

LEGISLATIVE ASSEMBLY DEBATES

MONDAY, 30th JULY, 1934.

Vol. VI—No. 9

OFFICIAL REPORT



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LEGISLATIVE ASSEMBLY.

Monday, 30th July, 1934.

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

MEMBER SWORN :

Mr. W. J. C. Richards, M.L.A. (Burma : European).

QUESTIONS AND ANSWERS.

MILITARY FORCES SENT TO THE BURMESE FRONTIER.

243. ***Dr. Ziauddin Ahmad :** (a) Have Government sent military forces to the Burmese Frontier ? If so, why ?

(b) What is the number of the forces which have recently been sent from India to Burma ?

(c) In case Burma is separated from India, will the cost of the troops be debited to the accounts of Burma ?

Lieut.-Colonel A. F. R. Lumby : (a) At the request of His Excellency the Governor of Burma one section of a Mountain Battery was sent to the Burma Frontier to support the Burma Military Police. The reasons were explained in the statement supplied to the Press on the 27th June, 1934, a copy of which has been placed in the Library.

(b) None.

(c) I am afraid I am unable to answer such a hypothetical question.

Mr. Lalchand Navalrai : May I know from the Honourable Member whether there is already any military force on the borders of the Province ?

Lieut.-Colonel A. F. R. Lumby : The armed forces on the actual frontier in this particular part of the Sino-Burmese frontier are the Burma Military Police and the one section of a Mountain Battery to which I have already referred in my reply.

Mr. Lalchand Navalrai : May I know what necessity has actually arisen on the border, so that a force should have been sent additionally.

Lieut.-Colonel A. F. R. Lumby : No additional force has been sent to Burma.

Mr. Lalchand Navalrai : The Honourable Member gave us the reply that the military forces of Government had not been sent, as in clause (a) of his answer. I did not quite follow the Honourable Member ?

(719)

Lieut.-Colonel A. F. R. Lumby : The reply to clause (a) of the question was that there had been sent to the frontier one section of a Mountain Battery. The reply to clause (b) was that no additional force had been sent from India to Burma.

Mr. Lalchand Navalrai : Has this not been necessitated by the entry of the Chinese into that Province ?

Lieut.-Colonel A. F. R. Lumby : Undoubtedly the steps taken were necessary.

Mr. Lalchand Navalrai : Why was it not necessary, if the Chinese have actually entered our country ?

Mr. President (The Honourable Sir Shanmukham Chetty) : That question cannot be asked.

Dr. Ziauddin Ahmad : Is the separation of Burma from India of the same hypothetical nature as the question of the separation of Oudh from the United Provinces ?

Lieut.-Colonel A. F. R. Lumby : I think that, so far as these particular operations are concerned, the question is a hypothetical one.

The Honourable Sir Joseph Bhore : I would ask, Sir, that the questions relating to the Home Department be taken up next Wednesday ; I regret to say that the Home Member has not yet reached Simla.

Mr. President (The Honourable Sir Shanmukham Chetty) : Questions relating to the Home Department will be taken up on Wednesday.

†244*.

†245*.

INCLUSION OF A TABLE OF EXPORT TRADE IN THE REPORT ON THE WORKING OF THE OTTAWA AGREEMENT.

246. ***Dr. Ziauddin Ahmad** : (a) Will Government be pleased to state whether the report on the working of the Ottawa Agreement will include a table of our export trade in principal commodities to—

- (i) the United Kingdom,
- (ii) the countries other than the United Kingdom included in the British Empire,
- (iii) the countries outside the British Empire ; and
- (iv) detailed figures to show that the increase of our export trade to the United Kingdom (if any), is real increase or only a diversion from non-Empire countries to Empire countries ?

(b) If the reply to part (a) be in the negative, are Government prepared to take steps to see that the information regarding items Nos. (i) to (iv) of part (a) is included in the report ?

The Honourable Sir Joseph Bhore : Government are of opinion that the Report contains all the information necessary to judge of the results of the working of the Ottawa Agreement.

—†This question will be answered on the 1st August, 1934.

Dr. Ziauddin Ahmad : May I know whether the Report will give explicit figures as regards item No. 3 and item No. 4 ?

The Honourable Sir Joseph Bhoré : I would ask my Honourable friend to wait until he sees the Report.

Diwan Bahadur A. Ramaswami Mudaliar : May I know when the Committee of the House appointed to consider this question will meet and review the Report ?

The Honourable Sir Joseph Bhoré : Sir, it is not a question of its being a report of the Government : it is a report compiled for the Committee itself, and it will be placed before the Committee, which I hope will meet some time next week.

Diwan Bahadur A. Ramaswami Mudaliar : May I know if this House will have an opportunity to consider the report of its own Committee after that Committee has considered all the materials placed before it ?

The Honourable Sir Joseph Bhoré : The report certainly must be made to the House.

Diwan Bahadur A. Ramaswami Mudaliar : To this House ?

The Honourable Sir Joseph Bhoré : Undoubtedly.

Mr. President (The Honourable Sir Shanmukham Chetty) : In view of the fact that this will be the last Session of this Assembly, the Chair thinks it would be desirable that Government should make available the Report of the Committee to this House before the Session is adjourned.

The Honourable Sir Joseph Bhoré : That certainly will be our endeavour.

Dr. Ziauddin Ahmad : When the Committee was appointed, the Members of this House, I think, understood that this Committee would meet *before* the Sessions of the Assembly, so that the Report might be in our hands in the earlier stages, and we might have the opportunity of discussing it.

†247*.

ADMISSION OF MEDICAL GROUP STUDENTS OF THE DELHI UNIVERSITY IN
MEDICAL COLLEGES IN INDIA.

248. ***Mr. Gaya Prasad Singh :** (a) Is it a fact that the F. Sc. Medical Group students of the Delhi University are not given admission to any Medical Colleges in India, except two from Delhi to the King Edward Medical College, Lahore ? If the admission is not open for the Delhi students, do Government propose to take any steps to ensure the admission of the Delhi F.Sc. Medical Group students to other colleges in India ?

(b) If admission to the Medical Colleges in India is not made open to the Delhi students what is the utility of retaining the Medical Group of the Delhi University ?

(c) Is it a fact that the Selection Board held at Delhi for interviewing these students have not interviewed all students but only a few ?

†This question will be answered on the 1st August, 1934.

(d) Will Government please state reasons why the students, who have passed F.Sc. (Medical Group) examination of the Delhi University, are not permitted to appear at the "Test examination" for the admission to the Medical College, Lucknow?

Mr. G. S. Bajpai : (a) to (d). Information is being collected and a reply will be laid on the table in due course.

REBELLION IN CHINESE TURKISTAN.

249. ***Mr. Gaya Prasad Singh :** (a) Will Government kindly make a statement on the situation, arising out of the rebellion in Chinese Turkistan, in course of which many British Indian subjects were killed and injured, and their properties looted?

(b) How many Indians are there in that territory, how many of them were killed and wounded, and approximately how much property has been looted up to date?

(c) What is the present position there, and what steps have Government taken for the protection of the British Indian subjects, and for the compensation of those who have suffered?

Mr. H. A. F. Metcalfe : (a) and (b). The Honourable Member is referred to the answer, given by Major Fraser-Tytler, to his starred question No. 23, during the last year's Simla Session. There are about 450 British Indians in Chinese Turkistan. Government have since received a complete list of the losses sustained by British subjects in lives and property in Chinese Turkistan during the disturbances, showing 12 British subjects killed, four wounded and two missing. The approximate value of property claimed to have been lost is Rs. 2,67,000. Most of these casualties and losses occurred during the beginning of the rebellion.

(c) The present position is still obscure, but the latest information indicates that there is a possibility of the Chinese Government regaining control. His Majesty's Government have made strong representations in the proper quarter, and the question of claiming compensation is under consideration.

CONVICTION OF KHAN ABDUL SAMAD KHAN OF BALUCHISTAN.

250. ***Dr. Ziauddin Ahmad** (on behalf of Seth Haji Abdoola Haroon) : Will Government be pleased to state whether :

(a) it is a fact that Khan Abdul Samad Khan of Baluchistan was tried and sentenced to three years' rigorous imprisonment under section 124, Indian Penal Code, and ordered to furnish security for Rs. 3,000 in connection with speeches delivered by him at Hyderabad, Sind; and

(b) it is a fact :

(i) that the first Jirga pronounced him innocent, but the Political Agent, Quetta, pressed for his punishment;

(ii) that all the facilities, which are usually afforded in jail to Indian political prisoners in the ordinary course, were taken away from Khan Abdul Samad Khan with the result that he has been undergoing rigorous imprisonment unlike political prisoners?

Mr. G. S. Bajpai : With your permission, Sir, I will answer questions Nos. 250 and 253 together. Information is being obtained from the Local Administration and will be given to the House as soon as it is received.

Dr. Ziauddin Ahmad : Is it permissible for the Chief Commissioner of Baluchistan to punish a person for speeches delivered in Sind ? Should it come under the cognizance of the Chief Commissioner of Baluchistan ?

Mr. G. S. Bajpai : I think the Chief Commissioner acted within his own competence.

WATCH ON THE ACTIVITIES OF YOUNG MEN IN BALUCHISTAN WHO READ NEWSPAPERS.

251. **Dr. Ziauddin Ahmad** (on behalf of Seth Haji Abdoola Haroon) : Is it a fact that the Baluchistan authorities watch the activities of young men in Baluchistan who read newspapers, and are Government aware that this indirectly prevents reading of national papers there ?

Mr. G. S. Bajpai : With your permission, Sir, I will answer questions Nos. 251 and 252 together. Information is being obtained from the Local Administration and will be given to the House as soon as it is received.

Mr. M. Maswood Ahmad : Will this information be laid on the table of this House during the life of this Assembly ?

Mr. G. S. Bajpai : I think every endeavour will be made to lay it on the table of the House during the life of the present Assembly.

PERMISSION TO CERTAIN GENTLEMEN TO ISSUE NEWSPAPERS FROM BALUCHISTAN.

† 252. **Dr. Ziauddin Ahmad** (on behalf of Seth Haji Abdoola Haroon) : Will Government be pleased to state whether they are prepared to grant permission to Messrs. Abdul Kudus Khan Achakzai and Pir Baksh Baloch to issue newspapers from Quetta, if they could satisfy Government that the policy and the tone of their papers will be mild and pro-Government ?

TRIAL OF KHAN ABDUL SAMAD KHAN IN BALUCHISTAN.

‡ 253. **Dr. Ziauddin Ahmad** (on behalf of Seth Haji Abdoola Haroon) : Will Government be pleased to state why Khan Abdul Samad Khan was tried in Baluchistan for the speeches delivered in Sind ?

RELEASE OF POLITICAL PRISONERS IN BALUCHISTAN.

254. **Dr. Ziauddin Ahmad** (on behalf of Seth Haji Abdoola Haroon) : Do Government propose to release all the political prisoners in Baluchistan, when the former have compromised with the Congress and all the political prisoners in India are being released ? If not, why not ?

Mr. G. S. Bajpai : The Honourable Member appears to be under some misapprehension in regard to the attitude of Government *vis-à-vis*

For answer to this question, see answer to question No. 251.
For answer to this question, see answer to question No. 250.

the Congress. I would refer him to the Government of India's Communiqué of the 6th June, 1934, which states the position and the action being taken in regard to the release of civil disobedience prisoners. No question of releasing any other class of prisoners arises.

INTRODUCTION OF CERTAIN REFORMS IN BALUCHISTAN.

255. *Dr. Ziauddin Ahmad (on behalf of Seth Haji Abdoola Haroon) : Will Government be pleased to state whether they have ever considered the question of introducing reforms in Baluchistan, such as freedom of speech, introduction of local board system, education, and judicial reforms ? If so, to what conclusion have they reached ?

Mr. G. S. Bajpai : (a) The Government of India are not aware that the position regarding freedom of speech is different in Baluchistan to that which obtains in any other part of India.

(b) By Local Boards, the Honourable Member presumably has in mind the introduction of a system of District Boards in rural areas. The established form of Local Self-Government obtaining in Baluchistan is tribal, and Government are satisfied that an attempt to introduce local self-governing institutions in rural areas on the lines obtaining in Governor's Provinces would not only be expensive but would not accord with the desires of the people.

(c) With regard to education, the Honourable Member is referred to the replies given to questions Nos. 420 and 426 asked by himself in the Spring Session of 1933. Government have nothing to add to the answers then given.

(d) As the Honourable Member is aware, except in certain areas such as the Quetta Municipality, the judicial system in Baluchistan is based on the Tribal *Jirga*. Government are not convinced that the substitution for this system of regular courts and an expensive judicial machinery would, at their present stage of development, either be welcomed by the people or be in the interests of the tribes themselves.

Dr. Ziauddin Ahmad : May I ask, Sir, whether, in the year 1934, the Honourable Member is still in favour of the *Jirga* system, which really is the negation of justice ?

Mr. G. S. Bajpai : Sir, it is not a question of any Honourable Member's opinion in the matter.

Dr. Ziauddin Ahmad : I mean the Government.

Mr. G. S. Bajpai : On behalf of Government I have already stated that they consider that the *Jirga* system is not merely suited, but is in conformity with the desires of the people of Baluchistan.

Dr. Ziauddin Ahmad : Is the Honourable Member sure that it is in conformity with the desire of the people ? My information is that it is just the reverse. Has not the Honourable Member got the experience of the North-West Frontier Province and was not *Jirga* system condemned and subsequently abandoned there ?

Mr. G. S. Bajpai : Sir, I think my Honourable friend is not instituting a correct comparison between the North-West Frontier Province and Baluchistan. I think the conditions of Baluchistan are quite different.

Dr. Ziauddin Ahmad : May I know, Sir, the reasons which have led the Government to think that the *Jirga* system is liked by the people in Baluchistan? My own information is that this system is hated by the people.

Mr. G. S. Bajpai : My Honourable friend is welcome to his information, but I base my replies upon the information furnished by the Agent to the Governor General, who, presumably, is entitled to speak for the great bulk of the people.

Mr. M. Maswood Ahmad : Is it a fact that people in Baluchistan are not allowed to publish their vernacular papers in order to express their views on these and on other religious or political subjects?

Mr. G. S. Bajpai : I am not aware that there are any restrictions on publicity in Baluchistan independently or different from those which prevail in the rest of British India.

Mr. M. Maswood Ahmad : Are Government aware that Khan Abdus Samad Khan made an application for the publication of a vernacular newspaper and it was refused, and, in this connection, questions were put on the floor of this House?

Mr. G. S. Bajpai : It is possible that questions were put; I am not personally familiar either with those questions or the answers that were given. But the fact that, in the case of one individual, permission has been refused may have something to do with the character of that individual.

Mr. M. Maswood Ahmad : I want to know the reply of this question from the Political Department, if my friend is not familiar, who have dealt with this subject and who should reply to this question.

Mr. President (The Honourable Sir Shanmukham Chetty) : Order order. Honourable Members cannot dictate as to which Member of Government should reply his question.

Mr. M. Maswood Ahmad : I said so, because my Honourable friend does not know the facts of the case. Is it a fact that when Abdus Samad Khan applied for publishing a newspaper, the Commissioner of Baluchistan informed him that the paper should contain no articles on politics, religion or social matters, and, if he would agree to this condition, then only the publication of the paper could be allowed?

Mr. G. S. Bajpai : My Honourable friend's question originally was as to whether permission was generally given in Baluchistan to the printing of newspapers. I gave answer to that question. Now he wishes to know in regard to the action taken by the Agent to the Governor General with regard to a particular individual. I regret to say that I am not familiar with the earlier history of that individual, and, therefore, cannot answer the question.

Mr. M. Maswood Ahmad : Is it a fact that Government are also not aware of these facts?

Mr. G. S. Bajpai : I daresay Government who have a comprehensive mind have information available about this individual in some compartment of that mind; only I don't happen to be in charge of that compartment.

Dr. Ziauddin Ahmad : Is the Honourable Member himself familiar with the *Jirga* system in Baluchistan, so that I may ask one or two more questions from him

Mr. G. S. Bajpai : So far as knowledge of the *Jirga* system is concerned, undoubtedly I cannot contend with the erudition of my Honourable friend, but I think I am familiar with the general features of the system. If my Honourable friend wishes to put me under cross-examination, I would be prepared to do my best. But I do not know whether such questions exactly arise from the answer that I have given.

