

15th September, 1933

THE
LEGISLATIVE ASSEMBLY DEBATES

(Official Report)

Volume VII, 1933

(15th September to 21st September, 1933)

SIXTH SESSION

OF THE

FOURTH LEGISLATIVE ASSEMBLY,
1933

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Legislative Assembly.

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CONTENTS.

VOLUME VII.—15th September to 21st September, 1933.

	PAGES.
FRIDAY, 15TH SEPTEMBER, 1933—	
Member Sworn	1589
Cancellation of the Evening Party in honour of the Members of the Central Legislature	1589
Questions and Answers	1589—1612
Message from the Council of State	1612
Statement laid on the Table	1612
Statement of Business	1613
The Indian Tea Control Bill—Passed as amended	1613—27
The Factories Bill—Referred to Select Committee	1627—47
The Hedjaz Pilgrims (<i>Muallims</i>) Bill—Discussion on the motion to recommit to Select Committee not concluded	1647—56
SATURDAY, 16TH SEPTEMBER, 1933—	
Questions and Answers	1657—76
Unstarred Questions and Answers	1676—90
Short Notice Questions and Answers	1690—92
Election of Members to the Salt Industry Committee	1692
Ruling as to whether a Member of the Executive Council of the Governor General who is not a Member of the Assembly has the right of raising a Point of Order on the floor of the House	1692—93
Statement laid on the Table	1693
The Hedjaz Pilgrims (<i>Muallims</i>) Bill—Recommended to Select Committee	1693—1711
The Negotiable Instruments (Amendment) Bill—Referred to Select Committee	1712—14
The Indian Arbitration (Amendment) Bill—Passed	1714—15
The Cantonments (House-Accommodation Amendment) Bill—Passed	1715—17
The Dangerous Drugs (Amendment) Bill—Passed	1717—18
Motion <i>re</i> Future Administration of Aden—Discussion not concluded	1718—38

	PAGES.
MONDAY, 18TH SEPTEMBER, 1933—	
Questions and Answers	1739—53
Short Notice Question and Answer	1754
Unstarred Questions and Answers	1754—65
Messages from the Council of State	1765
Statements laid on the Table	1765—71
The Indian Dock Labourers Bill—Introduced	1771
The Reserve Bank of India Bill—Nomination of Members of the Legislative Assembly to the Joint Committee	1771
The Imperial Bank of India (Amendment) Bill—Nomination of Members of the Legislative Assembly to the Joint Committee	1771—72
Motion <i>re</i> Future Administration of Aden—Adopted as amended	1772—1820
WEDNESDAY, 20TH SEPTEMBER, 1933—	
Questions and Answers	1821—42
Unstarred Questions and Answers	1842—60
Messages from the Council of State	1860—61
Death of Mr. B. N. Misra	1861—65
Motion <i>re</i> Dues in respect of Lighthouses and Buoy in British India—Adopted	1865
The Indian Medical Council Bill—Passed as amended	1865—85
Resolution <i>re</i> Draft Convention concerning the Age for Admission of Children to Non-Industrial Employment—Adopted	1885—96
Resolution <i>re</i> Amendment of Rule relating to the Constitution of the Committee on Public Accounts—Adopted	1896—97
Demand for Supplementary Grant	1897—1908
Report of the Public Accounts Committee	1908—15
THURSDAY, 21ST SEPTEMBER, 1933—	
Message from the Council of State	1917
Death of Mrs. Annie Besant	1917—20
Report of the Public Accounts Committee	1920—27

LEGISLATIVE ASSEMBLY.

Friday, 15th September, 1933.

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

MEMBER SWORN.

Major W. K. Fraser-Tytler, C.M.G., M.C., M.L.A., (Foreign Secretary).

CANCELLATION OF THE EVENING PARTY IN HONOUR OF THE MEMBERS OF THE CENTRAL LEGISLATURE.

Mr. President (The Honourable Sir Shanmukham Chetty) : I have to inform Honourable Members that His Majesty the King has commanded that flags will be flown at half mast on all the Government buildings throughout India today as a mark of respect on the occasion of the funeral of His Majesty the late King Feisal of Iraq. On account of this reason, Their Excellencies the Viceroy and Countess of Willingdon have asked me to convey to the Honourable Members that they have to regretfully cancel the Evening Party which was to have been held this evening in honour of the Members of the Central Legislature.

QUESTIONS AND ANSWERS.

REPRESENTATION FOR THE POSTPONEMENT OF THE AUTUMN SESSION OF THE LEGISLATIVE ASSEMBLY.

933. ***Mr. Bhuput Sing** : (a) Will Government be pleased to state whether any representation was made to them by Sir Hari Sing Gour, Leader of the Opposition, to postpone the autumn Session of the Assembly to October to enable him and other Members, who as delegates to the Joint Select Committee are in London, to partake in its deliberations ?

(b) What are the reasons for which the representation was turned down ?

(c) Are Government aware of the view held by some people that opportunity has been taken to keep them off their opposition to important measures which the present Session is likely to deal with ?

The Honourable Sir Joseph Bhoré : The attention of the Honourable Member is invited to my reply to Mr. Gaya Prasad Singh's question No. 93, asked on the 28th August, 1933. I have nothing further to add.

(1589)

EMPLOYMENT OF STATES SUBJECTS UNDER THE GOVERNMENT OF INDIA.

934. ***Mr. K. P. Thampan** : Will Government be pleased to state :

(a) whether it is a fact that a Christian candidate, who was the subject of an Indian State and stood very much below in rank in the results of the competitive examination held in last November for the recruitment of clerks in the Secretariat, was appointed in preference to a very large number of other candidates who did better in the examination ;

(b) if they are aware that the Indian States, such as Mysore, Travancore and Cochin, preclude British Indian subjects from entering their services ;

(c) whether they have considered the question of debarring States subjects from subordinate services under the Government of India ; and

(d) whether they have any definite policy in regard to this subject ; if so, what it is ?

The Honourable Sir Harry Haig : (a) Yes. This was done in order to redress communal inequalities by securing the appointment of a member of the Indian Christian community.

(b) I am obtaining the information and will lay it on the table in due course.

(c) and (d). I would invite attention to the reply I gave on the 25th February, 1933, to part (b) of starred question No. 516 and to paragraph 4 of the Home Department Resolution No. 1093 (Establishments), dated the 10th May, 1921, a copy of which is in the Library.

Mr. K. P. Thampan : Arising out of answer to part (a), I would like to know whether the Government think that the Christian community in Travancore and Cochin, from where, I understand, this particular candidate was recruited, is either a minority or a backward community ? So far as I know, from the population point of view, they are strong, they are wealthy and well educated, and in those States they are not a minority community. Under the circumstances, is there any justification for treating that candidate as one belonging to the minority classes and entitled to special privileges ?

The Honourable Sir Harry Haig : Sir, the candidate was appointed, not because he belonged to the Indian Christian community of Travancore, but because he was an Indian Christian, and some department, taking account of the communal composition of its staff, required an Indian Christian.

Mr. B. Das : If the Government of India encourage the Christian subjects of Indian States to get jobs in the Secretariat, what will happen to the Indian Christian community that live in British India ?

The Honourable Sir Harry Haig : I do not think that there is any question of encouragement of subjects of Indian States. But this candidate happened to stand on the list in such a place that, when an Indian Christian was required, he was taken.

Mr. B. Das : May I enquire what will be the condition after the Federation ? Will the subjects of Indian States compete for the loaves and fishes of the British Indian provinces ?

The Honourable Sir Harry Haig : Well, Sir, hitherto our policy has been not to bar the subjects of Indian States entering our services.

Mr. K. P. Thampan : There are only very few appointments in the Secretariat and it is the legitimate right and prerogative of the British Indian subjects of His Majesty the King Emperor to get employment in the Central and Provincial Secretariats and other offices in British India. Why should people, who owe their allegiance to Indian States, be imported to those offices ? Is it not a great injustice and hardship to His Majesty's British Indian subjects ?

The Honourable Sir Harry Haig : I notice that the Honourable Member, in one part of his question, to which, I am afraid, I was not able to give an answer, has raised the question whether certain Indian States preclude British Indian subjects from entering their service.

Mr. K. P. Thampan : They do, I know.

The Honourable Sir Harry Haig : I think that might be a relevant point in considering our policy. I cannot at the moment say more than that.

Dr. Ziauddin Ahmad : May I ask, will the Government of India consider the question whether the subjects of all those States, which do not recruit British Indians in their offices, should be excluded from employment in British India ?

The Honourable Sir Harry Haig : Well, Sir, I was saying that that might be a relevant consideration which we would take up when we have got the information.

Mr. K. P. Thampan : Will the Government issue orders advising the several departments under them not to enlist hereafter at any rate the subjects of those Indian States which debar British Indian subjects from their service ?

The Honourable Sir Harry Haig : I have already undertaken that when information is available we will look into the whole matter.

Mr. K. P. Thampan : Thank you.

INDIANISATION OF THE CENTRAL CYPHER BUREAU OF THE FOREIGN AND POLITICAL DEPARTMENT.

935. ***Mr. Muhammad Muazzam Sahib Bahadur :** (a) Will Government please state what steps, if any, have been taken to Indianise the Central Cypher Bureau of the Foreign and Political Department ? Is it not a fact that pledges in this respect were given some years ago ? If no steps have been taken, will Government please state the cause of the delay ?

(b) Is it a fact that the typing and despatching section of the above Bureau does not contain any Indian ?

(c) Is it a fact that the duties of the typing and despatching staff of the above Bureau who are routine division clerks are typing and despatching of cypher telegrams after they have been paraphrased, and that they are not required to handle the codes ?

(d) Is it a fact that there are in the other sections of the Foreign and Political Department Secretariat Assistants and clerks who have a good knowledge and experience of cypher work and whose services have been requisitioned for such work in leave vacancies and who are also requisitioned in times of stress ?

(e) If the reply to part (a) be in the negative and that to parts (b), (c) and (d) in the affirmative, do Government propose to take steps to appoint Indians forthwith to the typing and despatching section of the above Bureau by the transfer of permanent and qualified clerks from the Issue Branch of the Foreign and Political Department, their places being taken by the present staff of the typing section of the above Bureau ? If not, why not ?

(f) Will Government please state whether they are prepared to fill the appointments in the typing and despatching section of the above Bureau in future through the Public Service Commission from amongst the candidates at their competitive examinations ? If not, why not ?

Major W. K. Fraser-Tytler : (a) Negotiations are in progress with His Majesty's Government in regard to the Indianisation of the Central Cypher Bureau. It is I regret to say impossible for me to divulge the nature of these negotiations which are of a highly confidential nature, but I can assure the Honourable Member that every effort is being made to open the Bureau as soon as possible to Indians.

(b) Yes.

(c) The typing and despatching staff are expected to familiarise themselves with the working of the cyphers in order to help the cyphering staff when work is heavy.

(d) At the present time there is only one such clerk who has a competent knowledge of cypher work working in a different section of the Foreign and Political Department Secretariat and he is now actually employed in the cypher bureau in a vacancy caused by sickness. His availability in times of pressure would depend on the state of work in his own branch.

(e) Until the negotiations referred to in the answer to (a) above are complete it will not be possible to take the action suggested by the Honourable Member.

(f) As soon as the negotiations referred to in (a) above are complete there will be no difficulty in appointing men to the typing and despatching section through the Public Service Commission when vacancies occur.

Mr. Gaya Parasad Singh : Is it a fact that Anglo-Indians are appointed in the Cypher Bureau without having to pass through the Public Service Commission ?

Major W. K. Fraser-Tytler : Yes, it is.

Mr. B. V. Jadhav : May I know whether the Honourable Members of the Executive Council know these cyphers ?

The Honourable Sir Joseph Bhoré : They do not know.

Mr. K. P. Thampan : May I ask how many cyphers are there besides the London Foreign Office cypher ?

Major W. K. Fraser-Tytler : I am afraid I could not give an answer offhand, but I should think there are 9 or 10 probably.

Mr. K. P. Thampan : What objection is there to employing Indians in the other cypher branches besides that of the British Foreign Office cypher ?

Major W. K. Fraser-Tytler : I think the difficulty there is that these cypher clerks take their work in order, that is to say, any clerk at any time may be required to use the Foreign Office cypher, and I do not think it would be possible to have a separate bureau for cyphers that are not in use in the London Foreign Office.

Mr. B. R. Puri : Does the Foreign and Political Department Code stand on a different footing from the other Codes, assuming that there are other Codes ?

Major W. K. Fraser-Tytler : The position is that there are certain Codes which are not ours and those Codes are governed by rules which are not ours either and up to now we have had to follow these rules, but Government recognise that these are very objectionable in certain circumstances to Indian sentiment. These are the rules which we are now altering and I can assure the Honourable Member and the House that Government have every sympathy with the point of view which has been expressed both now and before in this House on this subject.

Mr. B. R. Puri : So far as this particular Code is concerned, it may be that the Government of India are not directly responsible for it, but what about other Codes, for the decoding of which Indians have not been employed ?

Major W. K. Fraser-Tytler : The point there is that we should then have a separate Bureau which would be an extra expense. We will have to have separate people to use the Foreign Office Codes and a separate set of people to use Codes which are purely internal. That would add to the expense and I do not think it would conduce to practical working.

Mr. B. R. Puri : Is there any rule which debars the Indians for employment in the Cypher Bureau relating to the Foreign and Political Department ?

Major W. K. Fraser-Tytler : The Cypher Bureau is a Central Cypher Bureau. It does not relate to the Foreign and Political Department alone.

Mr. B. R. Puri : Am I right in assuming that there is some rule or regulation issued by the London Office, that none but British subjects should be allowed to handle the Codes which relate to their Department.

Major W. K. Fraser-Tytler : I am afraid it will not be in the public interest to disclose what the actual rules are. They were issued by the London Foreign Office. They are pretty obvious and Honourable Members can draw their own inference as to what they are. As I said before, we are doing our best to remove them and they will be removed before very long.

Mr. B. R. Puri : Assuming that there exists a rule which ignores the claim of Indians as such, may I know on what basis and on what principles those who are not British subjects are qualified for employment in that class of job, namely, Anglo-Indians ?

Major W. K. Fraser-Tytler : There, again, the Honourable Member is referring to rules which are, I am afraid, confidential and which I cannot divulge.

Mr. B. R. Puri : May I know if Anglo-Indians stand on a better footing than Indians ?

Major W. K. Fraser-Tytler : So far as the Government of India are concerned, certainly not.

Mr. B. R. Puri : So far as the Government of India are concerned, there ought to be no differentiation so far as their employment in the Cypher Bureau is concerned ?

Major W. K. Fraser-Tytler : Certainly.

Mr. B. R. Puri : Have the Government of India taken any steps to have this injustice remedied very expeditiously ?

Major W. K. Fraser-Tytler : That is just what I have been saying. We have taken and are taking steps and I hope that those negotiations which are going on will be complete inside the next twelve months.

Mr. B. R. Puri : Are the Government of India aware that apart from Anglo-Indians there are some Goanese actually carrying on work in the Cypher Branch of the Foreign and Political Department ?

Major W. K. Fraser-Tytler : I do not think there is anybody in the Cypher Bureau who is not a British subject.

Mr. B. R. Puri : Are the Government of India aware that most of the present personnel, who handle the Foreign and Political Department Code, has got complexions as bright as Mr. Kabeer-ud-Din Ahmed ? (Laughter.)

Major W. K. Fraser-Tytler : I have not studied their complexion.

Mr. Lalchand Navalrai : May I know from the Honourable Member if any law or any rule can be confidential ?

Major W. K. Fraser-Tytler : Rules of this nature are confidential.

Mr. Lalchand Navalrai : Is it under any law that these rules have been made ?

Major W. K. Fraser-Tytler : I do not think so.

Mr. Lalchand Navalrai : Is it a departmental rule ?

Major W. K. Fraser-Tytler : It is a rule of the London Foreign Office, and in respect of the Codes, which belong to the London Foreign Office, the person who owns the Code is at liberty to make certain rules regarding the way that Code should be used.

Mr. B. R. Puri : I trust that the Government of India are not of the opinion that Indians as such cannot be trusted ?

Major W. K. Fraser-Tytler : That is so.

Mr. K. P. Thampan : Is it not a fact that Indians handle all the confidential files before and after the issue of the telegrams in cypher on their files.

Major W. K. Fraser-Tytler : I cannot hear the Honourable Member.

Mr. President (The Honourable Sir Shanmukham Chetty) : Honourable Members must speak up.

Mr. K. P. Thampan : Is it not a fact that Indians alone handle all the confidential files before and after the issue of the telegrams in cypher ?

Major W. K. Fraser-Tytler : I would not say Indians alone. There are Anglo-Indians as well.

Mr. K. P. Thampan : If all classes of Indians, other than Christians and Anglo-Indians, are handling those files, and are deemed to be trustworthy, where is the necessity to confine the Cypher Department to the Anglo-Indians alone ?

Major W. K. Fraser-Tytler : As I have already said, certain of these Codes which we use are governed by certain rules which are not ours.

Mr. K. P. Thampan : Are the Government aware that these clerks are heavily involved and are often taking advances of pay from office ?

Major W. K. Fraser-Tytler : I would ask you, Sir, whether that question arises out of the main question.

Mr. President : (The Honourable Sir Shanmukham Chetty) : How does that question arise out of this ?

Mr. K. P. Thampan : Because if people are in financial difficulties and have decrees against them, as I understand is the case with these people, they are liable to temptation and not trustworthy.

Mr. President (The Honourable Sir Shanmukham Chetty) : Is it the Honourable Member's point that they are enjoying special prerogatives and Government are at their mercy and they have to keep them in their posts by giving advances of pay ?

Mr. K. P. Thampan : It might or might not be that.

Dr. Ziauddin Ahmad : Is it not desirable that these people should be above temptation ?

Major W. K. Fraser-Tytler : I entirely agree.

Dr. Ziauddin Ahmad : May I know when vacancies are likely to occur in the Central Cypher Bureau ?

Major W. K. Fraser-Tytler : Not for several years, but in the typing and despatching section there would probably be three or four fairly soon, though I am not quite certain on this point.

Dr. Ziauddin Ahmad : You said you would take action within 12 months and now you say several years ?

Major W. K. Fraser-Tytler : My point is that within 12 months, I hope, the orders, which at present exist, will be repealed. Then there will be no objection to Indians being employed, but they cannot be employed unless there are vacancies.

Mr. Gaya Prasad Singh : Is it a fact that an Anglo-Indian lady typist has been confirmed within the last two weeks or so ?

Major W. K. Fraser-Tytler : I have no information on that point.

GOVERNMENT OF INDIA DEPARTMENTS WITH NO SIKHS, INDIAN CHRISTIANS,
DEPRESSED CLASSES AND PARSIS.

936. ***Rao Bahadur M. C. Rajah** : (a) Will Government be pleased to state the names of the Department of the Government of India (including the Army Department and Branches of the Army Headquarters) in which no Sikhs, Indian Christians, Depressed Classes and Parsis have so far been appointed ?

(b) Do Government propose to appoint them in future vacancies ? If not, why not ?

The Honourable Sir Harry Haig : (a) A statement containing the information available is laid on the table. I regret that information regarding the depressed classes is not in my possession.

(b) The policy of the Government of India in regard to the redress of communal inequalities in the public services is stated in the Home Department Office Memorandum No. F. 176|25-Ests., dated the 5th February, 1926, a copy of which is available in the Library. I would add that it is impossible to secure the representation of all minority communities in offices the staff of which is small.

Statement showing the names of the Departments of the Government of India and the Branches of Army Headquarters in which no Sikhs, Indian Christians or Parsis were employed on 31st December, 1932.

Sikhs.

1. Office of the Assistant Military Secretary (Personal).
2. Contracts Directorate.
3. General Staff Branch.
4. Judge Advocate General's Branch.

Indian Christians.

1. Imperial Council of Agricultural Research Department.
2. Office of the Assistant Military Secretary (Personal).
3. Engineer-in-Chief's Branch.
4. Judge Advocate General's Branch.
5. Medical Directorate.
6. Military Secretary's Branch.

Parsis.

1. Army Department.
2. Commerce Department.
3. Finance Department.
4. Foreign and Political Department.
5. Home Department.
6. Imperial Council of Agricultural Research Department.
7. Industries and Labour Department.
8. Legislative Department.
9. Office of the Financial Adviser, Military Finance.
10. Adjutant General's Branch.
11. Office of the Assistant Military Secretary (Personal).
12. Contracts Directorate.
13. General Staff Branch.
14. Judge Advocate General's Branch.
15. Medical Directorate.
16. Military Secretary's Branch.
17. Quartermaster General's Branch.
18. Royal Air Force Headquarters.

HUNGER-STRIKE BY CERTAIN POLITICAL PRISONERS IN THE ANDAMANS.

937. ***Mr. S. C. Mitra :** (a) Will Government please state under what circumstances the political prisoners in the Cellular Jail, Port Blair, gave up hunger-strike on the 26th June last ?

(b) Is it a fact that the hunger-strike was given up on assurances from Colonel Barker for the redress of the prisoners' grievances ?

(c) What are those assurances ?

