890, are punishable and the nature of punishment permissible by those regulations?

The Honourable Sir Andrew Clow: I would refer the Honourable Member to rule 418, Part I, and rule 21, Part II, of the General Rules for all Open Lines of Railways in British India, notified in the Railway Department (Railway Board) notification No. 1078-T., dated 9th March, 1929. A copy of this is in the Library of the House.

AMENDMENT OF SECTION 60 OF THE CODE OF CIVIL PROCEDURE.

30. Mr. Umar Aly Shah: Will the Honourable Member for Railways please refer to section 60 of the Code of Civil Procedure, Act No. V of 1908, as amended by Act No. IX of 1937, and state whether it is a fact that an amendment was sought by the recommendations of the Royal Commission on Labour?

The Honourable Sir Andrew Clow: The answer is in the affirmative.

MAINTENANCE OF THE ROAD RUNNING FROM BRIDGE TO GOODS SHED AT DELHI SHAHDARA.

31. Mr. Umar Aly Shah: Will the Honourable Member for Railways please state:

- (a) who the competent authority is who maintains the road running from bridge to goods shed at Delhi Shahdara, North Western Railway;
- (b) what the condition of that road is during and after rains; and
- (c) what action has been taken to repair that road; if no action has been taken, why not?

The Honourable Sir Andrew Clow: Enquiries are being made and a reply will be laid on the table in due course.

INADEQUACY OF WAITING ROOM BEARERS AT CERTAIN STATIONS ON THE EAST INDIAN RAILWAY.

32. Mr. Umar Aly Shah: (a) Will the Honourable Member for Railways please state whether it is a fact that only one waiting room bearer during twenty-four hours is provided at waiting rooms of stations other than Moradabad, Allahabad, Lucknow, Dinapore, Asansol and Howrah stations, on the East Indian Railway?

(b) Is it a fact that great inconvenience, in respect of "calls" for arrival of trains during night for which passengers are waiting and asleep, is felt by the travelling public?

(c) Is it a fact that the bearer is required to look after two or more rooms at great distance from each other; and he can be of no assistance to travelling public using any of the rooms?

(d) What action has been taken to provide convenience to the travelling public? If no action has been taken, why not?

The Honourable Sir Andrew Clow: (a) I understand that more than one waiting room bearer is employed at a number of stations other than those mentioned by the Honourable Member.

(b) As far as can be ascertained, no complaints have been received on this account.

(c) As the question does not specify the station to which the Honourable Member refers, it is not possible to reply.

(d) Does not arise.

MESSAGE FROM THE COUNCIL OF STATE.

Secretary of the Assembly: Sir, the following Message has been received from the Council of State:

"Sir, I am directed to inform you that the Council of State at its meeting held on the 22nd February, 1940, agreed without any amendment to the following Bills which were passed by the Legislative Assembly at its meeting held on the 12th February, 1940, namely :

- (1) A Bill to provide for the registration of certain European British subjects;
- (2) A Bill to provide for the imposition of restrictions on foreigners;
- (3) A Bill to provide for the retention in service of certain persons enrolled for service in the Royal Indian Navy; and
- (4) A Bill to extend the operation of the criminal law to offences committed on ships or aircraft registered in British India wherever they may be."

ARRANGEMENT RE DISCUSSION OF THE RAILWAY DEMANDS FOR GRANTS.

Mr. President (The Honourable Sir Abdur Rahim): With reference to the discussion of the Demands for Grants, which, the Chair believes, will take place tomorrow, it is usual for the Parties who want to discuss these demands to come to an agreement as regards the order in which certain cut motions will be taken up. The Chair would like to know whether, on the present occasion, any agreement has been arrived at, so that the Government might be in a position to deal with the different cut motions which will be discussed. The Chair is given a statement showing the arrangement which the European Group, the Nationalist Group and the Muslim League Group have agreed to among themselves. The Chair is not sure whether the unattached Members were also consulted and whether they have agreed to this arrangement. The Chair will read out the terms of the arrangement that has been arrived at so far. It runs thus:

"On Saturday, the 24th, before Lunch, the European Group will move their cut motion and after Lunch till 4-15 p.m., the Congress Nationalists will move their cut motion. Then, at 4-15 the unattached Members will begin their motions and on Monday, the 26th, till 12 Noon, they will finish their motions. Then, on Monday, from 12 Noon to 5 p.m., the Muslim League Party will move their cut motions."

Mr. N. M. Joshi (Nominated Non-Official): As regards the unattached Members, as my motion comes first, I wish to move a cut motion putting forward the grievances of the railway employees at 4-15. I do not know how long this motion will last. I hope I will be allowed to continue it till 12 Noon on Monday, the 26th.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has 45 minutes on Saturday and about an hour or slightly less than an hour on Monday.

Mr. N. M. Joshi: The discussion is very important and I may take the whole time.

Mr. President (The Honourable Sir Abdur Rahim): The Chair hopes the Honourable Member does not mean all the three days. At any rate, the Chair does hope that the Parties will come to an agreement, otherwise it will not be in the interest of proper discussion of the debate.

Sir Muhammad Yamin Khan (Agra Division: Muhammadan Rural): Mr. Joshi does not object to the arrangement. He only says that he may take the whole time allotted for the unattached Members.

Mr. President (The Honourable Sir Abdur Rahim): What about the time-limit for speeches?

Mr. J. D. Boyle (Bombay: European): I suggest that we should have 20 minutes for the Mover and 20 minutes for the Government Member and 15 minutes for other speakers.

Mr. President (The Honourable Sir Abdur Rahim): As regards the time-limit, the Chair understands that 20 minutes will be the time-limit for the Mover and 15 minutes for other speakers and 20 minutes for the reply of the Government Member. That is the arrangement, the Chair takes it, that will be observed.

THE INCOME-TAX LAW AMENDMENT BILL.

The Honourable Sir Jeremy Raisman (Finance Member): Sir, I beg to move for leave to introduce a Bill to amend the law relating to Income-tax.

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

“That leave be granted to introduce a Bill to amend the law relating to Income-tax.”

The motion was adopted.

The Honourable Sir Jeremy Raisman: Sir, I introduce the Bill.

THE RESERVE BANK OF INDIA (SECOND AMENDMENT) BILL.

The Honourable Sir Jeremy Raisman (Finance Member): Sir, I move for leave to introduce a Bill further to amend the Reserve Bank of India Act, 1934 (Second Amendment).

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

“That leave be granted to introduce a Bill further to amend the Reserve Bank of India Act, 1934 (Second Amendment).”

The motion was adopted.

The Honourable Sir Jeremy Raisman: Sir, I introduce the Bill.

THE INDIAN COINAGE (AMENDMENT) BILL.

Mr. K. Sanjiva Row (Government of India: Nominated Official): Sir, I move:

“That the Bill further to amend the Indian Coinage Act, 1906, be taken into consideration.”

[Mr. K. Sanjiva Row.]