Dr. Ziauddin Ahmad : My Honourable friend said that the *Jirga* system was popular among the people. Is he not familiar with such cases that if one *Jirga*, which is appointed to decide a case, does not decide that case to the satisfaction of the authorities, that *Jirga* is discharged and another new *Jirga* is appointed and this process goes on till the decision of the *Jirga* is to the satisfaction of the authorities ?

Mr. President (The Honourable Sir Shanmukham Chetty) : The Chair does not think that all these details are relevant.

Dr. Ziauddin Ahmad : The Honourable gentleman says that the *Jirga* system is popular with the people of Baluchistan, and I am trying to ask questions and elicit that it is not.

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

ADMISSION OF MEDICAL GROUP STUDENTS OF THE DELHI UNIVERSITY
IN MEDICAL COLLEGES IN INDIA.

256. ***Rao Bahadur B. L. Patil :** Will Government be pleased to state the number of students during the past five years, who have passed the Intermediate Examination of the Delhi University in Science (Medical Group) and those who have been able to secure admission to the Medical College at Lahore, or elsewhere, and the number of those who wanted to join medical colleges but failed to get admission ?

Mr. G. S. Bajpai : A statement containing such information as is readily available is laid on the table.

Statement.

	1930.	1931.	1932.	1933.	1934.
Number of students who passed the I. Sc. (Medical Group) Examination of the Delhi University during 1930-1934 ..	11	9	16	21	28
Number of students who secured admission to the King Edward Medical College, Lahore ..	3	3	2	1	2
Number of students who applied for admission to the King Edward Medical College, Lahore, but failed to secure admission during 1930-1934 ..	5	6	5	4	10

Information is not readily available in respect of the admission of students to medical colleges other than the King Edward Medical College, Lahore. It is understood that certain students were admitted to the medical colleges at Bombay, Calcutta and Lucknow privately and without the aid of the University of Delhi.

NON-RECOGNITION OF THE INTERMEDIATE EXAMINATION IN SCIENCE, MEDICAL GROUP, OF THE DELHI UNIVERSITY BY THE LUCKNOW UNIVERSITY.

257. *Mr. B. V. Jadhav : (a) Will Government be pleased to state whether they are aware of the fact that the Intermediate examination in Science (Medical Group) of the Delhi University is not recognised by the Lucknow University for purposes of its pre-Medical test for admission to the King George's Medical College, Lucknow ?

(b) Do Government propose to have the said Delhi examination recognised by the Lucknow University for the aforesaid purpose ? If not, why not ?

Mr. G. S. Bajpai : (a) and (b). Certain information is being collected and a reply will be furnished as soon as possible.

Mr. Lalchand Navalrai : May I ask, Sir, if there is any fixed number of students to be admitted to this college ?

Mr. G. S. Bajpai : So far as my information goes, there is a provision made every year for the admission of two medical students from Delhi to the Lahore Medical College.

Mr. Lalchand Navalrai : Who makes that provision ?

Mr. G. S. Bajpai : Obviously the Government of India make provision for that in the Budget of the Delhi administration.

Mr. B. V. Jadhav : Is that provision considered sufficient for the Delhi students ?

Mr. G. S. Bajpai : When we went into this question last in 1931, we came to the conclusion that that was adequate.

TIME TEST FOR WORK DONE BY CLERKS IN POSTAL CIRCLE OFFICES.

258. *Sardar G. N. Mujumdar : (a) Will Government be pleased to state whether any time test has been fixed in respect of the work done by the clerks in the Circle Offices of the Post Office and, if so, to what effect ?

(b) If the reply to part (a) be in the affirmative, has a similar time test been fixed in respect of the work done by the clerks in the Divisional Offices of the Post Office and Railway Mail Service and, if not, why could not the one prescribed for the Circle Offices be applied to the Divisional Offices ?

(c) If the replies to parts (a) and (b) be in the negative, do Government propose to prescribe a time test in respect of the work done by the clerks in the Circle Offices and Divisional Offices ? If not, why not ?

The Honourable Sir Frank Noyce : (a) The reply to the first part of the question is in the negative. The second part does not arise.

(b) Does not arise.

(c) The question of framing a suitable standard is under investigation by the Postal Enquiry Committee.

INCREASE OF WORK IN THE POSTAL DIVISIONAL OFFICES.

259. *Sardar G. N. Mujumdar : (a) Are Government aware that, as a result of the delegation of certain additional powers to the Superintendents of Post Offices and Railway Mail Service, the clerical work in those offices has increased ?

(b) Are Government also aware that, as a result of the economy campaign, the retrenchment scheme and grant of concessions for voluntary retirements, the work in the Divisional Offices has greatly increased and thereby the staff of those offices are over-worked and required to work for longer hours ?

(c) If the replies to parts (a) and (b) above be in the affirmative, are Government prepared to sanction the additional staff for the purpose ? If not, why not ?

The Honourable Sir Frank Noyce : (a) No. In fact the delegation of increased power to Superintendents of Post Offices and of the Railway Mail Service should result in a decrease in the work of their offices since it removes the necessity for references to higher authorities in many cases.

(b) and (c). Government have no precise information but if in any Divisional Office the facts are as stated by the Honourable Member, Heads of Circles have full discretion to increase the clerical staff of such Divisional Offices when necessary.

A copy of the question and of this reply will be sent to all Heads of Circles for information.

Mr. Lalchand Navalrai : May I ask, Sir, how far this Postal Enquiry Committee has progressed ?

The Honourable Sir Frank Noyce : I think it is somewhere about half way through its enquiry.

Dr. Ziauddin Ahmad : Is the formula of the Honourable Member about 54-hour weeks applicable to these clerks in the Superintendent's office also ?

The Honourable Sir Frank Noyce : I am afraid I must ask for notice of that question. To the best of my knowledge, none of these clerks work 54 hours a week.

Dr. Ziauddin Ahmad : I understand the rule is that they should not work for more than 54 hours a week. They should not work more than a labourer does.

The Honourable Sir Frank Noyce : They do not come within the definition of industrial workers ; that is obvious. As to their hours of work, I should have to make inquiries.

QUARTERS FOR INFERIOR SERVANTS IN THE POSTS AND TELEGRAPHS DEPARTMENT AT POONA.

260. ***Sardar G. N. Mujumdar :** (a) With reference to the reply to my starred question No. 475, dated the 14th March, 1934, will Government be pleased to state whether it is not a fact that the accommodation at present allotted to the peons and porters of the Posts and Telegraphs Department at Poona does not provide for a small cookshed measuring five feet by five feet, a verandah four feet wide and a court-yard with a *pukka* bathing platform five feet by five feet properly drained ?

(b) If the replies to part (a) be in the affirmative, do Government propose to take steps to provide adequate accommodation to the peons and porters and, until this could be done, either to exempt them from the

payment of water and other service taxes, or to allow them to vacate the quarters and to resume payment of the house-rent allowance ?

The Honourable Sir Frank Noyce : (a) The facts are substantially as stated by the Honourable Member.

(b) As regards the first part of the question, the Postmaster-General, Bombay Circle, will be asked to see what can be done to improve their accommodation ; as regards the latter part, I may inform the Honourable Member that the occupation of the rooms by the lower grade staff is optional.

†261*.

PUBLICATION OF THE REPORT OF THE JOINT SELECT COMMITTEE ON INDIAN REFORMS.

262. ***Mr. Bhuput Sing :** Will Government be pleased to state whether there is any truth in the Reuter's message, dated the 14th July, 1934, from London, that the Report of the Joint Select Committee will be released before Parliament rises at the end of this month ? If not, when is the Report expected to be published ?

The Honourable Sir Joseph Bhoré : The Honourable Member is referred to the reply given by me to parts (b) and (c) of Mr. B. Das's starred question No. 172, on the 23rd July, 1934.

UTILISATION OF THE EXPORT OF GOLD.

263. ***Dr. Ziauddin Ahmad :** (a) Will Government be pleased to state the extent to which they have utilised the export of gold amounting to about two hundred crores for improving the public finances of India ?

(b) Will Government be pleased to give the details ?

(c) What portion of this amount has come to the Government of India in the shape of deposits (savings bank, cash certificates, Government loans) ?

Mr. A. J. Raisman : I would refer the Honourable Member to the very full statement made by Sir George Schuster in paragraphs 17—29 of his Speech on the Budget for 1933-34. I can add nothing to the information which he then gave.

Dr. Ziauddin Ahmad : As that information is now about 18 months old, will the Honourable Member kindly give the correct figures up-to-date ?

Mr. A. J. Raisman : If the Honourable Member will refer to the speech of Sir George Schuster, he will find that the calculation in question is based on certain materials. It is true that that information was compiled for 1932-33, but if the Honourable Member is desirous of making a similar calculation, I think he will find all the material which he requires in the last report of the Controller of Currency for the year 1933-34.

†This question will be answered on the 1st August, 1934.

Mr. Lalchand Navalrai : With regard to part (c) of the question, is the Honourable Member in a position to give a reply to that specifically or that is also included in that discussion ?

Mr. A. J. Raisman : I think the Honourable Member will find the relevant statistics in the report of the Controller of Currency.

Dr. Ziauddin Ahmad : The report of the Controller of Currency deals with facts ending 31st March, 1933.

Mr. A. J. Raisman : I am talking of the latest report which was published a few weeks ago. It deals with the year 1933-34.

Dr. Ziauddin Ahmad : Does it deal with the facts which have happened till the 31st March, 1934 ?

Mr. A. J. Raisman : Yes, Sir.

Mr. Lalchand Navalrai : May I know if the report is in the Library ?

Mr. A. J. Raisman : I think so, Sir.

NOTE WRITTEN BY SIR SHAH MUHAMMAD SULAIMAN IN THE CAPITATION TRIBUNAL.

264. ***Dr. Ziauddin Ahmad** : Will Government be pleased to lay on the table of this House the note written by Dr. Sir Shah Muhammad Sulaiman in the Capitation Tribunal ?

Lieut.-Colonel A. F. B. Lumby : Government are not prepared to lay the note in question on the table of the House. They are, however, prepared to show it to the Leaders of Parties or their nominees, subject to certain conditions which were communicated to the former during the last Delhi Session.

Dr. Ziauddin Ahmad : I am the Deputy Leader. Can you show it to me ?

Lieut.-Colonel A. F. B. Lumby : What I said was "They are, however, prepared to show it to the Leaders of Parties or their nominees".

Mr. M. Maswood Ahmad : Under what conditions will it be shown ?

Lieut.-Colonel A. F. B. Lumby : The conditions originally stated were :

"The papers will be shown in strict confidence and on the clear understanding that those who read them, whatever use they may make of the information disclosed, will not quote the writers of the notes as their authority for such information, still less make copies or take verbatim extracts from the notes for use either in the press or in public speeches and of course that no reference is made to any foreign power by name as having been alluded to in those notes."

Diwan Bahadur A. Ramaswami Mudaliar : Is it a fact that the Leaders of Parties declined to take the responsibility of either seeing these notes under those conditions or nominating any of their Members to see the notes under those conditions ?

Lieut.-Colonel A. F. B. Lumby : That is true certainly of two Parties, but I know that one Party took advantage of the offer made.

WITHDRAWAL OF THE CONCESSION GIVEN TO POOR PATIENTS TRAVELLING TO KASAUJI.

265. ***Dr. Ziauddin Ahmad** : (a) On what date did the Railway Board inform the Education Department that they had withdrawn the concession given to poor patients travelling to Kasauli ?

(b) What action, if any, did the Education Department take on receipt of that information ?

Mr. G. S. Bajpai : (a) The Department of Education, Health and Lands, came to know of the withdrawal of the concession on the 29th May, 1933.

(b) The Railway Board were unwilling to press the Indian Railway Conference Association, who came to this decision, to reconsider it, but steps were taken to have the concession extended by six months so as to enable Local Governments, if they so wished, to arrange for the issue at their own expense of free passes to indigent persons residing within their jurisdiction. Instructions were also issued to authorities in the directly administered areas to meet the expenditure involved from their budgets.

WITHDRAWAL OF THE CONCESSION GIVEN TO POOR PATIENTS TRAVELLING TO KASAULI.

266. **Dr. Ziauddin Ahmad :** (a) Is it the intention of the Government of India that the Kasauli Pasteur Institute be reserved for the rich people ?

(b) Are Government aware that poor people will not be able to pay the expenses of travelling to Kasauli from their houses ?

Mr. G. S. Bajpai : (a) No.

(b) Attention is invited to the reply just given to part (b) of the Honourable Member's question No. 265.

WITHDRAWAL OF THE CONCESSION GIVEN TO SOLDIERS AND OFFICERS TRAVELLING TO KASAULI.

267. ***Dr. Ziauddin Ahmad :** (a) Have the Railway Board withdrawn, or do they propose to withdraw from the soldiers and officers the concession of travelling to Kasauli ?

(b) What is the nature and extent of these concessions ?

(c) What is the net loss to Railways on account of these concessions ?

Mr. P. R. Rau : (a) No special concession is given by Railways to soldiers and officers travelling to Kasauli.

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

†268*.

†269*.

†270*.

REPRESENTATIVES OF INDIA AT THE LEAGUE OF NATIONS.

271. ***Mr. Bhuput Singh :** (a) Will Government be pleased to state the names of India's representatives at the League of Nations from the very beginning to its ensuing session ?

†This question will be answered on the 1st August, 1934.

†This question was withdrawn by the questioner.

(b) Were these representatives selected direct by His Majesty's Government, or upon recommendations of the Indian Government?

(c) What is the procedure of selection in other parts of the British Commonwealth?

(d) Has any vacancy in the League Council occurred by the retirement of China?

(e) What is India's quota towards League expenses in proportion to other Dominions of the Commonwealth and the nations of the world?

The Honourable Sir Nripendra Sircar : (a) A statement is laid on the table.

(b) India's representatives are selected by the Secretary of State in consultation with the Government of India.

(c) The Government of India have no information, but it is presumed that the selection is made by the Dominion Government of the day.

(d) China was elected to the Council by the Assembly of 1931. Temporary members of the Council are elected for a period of three years and China's seat will therefore be required to be filled up by the Assembly in 1934.

(e) The Honourable Member is referred to page 1258 of the League of Nations Official Journal, 14th Year, 1933, a copy of which is in the Library.

List showing the composition of the Indian Delegations to the Assembly of the League of Nations, 1920-1934.

1920.	Delegates	..	..	Sir William Stevenson Meyer. Maharaja Jam Saheb of Nawanagar. Sir Saiyid Ali Imam.
1921.	Delegates	..	..	Sir William Stevenson Meyer. His Highness the Maharao of Kutoh. The Right Hon'ble V. S. Srinivasa Sastri.
1922.	Delegates	..	..	Viscount Chelmsford. Maharaja Jam Saheb of Nawanagar. Sir P. S. Sivaswamy Aiyer.
1923.	Delegates	..	..	Lord Hardinge of Penshurst. Maharaja Jam Saheb of Nawanagar. Syed Hasan Imam.
	Expert	..	..	Mr. J. Campbell.
1924.	Delegates	..	..	Lord Hardinge of Penshurst. Mahajara of Bikaner. Sir Muhammad Rafique.
	Substitutes	..	..	Captain Maharaj Kumar of Bikaner. Sir Stanley Reed. Mr. J. Campbell. Mr. P. J. Patrick (Secretary and Substitute Delegate).
1925.	Delegates	..	..	Viscount Willingdon. Maharaja of Patiala. Sir Atul Chandra Chatterjee.
	Substitute	..	..	Sir Edward Chamier.