(d) Was Colonel Barker consulted by Government before their decision was arrived at to introduce the recent changes in the treatment of prisoners ?

(e) If so, were the changes made in accordance with his recommendations ?

(f) From what date and after how many days of the termination of the hunger-strike the recent changes in the treatment of the prisoners were introduced ?

The Honourable Sir Harry Haig : (a) The hunger-strike was abandoned unconditionally on June 26, 1933.

(b) There is no truth whatever in this suggestion.

(c) Does not arise.

(d) and (e). I discussed matters arising out of his report with Lieutenant-Colonel Barker on his return from the Andamans but that report was confined to medical and sanitary arrangements and the diet of the prisoners and had no reference to such matters as the supply of lights and of newspapers or the grant of interviews in regard to which changes have been made.

(f) The changes were introduced from August 15, 1933.

NEWSPAPERS SUPPLIED TO POLITICAL PRISONERS IN THE ANDAMANS.

938. ***Mr. S. C. Mitra :** Will Government please state the names of the newspapers that are being supplied to the political prisoners in the Andamans after the recent changes in the treatment of prisoners ?

The Honourable Sir Harry Haig : The weekly editions of the *Times of India* and the *Statesman* and two Bengali papers—I am not sure how these Bengali names are pronounced and I hope the Honourable Member will forgive me if I do not pronounce them correctly—The *Sanjibani* and the *Bangabasi*, are supplied to the prisoners.

INTERVIEWS GRANTED WITH POLITICAL PRISONERS IN THE ANDAMANS.

939. ***Mr. S. C. Mitra :** (a) How many interviews with the political prisoners in the Andamans have so far been granted ?

(b) Will Government please state what they mean by the term " More frequent interviews will be granted " as stated by the Honourable the Home Member in reply to certain questions on the 23rd August last ?

(c) At what intervals will interviews be granted ?

The Honourable Sir Harry Haig : (a) Two interviews with the terrorist prisoners in the Andamans have so far been granted.

(b) and (c). Under the rules originally framed the prisoners were allowed one interview in six months but they are now permitted one interview every three months.

Mr. Lalchand Navalrai : Will the Honourable Member kindly say how far the grievances of those prisoners, who were on hunger-strike, have been removed by these revised rules ?

The Honourable Sir Harry Haig : I think there is a question on that subject later on.

SENDING OR RECEIVING OF COMMUNICATIONS BY PRISONERS JOINING HUNGER-STRIKE IN THE CELLULAR JAIL, ANDAMANS.

940. ***Mr. S. C. Mitra :** (a) Is it a fact that the prisoners who joined the last hunger-strike in the Cellular Jail are not allowed to send or receive communications at present ?

(b) If so, why and how long will the restrictions continue ?

The Honourable Sir Harry Haig : (a) and (b). The prisoners who went on hunger-strike were as a punishment for this breach of discipline deprived of certain privileges for a period of two months from the conclusion of the strike.

PERMISSION TO PRISONERS IN THE ANDAMANS TO HAVE MONEY IN JAILOR'S CUSTODY FOR PERSONAL EXPENDITURE.

941. ***Mr. S. C. Mitra :** (a) Is it a fact that the Jail Code permits the prisoners in Indian Jails to have money in Jailor's custody for personal expenditure on certain occasions ?

(b) If so, are the prisoners in the Andamans allowed to have the same privilege ? If not, why not ?

The Honourable Sir Harry Haig : (a) No Provincial Jail Code except that of Bengal permits the prisoners to have money in the Jailor's custody for personal expenditure on certain occasions.

(b) The rule in the Andamans is the same as that in all provinces in India except Bengal.

Mr. Lalchand Navalrai : Does my supplementary question arise under this question ?

The Honourable Sir Harry Haig : I think it comes a little later.

Dr. Ziauddin Ahmad : May I ask, Sir, why the Government have not followed the Bengal rules and have preferred to follow the rules of other provinces ?

The Honourable Sir Harry Haig : Because Government see no reason to think that the Bengal rule is better than the rule in force in other provinces.

Dr. Ziauddin Ahmad : As the Bengal rules are made for the Bengalis and as most of the detenues are from that province, will not those rules be more applicable to them ?

The Honourable Sir Harry Haig : In itself I do not think that the rule is a very desirable one.

Mr. S. C. Mitra : Is it undesirable, Sir, to have the money deposited with the Jailor and to spend it on festive occasions, such as, the Pujahs or the Christmas, after the permission of the Jail authorities has been obtained ?

The Honourable Sir Harry Haig : It is not in accordance with my idea of the ordinary treatment of a prisoner that he should be allowed to have money for personal expenditure inside the jail.

Mr. S. C. Mitra : Was it the intention of the Government, when they transferred the prisoners from Bengal to the Andamans, to put them in a worse position than they were in Bengal ? Was it not promised that the Bengal conditions will be applied to them as far as possible ? Why those conditions have not been applied ?

The Honourable Sir Harry Haig : I have already said that the Chief Commissioner of the Andamans does not think it a desirable rule and, in that matter, he has the support of all Local Governments except Bengal.

Mr. S. C. Mitra : Is it a definite opinion of the Government of India that the rule that is now prevalent in Bengal is undesirable ?

The Honourable Sir Harry Haig : Certainly it is not a rule that I should recommend.

Dr. Ziauddin Ahmad : I do not know personally the conditions of the Andamans, but I should like to know whether the conditions prevailing there are such as to make it indispensable for these detenus to incur some personal expenses ?

The Honourable Sir Harry Haig : I cannot see why they should be.

MENU OF DIET SUPPLIED TO CERTAIN PRISONERS IN THE ANDAMANS.

942. ***Mr. S. C. Mitra :** (a) What is the menu of diet generally supplied to the " B " and " C " class prisoners in the Andamans ?

(b) Are they the same as supplied to such prisoners in Indian jails ?

(c) What kind of rice is given to the prisoners in the Andamans ?

(d) Is it a fact that they are given Rangoon coarse rice ?

The Honourable Sir Harry Haig : (a) and (b). I place on the table a statement showing in parallel columns the diet which the " C " class prisoners get in the Andamans and in Bengal. I am making enquiries about the details of the " B " class diet and will lay a statement on the table in due course.

(c) and (d). " B " class prisoners get a superior quality of table rice while " C " class prisoners get Rangoon milled rice.

Statement showing the diet which the " C " Class prisoners get in the Andamans and Bengal.

	Andamans.			Bengal.		
Rice	14 oz.	..	..	1 lb. 8 oz.	..	..
Atta	10 oz.	..	..	..	..	..
Salt	9 drachms	..	..	1 oz.	..	..
Dal	4 oz. ..	..	..	5 oz.	..	..
Vegetables ..	8 oz. ..	..	..	8 oz.	..	..
Oil	12 drachms	..	..	10 drachms.	..	..
Condiments ..	$\frac{1}{2}$ oz. ..	..	..	$\frac{1}{2}$ oz.	..	..
Fish	6 oz. twice a week or 6 oz. dal in lieu	..	..	3 $\frac{1}{2}$ oz. once a week or 6 oz. dal in lieu twice a week.	..	..
Tamarind ..	$\frac{1}{2}$ oz. ..	..	..	$\frac{1}{2}$ oz.	..	..
Gur .. ..	..	..	..	$\frac{1}{2}$ oz.	..	..

REPRESENTATIONS MADE BY DR. BHUPAL SINGH AND MR. SATISH PAKRASHI,
PRISONERS IN THE ANDAMANS.

943. ***Mr. S. C. Mitra** : (a) Is it a fact that Dr. Bhupal Bose and Mr. Satish Pakrashi, both prisoners in the Andamans, sent representations to the Government of India ?

(b) If so what are the dates given on those representations ?

(c) When were they received by the Government of India ?

(d) Will Government please place those representations on the table of this House ?

(e) If not, will Government please state what are the main points referred to in those ?

(f) How many pages did those representations contain ?

(g) Was any other representation made to the Chief Commissioner, Andamans, or Superintendent, Cellular Jail, by the prisoners ?

(h) If so, what action was taken on it ?

The Honourable Sir Harry Haig : (a) to (f). These two prisoners submitted a joint representation addressed to the Home Member on May 31, 1933. It was withheld by the Superintendent of the Jail under his ordinary powers.

(g) and (h). I have no information.

Mr. Lalchand Navalrai : Are the powers of the Superintendent with respect to that to be revised by any authority ?

The Honourable Sir Harry Haig : No, Sir. I think they are exactly the same as the powers of the Superintendent in any Jail in India.

Mr. Lalchand Navalrai : Am I to understand that whatever the Superintendent does in the jail is not subject to any revision ?

The Honourable Sir Harry Haig : If any representation is made which appears to be deserving of notice, he will undoubtedly refer it to higher authority. In various cases, of course, the Superintendent has referred complaints to the Chief Commissioner who is the final authority.

Mr. Lalchand Navalrai : Is it also subject to the revision by the Superintendent of the Committee of Visitors attached to the jail ?

The Honourable Sir Harry Haig : I do not think there is such a Committee in the Andamans.

Dr. Ziauddin Ahmad : Is it not desirable that all these letters which the Superintendent may want to suppress may be sent confidentially to the higher authorities so that they may be able to judge that the Superintendent has acted in a *bona fide* manner.

The Honourable Sir Harry Haig : Higher authorities no doubt visit the jail from time to time and I do not think there is any probability that serious and important complaints are not investigated.

Mr. B. V. Jadhav : Is the Superintendent of the Jail the last authority in deciding whether a representation is proper or not ?

The Honourable Sir Harry Haig : Well, Sir, we think it is important in jail administration generally to uphold the authority of the Superintendent of the Jail.

Mr. S. C. Mitra : Supposing the Superintendent in his discretion holds out any representation, is there any remedy for the prisoners to bring it to the notice of the Government of India their grievances if they are very serious ?

The Honourable Sir Harry Haig : I imagine they can represent it when the District Magistrate visits the jail.

Mr. S. C. Mitra : Will it not go against the discipline of the jail if the prisoners were to make any complaint against the Superintendent if he has already prohibited them not to make any complaints to the District Officer ?

The Honourable Sir Harry Haig : If they make complaints about their treatment to any officer who is visiting the jail officially, he is bound to look into them.

Mr. Lalchand Navalrai : Does the Superintendent of the Jail accompany the District Magistrate when he goes through the complaints ?

The Honourable Sir Harry Haig : That is a general question to which, I am afraid, I cannot give a specific answer.

Sardar Sant Singh : Does the Honourable Member know that if a prisoner is bold enough to make a complaint to a non-official visitor or to the District Magistrate, he is punished later on by the jail authorities ?

The Honourable Sir Harry Haig : No, Sir, I do not know that.

Sardar Sant Singh : Will the Honourable Member make an inquiry to find out if this is the case ?

The Honourable Sir Harry Haig : I am not prepared to make any inquiry on such a vague and, on the face of it, unlikely allegation.

Mr. B. Das : May I inquire from my Honourable friend, Sardar Sant Singh, what was his experience when he was in the jail ?

(No answer.)

DR. RABINDRA NATH TAGORE'S MESSAGE TO THE HUNGER-STRIKING PRISONERS IN THE ANDAMANS.

944. ***Mr. S. C. Mitra :** (a) Is it a fact that Dr. Rabindra Nath Tagore sent a message in June last requesting the hunger-striking prisoners in the Cellular Jail to give up the strike ?

(b) On what date was the message received by the Superintendent of the Jail ?

(c) Was it shown to the prisoners concerned ? If so, when and to how many of them ?

(d) Did the prisoners want to meet together to consider the Poet's message ?

(e) If so, were they allowed to do so ? If not, why not ?

The Honourable Sir Harry Haig : (a), (b) and (c). On June 16, 1933, the Chief Commissioner reported that he had delivered to the prisoners such a telegram which he understood to have been sent by Dr. Rabindra Nath Tagore.

(d) and (e). Special facilities were given to the prisoners to consider the telegram.

DISPOSAL OF DEAD BODIES OF CERTAIN PRISONERS IN THE ANDAMANS.

945. ***Mr. S. C. Mitra :** (a) How were the dead bodies of the three prisoners—Sjs. Mahabir Singh, Mankrishna Namadas, and Mohit Moitra—disposed of ?

(b) Were the bodies thrown away in the waters of the Bay of Bengal ?

(c) If so, why were not the bodies burnt according to Hindu rites ?

The Honourable Sir Harry Haig : (a) The bodies of the three prisoners were cremated in accordance with proper Hindu rites at the public burning ghat in the settlement.

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

CHANGES IN THE TREATMENT OF PRISONERS IN THE ANDAMANS.

946. ***Mr. S. C. Mitra :** Are Government aware whether the prisoners in the Andamans are now satisfied with the recent changes in their treatment ?

The Honourable Sir Harry Haig : I have no definite information on the point.

Mr. Lalchand Navalrai : Will the Honourable Member please enquire and have the information ?

The Honourable Sir Harry Haig : No, Sir, because I do not think it is my business to satisfy the prisoners, but only to satisfy myself that the terms are reasonable.

Mr. Lalchand Navalrai : How is the Honourable Member going to be satisfied if the Honourable Member does not know what the changes are ?

The Honourable Sir Harry Haig : I do know what the changes are.

Mr. Lalchand Navalrai : I want to know if the rules have been changed in consonance of the reasonable demands of these hunger-strikers ?

The Honourable Sir Harry Haig : The changes have been made in accordance with what I consider to be reasonable demands, but whether the prisoners would consider themselves satisfied, I cannot say.

Mr. Lalchand Navalrai : Will the Honourable Member please place a copy of the rules on the table of the House ?

The Honourable Sir Harry Haig : When I receive a copy of the rules, I shall be happy to place it on the table.

HUNGER-STRIKE BY CERTAIN POLITICAL PRISONERS IN THE ANDAMANS.

947. ***Mr. S. C. Mitra** : (a) Will Government please place on the table two up-to-date statements showing :

(i) the names of prisoners detained under Regulation III of 1818, with dates of their arrest and periods of their detention ;

(ii) the number of occasions the prisoners in the Cellular Jail resorted to hunger-strike, and the period in each case ?

(b) Will Government please state if it is a fact that the denial of a right to bring their grievances to the notice of the Government of India is one of the main causes for the last hunger-strike in the Cellular Jail ?

(c) If so, what were the reasons for depriving the prisoners of this right ?

The Honourable Sir Harry Haig : (a) (i) I lay a statement on the table.

(ii) There have been two hunger-strikes. The first occurred in January, 1933 and lasted for about a week. The second began on May, 12 and ended on June, 26.

(b) One of the demands put forward by the prisoners was for facilities to petition the Central and Provincial Governments.

(c) In accordance with the normal practice the prisoners have a right to make representations to the Superintendent. If he considers that they raise any question of importance he would forward them to the Chief Commissioner for orders.

Statement.

The information required by the Honourable Member is contained in the statement laid on the table on the 12th September, 1932, in reply to his question No. 163. Since that statement was compiled, the State Prisoner, Subhas Chandra Bose, has been released and the State Prisoner, J. M. Sen Gupta, has died. The following have since been detained as State Prisoners under Regulation III of 1818, namely :

	<i>Date of arrest.</i>
1. Ranbir Singh ..	20th November, 1932.
2. Vidya Bhusan ..	1st February, 1933.
3. Kheali Ram Gupta	1st February, 1933.
4. Chaman Lal Azad ..	4th April, 1933.
5. Bhag Ram	5th July, 1933.
6. V. R. Vaishampayan ..	12th August, 1933.

ILLNESS OF PRISONERS IN THE ANDAMANS.

948. ***Mr. S. C. Mitra** : Will Government please place on the table a list showing the names of the prisoners who are still suffering from illness in the Cellular Jail, with particulars of disease and present condition of health in each case ?

The Honourable Sir Harry Haig : I am afraid I cannot undertake to furnish information of the kind required by the Honourable Member. The prisoners who went on hunger-strike have all recovered from its effects.

INTIMATION OF THE DEATHS OF PRISONERS IN THE ANDAMANS TO THEIR RELATIVES.

949. ***Mr. S. C. Mitra** : (a) Was official intimation of the deaths of the three hunger-striking prisoners in the Cellular Jail sent to the relatives of those prisoners ?

(b) If so, on what dates and after how many days of the deaths ?

The Honourable Sir Harry Haig : (a) and (b). The three prisoners died on 17th, 26th and 28th May and the Government of India asked the Local Governments on the 28th, 29th and 31st to inform their relatives. The delay in the case of Mahabir Singh was due partly to enquiries made by the Government of India for fuller particulars of the cause of his death and partly to atmospheric disturbances in the Bay of Bengal which interrupted telegraphic communications for some days.

Mr. S. C. Mitra : Are the Government of India aware that the Local Governments did not inform the relatives till very late ? I know this personally from a relative.

The Honourable Sir Harry Haig : I am afraid I have no information as to the precise dates on which the Local Governments communicated with their relatives.

ILLNESS OF STATE PRISONERS, MANORANJAN GUPTA AND BHUPENDRA KUMAR DUTT.

950. ***Mr. S. C. Mitra** : (a) Is it a fact that State Prisoners, Messrs. Manoranjan Gupta and Bhupendra Kumar Dutt have been suffering from acute diseases for the last few months ?

(b) If so, what are the diseases they are suffering from and what arrangements have been made for their treatment ?

(c) Has the attention of Government been drawn to a press message that appeared in the *Amrita Bazar Patrika* of Calcutta on the 3rd June, 1933, reporting the possibility of the transfer of the above-named State Prisoners to the Andamans ?

(d) Is there any truth in the above report ?

(e) If so, when and why will they be transferred to the Andamans ?

The Honourable Sir Harry Haig : (a) and (b). The State Prisoners suffered from hydrocele in April last, and were operated upon in the Mayo Hospital, Lahore. They have been gaining in weight since the operations, and are at present in good health.

(c) I have not seen the message.

(d) and (e). There is no intention of transferring these State Prisoners to the Andamans.

NON-GRANT OF AN ALLOWANCE TO THE FAMILY OF STATE PRISONER, MR. MANORANJAN GUPTA.

951. ***Mr. S. C. Mitra** : (a) Is it a fact that no allowance to the family of State Prisoner, Mr. Manoranjan Gupta, has been granted by Government ?

(b) Are Government aware that Mr. Gupta was the main supporter of his family ?

(c) If so, why no such allowance has been granted to his family as yet ?

The Honourable Sir Harry Haig : (a) Yes.

(b) No. He is unmarried and his relatives were not dependent on him.

(c) Does not arise.

Mr. S. C. Mitra : Is it the conclusion of the Government of India that unmarried people cannot have any dependents ?

The Honourable Sir Harry Haig : Not necessarily so, but in this case the information is that his relatives were not dependent upon him.

NON-GRANT OF AN ALLOWANCE TO THE FAMILY OF STATE PRISONER,
MR. ARUN CHANDRA GUHA.

952. ***Mr. S. C. Mitra :** (a) Is it a fact that no allowance is granted to the family of the State Prisoner, Mr. Arun Chandra Guha ?

(b) Are Government aware that he had an income as one of the proprietors of the Saraswati Press of Calcutta and he used to maintain his family ?

(c) Will Government please explain why this allowance has not been granted ?

The Honourable Sir Harry Haig : (a) Yes.

(b) He had an income from the Saraswati Press and Library in Calcutta, and I understand still has that income.

(c) In view of the answer I have given to part (b) this does not arise.

BENGALI STATE PRISONERS CONFINED IN THE RAJAHMUNDREY JAIL.

953. ***Mr. S. C. Mitra :** (a) Will Government please state the names of the Bengali State Prisoners now confined in the Rajahmundry Jail, Madras, with dates of their transfer to that jail ?

(b) What is the present condition of health of those State Prisoners ?

(c) Is it a fact that the present condition of health of Messrs. Surendra Mohan Ghose and Benoyendra Roy Choudhury, two State Prisoners in that jail, is serious ?

(d) What are the diseases they are suffering from and what arrangements have been made for their treatment ?

(e) Has the present arrangement of treatment made any improvement in their health and what is the present condition of the health of those two State Prisoners ?

(f) Is it a fact that Mr. Benoyendra Roy Choudhury has applied for permission to proceed to Europe for treatment ?

(g) Will permission be granted to him ?

(h) If not, why not ?

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(i) Is it also a fact that the sister of Mr. Roy Choudhury applied for permission to nurse her brother in the jail ?

(j) Has permission been granted ?

(k) If not, why not ?

(l) Is there any restriction on Mr. Roy Choudhury's writing letters to his father or other inmates of his family ?

(m) How many letters has he so far been allowed to write during his confinement in the above jail ?

The Honourable Sir Harry Haig : (a) In addition to the State Prisoners mentioned in the Honourable Member's question No. 255 on the 31st August last the State Prisoner, Pratul Chandra Bhattacharjee, is also confined in the Rajahmundry Jail.

(b) to (h). The State Prisoner, Pratul Chandra Bhattacharjee, is keeping good health. As regards the other three State Prisoners, I would invite the attention of the Honourable Member to my replies to his questions Nos. 256, 259 and 638 on the 31st August and 5th September, respectively, to which I have nothing to add.