Sir, the main object of this Bill is economy in the use of silver for currency purposes. As the House is aware the Government of India introduced nickel four anna piece in 1919, but it never became popular owing to the fact that it was easily counterfeited and so its coinage was stopped with effect from 1925. The question of a substitute for the nickel four anna piece did not arise till now as the demand for this coin has been very low during the last few years. For example, during the last ten years, there has been a net return from circulation of the four anna pieces. But now the position has changed. With a rise in commodity prices and increase in trade, the demand for four anna pieces has increased considerably and we had to coin a large number of these coins during the current year and it is estimated that a still larger supply will be necessary during the next year. The present fineness of four anna pieces is eleven-twelfth silver and one-twelfth alloy. To coin such a large number of pieces with the present fineness will be wasteful. At the same time it is not desirable that we should take to the retrograde step of reverting to the old four anna nickel piece. The Government of India, therefore, propose to coin a new four anna silver piece with half silver and half alloy. Coins of this fineness were introduced in England by the Coinage Act of 1920 and they have been in use there for several years very successfully. The weight, size and shape of these coins will be exactly similar to the present four anna piece; the only difference will be that the ring will be a little sharper. Sir, I move.

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

"That the Bill further to amend the Indian Coinage Act, 1906, be taken into consideration."

Mr. Muhammad Nauman (Patna and Chota Nagpur *cum* Orissa: Muhammadan): Sir, I have heard very carefully to the short speech which the Honourable Member on behalf of the Government made in connection with this Bill. He said that the present four-anna silver bit contains one-twelfth alloy and eleven-twelfth silver, whereas under the new proposal it will contain half silver and half nickel. He has described it as necessary because the demand for four-anna bit has increased, because more use has been found by agriculturist whose prices of agricultural commodities have increased. I do not know whether the Government will come forward later on with a proposal of a like kind with regard to eight anna silver coins and one rupee silver coins, as well. What is the idea in reducing the silver content of four anna token and introducing more nickel content? It is admitted by everybody that silver is a stable exchange. The Honourable Member alluded to a certain Act in England under which they also made the same change there in the penny token. I could not really follow what he meant to convey. I should like some information from the Honourable Member why he referred to the coinage in England. Under the circumstances, we do not see any necessity for the Government to make this change as a matter of course. If we accept this measure, later on we may be compelled to accept a similar measure with regard to eight anna and rupee pieces. Sir, I oppose the Bill.

Mr. Lalchand Navalrai (Sind: Non-Muhammadan Rural): Sir, it is also not clear to me why silver content is being reduced in the silver coin. This means that more alloy will be put in the coin. What is the reason for

this change? Will not the agriculturists suffer on account of the lower ratio of silver in the four anna coin. I should like to be enlightened on all these points. The Statement of Objects and Reasons is not clear.

Mr. K. Sanjiva Row: As I already said the main object of the Bill is economy in the use of silver for currency purposes.

Mr. Lalchand Navalrai: And send it where to?

Mr. K. Sanjiva Row: There is no question of sending it away anywhere because the demand for silver is at present mostly in India.

Mr. Lalchand Navalrai: Will the silver remain in reserve?

Mr. K. Sanjiva Row: Certainly it will. The other question which my Honourable friend asked was whether this will not affect the agriculturists. It will not affect them because the new four anna piece will have the same value as the old four anna piece. Even the present four anna piece is only a token coin. We are introducing this new silver piece as a substitute for the old nickel piece and it is certainly a step in the right direction. My Honourable friend, Mr. Muhammad Nauman, referred to the Coinage Act of Great Britain. What I said was that silver coins of this fineness were introduced in Great Britain by the Coinage Act of 1920 and they have been in use there for the last several years and they have proved quite successful.

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

"That the Bill further to amend the Indian Coinage Act, 1906, be taken into consideration."

The motion was adopted.

Clauses 2 and 3 were added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill

Mr. K. Sanjiva Row: Sir, I move:

"That the Bill be passed."

Mr. Lalchand Navalrai: Sir, I have still one more question. The quantity of silver is being reduced in the four-anna pieces but not in the rupee. Will the silver in the four four-anna pieces be equal to the silver in a rupee?

Some Honourable Members: No.

Mr. Lalchand Navalrai: In that case if I offer four four-anna pieces to a man he may not take it; he will demand a rupee. So the four-anna pieces will go out of use.

The Honourable Sir Jeremy Raisman (Finance Member): Sir, I am afraid the Honourable Member is labouring under a somewhat elementary misconception. He does not seem to have realised what is meant by a

[Sir Jeremy Raisman.]

token coin. A token coin is a coin of which the intrinsic value is not necessarily equal to the face value. Both the rupee and the four-anna pieces are token coins. It is quite unnecessary that there should be or that there should be maintained any constant relation between the intrinsic value of the four-anna piece and the intrinsic value of the rupee; and the suggestion which my Honourable friend has imported is really quite irrelevant. I can assure him that there will be no difficulty about accepting four four-anna pieces of the proposed fineness in exchange for a rupee of the existing fineness, any more than there was when nickel four-anna pieces were being tendered in exchange for silver rupees.

Mr. Lalchand Navalrai: Then everything is going to be artificial.

The Honourable Sir Jeremy Raisman: It is artificial.

Mr. M. S. Aney (Berar: Non-Muhammadan): Sir, the distinction between a token coin and a coin having intrinsic value has been made clear. But what I want to know is, what is the exact profit which Government are likely to make by minting these coins? Have they any idea of that?

The Honourable Sir Jeremy Raisman: That is not a sum which can be calculated; it depends on the demand of the country for the use of small coin. In the course of my budget speech in a few days' time the Honourable Member will observe in one or two places that I shall indicate the amount of profit which does accrue from the absorption of small coin. But the simple position in regard to this Bill is that there is a larger demand for these small coins, and although we have large silver reserves we want to make them go as far as possible; and it is merely wasteful to use more silver than is actually necessary in the constitution of a small token coin like a four-anna piece.

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

"That the Bill be passed."

The motion was adopted.

THE FACTORIES (AMENDMENT) BILL.

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

"That the Bill further to amend the Factories Act, 1934, for a certain purpose, be taken into consideration."

This Bill is a very modest measure and seeks only to provide for one more facility, this time to children. The provisions of the Factories Act dealing with health, safety, children and registration are proposed to be statutorily applied to power factories employing from ten to nineteen persons, if any of those persons is not qualified to work as an adult. Under the Factories Act, Local Governments have got power to apply these provisions to any place or any class of places where factories employing less than 20 persons are working. Under the present Bill it is statutorily applicable to all such power factories.

The second power which is of slightly greater importance is the power given to Provincial Governments to extend the provisions of the Act by notification to power factories employing less than ten persons if any one of those persons is not qualified to work as an adult. As I said, this Bill does not seek to go very far in the direction of amelioration but it is just a step in advance. The proposals were circulated to all the Provincial Governments and most of them have agreed to them. Sir, I move.

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

"That the Bill further to amend the Factories Act, 1934, for a certain purpose, be taken into consideration."