1926.	Delegates	..	..	Sir William Vincent. Maharaja of Kapurthala. Khan Bahadur Shaikh Abdul Qadir.
	Substitutes	..	..	Sir C. P. Ramaswami Ayyar. Sir Edward Chamier. Sir Basanta Kumar Mullick.
1926.	Special Session Delegate	..	..	Sir Muhammad Rafique.
1927.	Delegates	..	..	The Earl of Lytton. Maharaja of Kapurthala. Sir G. P. Ramaswami Ayyar.
	Substitutes	..	..	Sir Edward Chamier. Khan Bahadur Mian Sir Fazl-i-Hussain. Sir Basanta Kumar Mullick.
1928.	Delegates	..	..	The Earl of Lytton. Nawab of Palanpur. Mr. S. N. Mallik.
	Substitutes	..	..	Sir Edward Chamier. Sir Kumar Venkata Reddi. Mr. A. Yusuf Ali.
1929.	Delegates	..	..	Sir Muhammad Habibullah, <i>Leader</i> . Maharaja of Kapurthala. Sir William Ewart Greaves.
	Substitutes	..	..	Sir Chunilal Mehta. Sir Geoffrey Corbett. Syed Raza Ali.
1930.	Delegates	..	..	Maharaja of Bikaner. Nawab Sir Zulfiqar Ali Khan. Sir William Ewart Greaves.
	Substitutes	..	..	Sir Deva Prasad Sarvadhicary. Sir Denys Bray. Sir Jehangir Cooverjee Coyajee.
1931.	Delegates	..	..	The Hon'ble Sir Brojendra Lal Mitter. Khan Bahadur Dewan Abdul Hamid. Sir Denys Bray.
	Substitutes	..	..	Sir Jehangir Cooverjee Coyajee. Rao Bahadur Sir Annepu Patro. Dr. L. K. Hyder.
1932.	Delegates	..	..	H. H. The Aga Khan. Sir Denys Bray. Sir Prabhashankar Dalpatram Pattani.
	Substitutes	..	..	Sir Jehangir Cooverjee Coyajee. The Hon'ble Mr. Bijay Kumar Basu
1933.	Delegates	..	..	Sir B. L. Mitter. Sir Denys de S. Bray. Sir Abdussamad Khan.
	Substitute	..	..	Sir Homi Mehta.
1934.	Delegates	..	..	H. H. The Aga Khan. Sir Denys de S. Bray. Sir V. T. Krishnamachariar.
	Substitute	..	..	Sir Homi Mehta

Mr. Bhuput Singh : Will Government state whether Local Governments are consulted in the selection of the delegates to the League of Nations ?

The Honourable Sir Nripendra Sircar : I have no information on the matter, but if my Honourable friend will put down a question, I will make inquiries.

Mr. Lalchand Navalrai : May I know on what basis is this quota fixed ?

The Honourable Sir Nripendra Sircar : I want notice of that question. That question cannot possibly arise from this question.

Mr. Lalchand Navalrai : It arises from part (e).

Mr. B. Das : Arising out of the reply regarding the personnel chosen from India, will the Honourable Member kindly tell us why there is a change of attitude by Government in choosing only loyalist gentlemen to represent at the League of Nations and not politicians of outstanding merit ?

The Honourable Sir Nripendra Sircar : Government do not admit any of the six fallacious assumptions made in this question.

Mr. B. Das : The Right Honourable Srinivasa Sastri and others used to represent in the good old days at the League of Nations.

Dr. Ziauddin Ahmad : In view of the fact that Indian States are always represented in the delegation of India, have the Government of India ever asked the Indian States to contribute their quota of expenses to the League of Nations ?

The Honourable Sir Nripendra Sircar : My Honourable friend, like his predecessor, has made another wrong assumption. They are not always represented.

Diwan Bahadur A. Ramaswami Mudaliar : During the last four years ?

The Honourable Sir Nripendra Sircar : The question was that the Indian States were always represented. My reply is that they are not always represented, but sometimes represented. If any further information is required, I want notice.

Dr. Ziauddin Ahmad : If in any particular year the Indian States are represented, then, in that particular year, are the Indian States required to give their quota of expenses ?

The Honourable Sir Nripendra Sircar : I want notice.

Mr. Lalchand Navalrai : May I have a reply particularly to part (e), and, if the Honourable Member is not in a position to give reply, he may do so hereafter after making enquiries. I want to know what is the basis on which the Dominions and the Nations of the world are taken to the League ? On what basis and on what proportion ?

The Honourable Sir Nripendra Sircar : I want notice.

Mr. H. P. Mody : Was not this question asked sometime ago ? Why does the Honourable Member want fresh notice ?

Mr. President (The Honourable Sir Shanmukham Chetty) : It must have been answered at that time.

Mr. H. P. Mody : No, Sir. My Honourable friend wanted notice even at that time.

The Honourable Sir Nripendra Sircar : A few days ago, that question was put as a supplement to some supplementary question, and that was answered to the best of my ability. I insist on notice for this question.

Mr. Lalchand Navalrai : I give then two notices of the question.

ESTABLISHMENT OF THE RESERVE BANK OF INDIA.

272. ***Mr. Bhuput Sing** : (a) Will Government be pleased to state when it is proposed to start the Reserve Bank in India ?

(b) Have the Governors and Deputy Governors been nominated ? If so, what are their names ?

(c) What is the approximate initial cost estimated for the starting of the Bank ?

Mr. A. J. Raisman : (a) Government are not yet in a position to make an announcement.

(b) No.

(c) It is not yet possible to frame a reliable estimate.

Dr. Ziauddin Ahmad : Is it not a fact that the Governor has already been appointed as announced in the newspapers of today ?

Mr. A. J. Raisman : I am not in position to add anything to the reply I already gave.

Mr. Vidya Sagar Pandya : Has the Honourable Member read today's *Hindustan Times* ?

Mr. A. J. Raisman : No, Sir. (Laughter.)

Mr. Vidya Sagar Pandya : Will Government now read that paper ?

Mr. Lalchand Navalrai : Has the Honourable Member read the *Statesman* of this morning ?

Mr. A. J. Raisman : No, Sir. (Laughter.)

Dr. Ziauddin Ahmad : When will the Government issue their communique ? Everybody knows what the position is.

Mr. A. J. Raisman : I am not in a position to say anything further than I have said just now.

†273*.

ANTI-INDIAN LEGISLATION IN ZANZIBAR.

274. ***Mr. Bhuput Sing** : (a) Will Government be pleased to state the exact nature and the salient features of the new laws against Indians in Zanzibar ?

(b) Is there any Agent of the Indian Government in Zanzibar ? If so, did he inform the Indian Government before these laws were passed ? If not, is it intended to appoint an Agent to safeguard Indian interests ?

†This question will be answered on the 1st August, 1934.

(c) When did the Indian Government first get information of these laws ?

(d) Have these laws been already brought into effect ?

(e) What steps are Indian Government taking in the matter, and with what result ?

Mr. G. S. Bajpai : (a) A copy of the decrees, to which the attention of the Honourable Member is invited, has been placed in the Library of the House.

(b) There is no Indian agent in Zanzibar. The second part does not arise. The answer to the third is in the negative.

(c) On the 24th June, 1934.

(d) The laws have been passed.

(e) I would invite the attention of the Honourable Member to the reply given by me to Mr. Gaya Prasad Singh's question No. 148, on the 19th of this month.

Mr. B. Das : Is it a fact that Party Leaders waited on the Honourable Member in charge of Education, Health and Lands, and that the Honourable Member assured the deputation that Sir Maharaj Singh will be deputed to Zanzibar to enquire on the spot ?

Mr. G. S. Bajpai : Certain Honourable Members saw the Honourable Sir Fazl-i-Husain, and the suggestion was made that the Government of India should depute an officer to Zanzibar to make local investigation. The Honourable Sir Fazl-i-Husain gave the assurance that that suggestion would be promptly and carefully considered. I regret to say that I am not in a position to announce any names.

COMPETITION OF BRITISH FIRMS WITH INDIAN STEEL MANUFACTURERS.

275. ***Mr. Bhuput Sing :** (a) Will Government be pleased to state if the report of the Tariff Board regarding abuse of the Ottawa Agreement preference by British firms in steel manufactures has been accepted by them ?

(b) If the reply to part (a) be in the affirmative, do Government propose to take any drastic action against the British firms who, taking advantage of the preference, are competing with Indian steel manufacturers by underquoting them ?

(c) Do Government propose to withdraw the preference and exclude British steel from the Indian market in view of the action of the British manufacturers ?

(d) Is it a fact that Government intend to extend further concessions to British steel ?

(e) Are Government aware of the strong public feeling in the matter ?

The Honourable Sir Joseph Bhoré : (a), (b) and (c). So far as Government are aware no Ottawa preferences have been given in respect of iron or steel which have been abused in any way.

(d) and (e). The decisions of the Government of India on the recommendations of the Tariff Board are embodied in the Bill which was introduced on the 25th July, 1934.

EFFECT OF THE NEW EXCISE DUTY ON THE SUGAR INDUSTRY.

276. *Mr. Bhuput Sing : (a) Will Government be pleased to state whether there has been any effect of the new sugar excise duty upon the sugar industry in this country ?

(b) What is the amount of excess collections of duty since its imposition till June, 1934 ?

(c) Do Government propose exempting the Bihar sugar mills, affected by the earthquake, to enable them to recoup their losses ?

(d) Have the sugar imports increased after the imposition of the new duty ? What are the comparative figures of imports from April to June for 1933 and 1934 ?

(e) Has there been a 25 per cent. decrease in sugar consumption in 1933-34 as compared with the average of the last six years ending with 1930-31 ? If so, have Government found out the reasons for this ? What steps, if any, do they propose to take to increase the sugar consumption ?

Mr. A. J. Raisman : (a) I would invite the Honourable Member's attention to the statement contained in section XIII of the Review of the Sugar Trade in India, published in the *Indian Trade Journal* (Supplement), dated the 5th July, 1934. This contains the latest information available and the Sugar Technologist's conclusions are that the immediate effect of the excise duty has been to put a wholesome check on excessive expansion ; that factories are taking steps to increase their efficiency and employ better technical staff and that future development will be on desirable lines.

(b) The information is being collected and will be placed on the table in due course.

(c) The Government of India have already agreed to the grant of exemption to such factories in respect of stocks of sugar held on the 1st April in excess of the stock which would have been held but for the earthquake.

(d) No. The total imports during April, May, and June, 1933, were 71,915 tons, and during the corresponding period of 1934, have only reached 49,971 tons.

(e) There are no statistics of the consumption of sugar in India. Any estimates framed by adding figures for the imports to the figures of Indian production are liable to serious error as there are no figures of sugar produced by the *Khandsari* process. A reference to the Review quoted in reply to (a) will show that the consumption of factory sugar in India has fallen steadily since 1929-30. The estimated consumption for 1933-34 is still as high as in 1924-25, while the net quantity of *gur* consumed is estimated to have gone up from 2,400,000 tons to 3,245,000 tons.

Sir Leslie Hudson : Sir, before question 277 is answered, I rise to a point of order. I submit that clause (f) of this question offends against Standing Order 36, clause (3), which states that questions should not be asked if they contain inferences or defamatory statements.

Mr. President (The Honourable Sir Shanmukham Chetty) : The President carefully examines the questions in the light of all the Rules and Standing Orders before the questions are admitted, and, when the questions once appear in the order paper, it is presumed that all those points have been considered by the President.

HARDINGE BRIDGE ON THE EASTERN BENGAL RAILWAY.

277. ***Mr. Bhuput Sing** : (a) Will Government be pleased to state whether contract works of the Hardinge Bridge on the Eastern Bengal Railway, worth several lakhs of rupees, have been finished and works worth one crore of rupees or so have still to be completed ?

(b) Is it a fact that the Deputy Chief Engineer in charge of the Hardinge Bridge has got only three contractors to whom he gives contracts and is it also a fact that the agreements are made with the son, brothers and partners of the said contractors, who work jointly ?

(c) Will Government be pleased to state why the tender system is not in force on these works ?

(d) Do Government propose to introduce the system of calling public tenders in all future works ? If not, why not ?

(e) Are Government aware that the subordinates of the Engineering Department take the measurements of earthworks and check the number of coolies as dictated by the said contractors ? If not, do they propose to enquire into the matter ? If not, why not ?

(f) Is Mr. Harvey an unmarried man ? Are Government aware that the contractors have to arrange for his enjoyments, feasts and boat joy-rides ? If not, do they propose to enquire into the matter ? If not, why not ?

(g) Has the attention of Government been drawn to the article by Mr. C. C. Banerjee, a retired engineer, published in the *Amrita Bazar Patrika* of the 26th May, 1934 ? If so, has his advice been followed ? If not, why not ?

(h) Is it a fact that these contractors have been promised by Mr. Harvey that the less percentage below the scheduled rates of the Eastern Bengal Railway shall not be deducted from them and they will be paid bonus ?

Mr. P. E. Rau : With your permission, Sir, I propose to reply to questions Nos. 277 and 278 together. I am making enquiries from the Railway Administration and will place a reply on the table in due course.

Mr. Bhuput Sing : Will the reply be laid on the table in this Session ?

Mr. P. E. Rau : I cannot say now.

Mr. B. Das : Is it a fact that, with reference to the construction of this Hardinge Bridge, the opinion of Indian experts is that Government are not following the right kind of advice in the matter of construction of this bridge.

Mr. P. E. Rau : I think my Honourable friend is aware that we did get the best possible advice, and, specially in Sir Robert Gales, we have

one who is an engineer of great experience in these matters and who himself originally constructed the Hardinge Bridge.

Mr. B. Das : But have these experts got any experience of Indian rivers and the vagaries of the current, particularly of the river near Hardinge Bridge ?

Mr. P. R. Rau : Of course. As I have already informed the House, Sir Robert Gales was himself the person who constructed this bridge.

Mr. B. Das : Has the Honourable Member read the statement of Mr. C. C. Banerjee, and does the Honourable Member realise that that is the view held by many Indian engineers ?

Mr. P. R. Rau : I realise, Sir, that that is the view held by Mr. C. C. Banerjee.

Dr. Ziauddin Ahmad : In view of the fact that the allegations in these two questions are of a very serious nature, will the Railway Board make special inquiries, and, after those inquiries are made, lay a statement before this House, instead of simply referring to the report of the Agent ?

Mr. P. R. Rau : I have already asked for the information, and, as soon as the information is available, I shall place a statement on the table of the House.

Dr. Ziauddin Ahmad : My question is, after the information is received by the Railway Board, will they make additional inquiries if they are found necessary ?

Mr. P. R. Rau : Additional inquiries are always made if necessary.

CONTRACTS FOR WORKS ON THE EASTERN BENGAL RAILWAY.

†278. ***Mr. Bhuput Sing :** (a) Will Government be pleased to state whether there is any Eastern Bengal Railway contractor of the name of Teomal Seth with his head office at Lalmonirhat, in the District of Rungpur ?

(b) Is it a fact that all the big contract works are always given to him, at very high rates, for the last so many years, though many contractors offered to do the same work at half rates ? If so, will Government be pleased to state why public tenders are not called for the works over the Eastern Bengal Railway ?

(c) Is it a fact that on the 21st April, 1931, Mr. Mellot, an Executive Engineer of Paksey, invited tenders for relaying 75 lbs. rails with 90 lbs. trucks, between Domar on Siliguri and Parbattipur Section, but before the opening date of the said tenders the then Chief Engineer of the Eastern Bengal Railway encamped at the spot and got the said work done by the said Teomal, contractor, on his executing an agreement, which in the beginning amounted to Rs. 42,000 but in the end became worth Rs. 1,10,000 ?

(d) Is it a fact that Mr. L. F. Jackson, the Chief Engineer, after inspecting the construction of Dhaneshwari Bridge and Tungle Line, issued a circular order that Teomal should not be given any works in future, and fined him Rs. 8,000 for supply of boulders of smaller weights than contracted for the Hardinge Bridge from his Siliguri quarry ? If so, do Government propose to institute an enquiry into the allegations and inform this House of the result ? If not, why not ?

†For answer to this question, see answer to question No. 277.

PROPOSED INCREASE IN PRESS TELEGRAM RATES.

279. *Mr. Bhupnt Sing : (a) Will Government be pleased to state whether they have received any memorandum from the Indian Journalists' Association, objecting to the proposed increase in Press telegram rates ?

(b) Have Government sent any reply to it ? If so, will they be pleased to lay a copy of it on the table of this House ? If not, why not ?

(c) Do Government propose to drop the proposed increase in view of the submissions made by the Journalists' Association ? If not, why not ?