(i) to (k). A request for the sister and another member of the family to visit and nurse the State Prisoner was made in September, 1932 and permission to interview the State Prisoner on three days was accorded. Another similar request was received by the Government of India in March, 1933, and passed on to the Local Government for disposal under the rules.

(l) and (m). He is allowed under the rules to write three letters a week.

TRANSFER OF STATE PRISONER, MR. RASIK LAL DAS, TO SOME OTHER JAIL.

954. ***Mr. S. C. Mitra :** (a) In which jail is the Bengali State Prisoner, Mr. Rasik Lal Das, now confined ?

(b) Is there any other Bengali prisoner, or a Bengali officer, in that jail ?

(c) If not, will Government please state why has he been secluded from other Bengali prisoners ?

(d) Is it also a fact that this secluded state of life has badly affected his health ?

(e) Do Government propose to transfer him to some other jail where there are other Bengali prisoners ?

The Honourable Sir Harry Haig : (a) The Peshawar Central jail.

(b) Another Bengali State Prisoner is confined in the same jail.

(c) to (e). Do not arise. But I may add for the Honourable Member's information that the periodical reports show that the State Prisoner is keeping good health.

ACQUITTAL OF MR. NIKHIL RANJAN GUHA ROY BY THE CALCUTTA HIGH COURT.

955. ***Mr. S. C. Mitra :** (a) Has the attention of Government been drawn to the fact that Mr. Nikhil Ranjan Guha Roy who was convicted

for six years in the Kandi Bomb Case and is now confined in the Cellular Jail, Andamans, has been acquitted by the Calcutta High Court ?

(b) Will Government please refer to the interpellations on my question No. 523 of the 21st September, 1932, in course of which the Honourable the Home Member replied as follows :

“ It was on account of a breach of a definite condition that these two persons (Mr. Narendramohon Ghose Choudhury and Mr. Nikhil Ranjan Guha Roy) were sent back to complete their sentence. This is the condition—He shall take no part directly or indirectly in any thing that is an offence under the Arms Act or the Explosive Substances Act,”

and explain the reasons for his confinement in jail in view of his acquittal from an offence under the Explosive Substances Act ?

(c) Will Mr. Guha Roy be released now ?

(d) If not, why not ?

The Honourable Sir Harry Haig : I am making enquiries from the Government of Bengal and will lay a statement on the table in due course.

DETENUS DETAINED IN THE DEOLI DETENTION CAMP.

956. ***Mr. S. C. Mitra :** (a) Will Government please state the number of detenus now detained in the Deoli Detention Camp ?

(b) How many detention camps are there at present ?

(c) How many detenus can be accommodated in each camp ?

(d) Is it a fact that recently some fresh batches of detenus have been sent to Deoli Detention Camp from Bengal ?

(e) If so, how many detenus have been sent to Deoli from Bengal in June, July and August, respectively ?

(f) Is it not a fact that Sir James Crerar assured this House that the Government of India would make careful scrutiny of each case of transfer of the detenus outside Bengal ?

(g) Was careful scrutiny made by the Government of India in recent cases of transfer ?

(h) If so, what are the special reasons for transferring so many detenus within a short period ?

The Honourable Sir Harry Haig : (a) 217.

(b) and (c). Besides the Deoli Detention Jail, which has accommodation for 500 detenus, there are three camps for detenus in Bengal. I have no exact figures of the accommodation available.

(d) and (e). No detenus were transferred to Deoli in June or August. 97 were transferred in July.

(f) to (h). I have seen what was said by Sir James Crerar on January 19th, 1931, when the Bengal Criminal Law Amendment (Supplementary) Bill first came under discussion. He contemplated at that time that there were likely to be only a few cases, and he appears to have contemplated that each case would be examined by the Government of India. More than a year passed before the Bill came up in this House

again, and at that time on February 3rd, 1932, Sir James Crerar explained that the position had deteriorated very greatly during the intervening year. In consequence of that deterioration it was clear that much larger numbers were going to be sent to Deoli than had been originally contemplated and I cannot find that throughout the very lengthy debates of 1932 any further reference was made to the point raised by the Honourable Member. The Government of India do not examine each individual case, but there is a clear understanding on policy between the Government of India and the Government of Bengal that only those detenus who come within the category which Sir James Crerar had in mind should be sent to Deoli.

PERMISSION TO A DETENU IN THE DEOLI DETENTION CAMP TO PERFORM THE SRADH CEREMONY OF HIS FATHER.

957. *Mr. S. C. Mitra : (a) Is it a fact that the father of Mr. Sarat Chandra Dutt, a detenu in the Deoli Detention Camp, has recently died ?

(b) Is it also a fact that Mr. Dutt, being the eldest son, applied for leave to perform the Sradh ceremony of his father ?

(c) If so, was any leave granted to him for the purpose ?

(d) If not, why not ?

The Honourable Sir Harry Haig : (a) Yes.

(b), (c) and (d). An application was received on behalf of the detenu but Government were not able to grant him leave to visit his home for the purpose. I understand that permission was given to him to perform the ceremony in the Deoli Detention Jail.

PROMOTION OF STOREMEN IN THE INDIAN ARMY ORDNANCE CORPS.

958. *Nawab Major Malik Talib Mehdi Khan (on behalf of Khan Sahib Shaikh Fazal Haq Piracha) : Will Government please state if it is a fact that :

(a) at the inception of the Indianisation scheme of 'Storemen and Assistant Storekeepers' in the Indian Army Ordnance Corps, storemen who were graduates were promised in their appointment letters issued to them by the Director of Ordnance Services (M. G. O.'s Branch, Army Headquarters) 'quicker' promotion to the grade of Assistant Storekeepers and eventually to the grade of Storekeepers : 100—120|6| 150—10 ;

(b) storemen who were graduates were exempted and those who were not graduates were not exempted from undergoing :

(i) a course of instructions at the Indian Army Ordnance Corps School of Instruction, Kirkee, or the efficiency bar examination in lieu thereof ;

(ii) a competitive examination ;

(c) those storemen who were not graduates were required to reach the minimum monthly salary of Rs. 80 before they could be eligible for the said competitive examination, as conditions

essential for their promotion to the grade of Assistant Storekeepers ;

- (d) all the conditions mentioned at (b) (i) and (ii) and (c) above have now been waived by the Director of Equipment and Ordnance Stores in respect of non-graduates, and even a matriculate storeman, thus bringing them at par with the graduates in respect of promotion ?

Mr. G. B. F. Tottenham : (a) In the letter to candidates selected for appointment as probationary Storemen, no promise was made but it was stated that graduates would have the prospect of rising to the grades of Assistant Storekeeper and Storekeeper more quickly than others.

(b) The original orders did not contain any provision to the effect that graduates would have to pass an examination before being considered for promotion. Non-graduates had to pass both an efficiency bar examination and a competitive examination. In no case, however, could a man be promoted unless he was recommended by his Commanding Officer.

(c) Yes.

(d) Under the orders of Government, no person can now be considered for promotion unless he has passed a Trade test and also the efficiency bar examination for storemen, or the storeman course at the School of Instruction. It is open to a Commanding Officer to recommend for promotion any person who has passed those tests whatever his educational qualifications may be.

PROMOTION OF STOREMEN IN THE INDIAN ARMY ORDNANCE CORPS.

959. ***Nawab Major Malik Talib Mehdi Khan** (on behalf of Khan Sahib Shaikh Fazal Haq Piracha) : (a) Will Government please state whether it is a fact that (i) henceforth only such storemen will be admitted to the competitive examination of the Indian Army Ordnance Corps as would be recommended by their immediate officers, and (ii) this condition did not previously apply to the graduates ?

(b) Will Government please state whether it is a fact that for the purpose of promotion to the grade of Assistant Storekeeper no regard will be paid to a storeman's seniority on the nominal roll, and a junior-most storeman can be allowed to supersede the most senior storeman ?

(c) Are Government aware that the changes in the prospects of service referred to previously are in violation of the promise given to the graduate storemen in their appointment letters, and are consequently greatly resented by them ?

(d) Will Government please state the reasons for effecting these changes ?

Mr. G. B. F. Tottenham : (a) The competitive examination has been abolished. No person can be recommended for promotion unless he has the qualifications mentioned in my reply to the preceding question.

(b) Promotion is made by selection, due regard being paid to seniority.

(c) and (d). Experience showed that if the substitution of Indians for British other ranks was to be effected without undue loss of efficiency, the original scheme of promotion to the higher grades required modification. No promise was ever made to graduates that they would be preferred to more suitable men with other qualifications; and they can have no real grievance at the removal of conditions which, without having any bearing on a man's fitness for storekeeping work, delayed the promotion of non-graduates.

STOREMEN OF THE INDIAN ARMY ORDNANCE CORPS.

960. *Nawab Major Malik Talib Mehdi Khan (on behalf of Khan Sahib Shaikh Fazal Haq Piracha) : Will Government please lay on the table a statement showing the number of graduates, undergraduates, matriculates, and non-matriculates at present in the cadre of storemen of the Indian Army Ordnance Corps and the number of Hindus, Muhammadans and Sikhs, respectively ?

Mr. G. R. F. Tottenham : A statement is laid on the table.

Statement showing the Classification of storemen employed in the Indian Army Ordnance Corps.

		Graduates.	Under Graduates.	Matri- culates.	Non-Matri- culates.
Hindus	..	37	9	79	..
Muhammadans	..	16	2	28	1
Sikhs	..	8	4	35	1
Other communities	..	..	..	16	..
Total	..	61	15	158	2

INDIANISATION IN THE INDIAN ARMY ORDNANCE CORPS.

961. *Nawab Major Malik Talib Mehdi Khan (on behalf of Khan Sahib Shaikh Fazal Haq Piracha) : Will Government please state in how many years in pursuance of the policy of Indianisation is it proposed to completely replace the warrant and non-commissioned ranks of the Indian Army Ordnance Corps ?

Mr. G. R. F. Tottenham : The scheme of Indianisation now in operation contemplates the replacement of 25 per cent. of British other ranks by civilians, in about 16 years. In addition to this replacement, a beginning has been made with the experiment of substituting Indian Non-Commissioned Officers for British up to the extent of 8-1/3 per cent.; if this experiment is successful, a further measure of substitution will be tried.

PROMOTION OF STOREMEN IN THE INDIAN ARMY ORDNANCE CORPS.

962. *Nawab Major Malik Talib Mehdi Khan (on behalf of Khan Sahib Shaikh Fazal Haq Piracha) : Will Government please lay on the table a summary of the proposals received by the Director of Ordnance Store

from the Indian Army Ordnance Corps establishments from time to time on the subject of the method and conditions for promotion of storemen to the grade of the Assistant Storekeeper, and the decisions arrived at and communicated to them by the Director of Ordnance Stores from time to time on such proposals ?

Mr. G. R. F. Tottenham : No, Sir. Government are not prepared to lay such correspondence on the table.

SALARIES OF EAST INDIAN RAILWAY EMPLOYEES ON THE TRANSFER OF THAT RAILWAY FROM COMPANY-MANAGEMENT.

963. ***Mr. E. H. M. Bower :** (a) Will Government please state whether the substantive salaries of the East Indian Railway Company's employees who were taken over by the State in 1925 are taken as the guiding factors in fixing their initial salary on transfer from one department to another save in cases of inefficiency, misconduct, abolition of the post or general retrenchment ?

(b) Will Government please state whether the principles enunciated in Fundamental Rules 15 and 22 are obligatory in so far as the East Indian Railway employees are concerned ?

(c) Will Government please state whether a State Railway employee's salary can be reduced without a charge being framed against him and the employee being given an opportunity to defend himself except in anticipation of the abolition of a post or due to retrenchment ?

(d) Will Government please state the remedy that is open to a State Railway servant whose salary has been fixed on transfer to another department contrary to Fundamental Rules 15 and 22 ?

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

(b) The East Indian Railway employees, who were appointed before the transfer of the management from the Company, remain under the rules that were applicable to them before ; the Fundamental Rules quoted do not apply to them.

(c) I am sure no disciplinary action is taken against an employee without his being asked for an explanation and given an opportunity to defend himself.

(d) When the salary fixed on transfer is contrary to Fundamental Rules, it would probably come to the notice of the Accounts Department, but in any case the railway servant concerned can bring the matter to the notice of higher authority.

WITHHOLDING OF APPEALS ADDRESSED TO THE RAILWAY BOARD.

964. ***Mr. E. H. M. Bower :** (a) Will Government please state whether appeals addressed to the Railway Board can be withheld by Heads of departments without advising the appellant of the reasons for the withholding of such appeals ?

(b) Will Government please state what avenue is open to the aggrieved subordinate to submit his grievance if such appeals are withheld ?

Mr. P. R. Rau : (a) No appeal can be withheld without the appellant being informed of the fact and of the reasons for it.

(b) Does not arise.

ARTICLE IN THE *Bombay Chronicle* UNDER THE HEADING "GREAT INDIAN PENINSULA RAILWAY AND WORKERS".

965. ***Mr. S. G. Jog :** (a) Has the attention of Government been drawn to a communication which appeared in the *Bombay Chronicle*, dated Tuesday, July 11, 1933, under the heading "Great Indian Peninsula Railway and workers" ?

(b) Will Government please state what action has been taken in the matter ? If no action has been taken in the matter, why not ?

Mr. P. R. Rau : (a) Yes, by the courtesy of my Honourable friend.

(b) I am sending a copy of the question and the reply thereto to the Agent, Great Indian Peninsula Railway, for such action as he may consider necessary.

MESSAGE FROM THE COUNCIL OF STATE.

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

"I am directed to inform you that the Council of State has, at its meeting held on the 14th September, 1933, agreed without any amendments to the Bill further to amend the Cotton Textile Industry (Protection) Act, 1930, which was passed by the Legislative Assembly at its meeting held on the 6th September, 1933."

STATEMENT LAID ON THE TABLE.

The Honourable Sir George Schuster (Finance Member) : Sir, I lay on the table the information promised in reply to starred question No. 672 asked by Sardar Sant Singh on the 6th September, 1933.

EXAMINATION FOR RECRUITMENT OF AUDITORS IN THE SUBORDINATE RAILWAY AUDIT SERVICE AND CLERKS IN THE OFFICES OF THE CHIEF AUDITORS AND STATE RAILWAYS.

*672. (a), (b), (c) and (d). Yes.

(c) The two clerks who were brought under reduction were the most junior of those holding officiating appointments. The orders of the Government of India regarding retrenchment according to length of service have reference to Government servants holding permanent posts and therefore do not apply to the cases in question. The circular issued by the Railway Board regarding the re-employment of retrenched personnel does not apply to the Railway Audit Department. Retrenched personnel of that Department would ordinarily be considered in connection with vacancies in the offices from which they have been retrenched ; but the outsider to whom the Honourable Member refers was given an appointment on the Rohilkund and Kumaon Railway where there had been no retrenchment.

(f) As the Director of Railway Audit has already issued instructions that retrenched men should be considered for re-employment wherever possible, Government do not consider it necessary to take any further action in the matter.

STATEMENT OF BUSINESS.

The Honourable Sir Joseph Bhore (Leader of the House) : With your permission, Sir, I desire to make a statement as to the probable course of Government business for the remainder of the Session. Our business for the current Session cannot be completed by tomorrow, and, as indicated in my last statement, I now request you, Sir, to direct that the Assembly shall sit for Government business on Monday, the 18th and Wednesday, the 20th and, thereafter, if necessary, from day to day until the programme which I am going to announce is concluded. I may say that I anticipate that we shall finish our business on Wednesday at the latest.

On Monday, the 18th, leave will be asked to introduce a Bill to give effect in British India to the Convention concerning the protection against accidents of workers employed in loading and unloading ships. I may add, Sir, that no further motion in regard to this Bill will be made during the current Session. Subject to our receiving the necessary messages from the other Chamber, my Honourable colleague will make motions on Monday for the election of Members of this House to the Joint Committees on the Reserve Bank of India Bill and the Imperial Bank of India (Amendment) Bill.

The other items of business which will be brought forward are as follows :

1. Consideration of any business entered in the list of business for Saturday, the 16th and not concluded on that day, in the order in which it appears on the Agenda.

2. A Resolution concerning the age for admission of children to non-industrial employment adopted by the International Labour Conference.

3. A Resolution regarding the amendment of the Indian Legislative Rules in connection with the constitution of the Committee on Public Accounts, and

4. Consideration of the Report of the Public Accounts Committee for 1930-31.

THE INDIAN TEA CONTROL BILL.

Mr. G. S. Bajpai (Secretary, Department of Education, Health and Lands) : Sir, I beg to move :

“ That the Bill to provide for the control of the export of tea from India and for the control of the extension of the cultivation of tea in British India, be taken into consideration.”

It will be within the recollection of Honourable Members, Sir, that on the last day of the Delhi Session the Honourable the Leader of the House announced that the Government of India had decided to support the agreement which the representatives of the tea industry of the three principal producing countries, *viz.*, Ceylon, the Dutch East Indies and India, had reached early in the year to regulate exports of tea and in certain ways to restrict the production of tea. Government, Sir, had reached this conclusion because they were satisfied that the catastrophic fall in prices which had taken place in recent years,—I

[Mr. G. S. Bajpai.]

may mention for the information of the House that prices had fallen from an average of 9 annas a pound in 1930 to 4 annas a pound in 1932,—that this catastrophic fall in prices threatened the smaller concerns, especially the Indian concerns and that some measures to establish equilibrium between supply and demand were absolutely necessary. The agreement, Sir, falls into two parts. First, the regulation of exports. The idea is that during the five years for which the agreement is to be operative there shall be an export quota fixed for each year at a percentage of the highest export figure during any of the three years 1929, 1930 and 1931. This quota is to be then distributed amongst the estates in India by a committee which is to be representative of all the tea interests in the country. The second part of the agreement, Sir, relates to the restriction of cultivation. The international agreement provides that there shall be no extension of cultivation, that is to say, no new virgin land brought under tea, except in the case of those estates whose economic existence would be otherwise imperilled ; and, further, that for the whole of India the extension so permitted shall be limited to half per cent. of the area actually under tea on the 31st March, 1933. The Bill which is now before the House has been drafted by Government in order to implement this agreement. Government have tried to observe three principles. The first is that the industry as the originator of the agreement shall provide the machinery for its administration, subject, of course, to the control of the Government of India, and that it shall also provide the funds for running the administration. If Honourable Members will look at clause 3 of the Bill they will find that we propose to set up a committee which will be responsible both for the issue of licenses for the purpose of export and for regulating applications for the extension of cultivation. The Committee will also have power to raise funds in order to defray the expenses of administering agreements. Then they are being given powers for keeping accounts, appointing officers and generally to carry out functions incidental to the implementing of the agreement. The second principle, Sir, which Government have kept in view is that it shall be worked equitably to all the interests concerned, be they large interests or small interests, be they Indian interests or European interests ; and for that purpose Honourable Members will find from clause 3 that special steps have been taken to give representation to Indian producing interests ; further, that the Governor General in Council is to have general powers of supervision and control over the actions of the committee ; that as regards the planting of tea areas the Local Governments are to be invested with similar powers ; and, finally, that the Governor General in Council has also the power, if necessary, to bring the committee to an end, that is to say, if it does not behave properly, which we hope will not be the case. The third principle which the Government have kept in view is that although the agreement shall be observed by India in the letter and in the spirit, the operation of the agreement shall not press more hardly upon India than it does upon the other countries : and in this connection I would like to invite the attention of Honourable Members to the proviso to clause 25 which provides that so far as restrictions on cultivation are concerned they would have retrospective effect only

if the other countries which are parties to the agreement give it such effect.

I do not think it is necessary for me to go into the details of each clause. The Bill has been drafted on a very simple and logical plan : Chapter I deals with the machinery ; Chapter II deals with the regulation of exports ; Chapter III with the extension of cultivations and Chapter IV with such penalties as may be necessary for non-observance of the Act. There are two facts, however, which I think I should like to mention for the information of the House before I conclude. The Bill as first drafted by us was circulated to Local Governments in order to elicit their views and the views of those representatives of the industry ; and the form in which the Bill has been placed before the House generally commands the agreement of all the interests concerned. The second point I would like to mention for the information of Honourable Members is that although constitutionally it is not possible for us to legislate for India as a whole, yet the Indian States primarily concerned, namely, Travancore, Cochin and Mysore, have agreed to observe and give effect to the agreement during its operation. There is nothing more for me to say. Yesterday I had hoped that I would be able to invoke the hour at which the discussion was likely to commence as an argument for according to this Bill a measure of acquiescent amiability. I refer, Sir, to the tea hour. That is no longer possible. But I still hope that the impression, indeed impelling weight of support which I have endeavoured to describe will secure for it prompt and unanimous support. Sir, I move.

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

“ That the Bill to provide for the control of the export of tea from India and for the control of the extension of the cultivation of tea in British India, be taken into consideration.”

Mr. S. C. Mitra (Chittagong and Rajshahi Divisions : Non-Muhammadian Rural) : Sir, I move :

“ That the Bill be referred to a Select Committee consisting of Mr. G. S. Bajpai, Mr. Abdul Matin Chaudhury, Mr. T. R. Phookun, Mr. T. N. Ramakrishna Reddi, Mr. K. P. Thampan, Mr. Gaya Prasad Singh, Mr. F. E. James, Dr. Francis Xavier DeSouza, Mr. Muhammad Anwar-ul-Azim and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five.”