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

"That the Bill be circulated for the purpose of eliciting opinion thereon."

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has not mentioned a date by which the opinions should be returned.

Mr. N. M. Joshi: I am not particular about that. If Government are anxious about it, they may move an amendment.

Mr. President (The Honourable Sir Abdur Rahim): But under the Standing Order some date has to be mentioned.

Mr. N. M. Joshi: Then, let it be the 30th June, 1940.

Sir, you may remember that sometime ago, perhaps last year, the Government of India moved a piece of legislation for amending the Factories Act or some such thing. At that time I said that in my judgment, after studying that Bill, the position of the Government of India was like that of an unemployed barber. You know there is a proverb in the vernacular languages that an unemployed barber engages himself in shaving a buffalo or, as it is put in my own language, he engages himself in cupping a wall for the proper distribution of blood. On this occasion I feel that what I said at that time was true then and is true today. Under the present constitution the Government of India have the right to legislate on labour matters. It is true that the Provincial Governments also have that right. It is equally true that the constitution establishes Provincial Autonomy in the various provinces of this country. On account of the establishment of Provincial Autonomy the Government of India feel that they are practically *functus officio* as regards labour legislation. The Government of India have got all the paraphernalia of the Industries and Labour Department,—an Honourable Member getting Rs. 80,000 a year, a Secretary on Rs. 4,000 a month, Deputy Secretaries and Assistant Secretaries and all the rest of them. Unfortunately, the Government of India, though they have got power under the Act to pass labour legislation and the machinery too, they lack courage and self-confidence with the result that they are unable to produce important pieces of legislation. But they have to prove to the public that as they receive fairly high salaries they must do something, and, therefore, they have produced this Bill.

I am glad the Honourable Member had the courage to admit that the Bill was a very modest one. It is euphemistic language for saying that the Bill is a useless one. I am really sorry that the Government of India should waste their time in introducing measures of this kind, instead of utilising their time for undertaking bolder measures

Mr. M. S. Aney (Berar : Non-Muhammadan) : Would you advise him to withdraw the Bill?

Mr. N. M. Joshi : I am advising him to circulate the Bill to elicit public opinion and not to withdraw the Bill. The Honourable Member in the short speech he made just now tried to explain what the Bill is. This Bill seeks to make certain sections of the Factories Act applicable to factories employing ten persons or more but less than twenty persons. It does not apply to all factories employing ten or more but less than twenty persons, but only to those factories which employ power. That is one thing to be remembered, how the scope is being restricted. In the Statement of Objects and Reasons the Government of India try to give the impression that their Bill is based upon a recommendation of the Royal Commission on Indian Labour. Nothing of the kind. That Royal Commission wrote a chapter on the subject of unregulated factories and they dealt with two kinds of factories which required regulation and which were not regulated at that time : factories employing power and factories not employing power or as they may be called workshops. The Royal Commission recommended that factories which employed ten or more but less than twenty persons and which employed power should be regulated by some of the important sections of the Factories Act. They also made a separate recommendation that factories which did not employ power should also be regulated by another Act.

In the first place, the Government of India have cut down the Royal Commission's recommendation by half : they do not deal with those factories or workshops which do not employ power, they deal with factories which employ power and also employ ten or more but less than twenty persons. The Royal Commission recommended that important sections of the Factories Act should be applied to all factories employing power and employing ten or more but less than twenty persons. The Government of India's recommendation is that it should apply only to those factories which employ children. If you have an opportunity, Sir, of reading the report of the Royal Commission, you will find that the Royal Commission itself has stated as a fact, after making investigation for nearly two years, that there are very few factories employing power which employ children. You will now see that the Government of India first provide for regulation for factories which employ power, and then they restrict the recommendation by saying that they will apply it only to those factories which employ children and not to all factories employing power, knowing very well that the Royal Commission has stated that there are very few such factories in which children work. One may feel that the Government of India's thirst for putting restrictions may be satisfied with these three restrictions. That is not so. They put further restrictions. The Royal Commission intended that when provision has been made for regulating these factories, the regulation should apply to all factories automatically. The Royal Commission made it very clear, that the burden of getting regulation applied must be thrown on the owner or occupier of the factory. But the Government of India thought that it would be too much, too great a reform. Therefore they wanted to put further restriction. They said this Bill will not apply to all factories automatically. No. It can only apply if the factory inspector gives notice to a particular factory. The factory inspector is not likely to visit all places, all villages within the area for which he is appointed. He may see a particular factory employing ten or more but less than twenty persons and employing power also :

he may observe that children are employed there. But how many villages, how many towns can he visit in order to see personally or to hear from some one else that there is such a factory? Then he gives notice and then only this small Bill applies to that factory.

I have already explained how very limited is the scope of this Bill. You may say that even if the Bill is of limited application it will be of some use: "It is a small reform, but why not accept the small reform? After all if it is a reform, it is a good thing." If, Sir, I had felt that this Bill really makes for a reform, I would not have asked for circulation. I am rather in a hurry for reform, especially reform of labour legislation in our country. So I would not have recommended to the Legislature that the Bill be circulated. The fact is this: this Bill is unnecessary because in the Factories Act there is a section which provides power to the Local Governments much wider, a hundred times wider than the power which this Bill provides: and that is section 5 of the Indian Factories Act. Under section 5 of that Act, the Provincial Governments have got power to apply either the whole or even a part of the Factories Act. This Bill makes only a part of the Factories Act applicable to some factories. Under section 5 of the Indian Factories Act, the Local Government possesses power already to apply the Factories Act either wholly or in part as they like, either to factories employing power or not employing power. So, factories employing ten or more but less than twenty persons are covered by the power given to Local Governments. Section 5 moreover makes the application of the Act automatic. A Provincial Government may issue a notification that the Factories Act will apply to certain classes of factories, and the Act will apply. Under these circumstances, Sir, I would like to know from the Honourable Member why this Bill was necessary. Section 5 of the Indian Factories Act gives you power to apply either the whole or part of the Act; it also gives you power to apply it to factories worked by power or without power.

Then it is somewhat difficult for me to understand the object of the Government in bringing forward this measure. The Government of India may say that this Bill applies automatically. It does not. As I have already said, it applies only to those factories to which notice has been given by the Factory Inspector. The Government of India may say again that section 5 of the Factories Act gives power to Local Governments, and not to Factory Inspectors, and that will make a slight difference. It is true, Sir, there is a slight difference between the Provincial Government and a Factory Inspector. A Provincial Government is a Government and an Inspector is an officer of Government. I have no doubt that the Inspector can act a little more promptly than Governments generally do. But we must remember this, that the power given to the Factory Inspector is not a judicial power; it is an executive power. The Factory Inspector is subject to the orders of the Provincial Government. If a Provincial Government does not want this Bill to be applied to certain classes of factories or does not want this Bill to be used at all, it can issue an order to the Factory Inspector and say that no more notices should be given to any factories under this Bill. I therefore feel, Sir, that this Bill does not do anything more than any Government can do under section 5 of the Indian Factories Act. As a matter of fact, I have explained that the powers under section 5 of the Indian Factories

[Mr. N. M. Joshi.]