The Honourable Sir Frank Noyce : (a) Yes.

(b) The answer to the first part is in the negative. The second part does not arise. As regards the third part, a communication, dated the 4th July, 1934, has been received from the Indian Journalists' Association, Calcutta, with reference to the Press Notice, issued by Government, calling for the views of all affected interests on the proposed revision of the rates for inland Press telegrams. The views expressed by the Indian Journalists' Association will be considered, with such other views as may be received, in due course, from various bodies on the same subject and consequently no reply has been sent to the communication.

(c) Government have not yet arrived at a final decision on the subject. In response to requests received from the various interests affected they have extended the period originally fixed for the submission of views from the end of April, 1934 to the 15th August, 1934.

MR. CHAWLA'S FLIGHT BY AEROPLANE.

280. *Mr. Bhupnt Sing : (a) Was any representative of the Indian Government present at the Delhi aerodrome to see off Mr. Chawla, the first Indian aviator on his world flight ?

(b) Do Government view with disapproval Mr. Chawla's flight ?

(c) Was it under instructions that the aerodrome people were also conspicuous by their absence ?

The Honourable Sir Frank Noyce : (a) The Aerodrome Officer was present at the aerodrome to see Mr. Chawla off, in the ordinary course of his duties. No other Government official was present.

(b) No. On the contrary, a great deal of trouble has been taken to obtain permits for Mr. Chawla's flight and to assist him by seeing that he started with all the documents and information necessary to ensure that he will not be delayed in other countries. The arrangements made only cover the flight to Europe so far as Government are aware Mr. Chawla has made no arrangements which will enable him to fly round the world.

(c) No instructions were issued.

Dr. Ziauddin Ahmad : May I ask whether any representative of this Assembly was present on that occasion ?

TRANSFER OF THE RESEARCH INSTITUTE FROM PUSA TO DELHI.

281. ***Rai Bahadur Sukhraj Roy** : (a) Will Government be pleased to state whether it has been decided to remove the Agricultural Institute from Pusa to somewhere near Delhi ? If so, when ?

(b) What are the reasons for the proposed removal and at whose initiative has it been so decided ?

(c) What will be the approximate cost of acquiring the lands and constructing new buildings for the accommodation of the Institute ?

(d) How will the present buildings and lands be disposed of ?

(e) Will this House be consulted before taking the final decision ? If not, why not ?

Mr. G. S. Bajpai : I would refer the Honourable Member to the answer given to Mr. Gaya Prasad Singh's question No. 69 on the 18th July, 1934, and to connected supplementaries.

†282*.

RECOMMENDATIONS OF THE ORISSA BOUNDARY COMMITTEE.

283. ***Mr. Sitakanta Mahapatra** : Will Government be pleased to state what action has been taken so far by them to give effect to the recommendations of the Orissa Boundary Committee ?

The Honourable Sir Joseph Bhoré : I invite the Honourable Member's attention to the footnote to paragraph 61 of the Proposals for Indian Constitutional Reform.

†284*.

ORIIYA-SPEAKING PEOPLE IN THE INCOME-TAX DEPARTMENT.

285. ***Mr. Sitakanta Mahapatra** : Will Government be pleased to state how many men belonging to Income-tax Department are working in the districts consisting mainly of Oriya-speaking people, and will they be pleased to state how many of them belong to Orissa proper ?

Mr. A. J. Raisman : In all 15 men are working in the districts referred to by the Honourable Member and of these, nine belong to Orissa proper.

Mr. Lalchand Navalrai : May I know if there is any rule or regulation that people will be taken from each district and from each Province ?

Mr. A. J. Raisman : There is no such rule, Sir, as far as I am aware.

Mr. Lalchand Navalrai : Is there any practice like that ?

Mr. A. J. Raisman : I am not aware that that is the practice, Sir.

† This question will be answered on the 1st August, 1934.

TRAIN CLERKS WORKING AS GUARDS.

286. ***Mr. M. Maswood Ahmad** : (a) Is it a fact that train clerks are ordered to work as guards ?

(b) Do they get in such cases pay and allowances as guards and enjoy all the privileges which a guard is entitled to enjoy ?

(c) Is there any rule to permit the appointment of railwaymen to such posts, the duties of which they do not know ?

(d) Is it a fact that if train clerks when working as guards, commit any mistake, they are punished and penalised for the mistake ?

(e) Is it a fact that the Railway Board recently issued orders that the staff appointed for a specific service should not be allowed to work on other posts, the duties of which they do not know ?

Mr. P. E. Rau : (a) I understand that train clerks, who are qualified in guard's duties, are occasionally required to work as guards.

(b) and (d). Government have made no enquiries on these points, but presumably the position is as stated.

(c) and (e). No.

Mr. M. Maswood Ahmad : Is it a fact that, in spite of train clerks not knowing the duties of guards, they are asked to go and work as guards ?

Mr. P. E. Rau : In reply to part (a) of the question, I said that I understand that train clerks who are qualified in guard's duties are occasionally required to work as guards.

Mr. M. Maswood Ahmad : What does the Honourable Member mean by "qualified" ? Does he mean qualified by passing the examination of guards or simply qualified in the opinion of the Traffic Superintendent ?

Mr. P. E. Rau : Those who are qualified in the opinion of their superior officers.

Mr. M. Maswood Ahmad : Though they might not have passed the guard's examination ?

Mr. P. E. Rau : I have no information on that point.

Mr. M. Maswood Ahmad : Will Government be pleased to inquire whether it is not a fact that sometimes train clerks, who do not know the duties of guards and have not passed the guard's examination, are asked on the North Western Railway to work as guards of trains ?

Mr. P. E. Rau : If my Honourable friend has any specific instances to bring to notice, I shall be quite pleased to take action, but on purely hypothetical assumptions I do not think it is fair to ask Government to inquire from all the Railways what the practice is.

Dr. Ziauddin Ahmad : May I ask whether the work of a guard does not require technical knowledge and special training ?

Mr. P. E. Rau : I am not acquainted personally with the duties of guards, but I am quite willing to take it from my Honourable friend that their duties might be described to some extent as technical.

Mr. M. Maswood Ahmad : Is it a fact that when they go with trains, they enjoy all the privileges as guards ?

Mr. P. R. Rau : I have no reason to believe they do not.

Dr. Ziauddin Ahmad : May I ask whether passenger trains are put in charge of untrained persons ?

Mr. P. R. Rau : I do not think so. I do not think that a train will be put in charge of an untrained person, but if my Honourable friend has any reason to believe that such is the case, and if he gives me evidence in support of his allegation, I shall be quite prepared to inquire into it.

CONTRIBUTION MADE FOR THE EDUCATION OF THE STUDENTS OF THE DELHI UNIVERSITY IN THE LAHORE MEDICAL COLLEGE.

287. ***Mr. M. Maswood Ahmad :** (a) Will Government be pleased to state whether any contribution is made by the Delhi Province to the Government of the Punjab as capitation charges for the students who pass the Intermediate Examination in Science (Medical Group) from the Delhi University and who are sent to the Lahore Medical College after being selected for the purpose by the Chief Commissioner ? If so, what is the charge per student ?

(b) During the last five years how much of these charges, if any, was spent on account of the sons and wards of the employees of the Central Government and how much on those of others who are not employed under the Government of India and have got Medical Colleges in their provinces ?

Mr. G. S. Bajpai : (a) A contribution of Rs. 1,050 per student per annum is paid.

(b) The total amount spent on capitation charges was Rs. 83,551. The other information asked for by the Honourable Member is not available.

Rao Bahadur B. L. Patil : May I ask what is the number of students admitted into the Lahore Medical College every year ?

Mr. G. S. Bajpai : I really would have to make an inquiry on that point—I cannot say what the total number of students admitted into the College is, because the college is under the Local Government : what I do know is that two are admitted every year from Delhi.

Rao Bahadur B. L. Patil : May I ask what is the number of students that passed in this Medical Group in Delhi ?

Mr. G. S. Bajpai : I have already laid a statement in regard to that in reply to a question, I think, asked by Mr. Jadhav or by Mr. Patil himself. The numbers are 11 in 1930, 9 in 1931, 16 in 1932, 21 in 1933, and 28 in 1934.

Mr. M. Maswood Ahmad : Will Government be pleased to say how many students had applied and how many of them were not sent to Lahore ?

Mr. G. S. Bajpai : My Honourable friend's question, No. 287, is as regards capitation charges : not as regards the number of students who

applied : but I have already answered that question in reply to an earlier question.

†288*.

†289*.

MUSLIM GAZETTED OFFICERS RECRUITED IN CERTAIN DEPARTMENTS OF STATE RAILWAYS.

290. ***Kunwar Hajee Ismail Ali Khan** (on behalf of Haji Chaudhury Muhammad Ismail Khan) : (a) Will Government be pleased to state the number of Muslim gazetted officers recruited during the last one year in each of the following departments of the Indian State Railways and how many of such officers were Bengal Muslims :

- (i) Traffic Department,
- (ii) Loco. Department,
- (iii) Audit and Accounts Department,
- (iv) Engineering Department ?

(b) Will Government be pleased to state the number of Muslims recruited during the last one year in the subordinate ranks of the Indian State Railways in each of the above Departments and how many of them were Bengal Muslims ?

Mr. P. R. Rau : (a) No direct recruitment to the gazetted ranks in any of the departments referred to in part (a) of the question was made on the State-managed Railways during the period 1933-34.

(b) All the information available will be found in Appendix C of Volume II of the " Report by the Railway Board on Indian Railways for 1932-33 ", a copy of which is in the Library of the House.

†291*.

INDIAN OFFICERS EMPLOYED IN THE ARMY HEADQUARTERS.

292. ***Rao Bahadur B. L. Patil** : (a) Will Government please state :

- (i) the number of officers employed in the Army Headquarters, and
- (ii) the number of Indian officers employed in the Army Headquarters (with the exception of any if employed for the publication of *Fauji Akhbar*) ?

(b) If the reply to part (a) (ii) be in the negative, will Government please state the reasons underlying the fact that Indian officers are not employed at the Army Headquarters ?

(c) Are Government prepared to bring Indian officers for employment at the Army Headquarters ?

(d) Is it a fact that the prescribed period for each officer's employment at the Army Headquarters is four years ?

†This question will be answered on the 1st August, 1934.

(e) Will Government please state the number of officers now employed at the Army Headquarters, and of those who have been there for more than four years ?

(f) Is it a fact that in order to allow officers to stay at the Army Headquarters for more than four years, their appointments are changed, thus giving them another four years and so on ?

(g) Is not this practice a set-back for other officers of the Army ?

(h) Are Government prepared to order specifically that under no circumstances, an officer's stay at the Army Headquarters should exceed four years ? If not, why not ?

Lieut.-Colonel A. F. R. Lumby : (a) I presume the Honourable Member is referring to King's Commissioned officers. If so, the numbers are :

(i) 140.

(ii) None.

(b) and (c). As the Honourable Member is no doubt aware, there are no Indian King's Commissioned officers who have more than fifteen, and few who have more than ten, years service as yet. It is only rarely that British officers with less than fifteen years service are selected for staff or departmental appointments at Army Headquarters, and in the case of the former, the officers selected are as a rule Staff College graduates. The first Indian officer to be chosen to attend the Staff College has not yet completed the two years' course of instruction there. When Indian officers have the necessary training and experience, they will of course be considered for these appointments.

(d) Yes.

(e) and (h). Out of the 140 officers employed at Army Headquarters only ten have been there for more than four years. Five of these commenced a fresh tenure on promotion to a higher grade, while the other five possess special knowledge of particular subjects and are, therefore, difficult to replace in their appointments at any given moment. Government are not, therefore, prepared to tie their hands particularly as regards officers of the latter category by issuing a specific order on the lines suggested by the Honourable Member.

(f) No.

(g) Does not arise.

INDIAN OFFICERS EMPLOYED IN THE MEDICAL DIRECTORATE.

293. ***Rao Bahadur B. L. Patil :** (a) What is the number of officers employed in the Medical Directorate of the Army Headquarters ?

(b) How many of these officers are Indians ?

(c) Has ever an Indian officer been employed in the Medical Branch of the Army Headquarters ? If not, why not ?

Lieut.-Colonel A. F. R. Lumby : (a) Seven Medical Officers.

(b) None.

(c) No. These appointments are filled by selection from officers of the Royal Army Medical Corps and the Indian Medical Service. There

is nothing to prevent an Indian officer of the latter Service, who possesses the necessary qualifications, from being selected for an appointment at Army Headquarters. It has, however, been found that Indian officers, who are suitable practically, always prefer to serve on the civil side.

PURCHASE OF STORES FOR THE ARMY.

294. *Rao Bahadur B. L. Patil : (a) Is it a fact that the Director of Contracts, Army Headquarters, is responsible for the purchase of stores required for the Army, and disposal of stores no more required for the Army ?

(b) Can not the purchasing work for the Army be done by the Indian Stores Department ? If not, why not ?

(c) Are Government prepared to merge the Purchase Branch of the Contracts Directorate, Army Headquarters, into the Indian Stores Department, creating a Military Section in that office ? If not, why not ?

Lieut.-Colonel A. F. B. Lumby : (a) The Director of Contracts is responsible, under the orders of His Excellency the Commander-in-Chief, for the purchase of stores (other than such articles as lethal weapons and technical apparatus and equipment), and for the disposal of surplus and waste material.

(b) Not fully. Actually a large proportion of the stores required for the Army is purchased through the Indian Stores Department. After full consideration it was decided that it was essential to retain the present system, which provides an agency possessing special knowledge of the needs of the Army in peace and war.

(c) No. The present system is cheaper and more efficient.

INDIAN OFFICERS EMPLOYED IN THE CONTRACTS DIRECTORATE.

295. *Rao Bahadur B. L. Patil : (a) What is the number of officers employed in the office of Director of Contracts, Army Headquarters ?

(b) How many of these officers are Indians ?

(c) Have Government considered whether it is necessary to employ Indian officers in this office where knowledge of Indian markets would be an asset ? If not, why not ?

Lieut.-Colonel A. F. B. Lumby : (a) Five.

(b) None.

(c) The work of the Contracts Directorate requires not only business capacity, but experience in the executive duties of the Army and knowledge of its special requirements in stores and material. The combination of qualifications is not to be found outside the Army, which as yet has no Indian officers of its own possessing them to a sufficient extent. When Indian officers of these necessary qualifications and experience become available, they will certainly be considered for employment in the Directorate.

Rao Bahadur B. L. Patil : May I know what are the necessary qualifications ?

Lieut.-Colonel A. F. R. Lumby : The qualifications, I referred to in my reply, were "business capacity and experience in the executive duties of the Army, and, knowledge of its special requirements in stores and material".

RECRUITMENT OF ORIYAS IN THE SALT DEPARTMENT.

296. ***Mr. Sitakanta Mahapatra :** (a) Will Government be pleased to state the number of men, belonging to the Salt Department of the Government of India, who are employed in the districts of Bihar and Orissa where the population is preponderatingly Oriyas ?

(b) Will Government be pleased to state the number of Oriyas amongst such officers of the Salt Department ? If there are none, do Government propose to take immediate steps for the recruitment of Oriyas ? If not, why not ?

Mr. A. J. Raisman : The information is being obtained and will be laid on the table in due course.

RECRUITMENT OF ORIYAS IN CERTAIN DEPARTMENTS OF THE BENGAL NAGPUR RAILWAY WORKSHOP AT KHARAGPUR.

297. ***Mr. Sitakanta Mahapatra :** (a) Will Government be pleased to state the number of men recruited during the last one year in the subordinate ranks of each of the following departments of the Bengal Nagpur Railway Workshop at Kharagpur :

- (i) Engineering Department,
- (ii) Accounts Department,
- (iii) Loco. Department,
- (iv) Carriage and Wagon Department ?

(b) Will Government be pleased to state the number of Oriyas recruited in the above Departments of the Kharagpur Railway Workshops during the same period ? If none was recruited, why not ?

(c) Do Government propose to take immediate steps, such as the issue of instructions to the Bengal Nagpur Railway authorities for the recruitment of more Oriyas in the subordinate ranks of the different Departments of the Bengal Nagpur Railway Workshop at Kharagpur ? If not, why not ?