The purpose of my motion is not to delay this very beneficial measure even for a day. I agree with the Honourable the Mover of this Bill that it is necessary for the very existence of the tea industry, both here in India and outside. Government is really helping the tea growers by enacting this legislation. I also accept the general principle of this Bill ; but I have received several communications from tea growers from my constituency and from outside who place before the Government the special interest of the tea planters who have begun to start tea gardens from the year 1925 and 1926, who had not the occasion to have a full crop of tea, during these years—the typical years of 1929, 1930, and 1931, that will be considered as the standard years for the average production of tea gardens on the basis of which this quota will be fixed. I think it may not be necessary for me even to press my motion for referring the matter to the Select Committee

[Mr. S. C. Mitra.]

if the Government or the other tea interests are agreeable to consider favourably the view points of these small tea growers in different parts of India, by incorporating in the Bill some of the suggestions that have been made. Or it may even be provided afterwards, if the assurance is given, in the rule-making power providing for those suggestions in the rules themselves. I got this letter from the Secretary, Tippera Planters' Association. It runs thus :

"The Indian gardens which my Association represents are mainly new and undeveloped gardens with comparatively small output. There are a few which, although older in age could not for various difficulties before 1928 develop properly, and produce crops in proportion to their planted acreage. There are some gardens which began just before the depression set in, and have been struggling against tremendous odds all these times. In order to safeguard the interests of these gardens, my Association submits the following suggestions :

- (1) Those gardens which could not be developed properly and show an inadequate output of crop in proportion to their planted acreage even in their hitherto best year of production should be allowed a minimum output on their entire plantations at least at the rate of yield per acre allowed for young plantations of 1928 with further allowances for crops in respect of re-plantations and replacements made since 1929 at the rate given in circular 4.
- (2) Those gardens which would be imperilled without further extensions should be allowed to extend according to their needs after a thorough inquiry in each case.
- (3) In the proposed Licensing Board there appears to be no room for representation of gardens which do not belong to any Association and particularly the Tripura State gardens which number about 50. In our opinion these gardens should have proper representation in the proposed Licensing Board. The Tripura State area should be regarded as a unit by itself for purposes of such representation and my Association begs to claim one representation for itself."

They further state :

"Those gardens which have not yet produced 1,500 maunds of tea or at least 5 maunds of tea per acre, as has been allowed even for the young areas of 1928, should be allowed their actual outturn of crop up to the limit of 1,500 maunds of manufactured tea or at the rate of 5 maunds per acre of the planted area both in respect of the export quotas and internal consumption instead of 10 per cent. allowances proposed to be allowed to gardens producing 1,000 maunds or yielding 4 maunds per acre, in the proposed tea restriction scheme—otherwise such small and undeveloped gardens will be seriously affected. The proposals made herein will not affect the restriction scheme to any appreciable extent."

I have received similar letters from Indian tea planters of Chittagong and a few from Jalpaiguri also. I had a long discussion with my friend, Mr. Phookun of Assam and also with my Honourable friend, Mr. Abdul Matin Chaudhuri, who really represent the larger Indian tea interests in the whole of India. They also agree with the view that I have already quoted and I shall presently read a statement which has been sent to me by Mr. P. C. Boroach of Sibsaurgur a statement of Mr. J. B. Chaliha where in a very clear and succinet statement he has put the case of the smaller tea garden Indian owners. With your permission, Sir, I should like to read from that statement.

"Though the restriction scheme for exports of tea holds out hopes to save the industry from ruin, I am afraid the new gardens started after the last tea boom of 1923/24 are hardly getting an equitable treatment in the calculation of the crop basis, and consequently the export quota."

12 Noon.

"I shall show below how the principle adopted for calculating crop basis of young gardens hits them hard.

1. Gardens started after 1925-26 never had had the chance to make full crop at any time during the years taken as base years, for the simple reason that the tea bushes were far too young to be full yielding, so the crop basis calculated according to the formula adopted will be too low and remain low even when the bushes are in a full yielding capacity than the crop basis of a garden similarly placed but started earlier.

2. In limiting the crop basis for young tea uniformly for all districts for the next five years, the assumption is that the average production for all districts, whether Darjeeling, Cachar or Upper Assam is the same, which is never the case. Districts with heavier crops per acre generally cannot pay their way with a low output, so gardens situated in locations where the average production per acre is ten maunds an acre will be hardly able to make a profit with maximum of five maunds an acre.

3. These new gardens were planted out at a much heavier cost per acre than the gardens long established, as labour and materials were dearer, and some had to pay as much as Rs. 40 per acre to Government for land alone as premium. This is aggravated by the fact, that having invested all the money they had to start the gardens, when an income was expected the tea and general trade depression set in, and they suffered heavy loss, and many ran into debt. Gardens long established got land cheap and on easy tenures and opening expenses were much lower and a comparatively small capital went a long way. They made profits for years and many had time to build big reserves. With gardens under European Managing agents they had cheap money, even if they had to borrow. All gardens who have got to depend for all their crop on their extensions after 1925-26 should be allowed to make tea at least upto the district average of production, and not limit the crop basis to a maximum of only 400 lbs. per acre which is hardly fair. Unless this is done these new gardens will get very little real benefit from the Government guaranteeing the restriction of exports. These gardens will not only have to cover their expenses but will have to find funds to liquidate the debts incurred during the recent years due to losses sustained. They will also have to be prepared for the next slump which will very likely come off if the restriction of exports is not continued after the present term of five years is over.

The following suggestions are put forward for calculating the crop basis for new gardens started after 1925-26 in order that they may have a fair chance for existence.

1. Take the best crop during 1929, 1930, 1931 and 1932.
2. Make an allowance of 400 lbs. for 1928 plantings, 300 lbs. for 1929 plantings and 200 lbs. for 1930 plantings for 1933/34.
3. Increase these allowances by 100 lbs. per acre, every year up to a maximum of the district average of production during the operation of the restriction scheme.
4. Then fix the export quota at the percentage to be decided for the particular year.
5. Should a new garden started in 1926-27, the crop of which should have been the heaviest in 1932, due to the young plants getting more mature than the previous years, be affected by hail, flood or other natural disaster, and its 1932 crop is lower than any of the previous years, its crop basis should be calculated for 1933 as follows :

- (1) 600 lbs. per acre for 1926 plants, or the District average of production, if it is less than 600 lbs. per acre.
- (2) 500 lbs. per acre for the 1927 plantings.
- (3) 400 lbs. per acre for the 1928 plantings.
- (4) 300 lbs. per acre for the 1929 plantings.
- (5) 200 lbs. per acre for the 1930 plantings.
- (6) For subsequent years, the above figures should increase by 100 lbs. per acre up to the district average of production.

The suggestion about allowing the young gardens to make up to the district average of production will not affect the quantity of tea allotted to the older gardens to any great extent for 1933, and in subsequent years the quota of the new gardens will increase progressively and the maximum allotment will be claimed only during the last year of the operation of the scheme, when perhaps consumption will increase considerably."

Sir, in this statement the tea planters have shown how they think that in the interest of the small tea gardens some special provision

[Mr. S. C. Mitra.]

should be made within the quota as accepted in the International Scheme to give relief to these people, and I sincerely hope that Government as well as the tea interests will be agreeable to accept such a scheme. If that view is acceptable,—and I know I can speak on behalf of the Members on this side because I have discussed the matter in detail with Mr. Phookan and Mr. Abdul Matin Chaudhury, our general object will be served, and if we can have an assurance to that effect, I do not think it is necessary to refer this Bill to a Select Committee.

Then, Sir, the only other matter that I want to refer to is about clause 3. In sub-clause (b) I find that members who are to represent Assam and the Surma Valley are to be nominated by the Local Government, and similarly in sub-clause (d) the members representing the Southern India tea estates are also to be nominated by the Local Government, while in other cases there is provision for election by the tea growers of the locality concerned. I understand, Sir, there is a tea institution in the Surma Valley, but I am not quite sure if there is one such in the Assam Valley district, but in any case I do not understand why Government should not accept the policy of giving the powers of election to the local tea estates, because it will not be necessary to provide for an extensive electorate. It may be done simply by letters—and thus they can elect their own representatives—rather than making an invidious distinction, by nominating them, in those two cases alone. With these words, Sir, I support the motion.

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

“ That the Bill be referred to a Select Committee consisting of Mr. G. S. Bajpai, Mr. Abdul Matin Chaudhury, Mr. T. R. Phookun, Mr. T. N. Ramakrishna Reddi, Mr. K. P. Thampan, Mr. Gaya Prasad Singh, Mr. F. E. James, Dr. Francis Xavier DeSouza, Mr. Muhammad Anwar-ul-Azim and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five.”

Mr. G. S. Bajpai : Sir, I have ventured to rise so early in the debate because my friend said that if Government were able to explain their attitude in this matter satisfactorily, he would not press his proposal for reference to Select Committee. My friend has made three points. The first is that, so far as the export quota of certain Indian tea gardens is concerned, it shall be calculated on a more generous basis than is provided for actually in the agreement. Now, Sir, the position as regards that, is, that the Governor General in Council is taking power under the rules—I would refer my friend to sub-clause (a) of clause 23—to prescribe the manner in which the export quotas of tea estates shall be determined. This, Sir, is a matter of domestic regulation which is subject to the power of control of the Governor General in Council, and I said in the course of my remarks when moving that the Bill be considered, that the Government were most anxious to safeguard the interests of the Indian producer, and my friend may rest assured that the suggestions which he has read out will be most carefully considered, and that, so far as there is any legitimate grievance in the matter, Government will endeavour to have it re-

dressed. I hope that that is an assurance which is satisfactory to my Honourable friend with regard to this matter.

The second point of my Honourable friend was that there shall be sympathetic consideration given to applications for extensions of certain gardens. As regards that, my Honourable friend will observe that there is a governing limitation under the agreement, namely, that extensions are to be subject to a limit of half per cent. of the area under tea on the 31st March, 1933. Now, the parties to the agreement—I am talking of countries other than India, namely, Java and Ceylon,—look upon that as a vital condition, so it is not possible for Government to promise that that limit will be exceeded. But subject to that limit, my Honourable friend may rest assured that the claims of those who are in the greatest peril will have the first consideration, and the most sympathetic consideration.

The third point was as regards the representation of the various interests. I am afraid I did not have timely notice that my Honourable friend was going to make this suggestion for amendment of the constitution of the Committee, but I would bring to his notice certain considerations. As regards South Indian plantations, the position is that South India includes not only Madras but also certain Indian States. We cannot legislate for areas outside British India. That is why power has been given to the Local Government and not to a general electorate to choose Indian representatives. I believe that as regards Assam also the position is that this appears to be the best method of securing proper representation because the Indian producers in the two valleys mentioned by the Honourable Member are not adequately organised. But I would say this for my Honourable friend's satisfaction that we propose to put the suggestion to the Local Government,—not that under the Bill, if it is passed, it will be possible for them to have recourse to election,—that they might make their nominations in consultation with any representative Indian organisation of the industry that might exist. I would also like to mention that both the Ceylon and the Dutch Governments have already passed legislation to implement the agreement. We are the only Government who, because of the programme of our legislative business, have not been able to do so. If there is any delay in placing this Bill on the Statute-book it might have an unfortunate effect upon the tea market which has been showing very healthy signs indeed since the agreement was announced. I hope, therefore, that my Honourable friend will not press his motion and that we shall be able to put this legislation on the Statute-book without any more delay.

Mr. Abdul Matin Chaudhury (Assam : Muhammadan) : I rise to support the motion moved by my Honourable friend, Mr. Bajpai. The export restriction scheme to which this Bill seeks to give legislative sanction is a very well thought out scheme, but it has its attendant dangers and my sole anxiety is that those dangers should be guarded against.

It is an obvious fact that the tea industry is passing through a period of depression. The depression is due to the fall in prices because of over-production, and this scheme is designed to raise prices by restoring as my Honourable friend, Mr. Bajpai, explained the equilibrium between supply and demand. For this purpose the producers in all the tea pro-

[Mr. Abdul Matin Chaudhury.]

ducing countries like Java, Sumatra and Ceylon have entered into an agreement to restrict the export from their respective countries, and this Bill is intended to implement that agreement. With this object I am in whole-hearted agreement. According to this scheme 320 million lbs. have been fixed as the export quota for India. Now the estimated output for the year 1932 is, I believe, 429 million lbs. Now, the question is how the surplus is to be disposed of. The maximum consumption for India is 65 million lbs., while the surplus over the export quota is 109 millions. This will glut our Indian market. Overproduction produced the slump in the tea industry, and this Bill is intended to remedy that evil so far as the export market is concerned, but it will create slump in the Indian market, in an aggravated form. So, the only remedy for this state of affairs is, just as this export scheme is intended to restrict export, there must be some restriction of production also in order to save the Indian market as well.

In this connection I would like to bring before the House one fact with regard to Indian gardens. Most of the Indian gardens I think, practically all in Bengal and Assam, do not export their tea direct owing to the absence of proper banking facilities and having no agency of their own in England or the continent. They sell their tea by auction in the Calcutta market, and that does not fetch them the prices that the direct exporter gets in the London market.

Mr. E. Studd (Bengal : European) : May I point out that until about a fortnight ago the Calcutta market was selling between 1½ to 2 annas above the London market, and therefore the Indian who sold his tea in the Calcutta market got better prices than he would have got if he had shipped the tea to London.

Mr. Abdul Matin Chaudhury : Can my Honourable friend assure me that that state of things will continue ?

Mr. E. Studd : That, nobody can prophesy, but it is a fact that the prices realised in the Calcutta auctions are still quite as good as the prices realised in England.

Mr. Abdul Matin Chaudhury : The position with regard to Indians is that because they do not export directly many of them have to sell their produce in the Calcutta market and the advantages under this Bill are not available to them to the same extent as to the direct exporters. It may be said that the right of export is a right that is transferable and saleable. But it does not mean that it can be easily transferred or sold, and if and when that right is transferred or sold it is not always possible to get a fair price for the transfer of that right. I do admit that this right of transferring and selling this export quota is a valuable right, but it does not solve the difficulty of the Indian planters. The only remedy, as I suggested, is that restriction of production must follow restriction of export, and while I advocate restriction of production I do so with certain reservations. The European planters have been long established in the field and they own extensive acreage. The Indians have come into the field only in recent years and they mainly own very small tiny gardens. If they have also to restrict their output it will affect their very existence. So, I suggest that under any scheme that may be devised for restricting production, at least those gardens which produce about 1,000 maunds or less should be exempted from the operation of this

restriction scheme. I hope the Government will be pleased to tell us how they propose to deal with this menace to the Indian industry on account of the glutting of the Indian market with the surplus of the export quota. I have suggested one method for restricting the output, but I claim no originality for that suggestion. For I understand that the Indian Tea Association has taken up that matter. There is also another suggestion that I would like to make and that is as regards the expansion of the Indian market, to absorb the balance of the surplus quota. The Indian Tea Cess Committee was established in 1903 with a view to increasing the sale and use of tea in India and outside. There is a growing feeling among Indian tea planters, and I think it is shared by some of the European tea planters also, that this Indian Tea Cess Committee devotes disproportionate attention to outside market to the neglect of developing the indigenous market in India. As an illustration, I might refer to the money that they are spending on American propaganda. They are spending £40,000 a year for propaganda in America and the result has been that in the year 1931 the export to the United States of America was reduced by 100,000 pounds. From the year 1888 to 1908 Ceylon carried on a propaganda in the United States of America. They spent £12,000 a year and they had to give it up because the result was not satisfactory, but the Indian Tea Cess Committee does not seem to have profited by the experience of Ceylon in this matter. As regards the possibility of the Indian Market, I should like to read out to the House the opinion of the Imperial Economic Committee on Tea. This is what they say :

“ As the greatest among the exporting countries, India is the most severely affected by the present necessity for an expansion of the market, and it is therefore important to realise that no market in the world offers such ultimate opportunities for an increase in tea consumption as India itself.”

Further on they say :

“ This market at India's own door may yet prove the answer to the problems of the industry. While the slowness of the Russian recovery is one of the principal causes of the present depression, India may perhaps provide the remedy.”

I should like the Tea Cess Committee to devote greater attention to India than they are doing just at present. With regard to the amendment of my friend, Mr. Mitra, for the reference of the Bill to the Select Committee, I am very anxious that this Bill should be passed this Session. I have received telegrams from planters in Jalpaiguri, from Assam, from the Surma Valley and from all parts of Bengal urging us that passage of this Bill should be expedited because otherwise it would be disastrous to the industry and my friend, Mr. Mitra, has himself said that his intention is not to delay the measure. He only wants an assurance that in the rules special provision should be made for the gardens started after 1925, with regard to making generous allowance for young clearings. I hope, Sir, that in making the rules this point will be borne in mind.

Dr. Ziauddin Ahmad (United Provinces Southern Divisions : Muhanmadan Rural) : I support the principles of the Bill but I should like to draw the attention of the Honourable Member to one or two points. India is a peculiar country. The conditions here are different from the conditions in other countries. In other countries the conditions of production are uniform. Here we have got companies managed by Europeans, companies managed by Europeans and Indians combined, companies managed by Indians alone, companies managed by individuals and above all the very small farms which are just springing up in the

[Dr. Ziauddin Ahmad.]

nature of enterprise. This Bill appears to me to amply safeguard the interests of the big planters. All those persons who have just started their business have, to my mind, not been sufficiently safeguarded. Perhaps in the rules their interests will also be safeguarded. The other point is that the rules are not so important really as the methods by which the rules are put into practice. The manner in which the rules are carried out is much more important than the rules themselves and we should like to know whether the committee or any other body which will come into existence by virtue of this Bill will really exercise the powers conferred by these rules impartially and in the interests of the small planters and I think that in making the rules this point might be considered. Any person who is not satisfied with the decision of this committee, which might be set up, may perhaps appeal to a small committee which might be set up by the Government at their Headquarters. This can conveniently come under the rules, the framing of which is not really the business of the Legislature. Therefore when the Government frame the rules, they should see that the rules are not enforced to the disadvantage of the small tea planters. I hope that a copy of these rules will also be laid before the Legislature. The next point to which my friend, Mr. Abdul Matin Chaudhury, has drawn attention is the lack of propaganda in India. It is really much more important than propaganda outside. Propaganda outside may be useful but the propaganda in this country is still more useful. For some years ago after this committee came into existence they carried on a propaganda in every village and even village tradesman had stock of loose tea to sell in small quantities. All that has disappeared on account of the indifference of the Cess Committee. It is rather important that we ought to provide the Home market for over production and the only way in which we can do this is to have a large number of travelling agents and see that tea is available for sale even in small villages. This will increase the sale and find a market for the overproduction stock of tea of which Mr. Abdul Matin Chaudhury has already spoken. I hope this point will also be looked into. I emphasise once more that the safeguards of the interests of the small tea planters will be provided for in the rules and sufficient money will be spent in India for home propaganda.

Mr. Lalechand Navalrai (Sind : Non-Muhammadan Rural) : Sir, I have two matters in my view in speaking on this Bill. One is the interests of the consumer and the other is the interest of the small interests who are dealing in tea. I know that the bigger interests will take care of themselves. I note that an assurance has been given by Mr. Bajpai for whom I have regard and in whose assurance I have great faith. He said that this Bill is intended to vouchsafe the small interests and I think that in these days it is the small interests which should be protected first. As a result of the depression that is going on, these small interests are suffering. On account of the price being very low, the small interests are giving up their undertakings. It is very good for the consumer that the price has gone down from 9 annas to 4 annas. This is specially helpful to people who take tea and India has now been taking more tea than it used to do. Some do it on account of necessity and some out of a mere fashion that is going on now-a-days. What I am submitting is this that if the interests of the smaller traders are protected there is no reason why we should not agree to this arrangement. Sir, in support of what the Honourable the

Mover has said I find that in the Statement of Objects and Reasons it is said :

“ The results of a referendum issued to all known estates have been examined and it appears that over 92 per cent. of the industry, reckoned in terms of production, have expressed themselves in favour of the scheme.”

Sir, we are not, at any rate I am not, so very familiar with this trade business that I can offer myself any opinion. In that case we have certainly to rely upon those who are interested in it and who deal in it. Here is a statement that 92 per cent. of that industry have consented to the scheme. Then, Sir, it is further said :

“ The Governments of Madras, Assam and Bengal, within whose jurisdiction bulk of the tea in British India is cultivated, are prepared to restrict the issue of fresh leases for tea cultivation and have also agreed to the restriction of planting of areas already leased.”