Act are a hundred times wider and, therefore, there is no need for more. Well, Sir, the Government of India may say that there is a slight progress made in this Bill. I admit that there is a slight progress made in this Bill. That slight progress, Sir, consists of this, that under this Bill the Government of India give power to Provincial Governments to apply this restricted small measure to those factories which may employ less than ten persons. If the Government of India's intention is to make this progress, namely, that the factories employing less than ten persons and which in the opinion of the Provincial Governments require regulation should be regulated, my suggestion to the Government of India is that they should frame and introduce a separate measure embodying this reform, namely, factories employing less than ten persons should be regulated by this Bill, and I shall be very glad to support the Government if they bring forward that measure. But, Sir, the Government of India while making that slight progress bring forward a measure which in other parts is absolutely useless. Now, you may say if a Bill is useless, so long as it is not harmful, why do you oppose it? In the first place, I believe that public money should not be wasted in introducing and discussing useless measures. But that is not my chief object. My fear is that if we allow this Bill to pass without being properly amended and improved, it is likely to produce a harmful effect. Under section 5 of the Factories Act Local Governments have got power

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member has repeated this so often.

Mr. N. M. Joshi : Unfortunately, the point is very important

Mr. President (The Honourable Sir Abdur Rahim) : Yes, Yes, but that is no reason for repeating it so often.

Mr. N. M. Joshi : The Provincial Governments have not only got those powers, but they have used those powers. Take, for instance, the Government of the Province in which I live. That Government has used this power considerably. I am not satisfied with the use of the power which they have made or the extension of the Factories Act, but, Sir, they have used it considerably since 1937. I do not wish to tire the House by stating what kinds of factories they have regulated by means of that power, because I am quite sure the Honourable Member himself will have that information. My own estimate is that the Bombay Government have applied the power under section 5 of the Factories Act to a very large number of factories, it may be to more than a hundred or two hundred factories and about a dozen classes of factories or more. Then, Sir, there are other Provincial Governments like the United Provinces Government which issued a proclamation or have announced in the United Provinces Gazette of the 14th January, 1939, that they propose to extend the Factories Act to all premises whereon or within the precincts whereof, on any one day of the twelve months preceding the notification, ten or more workers are employed, and where work is carried on with the aid of power. The United Provinces Government have made use of that power, and I have no doubt that other Provincial Governments may also have used that power. Under these circumstances the Government should have given stronger reasons

for introducing this Bill instead of introducing a small Bill as regards the regulation of factories employing less than ten persons.

Sir, the Government of India may say that under the new constitution they must pay regard to the opinions of the Provincial Governments. Unfortunately, I do not know what the Provincial Governments have said on these matters. If the Government of India's view is that they could not go beyond what the Provincial Governments agreed to do, then, Sir, it is for the Government of India to publish the documents showing that the Local Governments are unwilling to go further than this Bill. In any case I would suggest to the Honourable Member that, when the Bill is circulated as recommended by my amendment, he should also publish the opinions of the Local Governments. These are days of democracy

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member need not dilate upon democracy.

Mr. N. M. Joshi: I am not dilating upon democracy, but the point is this, that if the Government of India would publish what the Local Governments have said on this Bill, then it would be for the electors in the provinces to judge of the success or non-success or the merits or demerits of the various ministries in the different provinces. I, therefore, would suggest to the Government to publish the opinions of the Local Governments. I am quite sure there are some Local Governments which are reactionary and some others which are progressive. Those which are progressive will be willing to go much further as the Bombay Government has already gone further; those which are reactionary must be exposed to the gaze of public opinion. I, therefore, hope, Sir, that as the Bill is practically a useless Bill and does not make for much progress, and as there are powers already with the Provincial Governments to extend the Factories Act as a whole or in part, there will be nothing lost if we try to ascertain public opinion. On the other hand, it will give an opportunity to the Provincial Governments to find out that the public is willing to go much faster than they themselves are willing to go. I, therefore, propose that this Bill be circulated, and I have no doubt that this House will agree to my amendment, and I hope, Sir, that the Government of India will also agree to my proposal.

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

"That the Bill be circulated for the purpose of eliciting opinion thereon by the 30th June, 1940."

Mr. Muhammad Nauman (Patna and Chota Nagpur *cum* Oriasa Muhammadan): I support the amendment which my Honourable friend, Mr. Joshi, has moved, though not on the same considerations which he has placed before the House. My arguments are substantially different and my reasons are not the same at all but all the same I also feel that a measure like this should be circulated and the opinions of responsible Chambers of Commerce and industrialists associations should be taken into consideration. The Bill is claimed to be innocent by the Honourable Member in charge and is styled as useless by my Honourable friend, Mr. Joshi, but I think it is neither innocent nor useless. I think it is an important piece of legislation and should be considered in the light of the

[Mr. Muhammad Nauman.]

opinions of sections of the people who are concerned with the industries of this country. This may badly affect the small industries which are on the cottage industry lines. We all know that in Japan sugar and matches factories are being run on cottage industry lines. They may develop also in India on the very same lines and the cottage industry may become popular.

Mr. N. M. Joshi: Do they employ children?

Mr. Muhammad Nauman: No. I did not say that they do employ children.

Mr. N. M. Joshi: The Bill will not apply then.

Mr. Muhammad Nauman: Section 5 of the Factories Act has given the provinces sufficient power to regulate their factory law and naturally the provinces which are more responsible under the present constitution would be in a better position to know the needs of their own people and judge the circumstances and conditions, and it is very necessary that the Provincial Governments and the industries should be consulted on the matter before a measure of this type is brought forward in this House. We are not in a position to know whether the Provincial Governments have at all been consulted. If they have been consulted, it is necessary for the Government to place those opinions before us in the House, and let us know what they think and what they feel. Probably after hearing their opinions we may be in a position to change our opinion. This legislation is to be enforced in the provinces and is directly to the interest of industries and as such opinions should be gathered from the different Chambers of Commerce and from the different provinces before we proceed to enact this kind of measure. A lot can be said for and against it. I do not mean for a moment that this Bill is not necessary. As I have said, it is necessary, but, at the same time, it cannot be brought in this hurried manner. I support Mr. Joshi that it should be circulated so that Members of this House and the Government may be in a position to know the real feeling in the country as to what they want and how they want, and in the light of that opinion, whether any amendments are necessary and if so how the same could be done. I do not want to waste the time of the House, but I just say that I support the amendment which has been moved by my Honourable friend, Mr. Joshi, on consideration as stated. With these remarks, I take my seat.

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: I expected naturally a certain amount of opposition from my Honourable friend, Mr. Joshi, because, though I can afford to play the part of an unemployed barber, he certainly must find employment on every occasion if he were to satisfy the interests that he represents. My Honourable friend said that it was a useless Bill, that it was not worth introduction and then, by a curious process, the logic of which I am not able to follow, he asked for the circulation of the Bill so that other unemployed barbers may perhaps find work when the Bill is circulated.