Mr. P. E. Rau : (a) and (b). Government regret they cannot undertake to collect information in addition to what is already contained in the Annual Administration Reports of Railways.

(c) I am sending a copy of the question to the Agent, Bengal Nagpur Railway, for his consideration. The staff, I may add, are not Government servants, but servants of the Bengal Nagpur Railway Company.

RECOMMENDATIONS OF THE ORISSA BOUNDARY COMMITTEE.

298. ***Mr. Sitakanta Mahapatra :** (a) Is it a fact that the Government of India are still in correspondence with the Secretary of State on

the recommendations of the Orissa Boundary Committee ? If so, do Government propose to lay a copy of such correspondence on the table of this House ? If not, why not ?

(b) Is it a fact that Government are putting obstacles in the way of the immediate creation of a separate Orissa Province ?

(c) Is it a fact that on the contrary Government are trying to hasten the creation of a separate Sind before the creation of a separate Orissa ?

The Honourable Sir Joseph Bhowe : In reply to the Honourable Member's question I cannot say anything more than that the proposals of His Majesty's Government for the creation of the separate provinces of Orissa and Sind are presumably now under the consideration of the Joint Parliamentary Committee.

MANUFACTURE OF PYROTECHNIC MATCHES.

299. ***Mr. S. C. Mitra :** (a) Are Government aware that pyrotechnic matches are manufactured in Bengal as cottage industry in different places and that each box contains twelve sticks ?

(b) Are Government aware that the pyrotechnic matches are not for ordinary daily use and are used only during religious festivals ?

(c) Will Government please state whether the present Matches Act applies to the manufacture of pyrotechnic matches ?

(d) If the reply to part (c) be in the affirmative, do Government contemplate passing orders for exempting such cottage industries from the operation of the Matches Act ? If not, why not ?

Mr. A. J. Raisman : (a) and (b). Government have no precise information. I am prepared to accept the facts suggested by the Honourable Member in part (a) of his question, but as regards part (b) of his question, I am not aware that the use of pyrotechnic matches is confined solely to occasions of religious festivals.

(c) The answer is in the affirmative.

(d) Government see no sufficient reason for exempting such industries from the operation of the Act. They are eligible for the rebate provided by the rules made under section 19 of the Matches (Excise Duty) Act to the same extent as cottage factories producing ordinary matches.

EXTENSIONS GRANTED IN THE CURRENCY OFFICE, CAWNPORE.

300. ***Mr. S. G. Jog :** (a) Will Government be pleased to state whether their attention has been drawn to the resolutions passed at the Annual General Meeting of the Cawnpore Currency Association held in January, 1934 ?

(b) Is it a fact that in Cawnpore Currency Office extensions are repeatedly granted to the employees who are due for retirement ? If so, does this not block the promotions of the deserving persons in these hard times ?

(c) In how many cases have such extensions been granted in that office ?

(d) What is the number of employees who are due for retirement by the end of this official year in Cawnpore and other Currency Offices in India ?

Mr. A. J. Raisman : The necessary information is being collected and will be laid on the table in due course.

ESTABLISHMENT OF THE RESERVE BANK OF INDIA.

301. ***Mr. S. G. Jog :** Will Government be pleased to state when the Reserve Bank is likely to be started ?

Mr. A. J. Raisman : I am not yet in a position to make an announcement.

DWINDLING TRADE OF BOMBAY.

302. ***Mr. S. G. Jog :** (a) Has the attention of the Government of India been drawn to a letter, dated the 23rd June, 1934, published in the *Bombay Chronicle* under the *nom de plume* "Tempus Fugit" regarding Bombay's dwindling trade ?

(b) Is it a fact that during the last 15 years there has been a gradual decline of re-export trade of India ?

(c) Is it a fact that the entrepot trade in Japanese cotton and other piece-goods is being diverted to the Persian Gulf owing to the prohibition of import of piece-goods without a quota certificate ?

(d) Is it a fact that the Government of Straits Settlements have established transshipment depôts to minimise the inconvenience to and to prevent the diversion of entrepot trade ?

(e) Do the Government of India propose to take immediate steps to establish similar transshipment depôts in Bombay and other ports ?

The Honourable Sir Joseph Bhoré : (a) Yes, Sir.

(b) There has been a gradual decline in the value of re-exports from British India since 1919-20 though the figures for 1933-34 show an increase over those for the preceding year.

(c) No. I may add for the information of the Honourable Member that certificates are not required in respect of cotton piece-goods which are manifested for transshipment to a foreign port.

(d) Government have no information.

(e) No.

NON-STOPPAGE OF THE POONA FAST PASSENGERS AT KURLA, GREAT INDIAN PENINSULA RAILWAY.

303. ***Mr. S. G. Jog :** (a) Will Government be pleased to state whether the Great Indian Peninsula Railway Administration have removed the halt at Kurla of the Up and Down Poona Fast Passenger trains since March, 1933 ? If so, why ?

(b) Is it a fact that all the Up and Down Poona Passenger trains used to stop at Kurla before March, 1933, since the commencement of the Railway journey to Poona ?

(c) Had any representation been received from the residents of Kurla regarding the inconvenience caused by the non-stoppage of the Up and Down Poona Fast Passengers at Kurla, and if so, was any reply given ?

(d) If the halt was removed owing to the dearth of passengers, were any statistics collected? If so, what was the exact period of statistics, and was any notice thereof given to the public?

(e) Do Government propose to issue orders to stop the Up and Down Poona Fast Passenger trains at Kurla? Is it a fact that these are the only trains running during the day time and that the population of Kurla is over 30,000 and that more than half of it comes from up-country?

Mr. P. B. Rau : (a) Yes. I understand this halt among others was eliminated to meet the public demand for the acceleration of these trains.

(b) I have no definite information, but am prepared to take it from the Honourable Member.

(c) Government have no information, but understand that this was discussed at a meeting of the Local Advisory Committee.

(d) I understand some statistics were obtained, but am not aware for what period.

(e) Government do not propose to interfere in the making of time tables for such services, as the matter is one which can usefully be discussed, as it has already been, at meetings of the Railway's Local Advisory Committee. The question will, however, be sent to the Agent, Great Indian Peninsula Railway, for consideration.

OLD SINGLE PICE COINS.

304. ***Mr. S. G. Jog :** (a) Will Government be pleased to state whether it is a fact that new and old single pice coins are mixed in the Bombay Currency Office before they are issued to the public? If so, what is the reason for doing so?

(b) Were the old single pice coins brought to the Bombay Small Coin Depôt from mofussil treasuries in exchange for new coins at considerable expense to Government? If so, what was the total expenditure on this account during the year 1933-34?

(c) Were some new coins sent to the Mint to make them dark by putting them into acid when old coins were not available for issue in the Bombay Currency Office? If so, what was the total expenditure for doing this?

(d) Are no new copper coins issued now in the Bombay Currency Office? If so, what is the object of not issuing new copper coins and incurring this expenditure as stated in parts (a), (b) and (c)?

(e) Will Government be pleased to state whether they propose now to issue instructions to the Bombay Currency Officer to issue new coins at least to those who want them for ceremonial purposes? If not, why not?

Mr. A. J. Raisman : (a) New and old single pice coins are sometimes mixed, because it is not possible for reasons of economy to issue new coin in all cases, and it is considered desirable that all applicants should be treated alike.

(b) Old coin was brought from mofussil treasuries when stocks at Bombay were low and could not be replenished in time with new coin from Calcutta. Figures regarding the expenditure incurred are not available.

(c) A mechanical process of this kind was tried as an experimental measure, for about a week, but was not pursued. The expenditure incurred was negligible.

(d) For reasons of economy new coin is only issued when the supply of old coin is insufficient.

(e) No. This would cause additional expenditure, and it is not practicable to distinguish one kind of demand from another.

TRANSFER OF THE RESEARCH INSTITUTE FROM PUSA TO DELHI.

305. ***Mr. Gaya Prasad Singh** : (a) Will Government be pleased to lay on the table of this House all correspondence that may have passed between them and the Secretary of State regarding the proposed removal of the Agricultural Research Institute from Pusa to Delhi ?

(b) In the event of the transfer, is it intended, to meet the expenditure by raising a loan or by any other source ?

(c) Are Government aware that the notification for the acquisition of land in the vicinity of Delhi has given rise to much discontent among the villagers, and they have been holding *punchayats* to protest against this step ?

Mr. G. S. Bajpai : (a) A copy of the correspondence is laid on the table of the House.

(b) It is proposed to meet the expenditure from loan funds.

(c) So far as Government are aware there is no general agitation amongst the Jats and no meetings have been held.

Correspondence with the Secretary of State, regarding the transfer of the Imperial Institute of Agricultural Research from Pusa to Delhi.

TELEGRAM TO THE SECRETARY OF STATE FOR INDIA, No. D-1228-A., DATED THE 22ND APRIL, 1934.

We have recently reviewed position as regards agricultural Research in connection with which a question for urgent decision has arisen owing to earthquake damage to Central Institute at Pusa. Reconstruction there will cost about 9 lakhs but position will not be certain until possibilities of further subsidence have been tested after monsoon and cost may be greater.

You will recollect that Royal Agricultural Commission strongly expressed view that central Agricultural Research Institute in India could never operate satisfactorily nor attain full value if situated at inaccessible and ill-adapted place like Pusa. It is becoming increasingly apparent that location there was an extremely bad mistake. In these circumstances we view with reluctance the necessity for sinking more money at this station, and after careful consideration have reached conclusion that present occasion should be taken to correct the original mistake and reconstruct the Institute at a central, typical and accessible site. We believe that suitable site could be found within 20 miles of Delhi and this location has been supported by all Directors of Agriculture. We have not yet worked out details of new plans but it is clear that expenditure on new construction and land purchase should not exceed 30 to 35 lakhs. We consider that a scheme of this kind can be justified on broad economic grounds as a suitable object for capital expenditure especially at a time like the present when borrowing rates are low and other demands for capital expenditure much reduced.

TELEGRAM FROM THE SECRETARY OF STATE FOR INDIA, No. 1338, DATED THE 23RD MAY, 1934.

Your telegram dated April 22nd. Reconstruction of Pusa Institute. I approve your proposals.

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FLOODS IN NORTH BIHAR.

306. ***Mr. Gaya Prasad Singh** : (a) Has there been any correspondence between the Government of India and the Government of Bihar and Orissa regarding the alarming situation in Motihari, Muzaffarpur, and in North Bihar generally, due to abnormal floods, and the changes in the courses of many rivers, resulting in the loss of crops and properties ?

(b) Will Government be pleased to make a statement on the subject, explaining the steps taken by them to meet the situation and save the people of the affected areas from starvation and epidemic ?

Mr. G. S. Bajpai : (a) and (b). The Government of India have not received any communication from the Local Government on the subject. A reference, to pages 14-15 of the recently published Report on the progress of earthquake reconstruction in Bihar, will show that the Local Government were fully alive to the possibilities of heavy floods and prepared to cope with them. Copies of this Report are available in the Library of the Central Legislature.

ABSENCE OF AN INTERMEDIATE CLASS WAITING ROOM AT DELHI.

307. ***Mr. Gaya Prasad Singh** : Are Government aware that there is no Intermediate Class Waiting Room for male passengers at Delhi Junction railway station ?

Mr. P. B. Rau : I understand that this is the case, and am bringing the Honourable Member's question to the notice of the Agent, North Western Railway, to consider whether there is any necessity for providing one.

REMODELLING OF THE PATNA JUNCTION RAILWAY STATION.

308. ***Mr. Gaya Prasad Singh** : When do Government propose to take up the remodelling of the Patna Junction railway station (East Indian Railway), so as to make the Indian Refreshment Room on the platform like the European Refreshment Room ?

Mr. P. B. Rau : I understand the remodelling is under consideration, but I am not able to say at present when the work, if sanctioned, will be taken up.

THE INDIAN DOCK LABOURERS BILL.

The Honourable **Sir Joseph Bhore** (Member for Commerce and Railways) : Sir, I beg to move :

“ That the Bill to give effect in British India to the Convention concerning the protection against accidents of workers employed in loading and unloading ships, as reported by the Select Committee, be taken into consideration.”

In making this motion, it is unnecessary for me to say very much. This Bill has been before the House for a very considerable time. It was the subject of a long debate on a memorable occasion when the House sat until midnight. It has passed unscathed through the hands of the Select Committee which has reported the measure in almost exactly the same form in which it was originally presented to the House, the changes

made being of a very minor character. I trust the House will accept this beneficent measure.

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

“ That the Bill to give effect in British India to the Convention concerning the protection against accidents of workers employed in loading and unloading ships, as reported by the Select Committee, be taken into consideration.”

Mr. Abdul Matin Chaudhury (Assam : Muhammadan) : Sir, I want just to say a few words with regard to this Convention which has been proposed for ratification by the Honourable Sir Joseph Bore. This Convention was adopted in the year 1929, and, in that year, I had the privilege of attending the Session of the International Labour Conference in which this Convention was passed. I also had the privilege to serve in that Committee which dealt with this particular matter, and though myself and my friend, Mr. B. Das, pressed our viewpoint there, the opinion of the Government was entirely non-committal. I am glad, Sir, that they have now come round our view. This measure makes provision against accidents to dock workers and others engaged in hazardous occupations, and loading and un-loading ships is an hazardous occupation, and, owing to the absence of a suitable provision, Indian workers were hitherto exposed to dangers of accidents which can now be avoided by proper precautions. By this Bill, the Government made regulations, so that the Indian States, which possess ports, will also have to provide for safety provisions for the welfare and safety of workers engaged in these hazardous occupations in their States, and this, I think, is a step in the right direction and will bring the Government of India in a line with the Governments of other progressive countries of the world.

Sir, my friend, Mr. Joshi, could not attend the meeting of that Select Committee, but he sent us a note even in the midst of his pre-occupations, and we discussed that note in detail. Mr. Joshi had no suggestions to make with regard to the clauses of the Bill, except that the Preamble should be re-worded to make it clear that the Bill applies to workers working in docks, wharfs, quays or warehouses, and I think Mr. Joshi's view will satisfy all Members of this House. Sir, I support this measure.

Diwan Bahadur A. Ramaswami Mudaliar (Madras City : Non-Muhammadan Urban) : Sir, I should like to refer to only one aspect of the question which has been adverted to in the Select Committee's Report, and that is the great necessity and importance of bringing Indian States in line so far as this legislation is concerned. We have been very much handicapped in the past in all matters of labour legislation, because British India is an island by itself and the rest of India is not concerned with it. This is a matter of humanity, even more than a question affecting any capitalist class, and in this matter, at any rate, I trust that the fullest endeavours of the Government of India will be forthcoming to see to it that the maritime States of this country conform themselves to the general provisions of this Bill. I do not know under what circumstances and in what manner the Government of India will be able to bring their persuasive efforts to bear on the administrations of Indian States, but I do venture to think, knowing something of the relationship of the Government of India with the Indian States, that in a question of this nature, no maritime State can afford to make light of the efforts of the Government of India and decline to come into line with them. I trust

[Diwan Bahadur A. Ramaswami Mudaliar.]

that these efforts have already been started, and that, in a short time, we may hope to get a satisfactory statement from the Government of India to the effect that all maritime States in India have virtually copied the excellent provisions of this Bill.

Mr. B. Das (Orissa Division : Non-Muhammadan) : Pious hopes.

Raja Bahadur G. Krishnamachariar (Tanjore *cum* Trichinopoly : Non-Muhammadan Rural) : Sir, as regards the question raised by my friend, Diwan Bahadur Ramaswami Mudaliar, there is one little difficulty that I was always faced with when dealing with questions like these. The Government of India sitting in their Cabinet come to a certain conclusion, they make their own inquiries,—and so far as I am aware, in the course of their inquiry stage the Government of India never consult any of these States. They, however, come to certain conclusions, and I have no doubt their conclusions are perfectly reasonable and just. But what I very strongly object to is this, that having considered the question only from a certain standpoint so far as they are concerned, a Bill is introduced here, and the Indian States have got to fall into line with them,—not because they have been consulted, not because their opinions have been taken, not because these States came to the same conclusion as the Government of India, but because certain gentlemen sitting over here have come to a certain conclusion, and those that have got the misfortune of having ports must fall into line with them. Sir, I strongly object to that principle. I do not say for a moment that you should not incorporate this salutary provision in this Bill in such a manner that the Indian States may also fall in line with the rules and provisions obtaining in British India in this matter, but what I do object, and object very strongly, to is the line of action which is generally taken by the Government of India in enacting legislation for Indian States without giving them an opportunity to have their say.