Therefore we have got an assurance but I must say that this referendum and these opinions should have been given to the House in which case we should have been in a position to judge for ourselves. And I believe it is with that intention that an amendment has been moved for a Select Committee. If a Select Committee is appointed and all these papers and referendum are placed before them we will be fortified in giving our strong support and giving it without doubt or suspicion. But it appears that the object is to pass this Bill speedily through this House and it is pointed out that the people who are concerned with it have actually wired that this scheme should be accepted and that it should be given effect to. I therefore hope that the rules to be made under this measure will be made in consultation with those who are concerned in it, because we know that when an Act is passed here many a time all the good principles are whittled down by the rules framed under it and it sometimes deteriorates. Therefore I submit that rules should be made in consultation with those persons who are interested in this. I would in the end put two questions to my Honourable friend for my own information. I should like to know if the Honourable Member is really in possession of facts to show that since this price has gone down the smaller interests have actually suffered to this extent that they have given up their business or their cultivation of tea. The second question is whether the committee, that is going to be appointed, will have also power to fix the rates of the tea or whether it will be beyond them. These are the two points that are necessary for deciding the question that I have placed before the House, namely, the interests of the consumer and the small interests concerned.

Mr. F. E. James (Madras : European) : Sir, I should like in a very few words to associate myself with much that has been said by my Honourable friends, Mr. Mitra and Mr. Abdul Matin Chaudhury. This Bill gives legislative sanction to what is the first attempt in this country by any large industry at what is called planned economy. And I think it represents an example to other industries which they might well follow. But I suggest that in any such scheme there are three important questions which should be regarded both by the industry and by Government itself. While the scheme of planned economy may include a proposal to restrict exports of a particular production, great care should be taken to see that the smaller interests involved in that industry are protected. Now, my friend, Mr. Abdul Matin Chaudhury, has spoken, and so has Mr. Mitra, of small interests in Bengal and elsewhere which are in Indian hands. I have received similar representations to those he has mentioned from

[Mr. F. E. James.]

small concerns in South India which are in Indian hands and in European hands and in Anglo-Indian hands. There are a large number of small owner-proprietors of estates, particularly in the Nilgiris, and they are very anxious that in connection with the scheme for regulation of exports those who have invested money in gardens recently and whose continued existence may be imperilled by the operation of this regulation scheme should receive very special consideration at the hands of Government and at the hands of the committee. I therefore entirely join with my friend, Mr. Mitra, in asking that we should get some assurance from Government on this point.

Then, Sir, the second point that has been made by Mr. Abdul Matin Chaudhury is that there is little use in a regulation of exports scheme unless at the same time there is a scheme for the restriction of crop. I agree with him that the latter scheme is a corollary to the first and I also agree with him that in such schemes which may be proposed,—and I understand one is now under consideration, perhaps Mr. Miligan will give us that information later on,—special attention should be given to the small gardens which are in the hands of many of my friends and which depend entirely upon the local market for the disposal of their product.

And then the third point which was made, again by my friend, Mr. Abdul Matin Chaudhury, was in regard to the increase of the consumption of tea in this country. In any scheme of planned economy not only must you regulate exports and restrict production but you must take steps to increase local consumption. And I join on behalf of the United Planters' Association in Southern India with my friend, Mr. Abdul Matin Chaudhury, when he says that in the past the Indian Tea Cess Committee has spent far more money in the United States than the results have justified. Therefore I trust that the industry concerned will, as part of this general scheme of controlling its own production and export, take steps to increase as far as possible in the near future the consumption of the greatest market which it possesses, namely, the market at its very doors. If we can get that sort of assurance from the Government and the industry, I assume that my friend, Mr. Mitra, would be willing to withdraw his motion and expedite the passing of this Bill into law.

The Honourable Sir Joseph Bore (Member for Commerce and Railways) : Sir, in view of the general support which this measure has received it is unnecessary for me to detain the House for long. Lest there should be an impression that this measure is not approved by Indian tea interests, I should like to read just two or three telegrams which I have received recently. Here is one from the Indian Tea Growers' Association of Silchar :

“ Strongly urge passing Tea Exports Legislation current Session otherwise tea interest will be imperilled.”

Another from the Secretary of the Terai Indian Planters' Association, Darjeeling :

“ My Association strongly support export regulation and restriction scheme and urge tea control Bill be taken up during current Session.”

Another telegram from Jalpaiguri says :

“ Indian Tea Planters Association generally approves provisions of tea control Bill introduced in Assembly would strongly urge for passage this Session.”

Dr. Ziauddin Ahmad : Please mention the name of the sender.

The Honourable Sir Joseph Bhoré : These telegrams are from Associations. My Honourable friend, Mr. Mitra, I think, voiced a general feeling in the House that the small garden proprietors should not be prejudiced. I am entirely in agreement with him and I think we have taken special steps in this legislation by retaining powers to ourselves to see that those smaller interests are really safeguarded. In reinforcement of the assurance which my Honourable friend, Mr. Bajpai, has given and which I think has already satisfied the House, I would once again assure the House that if we are satisfied that any procedure under this Act is bearing heavily and unfairly on any section of the industry we shall most certainly consider the matter and shall not hesitate to make the necessary alterations in that procedure. There is very little further for me to say. I should like to refer to just one or two points raised by my Honourable friend, Mr. Abdul Matin Chaudhury. It is quite true that this restriction scheme may, by throwing larger quantities on the home market than at present, have a depressing effect on prices, but I would suggest to him that that very fact may prove a blessing in disguise and that it may help to popularise the use of tea in that enormous market at the very doors of the industry. May I suggest to those, who are interested, to remember the Biblical injunction to "cast your bread upon the waters and it will return to you after many days".

The only other point is the suggestion that Government should consider a scheme to regulate the production of tea. If the industry as a whole should put up any practical and workable scheme, I can give my Honourable friends the assurance that Government will most carefully consider it. I have nothing further to say beyond expressing the hope that my Honourable friend will withdraw his amendment.

Mr. S. C. Mitra : I am thankful to the Honourable the Leader of the House and to Mr. Bajpai for their assurance and I beg leave to withdraw my amendment.

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

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

"That the Bill to provide for the control of the export of tea from India and for the control of the extension of the cultivation of tea in British India, be taken into consideration."

The motion was adopted.

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. President (The Honourable Sir Shanmukham Chetty) in the Chair.

Clauses 2 to 10 were added to the Bill.

Clauses 11 to 20 were added to the Bill.

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

"That clause 21 stand part of the Bill."

Mr. J. A. Milligan (Assam : European) : Sir, I rise to move the amendment that stands in my name :

“ That in sub-clause (2) of clause 21 of the Bill, after the words ‘ in pursuance of the purposes of this Act ’ the following be inserted :

‘ and, with the previous sanction of the Governor General in Council, to the payment of a contribution towards the maintenance of any international committee established in furtherance of the said purposes in tea-producing countries generally ’.”

This amendment speaks for itself. The wording of the clause as drafted restricts the right of the Committee to spend money only on objects which are mentioned in the Bill itself. The Bill makes no mention of the International Committee which was established within the last few days and that International Committee will depend on subscriptions from Java, Ceylon and India. Therefore this amendment has been considered essential. I move.

Mr. G. S. Bajpai : Sir, I accept the amendment on behalf of Government.

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

“ That in sub-clause (2) of clause 21 of the Bill, after the words ‘ in pursuance of the purposes of this Act ’ the following be inserted :

‘ and, with the previous sanction of the Governor General in Council, to the payment of a contribution towards the maintenance of any international committee established in furtherance of the said purposes in tea-producing countries generally ’.”

The motion was adopted.

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

Clauses 22 to 35 were added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

Mr. G. S. Bajpai : Sir, I beg to move that the Bill, as amended, be passed.

Mr. B. Das (Orissa Division : Non-Muhammadan) : Sir, I wish to make a few observations. I did not interfere while the discussion clause by clause was going on. This Bill has proved that the Ottawa Agreement is a failure. The Ottawa Agreement came into existence in order that the countries in the British Empire should rally round and adopt differential tariff to exclude other foreign States. Sir, while the Ottawa Committee was sitting at Delhi over which my Honourable friend the Leader of the House presided, the representatives of the tea industry were approaching the Honourable the Commerce Member about certain negotiations with certain foreign countries. I do not understand how the industrialists in India, who supported the Ottawa Pact, can discriminate between the various countries of the British Empire and within a few days can enter into negotiations with the Government of Java. Of course, it is well understood that the capitalists want to have everything in their own way. In one breath they wanted to ban the foreign teas from entering into British market or for the matter of that of the Empire market, and in the other breath they were negotiating with the Javanese people in order to restrict the protection so that tea can fetch a higher price. I only want to point this out to

those who were so cock-sure at the time that the Ottawa Pact will bring large resources at the disposal of the British Empire, particularly to the representatives of the tea industry. My friend, Mr. James, is not here but he was very vehement in saying that the tea industry of India will profit enormously. If that was so, why are they entering now into this false pact with a foreign government like the government of Java? I know it is not in the domain of my Honourable friend, Mr. Bajpai, to answer to this point which I have raised but I do hope that the Honourable the Commerce Member who in season and out of season is so emphatic in his assertion that the Ottawa Agreement has benefited enormously the British Empire and the Indian Empire, will now say that the Ottawa Pact has failed to benefit the producers.

The Honourable Sir Joseph Bhore : Sir, I do not wish to say anything except this that if my Honourable friend can not understand a patent fact, nothing that I can say will possibly cause the light to dawn on him.

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

“ That the Bill, as amended, be passed.”

The motion was adopted.

THE FACTORIES BILL.

The Honourable Sir Frank Noyce (Member for Industries and Labour) : Sir, I beg to move :

“ That the Bill to consolidate and amend the law regulating labour in factories be referred to a Select Committee consisting of Mr. Abdul Matin Chaudhury, Mr. S. C. Mitra, Mr. A. Hoon, Mr. H. P. Mody, Diwan Bahadur Harbilas Sarda, Mr. Amar Nath Dutt, Mr. S. C. Sen, Mr. T. N. Ramakrishna Reddi, Mr. G. Morgan, Khan Sahib Shaikh Fazal Haq Piracha, Mr. N. M. Joshi, Mr. S. G. Grantham, Mr. A. G. Clow, Rao Bahadur M. C. Rajah and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five.”

Sir, my Honourable colleague, the Finance Member, in introducing the Reserve Bank Bill, told the House that it was the most important measure he had placed or would be placing before it during his term of office. I might have made the same claim for this Bill, for I do not think it will probably fall to my lot to ask the House to consider a measure of greater importance than this. The House may think that, in speaking of this Bill and the Reserve Bank Bill in the same breath, I am comparing great things with small. That may be so, but I myself am not prepared to admit that it is. I contend that it is as essential that the industrial development of the new India should be based on a contented labour as it is that its financial development should be based on a sound system of credit and currency, and I am convinced that this Bill should do much to bring about that contentment.

I have already given the House an account of the development of the Bill and it is unnecessary for me to cover that ground over again. There is, however, one stage in that development which I omitted to mention when I last addressed the House on this subject. I am glad to have this opportunity of acknowledging the valuable assistance my Department and I received from a Conference we had with the Chief Inspectors of Factories with whom we discussed the measure in detail last month. It is they on whom will fall the burden of administering

[Sir Frank Noyce.]

the new Act and it is for this reason that we thought it desirable to consult them before placing the measure before this House. I would remind the House that although I am asking it to appoint a Select Committee now, it is not proposed that the Committee should meet until January. I have no doubt that if the House agrees to this motion, the Members appointed to the Committee will use the interval carefully to study the questions involved. As I said previously, my Department will be very glad to provide them with a very plentiful supply of literature on the subject.

This Bill embodies a mass of detail. There are, I think, over 70 clauses in it and, in asking the House to send it to a Select Committee, I should like to make it clear that I am not asking the House to commit itself to all and every change in the law that it involves. It is, I think, sufficient that the House should be satisfied that the law relating to labour in factories requires revision and as to that I do not think there can be two opinions. The Act which forms the frame work of the Bill that we are now submitting to the House was passed as long ago as 22 years, when factory industries were far from the state of development they have recalled today ; and when many of the problems now facing us were unexplored or even unknown. Extensive amendments were made in 1922, and there have been no less than three other amending Acts since then. As a result, few of the more important provisions of the 1911 Act survive in their original form. The present Act, it is not going too far to say, is a thing of shreds and patches, and it stands in urgent need of consolidation and also of clarification. But that is not the only need. Government have been aware of defects in the law in certain directions for a number of years past. We have realised, for instance, that the Act gives inadequate protection to workers in respect of safety, health and comfort. Experience of its working has revealed other defects and weaknesses. Further, it countenances hours of work, which, I think every one, even those who are not in favour of immediate change, realises, cannot be regarded with equanimity as a permanent feature of Indian industry, but which represented the limit to which it was thought desirable to go when the provisions in question were enacted.

Finally, the work of the Whitley Commission which probed more deeply into this subject than Government have naturally ever had an opportunity of doing, not only brought to light the need for other changes, but gave valuable guidance towards the framing of a new law. As I am not asking the House to commit itself to any particular provisions of the Bill, even those which relate to hours, it is not, I think, necessary for me to discuss those provisions in detail. I hope that, in respect of, at any rate, most of the sections, the Statement of Objects and Reasons affords a sufficient explanation.

I should like to deal specifically if very briefly with one clause, clause 35, which relates to the weekly hours of work, for it is in regard to that clause that I think there is, to say the least, a considerable possibility of some diversity of opinion. Briefly, our proposals are that, in seasonal factories, the limit of 60 hours should remain ; continuous process factories should be allowed a 56-hour week, which is the normal

limit in such factories at present ; in the other non-seasonal factories, the week should be ordinarily limited to 54 hours. This, it is important to remind the House, was the limit already observed by the majority of the factories to which it is proposed to apply it. But there is a large minority of factories which still work up to the 60 hours limit. This minority includes the bulk of the mills in that very important industry, the cotton textile industry. Now, I should like to state the reasons which have led me to the view that this limit, if it were enforced, would be to the advantage both of industrialists and of workers. So far as employers are concerned, it seems to me that, as I have already indicated, stability in any industry must be dependent on a reasonably efficient and contented labour force. It is impossible to my mind to build a sound industrial structure in India or for that matter in any other country, on a foundation of inefficient work. It is unreasonable to expect any high degree of efficiency or any high degree of contentment from men who have to spend ten hours a day—indeed it amounts to eleven hours if the rest interval is included—within the limits of a factory. Shorter hours are, in my view, an essential condition for any substantial advance in efficiency. Further, I would remind the House that there has recently been a very radical change in the labour position. Formerly there was a constant scarcity of labour and many employers were, therefore, naturally anxious to keep the men they had at work as long as possible. Now, we have the spectacle,—to my mind a regrettable and pathetic one—of men sitting idle outside the factory gates, unable to get work, whilst others inside are required to work an unduly long period.

Turning to the workers, I recognise that for many of those in employment, that is those who are working a longer day, the reduction in hours must mean a definite sacrifice. Industry today in India is unfortunately not in such a position that, if production is reduced, it can pay the same wages as it did before, and until workers can make good this reduction by more intense labour, they must face a reduction from the level of earnings prevalent in the last few years. On the other hand, prices have fallen greatly, and any reasonable reduction that would be required on this account, would not bring the workers' purchasing power below the level of only a few years back. There are indeed signs that, in certain industries, particularly in the cotton textile industry, the employers are endeavouring to secure a reduction in wages before any reduction of hours has been offered or enforced. I believe that even from the point of view of those in employment a reduction in earnings would be a reasonable price to pay for a reduction in toil. The man who spends eleven hours a day in a factory throughout the year cannot be said to live at all. He is a machine and he has not the efficiency of the machine nor has he the incapacity of a machine for suffering.

But these are not the only facts that deserve consideration. There is a considerable measure of unemployment. Many men are idle. Many others have their lives shadowed by the fear of idleness. To the one, reduction of hours would bring new prospects ; to the other, greater security.

Now, I would conclude with a special appeal—and I much regret that my Honourable friend, Mr. Mody, is not here today to give the

[Sir Frank Noyce.]

House the point of view of the industry he so ably represents. Nothing would give me personally greater satisfaction than to find that in the time between now and the meeting of the Select Committee this issue has ceased to be a live one, because the principal interests concerned have agreed to accept the shorter hours. At present, as I said just now, there is only one industry which stands in the way, the cotton textile industry, and I am certain that, if the leaders of that industry would fall in line with the proposals embodied in this Bill, there would be little opposition from any other quarter. It is an industry on which re-organisation or, to use the more modern term, rationalisation has been long urged from various parts of this House and by important sections of public opinion outside it, and in which the need of increased efficiency all round is paramount. I venture to express the earnest hope that in the months that remain before the Select Committee meets, it may find itself able to introduce voluntarily a system which, after the initial adjustments have been made, will, I am certain, conduce to the benefit of all concerned, and will give new hope to its many supporters and friends. I realise very fully, and, as the House knows, I can claim some special knowledge of the industry, the difficulties against which it has to contend, especially in its most important centre, Bombay, in effecting a change of this character owing to the absence of leaders who can speak with any responsibility on behalf of labour. But I cannot believe that the ability and energy which built up that great industry are still not present today in such ample measure that they will enable it to make the concerted effort necessary to overcome those difficulties.

Sir, I move.

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

“ That the Bill to consolidate and amend the law regulating labour in factories be referred to a Select Committee consisting of Mr. Abdul Matin Chaudhury, Mr. S. C. Mitra, Mr. A. Hoon, Mr. H. P. Mody, Diwan Bahadur Harbilas Sarda, Mr. Amar Nath Dutt, Mr. S. C. Sen, Mr. T. N. Ramakrishna Reddi, Mr. G. Morgan, Khan Sahib Shaikh Fazal Haq Piracha, Mr. N. M. Joshi, Mr. S. G. Grantham, Mr. A. G. Clow, Rao Bahadur M. C. Rajah and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five.”

Mr. T. N. Ramakrishna Reddi (Madras ceded District and Chittoor : Non-Muhammadian Rural) : Sir, I want to suggest a small amendment. I propose that, in place of my name, the name of Mr. K. P. Thampan be substituted.

The Honourable Sir Frank Noyce : I have no objection.

Mr. Abdul Matin Chaudhury (Assam : Muhammadian) : Sir, I rise to support this motion. It is very satisfactory to notice that labour legislation has become a regular feature of the Assembly Session. During the last 12 months, we have passed the Tea Districts Emigration Bill, Pledging of Child Labour Bill, Payment of Wages Bill, Land Acquisition Bill and the Workmen's Compensation Bill. Now, there is another very comprehensive measure to amend and consolidate the labour legislation in India. This measure, Sir, marks an important landmark in the history of labour legislation in India. I do not know if the House realises that behind this steady flow of labour legislation from the Department of Industries and Labour, there lies the unremitting and unobtrusive

sive work of my friend, Mr. Clow, and I want to take this opportunity of paying him my tribute of appreciation and admiration for the work which he has been doing for the amelioration of the conditions of labour in India.

Now, Sir, I should like first of all to deal with the scope of the Bill. This Bill deals with factories, and the factory is defined as a premise in which manufacturing process is carried on with the help of not less than 20 persons. But I should like to see this definition extended in the direction of reducing the numerical limit. I may remind the House that, as far back as 1877, when the first draft of the Factories Act was made, it included a wider definition of a factory. There a factory was defined as an establishment in which certain manufacturing processes were carried on quite irrespective of the number of persons employed, and now, Sir, more than half a century later, the Government of India seem to be content with a definition which limits the factory to an establishment employing not less than 20 persons. The need for the revision of the Factories Act is very urgent. In the evidence that has been adduced before the Royal Commission on Labour, witnesses have pointed out that the conditions in unregulated factories are generally worse than in the factories which come under the operation of the Factories Act. In these factories, the buildings are usually insanitary, and in the buildings themselves ventilation is very insufficient. Many of these factories work for unlimited hours, they employ children of tender age and working conditions are prejudicial to health and safety of the workers. It is, therefore, necessary, Sir, that as large a number of factories as possible should be brought under the operation of the Factories Act. Sir, as a particularly flagrant instance of unregulated factories, I may cite the instance of *bidi* factories working in Madras. The conditions there are revolting. In view of these conditions in the *bidi* factories in Madras, the Madras Youth League started an inquiry into the conditions of labour in these factories, and the report of their inquiry has been incorporated in the evidence volume of the Report of the Royal Commission on Labour. I should like to read a short extract from that Report to show the conditions prevailing in the *bidi* factories in Madras. This is what it says :

“ In short, the condition of the boys in these factories is nothing short of slavery of the worst type. In the course of our surprise visits, not infrequently did we meet with the horrid of boys with their feet chained to logs of wood. On inquiries we found that this practice was quite common and was intended to keep the boys at work and not skulk away earlier than the master was inclined to let them go. And in some of the factories we actually saw the boys being subjected to corporal punishments of the most severe type, even for such ordinary acts of negligence as late coming or absence from work for a day or two. In one factory in Triplicane, which we happened to visit quite often owing to the proximity to the office of our League, with tears in our eyes, times out of number we stood aghast and wondered within ourselves whether nothing could be done to save these boys from the clutches of that inhuman and brutal task master. In the factory we are referring to, the manager just in the hottest part of the day takes up a cane and goes on indiscriminately thrashing every boy in the factory. For what fault of the boys ? For no fault. Simply because the manager of the factory apprehends that the boys may be inclined to feel drowsy and therefore his work is likely to suffer if they are not whipped up to activity with the help of the cane. This is a daily occurrence. We ask whether a similar treatment of children of school going age can be found in any civilized country ? What has the Government been doing ? What is the Labour Department for ? Is it not the duty of the Government to save these children from the perdition in which they are now placed ? ”

I want, Sir, that factories, where conditions like these prevail, should be brought under the operation of the Factories Act, quite irrespective of the number employed.