Mr. N. M. Joshi: What do you want to do then?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: If the Bill is useless, if it does not advance the cause of or if it is of no help at all to children in small industries, I wonder how the circulation of this Bill,—a perfectly futile measure as my friend thinks,—would at all prove of any efficacy.

Mr. N. M. Joshi: I am a reformist. I prefer to reform.

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: I said in introducing the Bill that this Bill was a very modest measure and that it was introduced after taking into consideration the views of various Provincial Governments. The proposals were circulated to Provincial Governments. They in their turn placed those proposals before associations of employers and associations of employees, and as a result of the opinions received from employers' associations and employees' associations they forwarded their opinions to the Government of India and the Government of India, thereupon, have formulated this measure and placed it before the House.

Mr. Muhammad Nauman: May we have copies of the opinions of Provincial Governments which have been received by the Government of India?

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: They have not been circulated I know, and I shall have to take the permission of the Governments concerned before I can circulate their opinions. The position is this. After the introduction of the 1935 Act Part III, the Central Government have got concurrent jurisdiction with reference to labour legislation, but it is obvious that autonomous Provincial Governments have to carry out any labour legislation which is enacted by the Central Legislature. The burden of applying the provisions of the Act falls on these Provincial Governments. The machinery which must be brought into existence for that purpose must be devised by the Provincial Governments, so that it is futile to think that by introducing any measure here myself and getting it passed by the enthusiastic support of my Honourable friend, Mr. Joshi, it is going to give any relief at all to any class or section of labour, either children or adults. My Honourable friend's speech itself disclosed the difficulties which lie ahead of the Central Government and the reason why they undertake this kind of legislation with so much hesitation and according to him with such moderation. My Honourable friend said that even if the inspecting officer were authorised to take statistics and to ask for returns or to inspect these places, as the inspecting officer is not a judicial authority but an officer under the executive authority of the Government, the Provincial Governments may nullify the whole transaction by ordering him not to proceed in the matter. Does my Honourable friend realise what that means? What is the good of putting forward legislation here which has not got the willing acceptance of most at least of these Provincial Governments, and coming forward with all kinds of attractive and specious legislation which the Government of India is perfectly convinced will be a dead letter just because the Provincial Governments may not act upon them? That is why the Labour Member has naturally to hesitate before introducing legislation which, in other respects he may consider, can well be more advanced than it is at present. My

[Diwan Bahadur Sir A. Ramaswami Mudaliar.]

Honourable friend is, of course, very severe with me and with my pay bill and with the pay bills of all my officers. I cannot afford to repeat the compliment, but I can only say this that during the last few months, at any rate, the Labour Department has not been quite inactive. Even my Honourable friend would have known of the Conference of Labour Ministers which was recently held, of the efforts that have been made by the Central Government to try to get their views on various points affecting the status, the pay, the conditions of life, health insurance and other matters regarding labour, and it is, therefore, not quite fair—not to me I do not mind it, but at least to the hard-worked staff of the Labour Secretariat—to suggest that they are not doing their work, that they are marking time and that they are introducing perfectly futile and useless Bills. Sir, my Honourable friend poured ridicule on the idea that children are brought within the scope of this Bill and stated that there are very few children who are employed in such factories.

Mr. N. M. Joshi: That is the view of the Royal Commission.

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: My Honourable friend quotes, in support, like Rip Van Winkle, the report of a Commission which sat about ten or twelve years ago. He must have realized the growth of small industrial concerns in this country since those days and my Honourable friend himself said, in another part of his speech, that the Inspectors will have to go from village to village and from town to town to find out where these small industries have been created and then to get statistics about them. My Honourable friend, Mr. Nauman, was much nearer the actual facts when he said that there are a number of small factories which have grown up, which do employ children and from the point of view of the employers, this Bill, innocent as it may look, may have certain serious reactions. Well, Sir, I have tried to balance the interests of both sides and parties and I have come to the conclusion that with the opinions of the Provincial Governments as they are placed before me and with the interests of the employers and the employees taken together this measure goes neither too far on one side nor is too restricted on the other. It is these considerations—not the desire to get credit for placing fancy labour legislation before this House and getting it passed through the Central Legislature—it is these considerations which have weighed with me in coming forward with this small measure. I can only repeat again that as a result of the conference that we recently held in January with Provincial Labour Ministers we hope to introduce labour legislation on a variety of subjects sometime next year when our Bills have been further considered by the Provincial Governments concerned, but this was a measure which was long delayed, which had been under consideration for two years and which had received the approval of all Provincial Governments, which had been circulated to associations of employers and employees by Provincial Governments and I found no justification whatsoever when the papers were placed before me to further delay this matter. Sir, I oppose the motion for circulation.

(At this stage Mr. Aney rose to speak.)

Mr. President (The Honourable Sir Abdur Rahim): The Honourable the Commerce Member has replied to the debate. Both motions were

before the House for discussion and the debate has now concluded. The question is:

“That the Bill be circulated for the purpose of eliciting opinion thereon by the 30th June, 1940.”

The motion was negatived.

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

“That the Bill further to amend the Factories Act, 1934, for a certain purpose, be taken into consideration.”

The motion was adopted.

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

“That clause 2 stand part of the Bill.”

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

“That in clause 2 of the Bill, in sub-section (1) of the proposed section 59A, the words ‘with the aid of power, or is ordinarily so carried on,’ be omitted.”

The object of this amendment is to improve this Bill. The Honourable Member for Labour said: “If the Bill is useless, why don't you oppose it.” That is the method of the Government of India. They have absolutely no faith that you can reform something. Either a Bill must be a good Bill or it must be a thoroughly bad Bill. You cannot improve it. I am a moderate by habit, by training and temperament. Therefore, I am trying, after having failed to secure circulation of this Bill, to reform it. Then, Sir, the Honourable Member for Labour used all his eloquence to show that this Bill contains some good features. I wish the Honourable Member had replied to my criticism that this Bill gives no greater power than the powers which are given by section 5 of the Indian Factories Act. If he had replied to that . . .

Mr. President (The Honourable Sir Abdur Rahim): Is the Honourable Member now replying to his speech? He had better apply himself to the amendment.

Mr. N. M. Joshi: I am applying myself to this amendment. The object of this amendment is that factories which employ power and also the factories which are worked without power should be brought within the scope of this measure. The evils of insanitation and dangerous work are found not only in factories which use power but also factories and workshops which work without power. Especially the evils as regards the employment of children are more found in factories which work without power than factories which work with power. I have already said that the Royal Commission has stated that factories which use powers do not generally employ children. The Honourable Member said that the report of the Royal Commission has become an antiquated document.

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: Nothing of the kind.

Mr. N. M. Joshi: May I know what the Honourable Member said? He referred to Rip Van Winkle. My English is not as bright.