Sir, I may here cite the instance of the factory legislation that took place some time ago. The Government of India appointed a Commission. That Commission toured throughout India, but they did not visit a single State. But Government passed the Factories Act, and I know it for a fact that those powers of persuasion, which my friend just referred to, have been brought to bear upon each and every Indian State, and most of them were compelled,—of course not by force or show of force or by over-awing,—to agree to fall in line with the provisions of the Factories Act. Therefore, I submit that while I entirely agree that the maritime States should be asked to fall in line with the action taken in British India in this matter, I feel that at least, as a matter of courtesy, they should have been asked what they thought of it and whether they agreed to this position or not. If they had been asked or consulted, then I withdraw everything that I say now. So far as I am aware, Sir, no such reference was made either in the Select Committee or anywhere else in the Report of the Select Committee to point to the fact that these States were consulted at any stage before enacting this piece of legislation. In the absence of any information of this sort, as to whether the Indian States were consulted or not on this matter, I feel that I am perfectly justified in bringing to the notice of this House that the persuasive powers which the Government of India have,—and I know they have very strong persuasive powers,—will not be exercised until proper expression of opinion is invited from the States concerned.

Mr. Lalchand Navalrai (Sind : Non-Muhammadan Rural) : Sir, I wish to say a few words on this Bill, and my justification in rising on this measure is that I was a party to the Select Committee. Sir, two important questions arose before the Select Committee, and both of them, I must say, were very satisfactorily decided. I am glad to say that the Honourable Member in charge of this Bill agreed with our views on those two points. The first point was the one which was intimated to the Select Committee by Mr. Joshi who is supposed to be a specialist on the question, and the same point was also raised by some other Members as well, and that point was that, in the definition of "processes" in clause 2 (a) should be included work in docks, wharfs and quays and also work in connection with the transfer of goods from a railway wagon alongside a ship or from a ware-house on a wharf or quay. It is well-known now to the House that this measure attempts to deal with the welfare of the workers engaged in hazardous occupations of the kind I have just mentioned, and, with this end in view, the Government of India want to lay down what the Convention agreed to and make certain rules and regulations to give effect to that Convention. Now, Sir, safeguards have been provided against accidents to workers employed on loading and unloading ships. Mr. Joshi thought that loading and unloading ships meant only making a provision as regards accidents on the ships themselves, and so he wanted that the definition should be expanded, and in the note he sent us he wanted the following to be inserted : "Whereas it is necessary to secure protection against accidents of workers working in every dock, wharf, quay or warehouse generally",—this was a point which was taken before the Select Committee, and the Select Committee came to the conclusion that those points were already covered by the very definition of "processes". The Select Committee extended the definition to some extent, and in their Report they explained what the real meaning of the word "processes" was. Sir, I will read paragraph 2 of the Select Committee's Report :

"So far as this proposal does not involve an extension of the scope of the Bill to matters alien to its expressed scope, we are satisfied that a change is unnecessary. The definition of 'the processes' in clause 2 (a) includes work in docks, wharfs, and quays and would include work done in connection with the transfer of goods from a railway wagon alongside a ship or from a warehouse on a wharf or quay."

So far as warehouses generally are concerned, it was decided that
 12 Noon. only the definition as given here would apply and the benefit of the Act should be given only in the case of warehouses which are in close proximity to the wharf or quay, and not those that are far away, for which there are regulations already in existence. Therefore, the first point was very amicably and satisfactorily decided. The second point also is an important point, and that relates to the Indian States. It is desirable and even necessary that, in the case of maritime States, the provisions of this Act should apply. It will not be denied that this salutary provision should also apply to the Indian States. I can assure the Raja Bahadur that no principle has been departed from. The States are not to be compelled or forced to apply this Act. The States are only to be asked, the words are very cautious in the report of the Select Committee. We know that the administration of States is being watched today and their defects are not covered up as before, and for the good government of the States, a provision of this nature should be made, and

[Mr. Lalchand Navalrai.]

for that purpose this suggestion has been made in the report of the Select Committee as follows :

“ We received an assurance that the Government of India would bring to the notice of the Administrations of those Indian States which possess ports the action now being taken in British India, so that those Administrations may consider the advisability of adopting similar measures in respect of any of their ports which attain dimensions rendering such measures advisable.”

Therefore, those two points have been properly provided for, and now there are no differences. I had raised one or two other points in the Select Committee, about the time for prosecuting people and with regard to the quantum of punishment, but then I was referred to the Factories Act where provisions of the same nature exist, so I dropped them and I do not propose to pursue them here. I hope that this Bill will be passed.

Mr. B. Das : It was a pleasure to listen to my Honourable friend, the Raja Bahadur, who has infused a breath of fresh air on the floor of this House. It is very seldom that we hear what is agitating the mind of the dark side of India, I mean the Indian India. My Honourable friend, the Raja Bahadur, who occasionally forgets that he represents British India and tries to represent an exalted State and speaks the mind of the exalted princes, told us that the Leader of the House and the Government of India do not consult these Indian Princes, and that the latter are so very civilised and so very human in their ideals and ideas that they would gladly jump into the civilised Conventions that the League of Nations and the International Labour Conferences adopt. It is a very good piece of news, and I am very grateful to my Honourable friend, the Raja Bahadur, for having expressed that view on behalf of the Indian States, particularly when he represents a very big State, the largest State in India.

Raja Bahadur G. Krishnamachariar : I do not represent any State at all here.

Mr. B. Das : Not here, but you represent the viewpoint of that State. My Honourable friend, the Deputy President, must have felt very happy to have listened to that speech. I think my honourable friend, the Raja Bahadur, was not present when the Factories Act was discussed. The Honourable Member in charge of Industries and Labour at that stage stated that there were 34 Indian States which had fallen in line with the humanising legislations of the Department of Industries and Labour.

The Honourable Sir Frank Noyce (Member for Industries and Labour) : I am sorry to interrupt my Honourable friend. Did I hear him say 34 Indian States ?

Mr. B. Das : Yes.

The Honourable Sir Frank Noyce : I do not think I gave the figure 34 States. To the best of my recollection, I only mentioned 8 or 10.

Mr. B. Das : My recollection was that my Honourable friend had mentioned 34 States and gave list of 8 States who have followed up the legislations enacted for British India. However, there are some States, and, of course, if any particular State was anxious to identify itself with the Whitley Committee's recommendations or those of any other Committee that the Government might appoint for the amelioration of the

conditions of workers, that Indian State had only to ask the Government of India, and the Government of India would gladly help them. To me it is a pleasing situation that the Indian States are willing to accept such Conventions. But, of course, I know that my Honourable friend, the Raja Bahadur, is not connected with any of the maritime States. And we know how turbulent those maritime States are, and whether they will follow any of the measures that are passed here, because it will reduce their income, and, if they introduced a civilised system in one phase of their administration, they would have to become civilised in other phases also, and I believe they are afraid to do that. However, I do hope that the Honourable the Leader of the House will accept the offer that has been made by the Raja Bahadur on behalf of certain Indian States and will try to ask them whether they cannot legislate on the lines of the British Indian enactment. Otherwise, the Government have got the whip hand and they will see that in future no Indian Prince and no subject of an Indian State represents India in the League of Nations or the International Labour Conferences.

The Honourable Sir Joseph Bhoré : I have very little to say. I am sure that my Honourable friend, the Raja Bahadur, will not take exception to the procedure which we propose to follow in this case. Surely, even he would not object to the assurance given by Government in the terms set out in paragraph 3 of the Report of the Select Committee. I am glad that the House has approved of this measure which will go to swell the stream of beneficent legislation which has been initiated during the last few years on behalf of the workers of India.

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

“ That the Bill to give effect in British India to the Convention concerning the protection against accidents of workers employed in loading and unloading ships, as reported by the Select Committee, be taken into consideration.”

The motion was adopted.

Clauses 2 to 12, both inclusive, were added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

The Honourable Sir Joseph Bhoré : Sir, I move :

“ That the Bill, as reported by the Select Committee, be passed.”

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

“ That the Bill, as reported by the Select Committee, be passed.”

The motion was adopted.

THE REPEALING AND AMENDING BILL.

The Honourable Sir Nripendra Sircar (Law Member) : Sir, I beg to move :

“ That the Bill to amend certain enactments and to repeal certain other enactments be taken into consideration.”

This Bill does not lead itself to any contentious matter. The whole object of the Bill is to get rid of certain words which have become un-

[Sir Nripendra Sircar.]

necessary by reason of later Acts that have been passed. It also purports to correct certain of the errors in some Acts. I do not feel justified in taking the House through each of these different enactments, but to give the House an example of what is meant by correcting mistakes, if the House will kindly turn, for instance, to the Indian Partnership Act, it will be found that by mistake section 55 was mentioned, whereas section 56 ought to have been mentioned. Explanations have been given in respect of the different Acts which are found in the Schedule, and I can assure this House that this Act does not make any change in any law, but is absolutely necessary by reason of certain subsequent enactments and the discovery of mistakes.

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

“ That the Bill to amend certain enactments and to repeal certain other enactments be taken into consideration.”

Mr. M. Maswood Ahmad (Patna and Chota Nagpur *cum* Orissa : Muhammadan) : In this connection, I want to say that I do not agree with my Honourable friend, the Law Member, that in this Bill there is nothing controversial. If you will see, Sir, you will find there are two lists in the two Schedules in this Bill. One is for amendments and the other is for repealing certain sections of certain Acts. In the Second Schedule, take item No. 3, the Indian Merchant Shipping Act, 1923. In this, they have proposed that in sub-section (1) of section 213, clause (mm) should be repealed. I say that this portion affects my community to a very great extent. The portion which is amended is not only with regard to merchant ships, but rather it is specially in connection with pilgrim ships. If you will see section 213, which has been referred to, it deals with those ships which are native passenger ships and pilgrim ships. At the same time, this portion was specially mentioned when Act XI of 1933 was discussed in 1933 on the floor of this House. This sub-clause (mm) was specially inserted in the Act for the reason I had pointed out on that occasion ; for the inoculation of cholera, the period was mentioned as six months, and I had mentioned on that occasion that in other countries the time is much more, and, then, on behalf of the Government, it was said that this power was given to the Governor General in Council to fix the period for this purpose. Clause (mm) reads in this way. I read that clause to make it more clear. Section 15 (1) (d) says :

“ After clause (m), the following clause shall be inserted, namely : ‘ (mm) The period referred to in clause (a) of sub-section (1) of section 206 ’.”

Sir, it means that the period was to be fixed by the Governor General. At the time of discussing the Bill, it was agreed to six months, and then this power was given to the Governor General to increase this period if he was satisfied, and for that reason this House had passed this measure, and now Government want to delete that portion. To my great surprise, I find they have given reasons for all the amendments, but they have specially omitted this amendment in the aims and objects. This is very objectionable. An important question, which is a very controversial point and which affects my community, has been brought up in this form.

Mr. President (The Honourable Sir Shanmukham Chetty) : Does the Honourable Member refer to the Indian Merchant Shipping Act ?

Mr. M. Maswood Ahmad : Yes. In this Bill, they want to repeal sub-section (1) of section 213, clause (mm) of the Indian Merchant Shipping Act. I say, it is not fair on the part of the Government to repeal that portion. I am pointing out that the reason for repealing this clause has not been mentioned in the aims and objects. Government wanted to shut our eyes, and, for that reason, they have not mentioned it in the Statement of Objects and Reasons. In the past three years, our experience is that Government are trying to make our Haj pilgrimage more difficult, and, with that object, they have brought this. This portion was entered into on that occasion to give power to the Governor General in Council to increase the period. I myself had pointed out on the previous occasion that in other countries the period is two years and ten years. I am sorry, my friend, Mr. Bajpai, and my Honourable friend, Sir Fazl-i-Husain, are absent on this occasion. I think the House remembers it. It was definitely undertaken by the Government that power to fix the period had been left to the Governor General in Council with a view to increasing the period of six months, and now the Government want to repeal that portion in this way and say that this is a non-controversial measure. So, Sir, I seriously object that this measure should not be brought before the House in this way by a Repealing and Amending Bill. Had Government any idea of repealing that portion, it was fair for the Government to bring that in a separate Bill and not in this way that this is a non-controversial measure and that it has been brought in order to clarify the law. With these words, I oppose the motion.

Sir Abdur Rahim (Calcutta and Suburbs ; Muhammadan Urban) : It seems to me from the statement made by Mr. Maswood Ahmad that perhaps it is a slip on the part of the Government and it could not be the intention of the Government to bring in any controversial point in a Bill of this nature. The Honourable the Law Member pointed out that the whole object of the Bill was to correct certain obvious errors. I am very glad to see that my Honourable friend, the Law Member, seems to assent to the suggestion that I have put forward, and, I am sure, the Government will rectify the mistake that has been made.

The Honourable Sir Nripendra Sircar : This Bill is intended to repeal certain provisions, because they are now superfluous by reason of certain other amendments. If I get three minutes more time, I will find out the position in regard to this matter. If I find that this is changing the law, then certainly I would not press for it.

Mr. Lalchand Navalrai (Sind ; Non-Muhammadan Rural) : Sir, I have only a word to say with regard to the Dangerous Drugs Act, 1930. Sir, it is said in the First Schedule attached to this Bill—and I want to draw the attention of the Honourable the Law Member, so that he may explain with regard to the Dangerous Drugs Act, 1934, exactly the amendment that is required in it—Sir, we find that in that Schedule it is said that :
In Schedule II, in the amendments relating to the Bombay Abkari Act, 1878, the words "brackets and figures" in sub-section (1) of section 32, the proviso shall be omitted shall be omitted.

[Mr. Lalchand Navarai.]

Now, Sir, referring to the Statement of Objects and Reasons, I find that it is said again there—and I hope the Honourable the Law Member will give me a reply on this point :

“ The Bombay Abkari Act, 1878, and the Dangerous Drugs Act, 1930.—The amendments are designed to correct a mistake made in the latter Act.”

That perhaps means the Dangerous Drugs Act, 1930, but it does not explain how this mistake crept in, so that the proviso should be taken away. I should be very much thankful to the Honourable Member if he will enlighten me on that point.

The Honourable Sir Nripendra Sircar : Sir, I think I was right in stating that no change was intended, and (1) (*mm*) had become unnecessary. The history of that legislation is this. In the course of the passage of clause 9, on the motion of Mr. Maswood Ahmad, sub-clause (a) was amended in section 206. Section 206, as it stood, was changed, and what was introduced was this :

“ No pilgrim shall be received on board any pilgrim ship unless he produces medical certificates signed by persons who in the opinion of the officer making an inspection under this section are duly qualified to grant such certificates showing that.....”

and I would draw the attention of the Honourable Member to this passage :

“ such pilgrim has been inoculated against cholera within six months before inspection ”—

so that 206 (1) (a), which refers to the six months, remains. That is not going. That was, as I understand—I was not familiar with the earlier history—that was introduced as the result of a motion by my Honourable friend, Mr. Maswood Ahmad. Having regard to the result of that amendment, to leave (1) (*mm*) would now be idiotic. My friend's point is already there by reason of the amendment which he has succeeded in introducing. Therefore, I do not admit for one second that we are going to change the law. The point for which my Honourable friend tried he has succeeded in achieving and that we are not going to affect in any way. That is the whole explanation ; there is nothing sinister behind it.

Sir Abdur Rahim : What is the provision of (1) (*mm*) ?

Mr. G. H. Spence (Secretary, Legislative Department) : Sir, if I may be allowed to read that, sub-section (1) of section 213 of the principal Act runs as follows :

“ The Governor General in Council may make rules to regulate all or any of the following matters, namely, (a), (b), (c), etc.”

Then, we come to (*mm*) :

“ The period referred to in clause (a) of sub-section (1A) of section 206.”