[Mr. Abdul Matin Chaudhury.]

There is another direction, Sir, in which I should like that the operation of the Act should be extended. Mr. Adams, the Chief Inspector of Factories in Bengal, in his memorandum before the Royal Commission on Labour, suggested that the workers in docks, jetties, and railway sidings should also be included under the Factory Act. His argument was that their work involved great hazards, and there was no reason why these workers should not get the benefits of the protection which is given to workers in factories. I hope, Sir, the Select Committee will give due consideration to these suggestions. So much, Sir, about the scope of the Bill.

Now, the most important change that has been made in the Bill is with regard to the hours of work. At present the legal hour is 60. In the Bill, it is proposed to reduce the hours to 54. I may remind Honourable Members that when the Washington Conference adopted 48 hours for workers for all industrial countries, 60 hours limit was fixed for India having regard to the special condition that is supposed to exist in this country. Now, Sir, many industrial countries have adopted the convention of 48 hours a week. This recommendation of the Royal Commission of 54 hours a week is not an unanimous recommendation. My friend, Mr. Joshi, and Mr. Chaman Lall and Mr. Cliff have supported 48 hours a week for India. Now, whatever justification there may have been for the recommendation of the Royal Commission of 54 hours a week, I think, as the Honourable Member in charge has pointed out, circumstances have changed since the Commission made its recommendation. A normal industrial condition was the basis of the recommendation of the Royal Commission, and that normal condition has been disturbed very seriously by the world wide depression. It has aggravated the problem of unemployment, and also the question of reducing the hours of work has become a burning question with the workers all the world over. This question is now being examined not merely in its social aspect, to afford more leisure to workers, but it is being seriously considered in its economic aspect as a means of relieving unemployment. Considering the gravity of the situation, the International Labour Conference at Geneva summoned a Tripartite preparatory Conference in the early part of this year to deal with this question. I think in that Conference all the States except India were represented, and there they passed a resolution recommending 40 hours a week as a means of relieving unemployment. I am not going to discuss the social consequences of unemployment or its pernicious effects. But I think it will be generally recognised that every effort should be made to afford opportunities of employment to as large a number of workers as possible. In every country very serious efforts are being made to collect statistics about unemployment and to deal with this problem. In our country the unemployment is chronic; is on a titanic scale, and it baffles statisticians, and it is necessary that the problem of reducing hours of work should be viewed, not merely as a temporary expedient, but as a permanent measure. While the whole world is moving towards a 40 hours a week, I think the Government should give serious consideration to our suggestion of at least making 48 hours a week for India. Here I want to anticipate one argument which is usually employed by the employers with regard to the reduction of the hours of work. It is always urged that the reduction of hours of work should be accompanied by a reduction in wages also. The Labour Commission, which recommended a reduction in the

hours of work, did not recommend a simultaneous reduction in wages also. Reduction of wages means a reduction in the purchasing power of the worker ; it means a reduction in his standard of life ; and surely, this is not the object with which the Factories' Act is being amended. The Geneva Conference, which dealt with this problem, have specifically recommended that in any measure, that might be adopted for giving effect to 40 hours a week, the standard of life of workers must be maintained.

Mr. B. Das (Orissa Division : Non-Muhammadan) : May I just enquire from my Honourable friend whether he does not wish to accept a reduction in wages of workers in view of the low level of prices prevailing in the country ?

Mr. Abdul Matin Chaudhury : Just to show how higher wages are compatible with reduced working hours, I may draw the attention of my Honourable friend, Mr. Das, to what is happening in America today. They have passed the Industrial Recoveries Act, and General Johnson has been appointed the Administrator of that Act. He has called upon all industries to furnish codes for increasing wages and reducing the hours of work. The first code that has been produced under that Act is the Cotton Textile Code, and, under that code, the wages have been increased by 30 per cent., and the hours of work have been reduced by 25 per cent. Again, in the case of the steel industry, they have fixed working hours at 40 hours a week. When it was suggested to General Johnson that he should adopt 48 hours a week, he refused to consider that proposition and said it was too long. In view of all these facts, it sounds like an anachronism to suggest 48 hours a week for India, but, our conditions being what they are, we should be grateful if even this modest suggestion of ours is adopted.

Coming next to the question of health and safety, it is satisfactory to find that the Government have invested the Factory Inspector with power to adopt measures for mitigating excessive temperature in factories. It is also satisfactory that they have given power to the Local Government to demand a certificate of stability when new buildings are constructed or any structural alteration is made. But I have not been able to understand why the Government have declined to give the Local Government power to issue welfare orders. The Royal Commission was very much impressed with the usefulness and efficacy of these orders from their experience in England and they recommended that the Local Government should be given power to issue welfare orders in matters pertaining to the welfare of the workers. The reason given in the statement of Objects and Reasons is unconvincing. With regard to health and safety, there is another amendment that I should like to suggest in the Factories' Act, which has not been made—I am referring to the question of compulsory provision for maternity benefit. In the Bombay Presidency, the maternity Act is in force.

Mr. A. G. Clow : (Government of India : Nominated Official) : And elsewhere.

Mr. Abdul Matin Chaudhury : In the Central Provinces, I understand, the one non-official Member introduced a Bill, but I do not know if it was passed there. In the Bihar and Orissa Council a non-official Resolution was passed by that Council to the effect that compulsory maternity benefit should be introduced. In this House also, my Honourable friend, Mr. Joshi, introduced a Bill which was unfortunately thrown

[Mr. Abdul Matin Chaudhury.]

out on the second reading. Employers like Sir Sorabji Mehta and the Government of Madras favour an all-India legislation for compulsory maternity benefit, and I think provision should be made for that either by an amendment of the Factories' Act or by another separate all-India legislation. These are some of the points that I wanted to raise at present. As the Bill is going to be referred to a Select Committee, I reserve a more detailed criticism for that occasion.

Mr. G. Morgan (Bengal : European) : I must congratulate the Honourable Member in charge on the clear way in which he has placed the provisions of this Bill, before the House. At the outset I would say that I welcome this Bill as there is no doubt the time has come for a revision of labour conditions. I need not go back to the days when the last labour legislation was passed ; the world has changed so considerably since 1929, economic conditions have changed so enormously that the employers have at last come to the conclusion that labour is human and that labour cannot be utilised merely as a machine and wages paid simply on the number of people who come forward for employment, and the lowest wage possible given. That, I think, has entirely changed at the present day.

My Honourable friend, who has just spoken, has drawn attention to the position in the United States of America. There it is rather different. There, there is the idea of partnership between the employers in the industry and the Government in the first instance. The industry itself has to put up what it thinks it can do in the way of wages, labour, and so on ; the Government criticise their scheme and, if they are satisfied, they accept it. If not satisfied, the Government put up proposals of their own and they both come to an arrangement. However, it is impossible to work on those lines in India at the present moment, but, at the same time everything is tending to a reduction of the hours of labour, and a very important chapter in this Bill, Chapter IV, deals with that subject. My Honourable friend, the Deputy President, mentioned the Washington Convention. Now, the difficulty, with regard to the Washington Convention and other conventions of that description put forward by the International Labour Bureau at Geneva, is to get all countries to agree to them. Unless all countries work more or less on a comparative basis, it is very difficult for one country or two countries or three countries to say " We will work so many hours " when the other countries say : " We will work as long as we like ". We cannot complain, if their costs are so low, that they compete with the products of our industries which are working on a lower scale of hours. At the same time I feel so strongly about the hours of labour, it is to be hoped that the other countries will adopt the attitude which many countries have adopted, that labour cannot work the hours that it has been working in the past.

Mr. B. Das : Which countries, do you mean, China or Japan or European countries ?

Mr. G. Morgan : At the present moment, Japan has not ratified the Washington Convention and we are up against
 3 P.M. various difficulties with that country at the present moment. I am not quite sure whether I caught the remarks of my

Honourable friend, the Deputy President, correctly, just now about machinery. I understood him to say something about the regulation of machinery. If that is so, it is a point which will probably be brought forward in the Select Committee. I do not want to stress it at the moment, but under present conditions it is very evident that some steps may have to be taken in that direction. The Honourable Member in charge made a very pointed remark when he said that without an efficient and contented labour force, employers could not expect their industry to flourish, and I should like to endorse that with all the emphasis at my command. This Act provides for the safety, regulation of hours, and so on, which will go a long way to build up an efficient and contented labour force. There is no doubt that 10 to 11 hours a day of work for labour is too long and, if it were possible to come to an unanimous agreement among employers of labour throughout the world for shorter hours of work, it would be very welcome, but I must emphasize the fact that it cannot be done only in isolated cases, unless we are prepared to run the risk of our industries being so competed against that they cannot continue to work. I would like to endorse the remarks which fell from the Honourable Member in charge and express the hope that the cotton textile industry will really do their best to ameliorate the conditions of labour in that industry. The days are gone when labour was treated purely as a machine. Labour must be treated as human and employers must do their utmost to give labour a fair wage in return for its work, which must be regulated in accordance with prices and living expenses. I do not want to go into details which will be thrashed out in the Select Committee. There is no doubt that Chapters IV and V are a great advance in the legislation for labour in India and the provisions of Chapter III do the utmost to safeguard the health and safety of the workers in factories. With these remarks, I support the motion for Select Committee.

Mr. Gaya Prasad Singh (Muzaffarpur *cum* Champaran : Non-Muhammadian) : Sir, I join my friend, Mr. Morgan, in congratulating the Honourable Member in charge for having ushered in this important piece of legislation which is designed to secure humanitarian conditions for the labour population working in factories. I also associate myself with the remarks which fell from the Honourable the Deputy President when he coupled the name of Mr. Clow in connection with the labour legislation which has emanated so many times from the Department of Industries and Labour. My Honourable friend, the Deputy President, has subjected the provisions of this Bill to an exhaustive criticism, and he is quite competent to do so having made a special study of the subject. I do not want to cover the ground which has been traversed by him, but I recognise that this piece of legislation is an advance upon the present state of things so far as the labour conditions in this country are concerned.

This Bill provides among other things for the medical inspection of the workers, and the proper ventilation of the premises where the workers are employed. Clause 18 refers to the provision of cooling apparatus, and clause 19 seeks to prevent overcrowding of workers in a labour factory. Clause 21 refers to the provision of adequate water supply, and clause 25 refers to fencing of machinery, and so on. Clause 29 gives power to the Local Government to prohibit a child from work-

[Mr. Gaya Prasad Singh.]

ing in a specified class of factories. This is also a very important provision in this Bill, and is calculated to secure the health and the well-being of young children who are made to work in the factories at a very early age. With regard to clauses 35 and 37, I feel that the hours of work is a little longer. I do not know whether it would be possible in the Select Committee to go into this matter very carefully, and to see whether more relief to the labourers could be given in this direction. I am speaking, of course, off-hand without studying the labour conditions in the legislation of other countries. But this is a matter which should be threshed out in the Select Committee.

Now, clause 47 prescribes that extra pay should be given to workers for working over-time or for working on Sundays which are declared as holidays. I am sorry that the cotton textile industry in this country has not seen it fit to introduce wholesome labour conditions in their factories. The warning which has been uttered by my Honourable friend, Sir Frank Noyce, will, I hope, have the desired result, and labour conditions in this industry will generally improve to an extent which will secure adequate humanitarian conditions to the labour population working in factories. This Bill is based on the recommendations of the Royal Commission on Labour. I regret that my friend, Mr. Joshi, is not here as he would have spoken with some authority on the subject. But I find that, on the whole, without committing myself to all the provisions at the present stage, I am prepared to let this Bill go to the Select Committee.

An Honourable Member : If you let this Bill go to the Select Committee, you are accepting the principle of it.

Mr. Gaya Prasad Singh : Yes, I accept wholeheartedly the principle of this Bill which aims at securing a humanitarian improvement in the conditions of the labour population of this country. I find from the preamble of this Bill that it aims to consolidate and amend the law regulating labour factories ; and the provisions which I have read out are designed to secure improved conditions for the labourers who are working in the factories at the present moment. I, therefore, wholeheartedly support the principle of the Bill. I hope that whatever deficiencies there might be in some of the clauses or whatever other improvements may be deemed to be necessary will be carefully looked into by the Select Committee, and, when the Bill comes out from the Select Committee, I hope, it will be an acceptable piece of legislation in the interests of the labour population of this country.

Dr. Ziauddin Ahmad (United Provinces Southern Divisions : Muhammadan Rural) : Sir, I am neither a capitalist nor do I represent labour. I represent the poor tax-payer and consumer. Therefore, I will take a dispassionate view of the whole situation. Since I came to the Assembly, we have been bombarded with all kinds of labour legislation, legislation for restricting the freedom and liberty of the people, legislation for increasing the taxation and the cost of living of the poor consumers. I have not seen a single Member of the Treasury Benches producing any legislation by means of which the people might become more prosperous, by means of which the nation-building departments might be strengthened and also by means of which the economic

condition of the people might be improved. Sir, much has been said and good many Members have posed themselves as the champions of labour. But when they began to define their attitude, they simply concentrated their attention on labour engaged factories and Government Service. But a very large number of labourers in India are really the agricultural labourers and I would like to ask my Honourable friend on the other side of the House what have they done to improve the condition of the agricultural labourers. The number of the labourers in factories is very small not even one in ten thousand as compared to the number of labourers working on the agricultural fields. Now, those people are not getting even one meal a day. You are looking after the health of factory workers so that these persons may not suffer from diseases, but what have you done for the agricultural labourers who are starving in millions? Whenever any question with regard to the agricultural labourers is brought on the floor of the House, the Members on the Treasury Benches remain silent. I would like to say one thing and I don't mean to make any reference to Mr. Clow, for whom I have great respect, not only because he represents my province, but also because he is a brother mathematician and we were contemporaries in Cambridge. I emphasise the fact that the recommendations of Commissions, must be examined on behalf of Government by persons who have neither been members, nor the Secretaries of Commissions. They must be examined by disinterested men. Commissions sometimes take one sided view and outsiders can interpret in the two perspective. As an illustration, I would like to give in example a case given by my friend, Mr. Abdul Matin Chaudhury, about the employment of child labour. But, before I give that illustration, I would like to narrate a story. A person dreamt something and said that half of his dream was correct and half was incorrect. People asked him what his dream was. He said: "One man gave me a slap and also a rupee. But, when I got up, I had the mark of the slap, but the rupee was missing." The same is the case with this question of child labour. Commissions and supporters of labour always emphasise, following the example of Europe, that children should not be employed in labour, but they forget one important thing. In Europe they have compulsory education. Boys are expected to visit ordinary schools and industrial schools, and they are not expected to work in factories. The case is different in India. We have no provision for compulsory education. Places are provided in school for about 7 per cent. of the children, the remaining children remain at home or waste time in unhealthy Societies. So, if you do not employ them in factories, their morals will be spoilt. If you provide schools for them, then I will certainly endorse all these recommendations about child labour. But you provide no occupation for them, no schools, no healthy recreation; yet, at the same time, you come forward and say that they should not even take some work. Then you are not showing any kindness to them. You will be spoiling our children and they will not be good and industrious labourers afterwards. Sir, one very important point has been ignored by all the speakers who have discussed this question. In European countries, the work is done by means of machinery. In India, the work is done by means of hand. The work done by means of machinery in India is infinitesimal as compared to the work done by hand. If you increase the cost of labour, then the cost of production will be increased. Then

[Dr. Ziauddin Ahmad:]

we will not be able to compete with other countries which are producing in large quantities by means of factories. The next thing which also should be borne in mind is that the strain on a labourer working in factories is much greater than the strain on a man who is working in cottage industries by means of his hands.....

The Honourable Sir Frank Noyce : I am sorry to interrupt the Honourable Member, but that is exactly the reason why we are considering this legislation.

Dr. Ziauddin Ahmad : The strain is much less in the case of cottage industries than it is in the case of machinery. So it is not fair to apply the same rule about the hours of work in the case of cottage industries to the labourers in these factories.

I should like to draw the attention of the House to clause 5 of the Bill which perhaps the Select Committee might alter. The clause reads :

(1) Notwithstanding anything contained in clause (j) of section 2, the Local Government may, by notification in the local official Gazette, declare any premises whereon a manufacturing process is carried on, whether with or without the aid of power, and whereon, on any one day of the twelve months preceding the notification, ten or more workers were employed, to be a factory for all or any of the purposes of this Act.

Even if you employ ten persons even for one day in a year, then it becomes a factory and all the rules of this legislation will be applicable to it. This is a very hard provision, because we always employ ten persons even in a very small undertaking of domestic nature. Sir, I am not opposed to giving facilities to labour and I do not stand to oppose this measure. But for goodness sake, I do beseech that we should have certain principles on which we should proceed to legislate. In the legislation before us I see lack of principles. What is the principle underlying this Bill ? Do you want to unite all the labour in India and make them work against the capitalists so that there may be collision between the two, capitalists dragging on one side and labour dragging on the other ? Is this the situation that you visualise for this country ? You have planted on our soil a number of western institutions. This tug-of-war between capital and labour was unknown in India before the advent of the British institution. Formerly there were no troubles between the employer and the employee. Their interests were identical and they helped each other as if members of the same family. It is only after the European institutions were implanted in our land that these troubles arose. Hitherto the capitalist and labour were living in peace. The capitalist looked after the interest of labour and the labour worked loyally for the employer. It is only now that the tug-of-war has increased day by day between the employer and the employee. There should be certain principles that should guide us in the matter of this legislation. I submit that we should work on two principles. The first is this. If the labourers work harder and more profit is realised by the capitalists, then the profit should not be the sole property of the capitalists, but it should be distributed proportionately amongst all persons who have contributed to earn the profits. That is to say, the capitalists may have a certain proportion of the profit, say, equivalent to the bank rate of interest or slightly higher, and the balance should be given as bonus to all the persons who were engaged in that particular trade and who helped to secure

that profit. That, I consider to be one way in which this problem could be solved. But no attempt has been made till now in any Legislature so that the excessive profits of the capitalists could be divided among the workmen and others who helped to earn this excessive profit. If this is done, the workers would willingly come forward and do the work cheerfully and thereby reduce the cost of production which will result in the increase of profits to the employers and labourers. That profit will be divided not only by the owners of factories, but also by the persons who help in producing the things. This is one method by which you can really solve the problem of capitalists and labour. Can my Honourable friend, the Labour Member, even think of imposing 48 or 54 hours on himself? The second way in which we can solve the problem is by the method followed by Hitler in Germany. There he is trying to unite capital and labour. It is rather a curious thing that he does not believe in these international labour unions uniting together, nor in international capitalists uniting together. He wants all the people in Germany to unite together, capitalists and labour. I would not preach the example of Russia, because this example, to my mind, is bound to fail. It will never succeed in any part of the world. Some people believe that Bolshevism may find its way into this country. But I never believe that it will. I think Bolshevism will get itself drowned sooner or later in the Baltic Sea. I have got my own reasons for thinking so and, if necessary, I can substantiate what I say. These are the two methods by which we can solve the problem of capital and labour. The method which the Department of Labour is pursuing is not the right method. They are simply following the recommendations of a Commission which they appointed. The Commission has simply copied the drawbacks of capital and labour in European countries and attempted to plant all those drawbacks on our soil. It is a fundamental mistake that the Government, instead of going forward, should be going backward and we ought to be very careful about the methods we pursue in this country in the matter of the solution of the labour problem. We have already had enough of these labour legislations, and let us have some legislation to improve the economic prosperity of our country and let us have some legislation so that we may have our daily bread, which we are not having. Let us have some legislation so that agricultural labourers can get two meals a day which is denied to many. The Government are doing nothing for them. The Government are really raising the cost of production and making life more complicated than it is at present. My Honourable friend may say that if you do not have any legislation, then the workers will go on strike. I submit that this strike is itself a western institution which was unknown to us before the British came to this country. First you have produced a situation and then you want to find a solution.

Mr. B. Das : Sir, I wish to refer only to one passage in the speech of my Honourable friend, Mr. Abdul Matin Chaudhury. I congratulate him on his able defence of the cause of labour and I regret that my Honourable friend, Mr. Joshi, is not here to speak on the floor of this House in the cause of labour and put forward his views. My Honourable friend, the Deputy President, said that we in India should follow the American practice and reduce the working hours of the workers and, at the same time, increase their wages. Sir, I do not know if India today or ten years hence or twenty years hence—even if we have a socialist Government as advocated by Pandit Jawaharlal Nehru were set up,—I do not know if India would adopt the American method. I understand the

[Mr. B. Das.]

socialist doctrines of Pandit Jawaharlal not in the way that my Honourable friend, Dr. Ziauddin, does. If I understand Pandit Jawaharlal properly, he wants the income of all people to be equal and that people should adopt the simplicity of rural life. But my Honourable friend, the Deputy President, wants less working hours and, at the same time, higher wages for the working classes. He does not understand why the Honourable Sir Frank Noyce referred to the fact that wages also should be rationalised if in no industry, in the Cotton Textile Industry. Sir, I have no defence for the millowners in this country, but, I submit, if the millowners today are suffering from certain diseases, one of the diseases happens to be the high wages that they pay to their workers.