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: May I correct the Honourable Member. I did not refer to any recommendation of the Labour Commission. I controverted the statement of Mr. Joshi that small factories do not employ children and he quoted as his authority the fact finding record of the Royal Commission. I said that much water has flown below the Jumna Bridge since then and I said it was only a Rip Van Winkle who would quote the Royal Commission to support conditions that are existing today.

Mr. N. M. Joshi: I wish the Honourable Member had given facts as to how many new factories have come into existence which employ children. Unfortunately, Sir, the Honourable Member himself has not got any more facts than the Royal Commission had. I would suggest to the Honourable Member that if his department wants some work he should make some enquiries about the factories in this country. They will employ themselves very well if they make inquiries about these matters and collect together the facts. I have already said that if the Report of the Royal Commission is to be taken as an authority, there are a large number of factories which are not worked by power but which employ children such as the carpet factories in Amritsar and the *bidi* factories. Therefore, if the children are to be protected, we should apply this Act not only to factories which work with power but also to factories which work without power. I hope that this modest amendment will be accepted by the Assembly.

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

"That in clause 2 of the Bill, in sub-section (1) of the proposed section 59A, the words 'with the aid of power, or is ordinarily so carried on,' be omitted."

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: I regret very much, in spite of the attempted persuasiveness of the Honourable Member, I am unable to accept this amendment. The difficulty is that the inspection staff required for this work, if this amendment is accepted, would be very large. It will throw a burden on Provincial Governments which, I am not in a position to state now, will be accepted by them. My Honourable friend referred to the class of factories which do not employ power and which yet employ children like the *bidi* factories in Madras and the carpet factories in Amritsar. I am not aware of the conditions in Amritsar but I am acutely aware of the conditions in Madras. All I can say is that under the existing provisions of the Indian Factories Act, the Provincial Governments have still got the power in the case of any class of factories to extend such provisions as they like of the Factories Act. But in the absence of any preparedness on the part of Provincial Governments generally speaking to adapt the provisions to factories which do not employ power, I do not think that we would be justified in forcing on them a legislative provision of that kind.

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

"That in clause 2 of the Bill, in sub-section (1) of the proposed section 59A, the words 'with the aid of power, or is ordinarily so carried on,' be omitted."

The motion was negatived.

Mr. N. M. Joshi: Sir, I would like to have your advice. I have proposed two alternative amendments. One is No. 8, which has two parts. If you think proper, I shall move the first part of this amendment now.

Mr. President (The Honourable Sir Abdur Rahim): The Chair cannot give the Honourable Member any advice.

Mr. N. M. Joshi: If you are not prepared to advise me, Sir, what I propose to do is that I shall move the first part of the amendment as put down here as amendment No. 8. I move:

"That in clause 2 of the Bill, in sub-section (1) of the proposed section 59D, the words and the figures 'sub-section (1) of section 9' be omitted."

and I stop here.

Mr. President (The Honourable Sir Abdur Rahim): The Chair will let the Honourable Member move it like that.

Mr. N. M. Joshi: The object of this amendment is that sub-section (1) of section 9 of the Factories Act should be applied to the factories which come under this Bill. Sub-section (1) of section 9 of the Factories Act makes the application of the Factories Act automatic; that is, if a factory is employing say ten persons or eleven persons and also is worked by power, then it is the duty of the owner and the occupier to inform the factory inspector that he is conducting the factory and the factory has got the particulars which are necessary to be given to the factory. The burden of the duty is thrown on the employer himself, i.e., the owner or the occupier of the factory. Sir, there is a great difference if the burden is thrown on the owner of the factory, and if the burden is not thrown on the owner but before the Act applies to the factory, the factory inspector has himself to give notice. If the responsibility is thrown on the occupier, naturally, everyone conducting a factory which comes under the scope of this Bill will have to send the information to the factory inspector. It is not possible for the factory inspector to know where the places are where there are these factories. The factories may be one hundred or two hundred or three hundred; he does not know. It is, therefore, wrong to throw the burden or the responsibility of finding out the factory upon the factory inspector but that it should be the duty of the owner or the occupier of the factory to give information to the factory inspector. That is the object of my amendment and I hope it will commend itself to the House and also to the Honourable Member in charge of this Bill.

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

"That in clause 2 of the Bill, in sub-section (1) of the proposed section 59D, the words and the figures 'sub-section (1) of section 9' be omitted."

The Honourable Diwan Bahadur Sir A. Ramaswami Mudallar: Sir, I am prepared to accept this amendment.

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

"That in clause 2 of the Bill, in sub-section (1) of the proposed section 59D, the words and the figures 'sub-section (1) of section 9' be omitted."

The motion was adopted.

Mr. N. M. Joshi: Sir, before I move my next amendment, I must express my thanks to the Honourable Member for having accepted my last amendment, and I hope, Sir, he will continue his good behaviour hereafter and will treat my other amendments with similar kindness. I should like to move No. 4.

Mr. President (The Honourable Sir Abdur Rahim): This ought to come after clause 3?

Mr. N. M. Joshi: Very well, Sir, then I shall move No. 5. I move:

"That in clause 2 of the Bill, in sub-section (1) of the proposed section 59D, the brackets, figures and word '(1), (2) and', occurring in the third line, be omitted."

Sir, the object of this amendment is that sub-sections (1) and (2) of section 14 of the Indian Factories Act should apply to the factories which are covered by this Act. The Bill proposes that sub-sections (1) and (2) and (4) of section 14 should not apply. I propose that those sub-sections should apply. Sir, sub-sections (1) and (2) of section 14 of the Factories Act are these:

"(1) Every factory shall be ventilated in accordance with such standards and by such methods as may be prescribed."

I do not know why even small factories should not conform to these provisions that they should be properly ventilated. Sub-section (2) of section 14 says:

"(2) Where gas, dust or other impurity is generated in the course of work, adequate measures shall be taken to prevent injury to the health of workers."

Sir, I feel that the application of this sub-section is also necessary and that it will not impose a great burden upon the owners or the occupiers of the factories. I, therefore, hope that the Government of India will continue their good deeds and will accept this amendment of mine.

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

"That in clause 2 of the Bill, in sub-section (1) of the proposed section 59D, the brackets, figures and word '(1), (2) and', occurring in the third line, be omitted."

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: Sir, there are two sub-sections which the Honourable Member has referred to here, *viz.*, sub-section (1) and sub-section (2) of section 14. Sub-section (1) says:

"Every factory shall be ventilated in accordance with such standards and by such methods as may be prescribed."

Obviously, this applies to large factories—the prescribing of standards by a Provincial Government. It will be impossible for a Provincial Government to fix standards for the small factories that we have in view, and, therefore, I am unable to accept that amendment as regards sub-section (1), but if the Honourable Member confines himself to the omission of sub-section (2), which is more important, *viz.*:

"Where gas, dust or other impurity is generated in the course of work, adequate measures shall be taken to prevent injury to the health of workers."