When that was put in, clause (a) of sub-section (1A) of section 206 referred to the prescribed period and left the period to be prescribed. Subsequently, clause (a) of sub-section (1A) of section 206 was amended, so as to specify the period in terms “ within six months ”. Therefore, it became clearly inept to retain the rule-making power to prescribe a period which is laid down in terms in the Act itself.

Mr. M. Maswood Ahmad : The main point here is concerning the period of six months. It was fixed and then power was given to the Governor General in Council to extend that period. My point was that the period should be one year, as it is in the Egyptian law—and I quoted some law on that point—but at that time it was not agreed to by the House and it was fixed to six months only, but, then, afterwards, this clause (*mm*) was kept, so that this power was given to the Governor General in Council to extend the period, that is, if he wants to increase it, that will be in the hands of the Governor General in Council. As far as I understood on that occasion, the period of six months, referred to in clause (*a*) of sub-section (*1*) (*i*) of section 206, was to be increased by the Governor General in Council at the time of making rules. But, now, after repealing this, the Government want that this power should be taken away from the Governor General in Council, and I say that, if for any reason these two portions are not in conformity with each other, then, in that case, I would prefer to repeal that portion of clause (*1*) (*iv*) and not this clause (*mm*). That is the main point. In my opinion, six months is a very short period. If these two clauses are not in conformity with each other, I and my community would prefer to omit that portion of clause (*1*) (*iv*) instead of repealing this portion of (*mm*), because we have got ample power to represent our case before the Governor General in Council, and, after that, we may satisfy the Governor General in Council that, in all other parts of the world, the time fixed for a pilgrim is one year or two years, and why should it be that in India it should be six months,—and so, Sir, this is a controversial measure. In any case, it cannot be called a non-controversial measure and should be examined by a Select Committee.

Mr. President (The Honourable Sir Shanmukham Chetty) : Is it that the prior Act left the power of fixing the period to the Governor General in Council, and that the subsequent Act fixed that period in the Act itself ?

Mr. M. Maswood Ahmad : That power was also given to the Governor General in Council by the same Act,—and the six months period was fixed by the same Act, it was not by a subsequent Act. Had it been made subsequently, then the case would have been quite different. Both the powers were conferred by the same Act, and, so, if there was anything of that nature, I would ask the Honourable the Law Member to repeal that portion and not this portion of (*mm*). So this is a controversial measure, and I hope controversial measures should not be brought up in the form of this Bill.

Sir Abdur Rahim : If both provisions were brought in by the same Act, then the matter becomes controversial, undoubtedly.

The Honourable Sir Nripendra Sircar : Sir, this only illustrates that some people can raise a controversy where none exists. If the two sections had said that the period in one section is six months and in another it is nine months, the argument of my Honourable friend, Mr. Maswood Ahmad, would have been very legitimate. He could have said : " Why keep it at six months, and why not nine months ? " That is not the position. Under (*1*) (*mm*), certainly the time could be prescribed, but, as the result of my Honourable friend's amendment, 206 (*1*) (*a*) fixed the period at six months. Therefore, the Governor General cannot by rules change what has been fixed in the Act itself.

Mr. M. Maswood Ahmad : This power was that the Governor General.....

The Honourable Sir Nripendra Sircar : If my Honourable friend will not interrupt me, that is the exact situation, and I still maintain that there is no change. The Governor General cannot, if (1) (*mm*) remains now, go against the express provision of the Statute which fixed the period at six months. I cannot make the point clearer, and that is all I have got to say.

Sir Abdur Rahim : If, by the same Act, both the sections were enacted, then surely it is a matter on which the judgment of this House is required as to which of them should be repealed or which of them should be retained. Because one confers power on the Governor General which is inconsistent with another section of the Act, it does not necessarily follow that that power should be taken away. It may follow that this House may decide that section 201 should be modified and not the rule-making power. Apparently it was due to some mistake or oversight on the part of the House to pass both those provisions. Now, the question is, what would the House have done if this matter was brought to its attention? I submit to the House that it is really a matter for the House to decide, and I do not know that this is an occasion on which it can decide. The Act is not before us, nor is the policy, as regards inoculation of the pilgrims before they are allowed to embark, is before the House, and I think that it cannot be decided in this way in an indirect manner.

Diwan Bahadur A. Ramaswami Mudaliar (Madras City : Non-Muhammadan Urban) : Sir, may I say a few words just to place the position, as I understand it, before the House. When this amending Bill was introduced, there was primarily a provision in the Bill which amended section 206 and which stated that the period would be prescribed by the Government. The period will be a prescribed period, and it will be so prescribed by the Governor General in Council. It was, therefore, taken for granted that the Governor General will prescribe the actual period which would lapse before this particular inhibition would pass away. In consonance with that provision in the earlier portion of the Bill, the later provision maintained that (*mm*) should be added, whereby the Governor General in Council will frame rules to prescribe the period. Now, when these two provisions were simultaneously before the House, because the Bill was one Bill and it should be understood in that sense alone, the earlier provision was first taken up and the later provision was only a corollary to the earlier provision which suggested that the time should be a prescribed time. The House felt that it should not be left to the discretion of the Governor General in Council. My friend, Mr. Maswood Ahmad, moved the amendment that the time should be an ascertained time and not a vague time which may depend upon the will and discretion of the Governor General in Council. He, therefore, moved the amendment that six months should be the period prescribed and it should not be left to the discretion of the Governor General in Council. When that amendment was before the House, I venture to suggest that the House gave its decision on the issue, which my Leader, Sir Abdur Rahim, has now presented to us, namely, whether the period should be a prescribed period, that is to say, a period dependent on the will and the discretion of the Governor General in Council, or whether it should be a definite and ascertained period, namely, six months, which Mr. Maswood Ahmad

wants. The House then decided that it will not leave the question to the discretion of the Governor General in Council, but will put in a definite and ascertained period, namely, six months, and adopted the amendment of Mr. Maswood Ahmad. It was then for the Member in charge and for Sir Lancelot Graham, whose vigilant eye never misses a thing like that, to have brought in a consequential amendment deleting the latter provision to add clause (*mm*), which was the right thing to do. That was not done. It was passed. It was for the Government spokesman to have brought in an amendment. As that amendment was not brought before the House, my Honourable friend, the Law Member, now seeks to amend the Act. That seems to me to be the position. There is no controversy involved. It is merely re-enforcing a decision which has been already arrived at, as recently as 1933, by this House that the period should be a definite and an ascertained period, namely, six months, and should not depend upon the discretion of the Governor General in Council.

Mr. President (The Honourable Sir Shanmukham Chetty) : The Chair would like to hear from the Law Member what the legal position is. So long as section 206, clause (1) (a), remains on the Statute-book, that is, prescribing the time for six months, can the Governor General exercise the power under section 203 (*mm*) ?

The Honourable Sir Nripendra Sircar : In my humble view, he cannot.

Mr. President (The Honourable Sir Shanmukham Chetty) : Therefore, the amendment to clause 203 is a consequential amendment.

The Honourable Sir Nripendra Sircar : That is my submission.

Mr. President (The Honourable Sir Shanmukham Chetty) : What has Mr. Maswood Ahmad now got to say ?

Mr. M. Maswood Ahmad : I wanted to say that if these two clauses do not agree with each other, and, in the presence of clause 206 (1) (a), the Governor General cannot exercise his power under clause (*mm*), then my community want that that should be deleted and not this.

Mr. President (The Honourable Sir Shanmukham Chetty) : The Honourable Member can oppose that.

Mr. Muhammad Azhar Ali (Lucknow and Fyzabad Divisions : Muhammudan Rural) : Sir, there is some sort of ambiguity, and it may be that the explanations given by the Government or by my friends here may stand the test of being true. But, I am sure, that in the form in which the amendment has been brought, it seems to me that it might be referred to the Select Committee for their decision. If, however, you give it as your ruling that it is all right, then my submission is that it will satisfy perhaps this side of the House more than if it is decided arbitrarily.

Mr. President (The Honourable Sir Shanmukham Chetty) : There is no question of a ruling on this point.

Mr. Muhammad Azhar Ali : Then, I move that it should be sent to the Select Committee. I may mention the names of the members of the Select Committee.

Mr. President (The Honourable Sir Shanmukham Chetty) : There is no amendment on the Order Paper for reference to the Select Committee.

Mr. Muhammad Azhar Ali : It is only with the permission of the Chair that I wish to move that motion

Mr. Lalchand Navalrai : I believe the Honourable Member was in the middle of his argument and he has not yet replied to the question that I put to him. I do not know if the Honourable Member followed me in the heat of the other question. If not, I will repeat my question.

The Honourable Sir Nripendra Sircar : If you please.

Mr. Lalchand Navalrai : My question is that an amendment is going to be made on account of the enactment of the Dangerous Drugs Act of 1930. You will find that on page 3 of the Bill, it is said that " In sub-section (1) of section 32 (which means the Abkari Act) the proviso shall be omitted ". Then in the Statement of Objects and Reasons under clause (8) it is said that " the amendments are designed to correct a mistake made in the latter Act ". That means that there is a mistake in the Dangerous Drugs Act which is going to be corrected by eliminating the proviso from the Abkari Act. I would request the Honourable the Law Member to enlighten me as to where is the necessity for it and what is the underlying object of the amendment.

The Honourable Sir Nripendra Sircar : Will my Honourable friend kindly repeat what is the portion which he read just now ?

Mr. Lalchand Navalrai : I read from the Statement of Objects and Reasons. It is clause 8 and its heading is " The Bombay Abkari Act, 1878, and the Dangerous Drugs Act, 1930. What I want to know is whether it is a real mistake and how is it that it is interfering with the law that has been made under the Dangerous Drugs Act, or was there a mistake in the Dangerous Drugs Act itself ?

The Honourable Sir Nripendra Sircar : The answer to my Honourable friend, Mr. Lalchand Navalrai, is this, in the Dangerous Drugs Act, II of 1930, a large number of amendments were made. They, in fact, covered one full page in close print, but I do not propose to read them out. That is Schedule II. The note which my Honourable friend read out is this :

" In Schedule II, in the amendments relating to the Bombay Abkari Act, 1878, the words, brackets and figures ' in sub-section (1) of section 32, the proviso shall be omitted ' shall be omitted."

That is to be found as one of the amendments here. If my Honourable friend will turn to the Bombay Abkari Act, 1878, my Honourable friend will then find that this is a mistake, because there was no intention to change the Bombay Abkari Act, 1878. Therefore, if the question is in which Act the error has been committed, the answer is that the note is correct, namely, the amendments are designed to correct a mistake made in the latter Act, namely, in Schedule II. This is a very long Schedule of the Act of 1930. It does not involve any change in the law as it now exists.

Mr. Lalchand Navalrai : I am not satisfied with the reply at all. The point is that there is some mistake in the provisions of the Bombay Abkari Act, and I want to know what is the mistake.

The Honourable Sir Nripendra Sircar : The mistake is indicated by the words which are quoted.

Mr. Lalchand Navalrai : But the proviso is going to be removed.

The Honourable Sir Nripendra Sircar : The mistake is indicated in the words which are quoted. If my Honourable friend will turn to the Schedule, it says :

“ In Schedule II, in the amendments relating to the Bombay Abkari Act, 1878, the words, brackets and figures ‘ in sub-section (1) of section 32, the proviso shall be omitted ’ shall be omitted.”

That is what appeared to be a mistake. It ought not to appear there at all. It makes no sense. That is a clear error. Our amendment will not change either the Bombay Act or the Indian Act.

Mr. Lalchand Navalrai : Then a certain proviso is not actually going to be removed.

The Honourable Sir Nripendra Sircar : The words which are appearing here by mistake will be removed, and the mistake will be corrected.

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

“ That the Bill to amend certain enactments and to repeal certain other enactments be taken into consideration.”

The motion was adopted.

Clauses 2, 3 and 4 were added to the Bill.

The First Schedule was added to the Bill.

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

“ That the Second Schedule stand part of the Bill.”

Mr. M. Maswood Ahmad : Sir, it now appears that all the entries are for consequential amendments. I want to move an amendment to the effect that a portion from the Second Schedule should be deleted. Unless you allow me to move my amendment, I have no right to do so. The Honourable the Law Member also said that no controversial measure would be brought before the House, and I hoped he would agree to delete that controversial portion, but he did not accept my suggestion and now I have no alternative but to move an amendment, and, I think, the Government will raise no objection to my moving the amendment.

Mr. President (The Honourable Sir Shanmukham Chetty) : What is the item that the Honourable Member wants to delete ?

Mr. M. Maswood Ahmad : I want to delete the item relating to the Indian Merchant Shipping Act, 1923.

Mr. President (The Honourable Sir Shanmukham Chetty) : Does any Honourable Member object ?

The Honourable Sir Nripendra Sircar : When the amendment is moved, I shall oppose it. I shall not adduce any further argument, because I have already adduced my arguments.

Mr. M. Maswood Ahmad : Sir, I beg to move :

“ That from the Second Schedule the following item shall be deleted :

<p>1923. XXI</p>	<p>The Indian Merchant Shipping Act, 1923.</p>	<p>In sub-section (1) of section 213 clause (mm) .”</p>
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I only want to add a few words in this connection. When I quoted from the different Acts of the Straits Settlements, on which the Indian

[Mr. M. Maswood Ahmad.]

Merchant Shipping Act was based, I pointed out that in some cases it was one year and in some other cases it was two years. As far as I remember, it was then said—I am sorry I have not got a copy of that Act at present in my hands—that this power would be in the hands of the Governor General. At that time I moved for a longer period, but this House decided that the period should only be six months. At that time we thought that the power to increase the period will remain in the hands of the Governor General and that he will be in a position to extend that period. If you will see that section, there was this possibility. The section reads :

“ No pilgrim shall be received on board any pilgrim ship unless he produces medical certificates signed by persons who, in the opinion of the officer making an inspection under this section, are duly qualified to grant such certificates, showing that such pilgrim—

- (a) has been inoculated against cholera within six months before the inspection, and
- (b) has been vaccinated against small-pox within five years before the inspection :

Provided that the officer making the inspection may dispense with the certificate of vaccination, if in his opinion the pilgrim has marks showing that he has had small-pox.”

It was admitted at that time that six months time should be given, and, at the same time, the power was given to the Governor General who may extend the period. My opinion up till now is the same. But if the House thinks that both portions cannot remain on the Statute-book, I will appeal to the Government at least to omit this item at present and to refer the matter to the Select Committee who may decide whether to omit this portion or that portion. No doubt at present we are not in a position in this House to carry any amendment by a majority of votes, because the Government have sufficient votes to defeat us. I, however, appeal to the Honourable the Law Member, in view of the fact that the Leader of the Opposition has also supported the plea that this is a controversial measure, I appeal to the Government that this Bill should be referred to the Select Committee, so that the Select Committee may decide whether they want to give this power to the Governor General or they want to restrict the period to six months only. This is a very important point, and, if the Select Committee agrees to the suggestion that the period should be only six months, in that case no one will object. This question has not been decided and many Members, both in this House and outside, thought that this power should be given to the Governor General and the period of six months was not sufficient. I, therefore, suggest that this measure cannot be passed without sending it to the Select Committee, or at least this provision should be deleted from the Second Schedule at present.

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

“ That from the Second Schedule the following item shall be deleted :

‘ 1923. XXI	The Indian Merchant Shipping Act, 1923.	In sub section (1) of section 213 clause (mm) .’
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Mr. G. S. Bajpai (Secretary, Department of Education, Health and Lands) : Sir, I confess that my Honourable friend has taken us all somewhat at a disadvantage, because he did not give us timely notice of the point which he has now raised. As far as I can make out, he wants now that power shall be retained by the Governor General in Council to prescribe any period that he likes as the period which must elapse before a certificate for inoculation against cholera can be given. May I, Sir, on this occasion, take the opportunity of reminding him of his own words when he was moving the amendment to the relevant clause of the Indian Merchant Shipping (Amendment) Bill, i.e., the Haj Bill? He moved,—and I am reading from page 3362 of the Proceedings of the Legislative Assembly for 8th April, 1933 :

“ That in clause 9 of the Bill, for part (a) of the proposed sub-section (1A) the following be substituted :

‘ (a) has been inoculated against cholera within six months before the inspection ; and ’.”