Mr. B. V. Jadhav (Bombay Central Division : Non-Muhammadan Rural) : Is that really so ?

Mr. B. Das : That is my view, but I should like to be corrected by my Honourable friend when he speaks. If we look at the index prices of food stuffs and other commodities that the working classes need today, we find that although a few months ago it was almost the same as the pre-war level, today it is something above 10 to 12 per cent. higher. But what are the wages in the factories ? There also the wages have gone very high. I do not say that the wages should go to the pre-war level. That is not my intention. At the same time, I say those high rates of wages came into existence owing to strikes in factories and also high level of prices after the Great War. The wages should be revised and the employers have the right to seek the co-operation of the representatives of labour in India. The labour in India can accept a rational basis of wages so that the industries do really prosper and so that the industries do not come so often to my Honourable friend, the Commerce Member, for protection. If industries clamour for more protection, one of the evils today is that the Indian workers are getting a scale of wages which is not commensurate with the standard of living of all the people in the country and which is not commensurate with the efficiency of the particular industries. Three years ago, we clamoured for retrenchment in all departments. The salaries of high officials of Government were also reduced, but I have not found that the representatives of labour, either in Bombay or Calcutta or Coimbatore or Madras, have accepted or have come forward themselves to say that the price level has gone down and they will accept a low scale of wages. I am not offering any criticism to throw cold water on my Honourable friend, Mr. Abdul Matin Chaudhury, or on the representatives of the workers, but I think the time has come when we have to face fairly and squarely the fact that the high wages that are prevalent in the factories and mills do contribute to the present clamour among the industrialists for protection or for not improving the condition of the working classes or for not reducing the prices of articles produced. My Honourable friend, Mr. Abdul Matin Chaudhury, knows that even the prices of cotton piece-goods are today almost at the same price or 10 or 15 per cent. higher than they were before the war or in the early period of the war. Prices have gone down and the working classes, I believe, are really "national". They do not live on foreign articles, so for them the price level has gone down as low as possible. If we in our daily life have accustomed ourselves to adopt a lower standard of living than we were accustomed to three or four years ago owing to the great economic depression that is affecting the world and India, I do appeal to the

THE FACTORIES BILL

working classes that they will see their way to accept a lower rate of wages so that the industries can be self-supporting and, at the same time, those who control these industries can give them the benefits which my Honourable friend, Sir Frank Noyce, has provided for them in this Factories Bill. Sir, I join in congratulating the Honourable Member for Industries and Labour and also my Honourable friend, Mr. Clow, for bringing out this Factories Bill so expeditiously. I hope it will receive unanimous support from all sides, from the representatives of labour as well as the veteran fighters on behalf of the capitalists in this House.

Mr. B. V. Jadhav : Sir, I am sorry that the President of the Mill-owners' Association is not at this time present in the House. Had he been here, my friend, Mr. B. Das, would have been a thorough democrat. Now he realises the responsibility of assuming the role of a democrat and a plutocrat at the same time.

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

And his speech just now has convinced me of the truth of the allegation by Mr. Mody that Mr. B. Das is at heart a capitalist.

Mr. B. Das : I am only an engineer, I am not a capitalist.

Mr. B. V. Jadhav : All that Mr. Das urges is that the labourers in the factories, specially the weaving factories in Bombay and Ahmedabad I think, should accept a lower scale of wages. It is a very good suggestion indeed ! But has my Honourable friend, Mr. B. Das, ever laid his feet in the chawls occupied by the labourers ?

Mr. B. Das : I lived in Bombay for ten years.

Mr. B. V. Jadhav : In Malabar Hill ? Most of the capitalists are living in Malabar Hill as Mr. B. Das once did ; and from that high hill perhaps he looked at Parel and other localities inhabited by mill hands and is now drawing a very rosy picture of the splendid condition in which they are living and he considers that a reduction of 10 or 20 per cent. of the wages would not matter very much.

Mr. B. Das : I did not say that, I only appealed.

Mr. B. V. Jadhav : You may appeal, but the empty stomachs cannot accept that appeal. If you want to appeal, appeal to the capitalists who are rolling in Rolls-Royces and are living in expensive bungalows on Malabar Hill. These poor men do not get a decent room to live in ; the rents in Bombay are very excessive, and the labourers and their wives and children have to huddle themselves together so much so that the area they inhabit is the slum area. There is a very heavy mortality from tuberculosis, and the infant mortality and the mortality among the maternity cases is simply appalling.

Dr. Ziauddin Ahmad : May I ask the Honourable Member one question ? Have the Government done anything to solve the housing problem in Bombay ? It is certainly not the business of millowners.

Mr. B. V. Jadhav : That is a different question altogether. I am neither an advocate of Government nor an accuser of Government.

Dr. Ziauddin Ahmad : Is it not the legitimate duty of Government to solve the housing problem and not of the capitalists ?

Mr. B. V. Jadhav : That will be out of place on this occasion.

Sir, I was saying that in these circumstances it is very difficult to ask the labourers to accept a lower scale of wages. If an appeal is to be made, it ought to be made to the capitalist to accept lower dividends and lower profits. My Honourable friend, Dr. Ziauddin, wants to have factories working on the co-operative principle. I do not think, Sir, that the climate of India is suitable for the co-operative principle. We have got in operation here the principle of co-operation of the wolf with the lamb. The wolf said to the lamb : " Come on, let us make a pact and we shall work together." The foolish lamb accepted the proposal and the next day the lamb was found inside the wolf. That is the sort of co-operation that is prevalent in India, and my friend, Dr. Ziauddin, has been extolling the present situation and he wants to bring about a millenium. He said that in ancient India there were no strikes, there were no quarrels among the employers and employees. But what was the condition of the employees ? They did not know their rights ; there was nobody to tell them what their rights were. They worked merely as slaves and they ultimately died as slaves. They could not raise a voice ; they could not unite, because they were not allowed to unite. The condition of slaves in America and other parts of the world, where slavery was rampant, was also of the same sort. The slaves were not allowed to unite ; the slaves were not allowed to go on strike, and so the labourers in ancient India were not allowed to go on strike and were not allowed to unite.

I remember the days when in Bombay a mill labourer was obliged to work for sometimes 13 or 14 hours a day, and Sunday was not at that time prescribed as a compulsory holiday. The first Factory Commission introduced some benefits, but even now the legal hours of work are ten a day. You can imagine what the effect is when the labourer has to work in a warm atmosphere continuously for twelve or ten hours. I welcome the change that is now introduced in the Bill that the weekly number of hours of work should be reduced to 54 ; and I join with my Honourable friend, Mr. Abdul Matin Chaudhury, in urging that the hours should be reduced still further to 48, and not stop at 54. I should like to say something about the word " factory ". In clause 2, the definition of " factory " has been modified so as to cover those establishments which, although they employ more than 20 persons, do not employ that number simultaneously. What is the definition put in here ?

" ' Factory ' means any premises whereon a manufacturing process is carried on with the aid of power, and whereon twenty or more workers are working, or were working on any day of the preceding twelve months but does not include a mine subject to the operation of the Indian Mines Act, 1923."

I do not think that the word " simultaneously " has been introduced in that definition.....

Mr. A. G. Clow : It has been omitted.

Mr. B. V. Jadhav : I see. The condition of the labourer is very bad indeed, and the Members of the Labour Commission drew the same conclusions. It is a matter for congratulation that Government are taking seriously to labour legislation and doing so much for ameliorating the condition of the poor labourers. Maternity benefits are now allowed by legislation in Bombay and the same thing has been done in some other Presidencies. I wish that the Government of India would undertake

legislation on this subject and make the benefits available for labourers all over the country. With these few words, I support the motion.

Mr. Amar Nath Dutt (Burdwan Division : Non-Muhammadan Rural) : Sir, I rise to support the principles of the Bill and am of opinion that it should go to Select Committee for consideration. Men of different widely divergent views have spoken about the merits and demerits of the Bill. The labour leader, the Honourable the Deputy President, who adorns the Chair at the present moment, has stated his views before the House. Unfortunately, though I was not present at the time of his speech, still I can well imagine what was uppermost in his mind, considering his activities about the welfare of the labour population. That great social reformer from the province of Bihar, my friend, Mr. Gaya Prasad Singh, has also stated his views. We know his activities have always conduced to the benefit of the people at large in this country and his zeal for social reform has kept him away from his home for months and years. He has been attempting of late to humanise the Penal Code by doing away with capital punishment : I do not know whether he will lay his hand on other obnoxious sections of the Penal Code and also have them eliminated from our Statute-book. Then we have heard that great engineer who now claims to be a socialist, Mr. B. Das. He has asked us to reduce the wages as we have reduced our own standards of living. If I may be permitted to say anything personal, without meaning any offence, I may say that example is better than precept. I have seen Mr. B. Das for the last ten years, and I can say that his wants have increased day by day and his luxuries also. I saw him with a dirty *khaddar* coat when he first came to the Assembly, but now I find him

Mr. B. Das : Only in party meetings.

Mr. Amar Nath Dutt : In party meetings and in the Assembly also in that blue *khaddar*. He has asked for lowering the wages of labour. That is not a socialist point of view. I beg to submit that we must raise the standard of living of labour. Then, we have heard that great economist, a great mathematician, and a Wrangler to boot, who has pleaded for the agricultural population. Indeed, here, I am at one with him. Although I am giving my full support to the principles of the Bill, I wish that the Bill had covered the case of agricultural labour also, because as every one knows they form at least 80 per cent. of the labour of India

Mr. B. V. Jadhav : How to approach them and deal with them ?

Mr. Amar Nath Dutt : Of course not by introducing legislation, which you intend to introduce, of doing away with the provisions of the Penal Code about miscarriage and by legalising them, but by giving them more food and better lodging and more wages.....

Mr. B. Das : Do not forget that Mr. Jadhav was Minister of Agriculture.

Mr. Amar Nath Dutt : I know that. My friend, Mr. Das, has reminded me that Mr. Jadhav was Minister of Agriculture ; but he has given us a vivid picture of the slum population of Bombay ; and he has asked us to give them better wages and other things.....

Mr. B. V. Jadhav : Many of my relations are there.

Mr. Amar Nath Dutt : In the slum population, I do not think ?

Mr. B. V. Jadhav : Yes : I am not ashamed to own that.

Mr. Amar Nath Dutt : It must be a very democratic society where we find one gentleman getting Rs. 64,000 a year and another of the same family getting only Rs. 200 a year living among the slum population—one living in a palace and another living in a hovel : that must be a very strange society.

Sir, he has pleaded with all the earnestness at his command as a social reformer for the saving of life in maternity cases. I am entirely at one with him, and I hope that some means will be found to reduce the mortality in maternity cases, but I am not one of those who can agree with him—for I have not yet cut my cables from the orthodox community,—when my friend says that there should be no punishment for miscarriage.....

An Honourable Member : He wants to legalise it.

Mr. B. Das : Birth control.

Mr. Amar Nath Dutt : My friend believes probably in birth control having had experience of it from his short married life of a few years, but I am not one of those who can agree with him.

Then, Sir, it was said by the Honourable the Ex-Minister from Bombay that the climate of India was not suitable for co-operation, and that co-operation would be the co-operation of the wolf and the lamb. I could not exactly follow my friend.....

Mr. B. V. Jadhav : I said co-operative factories.

Mr. Amar Nath Dutt : What he means by co-operative factories, I do not know.

Mr. B. V. Jadhav : If my friend does not know that, I think he should sit down.

Mr. Amar Nath Dutt : I think my friend is perfectly right in asking me to sit down so that he may have a safe passage for his revolutionary social legislation. Sir, co-operation is the one thing needed in every matter,—co-operation between the rulers and the ruled, co-operation between the Minister and those ministered, co-operation between capital and labour, in fact co-operation is necessary in all matters in this world, but I do not know what my friend has in his mind when he asked me to sit down. However, what I was submitting was that all these safeguards which are meant for labour in factories are equally necessary for agricultural population on which my friend, Dr. Ziauddin Ahmad, laid so much stress. Cleanliness, ventilation, artificial humidification, cooling, prevention of overcrowding, light, water and all these things are as much necessary for the agricultural labouring population as for the factory labourers. However, if we cannot get the whole loaf, we should be satisfied with at least quarter of it, and, therefore, I accord my whole-hearted support to the motion that the Bill be referred to Select Committee.

Mr. A. G. Clow : Sir, I must acknowledge with gratitude the very kindly reception which has been given to this Bill. There is a saying

among those who have been brought up as labourers that no one who has not worked with his hands can really enter into the skin of labour or feel as labour feels, and I suppose that is the position of every one here, except perhaps my friend, Mr. B. Das.

Mr. B. Das : I have worked with my own hands.

Mr. A. G. Clow : I excepted you ; But I think it is a very happy augury for the new India that is coming that a Bill of this kind has evoked so much interest and has received so much support in a House of this character.

You, Sir, raised the question of the small factories and I admit that that is a very pertinent, if also a very difficult, question. There is in clause 5 of the Bill a provision which enables Local Governments to bring certain small factories within its scope, but that would not suffice to deal with the factories which you, Sir, had in mind. I think the answer to the suggestion that they should be dealt with here is that, as the Labour Commission have suggested, it really requires a separate Act. It is an extraordinary difficult subject for many reasons ; whereas a millowner cannot remove his factory from one spot to another, nothing would be simpler than for the small *bidi* factory owner, if you were to detect him of improper practices, to move to some other place. Nothing is simpler also than to split up those factories. You cannot split up the ordinary factory using machinery without incurring a loss. After we have made some progress with the question now under discussion, it will be necessary to consider what is to be done about those factories.

You suggested also, Sir, that docks should come within the scope of this measure. That is a matter which has been considered, but the problems in docks are distinctly different, and it is proposed to tackle them separately. The Honourable the Leader of the House this morning said that he intended to introduce a Bill in the current Session to provide for safety in docks, and that will represent an important step on behalf of labourers of that kind.

Dr. Ziauddin Ahmad : So another Bill is coming.

Mr. A. G. Clow : You suggested also that a 48-hour week is preferable, and other Honourable Members agreed with that view. I am not going to try and defend the hours suggested in the Bill as ideal ; but I suggest that, even from the point of view of labour, the attempt to introduce 48-hours just now might be extremely dangerous. There were those who expressed the opinion, it was perhaps more of a hope than an opinion, that a reduction in hours need not involve a reduction in wages. But I think even they would agree that if we went straight to a 48-hour week, it would mean a reduction in wages, and one that would appreciably affect the standard of living which our workers enjoy.

My friend, Dr. Ziauddin's speech I found a little difficult to follow. His charge, as far as I could understand him, was that whereas we do a great deal for labour, and particularly industrial labour, we do nothing for the improvement of the bulk of the people in the country....

Dr. Ziauddin Ahmad : I meant agricultural labourers.

Mr. A. G. Clow : Including agriculture. Well, Sir, Government must work in the sphere allotted to it. He seemed to traverse, if I heard

[Mr. A. G. Clow.]

him correctly, considerably into transferred subjects. I do not think that any one can say that within the sphere allotted to the Government of India, they have not tried to do their best to improve the material prosperity of the country in every direction. We have been dealing even in this short Session with such matters as the cotton textile industry, the tea industry, and I think the lac industry.....

An Honourable Member : All for the benefit of capitalists.

Mr. A. G. Clow : For the benefit, I would say, of the country, and not merely of the capitalists.

Dr. Ziauddin Ahmad : Not for the benefit of the consumers.

Mr. A. G. Clow : He then went on to deal with a number of matters in the Bill. He suggested that we were doing a grave injury in excluding children from factories. But the Bill does not do so. The ages of children in factories remain exactly as they were in the old Act. All that we are seeking to do is to make a small reduction in working hours from 6 to 5 in any day. We sit in this House, at least those who sit continuously, for 4½ hours a day, and I suggest that that time, with another half an hour longer, is quite long enough for any child to work in a factory. I do not know what limit my friend, Dr. Ziauddin, would consider suitable.

He then went on to criticise clause 5 which gives the power to extend the Act to smaller factories, and he seemed to be under the impression that it was a new clause. It is an old clause existing in the present Act, and the only difference we are making is, instead of giving the Local Governments the choice between applying the whole of the Act or none to these small factories, we are proposing to give them the power to apply the Act in whole or in part. I do not think there is any fear of any large extension at present. This is a power used by Local Governments very sparingly, and any large extension would involve such demands on the inspecting staff as to make it impossible for them to agree to it. He then went on to suggest that we were proceeding entirely on the wrong lines, that we were in some way imitating the West, and I think I heard suggestions of profit sharing, co-operative factories, and the methods of Herr Hitler. I should have thought that all these emanated from the West. In fact, industrialism has come upon us from the West. In any case industrialism is here. We have got to face the problems arising from it. We are not slavishly imitating anything in the West. We are using its experience; we are modifying its methods. We are doing our best in the light of the facts that we have here, and not of the facts in the West, to ensure that those, who are doing an important work for India in carrying on its industries, do so under humane and reasonable conditions. (Cheers.)

The Honourable Sir Frank Noyce : I have very little to add to what Mr. Clow has already said. I should like to say that I appreciate very greatly the tribute which has been paid to the part he has played in this legislation. I am almost always in a very fortunate position. Whenever I introduce labour legislation in this House, the main, almost the sole criticism against it is that it does not go far enough, and it was almost with a sigh of relief that I heard a discordant note from

Dr. Ziauddin. I think Mr. Clow has dealt with him very thoroughly and effectively. His main criticism was that the labour legislation we were introducing had no principle behind it and that we were blindly following the recommendations of the Labour Commission. Even if that is so, it does not seem to me a very serious charge. The Labour Commission was composed of experts, representatives of capital, representatives of labour, and people who had great experience in other countries in dealing with labour problems. Why should we be accused of doing something wrong if we accept the recommendations of that Commission? I think the House will have observed from the measures we have brought before it that we do not accept the recommendations of the Labour Commission blindly. They are examined by us very carefully; they are examined by Local Governments very carefully; and again they are examined very carefully by Select Committees of this House. Instead of that course, Dr. Ziauddin suggests that we should bring forward profit sharing legislation. He also suggests that we might adopt the methods followed in other countries of securing peace between capital and labour by knocking their heads together. I must confess that I personally, for the time being at any rate, would prefer to follow the safer course.

I would like to assure the House in conclusion that all the points of criticism that have been brought forward during the course of the very interesting discussion we have had this afternoon will be most carefully examined in the Select Committee, as they always are, and to thank the House for the support it has given to my motion. (Applause.)

Mr. Deputy President (Mr. Abdul Matin Chaudhury): The question is:

"That the Bill to consolidate and amend the law regulating labour in factories be referred to a Select Committee consisting of Mr. Abdul Matin Chaudhury, Mr. S. C. Mitra, Mr. A. Hoon, Mr. H. P. Mody, Diwan Bahadur Harbilas Sarda, Mr. Amar Nath Dutt, Mr. S. C. Sen, Mr. K. P. Thampan, Mr. G. Morgan, Khan Sahib Shaikh Fazal Haq Piracha, Mr. N. M. Joshi, Mr. S. G. Grantham, Mr. A. G. Clow, Rao Bahadur M. C. Rajah and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five."

The Motion was adopted.

THE HEDJAZ PILGRIMS (MUALLIMS) BILL.

Mr. G. S. Bajpai (Secretary, Department of Education, Health and Lands): Sir, I beg to move:

"That the Bill to regulate the activities of persons in British India who offer to assist Muslim pilgrims to the Hedjaz, as reported by the Select Committee, be recommended to the Select Committee."

Sir, I hope the good fortune which has attended the Honourable Member in charge of Industries and Labour in his motion for referring his Bill to a Select Committee will also attend my perfectly innocuous motion.

The facts of the matter may be briefly stated. The Select Committee considered this Bill last year and they made a report by a majority to the effect that the Bill be not proceeded with. That report was laid on the table of the House, I think, on the 6th February last. The Government considered the recommendation of the Select Committee and said that they would not come to any final conclusion in the matter until they had had

[Mr. G. S. Bajpai.]

opportunity to watch the reaction of the Muslim public generally to the Bill as it had emerged from the Select Committee and watch also the subsequent events. So far as the reaction of the Muslim community to the Bill is concerned, if Muslim newspapers are an index of it at all, it would appear that a considerable number are in favour of our proceeding with the Bill, some of them want changes made in the Bill, and two say that the Bill be not proceeded with at all. As regards events, we have had information that pilgrims, especially pilgrims from up country, continue to suffer at the hands of at least some of the more unscrupulous *muallims*. We had, for example, a report from Bombay that last February some pilgrims went from up country. They were met at the station in Bombay by a relation of theirs. There were rival factions of these *muallims* who were competing for the favour of these gentlemen, but inasmuch as the relation happened to be conversant with these *muallims* and their ways, he wanted to choose somebody who would really look after them. The disappointed *muallims* set upon him, belaboured him, and, I believe, he was actually hurt, though I do not know whether he went to a hospital. That being the position, we thought the best thing would be to send back the Bill to the Select Committee in order to enable them to take into account the suggestions for amendment that had been made, to reconsider the doubts which they had themselves felt as regards certain provisions in this Bill, and also to take account of the fact that there is really a necessity, at any rate, to some extent, to provide for the regulating of the activities of these persons. That is all I have to say at this stage. I hope the House will accept my motion.