I am prepared to accept that amendment; that is to say, if the Honourable Member will confine his amendment to the omission of sub-section (2) of section 14, I shall be prepared to continue to be on what he has called "good behaviour".

Mr. N. M. Joshi: Sir, one must be pleased with the small mercies which fall from our Government and I am prepared to accept this amendment of my amendment by the Honourable Member.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member has to withdraw this amendment first, and then he can move another amendment.

Mr. N. M. Joshi: Very well, Sir, I ask leave of the House to withdraw my amendment No. 5.

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

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

"That in clause 2 of the Bill, in sub-section (1) of the proposed section 59D, the brackets and figure '(2)', occurring in the third line, be omitted."

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

"That in clause 2 of the Bill, in sub-section (1) of the proposed section 59D, the brackets and figure '(2)', occurring in the third line, be omitted."

The motion was adopted.

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

"That in clause 2 of the Bill, in sub-section (1) of the proposed section 59D, the word and figures 'Chapter IV' be omitted."

The Bill proposes that Chapter IV of the Factories Act should not apply to the factories which are covered by this Bill. I propose that Chapter IV of the Factories Act should apply to them. Chapter IV of the Factories Act, as you know, deals with the restrictions on hours of work. You know, Sir, that in small factories people who are employed have some time to work for long hours. The Indian Factories Act puts restrictions upon the maximum hours of work in factories which are under the Factories Act. I think these restrictions are very salutary and necessary. It is wrong to allow employers to make their employees work for very long hours. This is not an occasion to make a long speech showing how long hours are injurious to the health of the people who are employed in factories. I shall content myself by telling the House that the Factories Act restricts the hours of the adults to 54 a week and ten hours a day. Now, even these are very long hours for work. If we ourselves have to stand near machinery for more than ten hours, we shall know how injurious it is to our health, especially when there is only one hour's rest in the interval. If standing near a machinery for long hours is not good for us, I am sure you and the Members of the Assembly will agree with me that it is not good for those people who work in these small factories. Let us, therefore, pass my amendment and make Chapter IV of the Factories Act applicable to the small factories also.

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

"That in clause 2 of the Bill, in sub-section (1) of the proposed section 59D, the word and figures 'Chapter IV' be omitted."

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: Sir, I am unable to accept the amendment. This Bill deals primarily with the question of employment of children, The Honourable Member's amendment really relates to adults and their hours of work and is, in a way, outside the object of this Bill. It will again throw a great deal of burden by way of inspection staff on the Provincial Governments and, in the absence of any indication that Provincial Governments will undertake the task, I regret I am unable to accept this amendment.

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

"That in clause 2 of the Bill, in sub-section (1) of the proposed section 59D, the word and figures 'Chapter IV' be omitted."

The motion was negatived.

Mr. President (The Honourable Sir Abdur Rahim): Today being Friday, the House will adjourn now till a quarter past two.

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

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

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

"That in clause 2 of the Bill, in sub-section (1) of the proposed section 59D, the words and figures 'and sections 65 and 77' be omitted and the word 'and' be inserted before the word 'Chapter'."

I have modified my amendment slightly because the Government have accepted certain amendments before and, therefore, this slight consequential amendment is necessary.

Sir, section 77 gives power to the Provincial Government to make rules prescribing certain information being given to the Government for the purpose of this Act and section 65 is a consequential one fixing some punishment for the failure to give information. I think it is necessary that the Government should have information regarding factories to which this Bill applies and I have no doubt the Government of India will accept this amendment.

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

"That in clause 2 of the Bill, in sub-section (1) of the proposed section 59D, the words and figures 'and sections 65 and 77' be omitted and the word 'and' be inserted before the word 'Chapter'."

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: Sir, this is really a consequential amendment to the amendment which I have accepted asking the factory owners to send returns compulsorily. Sir, I accept the amendment.

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

"That in clause 2 of the Bill, in sub-section (1) of the proposed section 59D, the words and figures 'and sections 65 and 77' be omitted and the word 'and' be inserted before the word 'Chapter'."

The motion was adopted.

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

"That in clause 2 of the Bill, in sub-section (1) of the proposed section 59D, all the words beginning with the words 'at any time' and ending with the word 'thereof' be omitted."

Sir, this amendment also has been modified slightly. I hope the Government of India will have no objection to my modifying this amendment. It restricts the scope of my original amendment. In my original amendment I had proposed that the provisions of this Bill should apply to all factories whether they employ children or not. As the Government of India have accepted one of my amendments, namely, that sub-section (1) of section 9 should apply to these factories, I think I should also make some concession and should not ask what I have asked in my original amendment. I am in a responsive mood; if the Government are responsive and are willing to make concessions, I am also willing to make similar concessions. I, therefore, propose that this Bill should apply only to those small factories which employ children but not necessarily to factories regarding which the Factory Inspector has given notice. What I am aiming at is that this Act should automatically apply to all factories which employ children. I hope, Sir, as the Government of India have accepted my one or two other amendments, they will accept this amendment also. If they accept this amendment of mine, this Bill will have some usefulness. This morning I said that this Bill does not make any progress. But if the Government make the application of this Bill automatic, it will make some progress. As the Government are anxious to make some progress, as regards factory legislation, I hope they will accept the amendment.

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

"That in clause 2 of the Bill, in sub-section (1) of the proposed section 59D, all the words beginning with the words 'at any time' and ending with the word 'thereof' be omitted."

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: Sir, Barkis has always been willing and when my Honourable friend, Mr. Joshi, is in such a conciliatory mood, I think it would not be proper on my part to oppose this amendment.

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

"That in clause 2 of the Bill, in sub-section (1) of the proposed section 59D, all the words beginning with the words 'at any time' and ending with the word 'thereof' be omitted."

The motion was adopted.

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

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

Mr. M. S. Aney: Sir, I have not to make a long speech: It was only with a view to eliciting some information from the Honourable Member with regard to the scope of clause 2 of the Bill in general I wanted to make one or two observations. This Bill is intended to extend the working of the Factories Act in some respect to small factories, and small factories were defined in some way. My suspicion has been this. Supposing there is a joint family of more than ten members with a small handloom industry which on account of the present extension of electric power makes use of that power for running two looms, and besides these ten members there is no outside or paid labour employed, will that joint family and this industry be construed into a small factory within the meaning of this Bill? If it does, I respectfully submit it would be an unnecessary hardship, and, therefore, the rules and regulations with regard to factories should not be made applicable to members of a joint family working for a joint family business. I, therefore, wish that the definition of a small factory given here should have been so amended as to exclude cases of this kind. As the Bill was not going either to a Select Committee or for circulation I tried to elicit the information from my Honourable friend by writing a chit. He was good enough to reply to me in the midst of his multifarious activities and preoccupations, but it was a rather disappointing reply. I do not know if he can enlighten me further and infuse some hope in me about the possibility of excluding such extreme cases from the operation of this law.