Mr. Deputy President (Mr. Abdul Matin Chaudhury) : Motion moved :

“ That the Bill to regulate the activities of persons in British India who offer to assist Muslim pilgrims to the Hedjaz, as reported by the Select Committee, be re-committed to the Select Committee.”

Mr. M. Maswood Ahmad (Patna and Chota Nagpur *cum* Orissa : Muhammadan) : I cannot understand why Government are so keen in the matter of *muallims*. We have suggested many things on the floor of this House for the benefit of pilgrims, but I always found that Government were not prepared to accept them. The Government, in spite of our opposition, want to thrust down upon us this kind of legislation. My Honourable friend has just now suggested that some newspapers have supported this Bill. I say that only those newspapers who get advertisement from Government have supported it, and I believe that those newspapers who have supported Government in this connection have not opposed any Government measure for a year or more.

Kunwar Hajee Ismail Ali Khan (Meerut Division : Muhammadan Rural) : What about Sir Abdur Rahim ?

Mr. M. Maswood Ahmad : He is not a newspaper. (Laughter.)

Kunwar Hajee Ismail Ali Khan : What about his opinion ?

Mr. M. Maswood Ahmad : That is his personal view. You would have seen in the papers, Sir, that a Hedjaz Day was observed throughout India, and so far as Bihar is concerned, I can say that about 75 meetings were held in different places. I have got the paper *Muslim* with me. In the *Al-Jamiat* as well the names of the places and the President who preside

ed over the meetings have been published. They protested against the measure. The *Al-Jamiat* and other papers have written long articles. The Jamiat-ul-Ulema, which is the representative body of our religious men, passed long resolutions in Moradabad against this Bill.

It is true that the Haj Inquiry Committee has recommended such a measure, but as I said long ago, there were two kinds of reports. In spite of our demand, Government are not prepared to submit that report. We asked the Government to keep a copy of what is called the confidential report in the Library, but Government are not prepared to do so. On a previous occasion the Honourable Member, who was a member of the Haj Enquiry Committee, admitted in his speech that there were confidential recommendations written at the suggestion of Government.

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

Sayyid Murtuza Sahib Bahadur made that statement. He called it a recommendation, but my information is that this is a report. I do not know what has been written in that report about this measure. The other day, my Honourable friend, Mr. Bajpai, said that he was not aware of that report. It is not good on the part of my Honourable friend, being a part of the Government, to say that he was not aware of that report. If he is actually not aware, he has no right to speak any more on this subject. Further, I put a supplementary question the other day and my friend said: "If there is such a report,". I did not want those qualifying words. I wanted to know whether there was such a report or not. Then, my friend said that he was not prepared to add anything. That means that there is some confidential report, but for some reason, best known to them, they are not placing it in our hands. We want to know what has been written there about these *muallims*. Unless we see that report, we cannot accept this Bill at all.

You will find that people who will give any sort of advice without having a licence will be punished under this Bill. The Bill says:

"Whoever, not being a licensed pilgrim guide, for a consideration or in the hope of a reward, advises or assists or offers to advise or assist, any pilgrim other than a relative or friend, in any matter connected with the pilgrimage other than the performance of religious rites and ceremonies relating thereto, shall be punishable with imprisonment which may extend to three months or with fine which may extend to two hundred rupees or with both."

Government do not stop there. They want something more:

"Where it appears to any Court before which any person is being tried for an offence under section 6 that the accused has advised or assisted, or offered to advise or assist, any pilgrim who is not his relative or friend, and no consideration is proved, the Court may presume that the accused acted in the hope of a reward."

This is very hard. If they do not succeed in proving that a man has taken a reward, then, instead of giving the benefit of doubt to the accused, they say that the Court will presume that the man has advised in anticipation of a reward.

A further objection is that the Jamiat-ul-Ulema and other people in the country fear that Government want to control not only the activities of these bogus *muallims*, but that they want to control the real *muallims*. They want some sort of control over the Hedjaz by licensing them, and this we cannot allow at the moment. All the Muhammadans in this House

[Mr. M. Maswood Ahmad.]

and outside are all unanimous on this point, that Government should not take the control of the Hedjaz.

Sir, when a *muallim* will not be agreeable to them, no licence will be issued to him. Government want some sort of control and influence over these people. There is not absolutely a single case of cheating against a *muallim*. Then, what is the foundation on which you say that this Bill is required ? All Muhammadans say that this Bill is a bad measure and it is an interference with religion.

My Honourable friend, Sir Brojendra Mitter, once said : " They want to have a Bill for those who do not want it ". I want to present the same sentence to my friend. They have now brought forward a Bill for those who do not want it and for those who do not require it. The Mussalmans do not want it. Those, who are habitual supporters of Government, will support the measure. Government should not rely on their support.

(Major Nawab Ahmad Nawaz Khan rose to interrupt.)

You will have your own time to speak and I know what you will say. Sir, if Government want to demolish a mosque, certainly a section will come forward and say that this is not an interference with religion, but they should not rely on such support.

Major Nawab Ahmad Nawaz Khan (Nominated Non-Official) : What is the opinion of your own Leader, Sir Abdur Rahim ?

Mr. M. Maswood Ahmad : I say there are many Mussalmans here who shave their beards. I myself keep small beard. There are others who drink and who do not say their prayers, but what can we do of them ? We are not responsible for all. Some one do intentionally, others do by mistake. My Leader, being a man like others, can commit errors. He is my Leader in politics, but not a religious head.

Now, Sir, India is advancing very rapidly. Rightly it was said the other day by my Honourable friend, the present Law Member, that the reformers wanted to swallow the Hindu religion. This is not the case with our Hindu friends only, but there are Muslim friends also who want to swallow the Muslim religion.

Sir, Government are not ready to circulate this Bill. There is much difference between circulation and publication. Had they circulated it and had they got opinions from Muhammadans that they supported this measure, I would have nothing to say. But the mere sending of this Bill to the Select Committee will not be of much use, because it will go to the same Select Committee which has suggested that this measure should not be proceeded with, I think Government hope this time to carry the day. As far as I remember there was a definite understanding that this measure would not come before the Assembly again. I hope, my Honourable friend will remember that when the proceedings of the Select Committee were written, the man who wrote those proceedings had to cut out all the provisions which you find now. I do not think my Honourable friend can dare to contradict me on that point. The whole thing was cut out and the only thing left was that there was no need to proceed with this Bill. Afterwards, my friend requested me and others as well that as we had spent so many hours on this Bill, it was better that

they had all these things for the guidance of the Government. I myself told him that if Government were not proceeding with the Bill, there was no harm in having any thing, they liked. On this suggestion this note was added.

Now, Sir, we do not know whether Government are having this measure again on the recommendation of the Conference which met in Simla or for any other unknown reason. We have got great grievances against that Conference. Sir, a Conference was held in Simla in early August, 1933, to consider certain questions about the pilgrimage to the Hedjaz and for that Conference some nominees were invited by the Government. This Assembly has elected certain Members to advise Government about matters concerning the Haj pilgrimage. But Government, fearing that there were certain elements amongst the elected advisers who might oppose their desire did not consult that Committee at all. They ignored the Standing Committee for Haj Pilgrimage. They selected a new set of men who, they thought, would support them, and who were safe in their opinion.

Kunwar Hajee Ismail Ali Khan : May I know if that Conference discussed the *Muallim's* Bill ?

Mr. M. Maswood Ahmad : I do not know whether Government have brought this measure or their recommendations. If it is on their recommendation, then we have many things to say. Then, Sir, Government prepared a new list of several Members of the Assembly suiting their desire, and called them to attend the Conference. We do not know what matters they discussed with them. We do not know why the representative Members of this House were ignored on that occasion. The right thing for the Government to do was to take advice from the representative Members of this House and not from the nominees of their own. Government, Sir, were afraid that if they consulted the representative Members of this House, they might submit minutes of dissent. But let me say to Government : "Do not play with our religion any longer ; we cannot tolerate your interference with our religion for a moment. We have lost everything, but we are not prepared to allow you to play with our religion". Sir, this measure is one of those which will certainly interfere with our religion and it will decrease the number of pilgrims who go to the Hedjaz. These *muallims* are the proper persons to give them assistance. We do not know anything about the Hedjaz.

My friend is not going to have a Haj Committee for the province of Bihar and Orissa. Sir, in the Haj Inquiry Committee it was decided that there should be a Haj Committee for the province of Bihar and Orissa also. Even in this House, when Chaudhri Zafarullah was sitting on the Government Benches, he himself said that there was no need for the representation of other provinces on the Haj Committee as they will have a Haj Committee in each province. I was ready to give them hundreds of M. A.'s and Barristers to act as the Secretary of the Haj Committee free of charge, but even that suggestion was not accepted by the Government.

Sir, I say that these *muallims* are the proper persons to give us necessary guidance. Without them, how a man can go to perform his Haj and have the necessary comforts ? The Hajis do not want any kind of control.

[**Mr. M. Maswood Ahmad:**]

Further, Sir, they say that the Haj Inquiry Committee has recommended this, but the evidence is not before me. I asked my Honourable friend in a question that the evidence of persons who appeared before the Haj Inquiry Committee should be supplied to us or should be kept in the Library, but he was not prepared to do that. I do not know why they are treating that evidence as confidential. If you have not got a printed copy, may I ask, if you are prepared to show us the typed copy ?

Mr. G. S. Bajpai : I can tell my Honourable friend that if any typed statements are available, I shall be only too ready to place them before the Select Committee.

Mr. M. Maswood Ahmad : Why are you not giving them to all the Members.

Mr. G. S. Bajpai : My Honourable friend is a member of the Select Committee and he will be welcome to make a transcript of what I place before the Select Committee and circulate it to Honourable Members.

Mr. M. Maswood Ahmad : Will you allow me to communicate it to other Honourable Members ? Will you not say that it is confidential as you said on previous occasions ?

Mr. G. S. Bajpai : It must be left to the Chairman of the Select Committee to decide as to what should be treated as confidential and what should not be.

Mr. M. Maswood Ahmad : I am thankful to my Honourable friend that after all I have received an assurance from him for the first time that the evidence will see the light of the day. I hope my Honourable friend will not mind even placing the confidential report before us. May I ask, if the Honourable Member is prepared to place that report also before the Select Committee ?

Mr. G. S. Bajpai : I shall deal with that point when I reply to my Honourable friend's reminiscences as well as imaginary references ?

Mr. M. Maswood Ahmad : Still they maintain, Sir, that this is an imaginary thing. I have no hesitation to put a question in the next Session of the Assembly with a block of the title page of a report, called confidential report, if they will allow me to do so. What is the other alternative. Government are still saying after such clear proofs that it is an imaginary thing. We also have our secret department and that department may supply at least a title page.

I suggest that instead of recommitting this Bill to the Select Committee, the Government should not press this motion ; but that they should circulate the Bill for eliciting public opinion. If public opinion is obtained, Government would come to know the real feeling of the Muslim public with regard to this measure. If the Government do not care for Muslim feelings and if they want to thrust this Bill on the Muslims like the Ordinances, they can do so. If this Bill is circulated for public opinion, then the Government would come to know whether I represent the real Muslim feeling or whether the supporters of Government represent Muslim feeling. I, therefore, suggest that the Honourable Member should either move a motion for circulation of this Bill or he can do so by executive order. I do not mind which course he adopts. The Select

Committee must have certain new information to consult before they decide one way or the other about the measure. On what basis will the Committee proceed if they have not got the public opinion? The Select Committee have once expressed their opinion on this Bill and, unless you give them new material, what is the use of sending this Bill again to them? I, therefore, submit that this Bill should be circulated for public opinion either by an executive order or by a motion of this House. (Applause.)

Shaikh Sadiq Hasan (East Central Punjab : Muhammadan) : Sir, my Honourable friend, Sir Frank Noyce, has been congratulated on the Labour Bill, but I am afraid I cannot congratulate my Honourable friend, Mr. Bajpai, for presenting this Bill. I would say that the considered opinion of the Ulemas is against this Bill. I am not speaking only about the Jamiat-ul-Ulema which the Government consider as a hostile body to them. When I consider the opinion of the Maulvis in different provinces, the Maulvis in the Punjab, the Maulvis in my own city of Amritsar, I find that they are all dead against this measure. They consider this Bill a great interference with religion. My Honourable friend, Mr. Bajpai, told us that there were some people who were supporters of this Bill. But, I am afraid, their number must be very small as compared to the number of people who attended public meetings which were held against this Bill. I submit, this Bill is nothing less than an interference with the religious principles of Islam. The Islamic religion is a proselytising religion and the one of the fundamental principles of Islam is to preach and inform the public as to what are their duties. In this Bill what do we find? Clauses 6 and 7 say :

“ 6. Whoever, not being a licensed *pilgrim guide* for a consideration or in the hope of a reward, advises or assists, or offers to advise or assist, any pilgrim other than a relative or friend, in any matter connected with the pilgrimage other than the performance of religious rites and ceremonies relating thereto, shall be punishable with imprisonment which may extend to three months, or with fine which may extend to two hundred rupees, or with both.

7. Where it appears to any Court before which any person is being tried for an offence under section 6 that the accused has advised or assisted, or offered to advise or assist, any pilgrim who is not his relative or friend, and no consideration is proved, the Court may presume that the accused acted in the hope of a reward.”

What a perversity of ideas ! The presumption is against a person who is going to advise or assist a man in his pilgrimage. Supposing I advise or assist any pilgrim, the presumption is that I am going to take money from that man. I submit, Sir, we Mussalmans are certainly going to defy this law and I say it on the floor of this House that, if this measure is passed into law, it will be defied not only by extremists, but also by moderate people. You cannot prevent us from advising or assisting those people who are going for pilgrimage to Hedjaz. Do you mean to say that you are going to make a law that if any Mussalman advises another Mussalman and puts him in the right direction, the law should presume that that man is going to do so only for the sake of money and you are going to prevent a Mussalman from discharging his fundamental duty of assisting another Mussalman which is enjoined upon him by his religion. Sir, I find the name of my revered Leader, Sir Abdur Rahim, associated with this Bill. I do not say that he is a type

[Shaikh Sadiq Hasan.]

of man who will run after the Government and do what the Government ask him to do. But sometime even very wise people err and I do think that, in this case, Sir Abdur Rahim has erred,—I do not say intentionally, but unintentionally.

Kunwar Hajee Ismail Ali Khan : Do you mean to say that others have done so intentionally ?

Mr. M. Maswood Ahmad : No, about other man's intention nothing can be said.

Shaikh Sadiq Hasan : I say they have also erred unintentionally. The point is this that the feeling we Mussalmans have got in our minds is that the Government are going to spread this octopus limbs even in Hedjaz. They want to control the activities of the *muallims*. The Government want to extend the activities of their spying department in Hedjaz also. We were informed the other day by the Army Secretary that, after 90 bombs were thrown on the Frontier, only one man was injured and 15 mud houses were destroyed. This is the sort of work that the spying department does and the *muallims* also are to be utilised for such purposes. I would only suggest that, if this Bill is re-committed to the Select Committee, I hope that the members of the Select Committee will rise to the occasion and that they would consider their primary duty towards Islam and towards their fellow Muslims and that no sort of prestige will stand in their way. The question of prestige should be left to the Government. The Government, whatever may happen, whether right or wrong, always stick to their prestige. My Honourable friends on the Select Committee, most of whom are elected Members, should think what is in the interest of their fellow Muslims and they should record their opinion accordingly. It is rather difficult to say about my Honourable friend, Major Nawab Ahmad Nawaz Khan. He, being a nominated Member, must always support the point of view of the Government.....

Major Nawab Ahmad Nawaz Khan : I supported and followed your Leader, Sir Abdur Rahim.

Shaikh Sadiq Hasan : Again what do we find in this Bill ? If a man advises another person about pilgrimage and if the latter does not even make a complaint, the man who advises him is going to be punished. Here, in this case, a magistrate having jurisdiction may just find with the help of the police what has been happening and he may catch hold of a man who has advised a pilgrim and punish him for having done so. In this way I consider that this Bill is no better than the Ordinance Bill which was passed last year. In the Ordinance Act, there is a provision on the same line. According to the Ordinance Act, if the brother of a police sub-inspector wants eggs free and he goes to a man who sells eggs, and if he refuses, he just lodges a complaint that eggs were not sold to him and the result is that the man is punished. In the same way, any policeman who has got a grudge can ask his brother to go and report against a man that he was advising about the Haj and get the man imprisoned. I think it is a most reactionary type of Bill and the least we can expect from Muslim Members is to be sensible and not to do any such thing which may involve other Muslims in trouble and prevent them from advising and assisting their co-religionists in the matter of Haj.

Mr. Uppi Saheb Bahadur (West Coast and Nilgiris : Muhammadan) :

Sir, after reading the note of the Select Committee on this Bill, we have to suspect the intentions of Government in this matter. The Select Committee, which consisted of very respectable Muslim Members of this House, in a majority recommended to Government after serious deliberation not to proceed with this Bill. Now, what is the hurry and urgency for Government to bring forward this Bill ? Why are they so anxious to provide their armoury with another weapon to prevent Mussalmans, who take it as a religious duty to advise brother Muslims who intend to perform the Haj, from doing so ? There is something up their sleeves. Let them tell us plainly why they want to go against the deliberate opinions of those pious and respectable Muslims like Sayyed Murtuza, Rajan Baksh, Hajee Wajihuddin, Nawab Ibrahim Ali and others in the Select Committee who recommended to them not to proceed with this Bill. I again want to know what is the urgency and hurry for proceeding with this Bill ?

Mr. G. S. Bajpai : Sir, I do not wish to interrupt my Honourable friend, but I should like to point out that I am not making a motion that the Bill be taken into consideration or proceeded with. I am merely suggesting that the Bill should go back to the Select Committee.

Mr. Uppi Saheb Bahadur : The Select Committee recommended not to proceed with this Bill. As it stands now, it seems to be the thin end of the wedge with regard to this pilgrimage to Mecca, one of the five essentials of Islam. Now, the definition of the word " pilgrim guide " is given thus :

" any person who, for a consideration or in the hope of a reward, advises or assists, or offers to advise or assist, any pilgrim in any matter connected with the pilgrimage," etc.

For Muslims this pilgrimage is a religious right and duty and we want all sorts of advice, as to the ships, the charges and expenses and the accommodation, etc. ; and this advice we will only get from people who have performed the Haj and have some experience of the country and practice there. According to this Bill, however, no Muslim can ever advise other Muslims ; he cannot open his mouth on this matter unless he obtains a licence from the Government. Is it not the thin end of the wedge ? They are going to drive a wedge into this, one of the fundamental principles of Islam. Can any Mussalman approve of that ? Sir, under clause 6, if I go to Mecca and come back and advise my Muslim brethren as regards their stay and other things, the next day I may be prosecuted. I must get a licence previously from Government to help my brothers by such advice, with regard to my holy place, to my brother Muslims. Is that not curtailing my religious freedom ? Next year they may probably bring another Bill preventing us from performing the Haj itself without previous permission of the Government which is one of the five essentials of Islam. Can the Mussalmans be a party to this Bill ? I do not doubt for a moment that there is not one Mussalman in this House who will give even his silent support to this measure. We will rather go to the gallows than be a party to such Bill. Instead of being a party to any Act which will prevent us from going to Mecca and perform our religious duties, we will rather face your bullets than submit to it. Now, Sir, this Bill is not so innocuous as it appears to be ; there is something international in this. There is a general movement to discourage Haj, and I warn the Government not to be a party to that great international sacred

[Mr. Uppi Sahab Bahadur.]

movement among the enemies of Islam to disrupt Islam. Islam is too strong for all that : it has stood many onslaughts and will stand many more onslaughts. Though we have not got any proofs of this, yet it is in the air that there is an international movement against Islam and that they are trying to minimise the international importance of the Muslims. The Haj has got a great unifying influence. The motive behind all this is to put a stop to that, as far as possible. I do not say my Honourable friend, Mr. Bajpai, is a party to all that. But why has he, in the face of the recommendation made by enlightened and religiously minded Muslims, not to proceed with this Bill, come back to this House with a motion to recommit it to the Select Committee ? What is the necessity for Government to come up with this motion ? We do not want your protection and we do not want your Bill. Save us from our friends. Mussalmans have been suffering at the hands of these *muallims* for centuries ; we are prepared to go on suffering if this is the sort of legislation that is to be offered to us. We are prepared to take the suffering. Where our religious duties and our religious performances are involved, we refuse to take your previous permission. We will do without it. I say, on the floor of this House, that no Mussalman who has a spark of religion in him will be a party to such a Bill or support it in any way. With these words, I oppose the Bill altogether.

The Assembly then adjourned till Eleven of the Clock on Saturday, the 16th September, 1933.