Mr. N. M. Joshi: Sir, I will briefly answer my Honourable friend, Mr. Aney. He said that members of a joint family working a factory should not be subject to the provisions of this Bill. This Bill only makes provision for sanitary regulations and safety regulations. If members of a joint family are working near electric machinery it is necessary that their safety should be safeguarded. All of them may not know how to handle this machinery, and with safety and sanitary regulations they may save themselves. Their lives must be protected from injury from dust or gas or such things and they must also be protected against dangerous machinery. Therefore, though the Bill may apply to a joint family the application is necessary. Moreover, as he himself admits, cases of a joint family of ten managing a factory will be very rare and we need not make any provision for such rare cases.

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.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

The Honourable Diwan Bahadur Sir A. Ramaswami Mudaliar: Sir, I move:

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

Mr. N. M. Joshi: Sir, when I spoke this morning I said something about the department of my Honourable friend, the Labour Member. He, naturally, did not like my remarks about the department being unemployed, but let me assure him that I have no intention of saying that

his department should not exist. As a matter of fact I am one of those who feel that the department should increase. And not only that; I do not grudge my Honourable friend the Rs. 80,000 that he gets. Somebody will get that sum and I would rather prefer an old colleague to get it than any one else. I would very much like the department not only to exist but also to increase and work vigorously and bring forward important measures. I have no doubt that there is much scope before the department for doing things for the welfare of Indian labour and I have great hopes that it will do so.

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

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

The motion was adopted.

THE RESERVE BANK OF INDIA (CLOSING OF ANNUAL ACCOUNTS) BILL.

Mr. K. Sanjiva Row (Government of India: Nominated Official): Sir, I move:

"That the Bill to facilitate the changing of the date on which the annual accounts of the Reserve Bank of India are closed, be taken into consideration."

This is a very minor measure meant to enable the Reserve Bank of India to close its accounts on the 30th June instead of on the 31st December. The reasons for this have been explained in the Statement of Objects and Reasons and I have nothing to add to it. Sir, I move.

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

"That the Bill to facilitate the changing of the date on which the annual accounts of the Reserve Bank of India are closed, be taken into consideration."

The motion was adopted.

Clauses 2 to 6 were added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

Mr. K. Sanjiva Row: Sir, I move:

"That the Bill be passed."

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

"That the Bill be passed."

The motion was adopted.

THE INDIAN EMIGRATION (AMENDMENT) BILL.

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

"That the Bill further to amend the Indian Emigration Act, 1902, be taken into consideration."

[Sir Girja Shankar Bajpai.]

Honourable Members will have seen from the Statement of Objects and Reasons that this Bill is designed to rectify two minor defects in the existing Act. One of the clauses is designed to enable the Protector of Emigrants to function in exactly the same way as a customs officer, in so far as the right of detention or search of a ship contravening the provisions of the Act is concerned. That is clause 2 of the Bill. Clause 8 is designed to enable a police officer to act against a person who may be evading or contravening a notification issued under section 30A of the Act. At the present moment, the position is that, if a person is "emigrating" as defined in the Act in contravention of the provisions of the Act, then a police officer may arrest such person. But, in the autumn of 1938, the House decided that it was not merely emigration for the purpose of unskilled work, with the aid of somebody, or under an agreement to work before leaving this country, that might be prohibited. The House also decided that any emigration for unskilled work might be prohibited. That was done and section 30A achieves that. But section 30A did not empower a police officer to act in the manner in which he can act under section 25, in so far as the contravention of the ordinary act of "emigration" is concerned. That is an illogicality in the Act and we are seeking to put that right. Sir, I move.

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

"That the Bill further to amend the Indian Emigration Act, 1922, be taken into consideration."

Mr. Lalchand Navalrai (Sind: Non-Muhammadan Rural): Sir, reading clause 3, it occurs to me to put a question to the Honourable Member. This gives power to the police officer to arrest. That means the offence is going to be cognisable. I would like to know what difficulty there would be, if instead of making the police officer arrest without warrant and making it a cognisable offence, a complaint is lodged then and there before the magistrate, a warrant is issued and then the man may be arrested or brought to book.

Sir Girja Shankar Bajpai: Sir, my Honourable friend does not seem to appreciate the fact that we are dealing with people who may be emigrating in contravention of a notification issued by the Governor General in Council. The position would be that the person would contravene actually by the act of boarding the ship. There may be no magistrate there unless provision is made for having a magistrate also on the quayside; to deal with this you have got to make the offence cognisable.

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

"That the Bill further to amend the Indian Emigration Act, 1922, be taken into consideration."

The motion was adopted.

Clauses 2 and 3 were added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

Sir Girja Shankar Bajpai: Sir, I beg to move:

"That the Bill be passed."

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

"That the Bill be passed."

The motion was adopted.

THE RESERVE BANK OF INDIA (AMENDMENT) BILL

Mr. K. Sanjiva Row (Government of India: Nominated Official): Sir, I move:

"That the Bill further to amend the Reserve Bank of India Act, 1934, be taken into consideration."

The present monetary unit in Ceylon is the Indian rupee; though there is a separate paper currency in Ceylon, the notes are convertible into Indian rupees. So as to be in a position to determine their own currency policy and to provide for the economic handling of the island's currency the Ceylon Government propose to establish a Board of Commissioners to manage their currency. With the establishment of this Board, they will introduce their own Ceylon rupee. Until a date to be appointed by the Governor, the Indian rupee will continue to be legal tender in Ceylon and will continue to be received in exchange for Ceylon coin and Ceylon notes. Even after that date, the Ceylon rupee will be linked to the Indian rupee at par, and arrangements will be made for this purpose with the Reserve Bank of India. To enable the Reserve Bank of India to do this, a portion of the Ceylon Currency Security Fund will be kept in the custody of the Bank; and in order to enable the Bank to do this, the amendments proposed in the Bill have been placed before the House. Under the Act as it stands at present, the Reserve Bank of India is not authorised to act as an agent for the Ceylon Board of Commissioners. Sir, I move.

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

"That the Bill further to amend the Reserve Bank of India Act, 1934, be taken into consideration."

Mr. M. S. Aney (Berar: Non-Muhammadan): May I ask the Honourable Member whether the Ceylon rupee will be legal tender, after this Act is passed, in India or not?

Mr. K. Sanjiva Row: No.

Mr. M. S. Aney: And our rupee will not be legal tender in Ceylon?

Mr. K. Sanjiva Row: Our rupee will continue to be legal tender there until a date to be appointed by the Governor; but even after that date arrangements will be made with the Reserve Bank for exchange of Indian and Ceylon rupees at par: that is, if a person pays Ceylon rupees in Ceylon, he will get the equivalent amount of Indian rupees in India from the Reserve Bank and *vice versa*.

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

"That the Bill further to amend the Reserve Bank of India Act, 1934, be taken into consideration."

The motion was adopted.

Clause 2 was added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

Mr. K. Sanjiva Row: Sir, I move:

"That the Bill be passed."

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

"That the Bill be passed."

The motion was adopted.

The Assembly then adjourned till Eleven of the Clock on Saturday, the 24th February, 1940.