Then, Sir, he proceeded to read from the Straits Settlements Ordinance on the subject and finally he made this remark :

“ Sir, the suggestion that it should be for six months is in the Ordinance of the Straits Settlements and in the International Sanitary Convention. Government have said ‘ such period not being less than one month as may be prescribed ’. This is not satisfactory. I say, there should be a definite mention of six months.” (Laughter.)

Then, Sir, I would, in all humility, quote my own words also. I said :

“ The reason why I have risen is to save the time of the House. This morning, my Honourable friend thought that the Straits Settlements Ordinance was the most retrograde measure in existence, but now he is drawing upon that measure in order to support his argument. However, animated as I am by great goodwill towards my Honourable friend, I am prepared to accept this retrograde amendment, though I would explain that it would not stop short at the word which he has mentioned.”

And then I went on to suggest something else. It appears to me that, if a controversy has arisen, it is because my Honourable friend has had a controversy with himself. For the rest, this is really carrying out, as my Honourable friend, Diwan Bahadur Mudaliar, pointed out, the verdict of the House on an amendment which was moved by my Honourable friend himself who has now conveniently forgotten what he said in 1933 and wants something else done now.

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

“ That from the Second Schedule the following item shall be deleted :

‘ 1923.	XXI	The Indian Merchant	In sub-section (1) of
		Shipping Act, 1923.	section 213 clause
			(mm) ’.”

The motion was negatived.

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

“ That the Second Schedule stand part of the Bill.”

The motion was adopted.

The Second Schedule was added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

The Honourable Sir Nripendra Sircar : Sir, I beg to move :

“ That the Bill be passed.”

I really have nothing to add, and I do not think I should take up the time of the House.

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

“ That the Bill be passed.”

The motion was adopted.

THE SEA CUSTOMS (AMENDMENT) BILL.

Mr. A. J. Raisman (Government of India : Nominated Official) : Sir, I beg to move :

“ That the Bill further to amend the Sea Customs Act, 1878, for a certain purpose, be taken into consideration.”

Honourable Members will perhaps recall that this Bill was introduced in this House during the course of last Session by Sir George Schuster on the 29th January. It has, therefore, been in the hands of Honourable Members for several months now. It is, as will be seen from the Statement of Objects and Reasons, a measure of a very simple nature, and in view of the time that has elapsed and the fact that nothing has occurred during that period to suggest that the Bill raises any difficult or controversial points, I make this motion for consideration. I should perhaps first explain what the real object of the drawback provisions of any sea customs Act is. The object is to facilitate *entrepôt* trade; that is to say, when merchandise has been imported for sale into the country, but, for any reason, has remained unsold for a reasonable time, it is obviously desirable that the goods should be able to be re-exported to another market without the merchant incurring the loss of the whole of the import duties originally paid on them. This is a facility which trade may naturally expect from the administration; and I want to make it quite clear that there is nothing in the present Bill which will detract in any way from those facilities. Goods imported into this country and not taken into use will be entitled to the full benefit of the drawback provisions in the same way as hitherto.

There is, however, another class of goods which at the present moment qualifies equally for the benefit of the drawback provisions of the Act, and that is, goods which, after importation, are taken into use. Those goods in many cases spend quite a considerable part of their useful life in India. Now, it is a generally recognised principle that customs duties are a tax on consumption. These goods having been in India for two, and in some cases three, years, can nevertheless be tendered at a custom house for export, and provided they are identified and provided they are worth the amount of money which the exporter claims back from the custom house, they may be exported and the owner may obtain a refund of 7/8ths of the duty originally paid. I might perhaps exemplify this anomalous provision by taking one or two instances.

Take, for instance, a motor car imported at Bombay. Suppose it is valued on import at Rs. 4,000 and it is dutiable at 30 per cent. It pays Rs. 1,200 as import duty, and it is now worth Rs. 5,200. It is taken into use and run for three years during which time it may do 50 or 60 thousand

miles. The average life of a car, I would suggest, is not more than (say) five years. Nevertheless, before the expiry of three years, this car may be tendered at a custom house, and, on proof that it is the identical car, the owner may ship it and claim Rs. 1,050 back of the Rs. 1,200 which was paid on importation. So that, for three years' use in the country of a car worth Rs. 5,200, the consumption tax paid is Rs. 150 on an article on which the customs duty is 30 per cent. I will take another instance, that of cinematograph films. Now in the case of cinematograph films, the value at the time of import includes the charge which is made for royalty, that is, the charge for the use of the film. This is important in connection with films, because, for two or three years the films may be exhibited up and down the country, and, of course, that part of the value which is represented by royalty is fully consumed. Nevertheless, the owner may come back with the film, and,—I admit it will be difficult to prove that the film so used was worth 7|8ths of the import duty originally paid,—but if he can prove that, he would be entitled to get 7|8ths of the import duty back. The situation, I would submit, is plainly anomalous, and the object of this Bill is to rectify that anomaly by taking powers to restrict the facilities for the grant of drawback. The method would be that the Governor General in Council would make rules which would be published in the Gazette of India. It will be seen from the wording of the Bill that we do not contemplate that a single body of rules will necessarily cover the different classes of cases which have to be dealt with. Naturally, a good deal depends on the nature of the goods, especially on the length of their useful life. I would further like to make it clear that there is no intention of acting in a precipitate manner. The Government are quite prepared to consult the interests affected before they actually enforce rules which will introduce a modification in the position, and in particular they are quite prepared to allow such time to elapse as will enable persons who have imported goods in the expectation that drawback facilities would be available to export those goods and obtain the drawback. Such a period would also enable persons, who had placed orders for goods in the expectation that drawback facilities would be available, to take action and possibly cancel their orders if they thought necessary.

There is only one small point which I think I might add, and that is that almost the only objection we have received to this Bill is from automobile associations, who have represented that the present drawback provisions do make it possible for the tourist or temporary visitor to the country to bring his car with him and use it in the country and when leaving the country to obtain the greater part or 7|8ths of the duty back. In regard to that, I am glad to be able to say that we now have under consideration the introduction of the system which is now in vogue in most countries in the world, namely, the triptyque or the international *carnet* which enables the owner of a motor car to import his car free into any country on a guarantee furnished by an automobile association that he will re-export it within a prescribed time and that failing that the association will pay to the Government the amount of customs duty involved. We are at the present moment working out the details of that system, and I hope that in a short time now it will be made applicable to India. Sir, I move.

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

“ That the Bill further to amend the Sea Customs Act, 1878, for a certain purpose, be taken into consideration.”

Mr. B. V. Jadhav (Bombay Central Division : Non-Muhammadan Rural) : Sir, I rise to support this motion. I had on more than one occasion to bring to the notice of this House the condition of the film industry and the indifference with which it was treated by Government. I need not go into the same matter over again, but I should like to refer to it in a few words.

In other countries, the Government are anxious to encourage the film industry. In England, for instance, there is the quota system, under which the English made films are to be exhibited for a certain period of time in every theatre. The Government of India have not seen the necessity of introducing any such measure. But, in spite of Government's indifference, the film industry is making some progress, but it is handicapped in a number of ways. The raw material of that industry is very heavily taxed, and, not only the raw film is taxed, but the mechanism of exhibition, such as producers, projectors, amplifiers, loud-speakers, etc., which are required for wiring the theatre to change it from a silent theatre to a talkie theatre, is also very heavily taxed. Formerly, these parts of machinery were treated by the customs officer as machinery and they were taxed only at 10 per cent. Latterly, the Government appear to have made changes in their rules, and, instead of 10 per cent., they are charged at 20 per cent. for British made goods and at 30 per cent. for foreign made goods. In this way the tax is levied upon the instruments that are used in this industry.

I may bring to the notice of the Government that the Film Group of India has made certain representations to Government and their grievances were ventilated in this House by my humble self and by my friends. It was brought to the notice of the Government that the rebate system on exposed films acted as an impetus or encouragement to foreign films, and, therefore, foreign films competed severely with Indian made films. I am very glad that Government have come to appreciate that view, and this Bill is the result. In the same way, we pointed out that the duty on foreign made films was not adequate—it was very light—and that helped the foreign made films to compete with the Indian made films. Government have also reconsidered their decision and they have increased the duty on imported exposed films. But, then, I am very sorry to repeat on the floor of this House that the Government at that time could not carry out the promises they had held out. Government had stated that any income derived from such sources will be utilised first in reducing the duty on raw films, and so on. I am very sorry that the Finance Member saw that it was not possible for him to make any reduction in that duty. There is a well-known saying in Sanskrit that a hungry man will commit any crime, and a man reduced to the lowest straits is merciless. So I do not blame the Finance Member for being merciless and for having committed the sin of having gone back on his words. I hope his successor, who is not here today in this House, will help the industry by reducing the heavy duty on raw films and also by bringing the projectors, amplifiers and loudspeakers, which are used for wiring talkie theatres, under the category of implements or machinery. Sir, it is a fact that these things are used for other purposes as well ; and, therefore, an objection might be brought forward that it will be very difficult for the customs officer to distinguish the instruments that are used for the cinema trade and those which are not used for the cinema trade. Sir, I think, there need be no insuperable difficulty, because a system of rebates can

be instituted by which a certificate from a District Magistrate to the effect that certain machinery is used in wiring a particular house in a particular village or town should be sufficient to grant a rebate to the owner of that theatre. In that way, the heavy burden put upon the cinema industry can be removed.

The question of the use of motor cars stands on a different footing. In the case of exposed films of foreign manufacture, it was clear that the long period of two years was made use of by the importers of foreign films in exhibiting those films at various places, and they contrived to send back almost worthless films and draw the rebate, and ultimately they were destroyed at the ports where they were received. So Government were deprived of a part of their revenue. Now, Government have realised the position, and I welcome this measure.

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

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

Mr. Gaya Prasad Singh (Muzaffarpur *cum* Champaran: Non-Muhammadan): Sir, I have very great pleasure in supporting this motion. The operative part of this Bill relates to section 43 of the Sea Customs Act which runs as follows:

“When any goods, having been charged with import duty at one Customs-port and thence exported to another, are re-exported by sea as aforesaid, drawback shall be allowed on such goods as if they had been so re-exported from the former Port:

Provided that, in every such case, the goods be identified to the satisfaction of the officer, in charge of the Customs-house at the port of final exportation and that such final exportation be made within three years from the date on which they were first imported into British India.”

Now, I am glad that the Government have brought forward a Bill for the purpose of doing away with this drawback system. This drawback system has many disadvantages. It was, in the first place, doing a damage to the customs duties of the Government. In the second place, it was sometimes difficult to identify the exact goods which, on its import, had once paid duty and then was subject to drawback at the time of its re-export abroad. In the Statement of Objects and Reasons, two classes of goods have been mentioned, I mean motor cars and cinematograph films. Both these two classes of goods have been mentioned by my Honourable friend, Mr. Jadhav, in his speech. So, I do not want to repeat the same arguments over again. The film industry is in its infant stage in this country and it is the duty of both the Government, and those of us who sit on this side of the House, to give an impetus to the film industry. The import duty on raw films puts the indigenous industry at a disadvantage, and so it is advisable that that point should be taken into consideration. I am very pleased that Government have at last thought it proper to bring in this Bill. There is only one point which I should like to bring to your notice in this connection and it is this. I should like to be satisfied that the rule-making powers which are being given to the Governor General in Council are not of too wide an extent. I should have thought that some of the important points which are to be embodied in the rules might perhaps have been embodied in the text of the Bill itself, but I hope that the Government

[Mr. Gaya Prasad Singh.]

will give an opportunity before framing these rules, to the public and the individuals concerned, to submit whatever objections or suggestions they may have to make in the rules. With these few words, I support the motion.

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

“ That the Bill further to amend the Sea Customs Act, 1878, for a certain purpose, be taken into consideration.”

The motion was adopted.

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

“ That clause 2 stand part of the Bill.”

Sir Leslie Hudson (Bombay : European) : Sir, I beg to move :

“ That in clause 2 of the Bill, in sub-section (2) of the proposed section 43A, after the words ‘ The Governor General in Council may ’ the words ‘ subject to the condition of previous publication ’ be inserted.”

Sir, on the whole, there is very general agreement about this Bill. I am quite sure that there will be wide satisfaction at the statement made by my Honourable friend, Mr. Raisman, in moving the consideration of the Bill that the Government have under consideration measures legalising the “ Triptyque ” system which is in force in most of the world and which is badly in need of enforcement here.

There are certain instances where the withdrawal of the drawback concession would be a definite hardship on persons and firms and commercial bodies of which I propose to give one or two instances later, and it is for that reason that I move this amendment, which I hope, from what has fallen from the lips of Mr. Raisman, will be accepted by Government. Instances that occur to one are, firstly, the component parts of machinery which may be found unsuitable for the purpose for which they have been imported or which may be defective. In cases like that, it seems to me right and just that the importer should have the benefit of the drawback concession. Similarly, containers which are used in the carriage of compressed liquids and compressed gases and acids, which are imported into this country for manufacturing purposes, are sent back to the country of origin for being re-filled and brought out to this country again. Under the present concession, whereby 7/8ths of the duty is refunded on re-export, it is obvious that it only requires eight movements to and fro for the Government to realise the 100 per cent. duty after which time there will be a steady revenue coming in. If the concession with regard to these containers is withdrawn, I maintain that it would entail a distinct increase in the cost of manufacture and distribution of the goods for which the containers are required. The same thing applies to component parts of machinery which I have already mentioned. The Honourable Member has already spoken about motor cars, but there are other articles on which, under certain conditions, I think the drawback should be retained, —articles, such as cameras and radio sets, scientific instruments and firearms which may be brought out to this country for a purely temporary period. I hope the Honourable Member will accept this amendment. He has already given us an assurance that the rules will be sufficiently

wide to exempt articles and goods where it can be shown that real hardship does exist and where definite hindrance to trade and industry may be caused.

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

“ That in clause 2 of the Bill, in sub-section (2) of the proposed section 43A, after the words ‘ The Governor General in Council may ’ the words ‘ subject to the condition of previous publication ’ be inserted.”

Mr. A. J. Raisman : Sir, I have no objection to accepting my Honourable friend, Sir Leslie Hudson’s amendment. On the contrary, I welcome it. I ought perhaps to explain why the words were not inserted in the first instance. The clause in question will form part of the Sea Customs Act, and, for reasons which are obvious, it is not usual in the case of legislation or rules relating to customs to provide for previous publication, because there is a possibility of “forestalling”. In the case of drawbacks, there is, of course, no serious objection on this score, and so I am quite prepared to accept the amendment. With regard to the few remarks which fell from my Honourable friend, they do illustrate the point I was making, which is that we cannot at this stage indicate precisely what rules will be made to cover the different cases, because each class of goods will have to be carefully considered, and, when we publish our rules for criticism, we shall then come up against various kinds of difficulties and hard cases, such as Sir Leslie Hudson has pointed out, and I hope we shall be able to make the necessary modifications to cover cases of the type which have been mentioned.

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

“ That in clause 2 of the Bill, in sub-section (2) of the proposed section 43A, after the words ‘ The Governor General in Council may ’ the words ‘ subject to the condition of previous publication ’ be inserted.”

The motion was adopted.

Sir Leslie Hudson : I do not wish to move the second amendment.

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

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

The motion was adopted.

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

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

Mr. A. J. Raisman : Sir, I beg to move :

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

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

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

The motion was adopted.

THE NEGOTIABLE INSTRUMENTS (AMENDMENT) BILL.

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

"That the Bill further to amend the Negotiable Instruments Act, 1881, for a certain purpose, as passed by the Council of State and as reported by the Select Committee, be taken into consideration."

The Bill is a short one, but it has a long history behind it. In 1924, the Bombay High Court gave a ruling with reference to a *hundi* which was on the face of it payable to a particular person or bearer, but which had an endorsement on the back authorising payment to a third party. The Bombay High Court held that the endorsement changed the character of the *hundi* and was no longer payable to bearer, but to the person whose name was mentioned in the endorsement or in accordance with his directions. This ruling of the High Court caused some consternation among the commercial and banking circles who had previously assumed that so long as a negotiable instrument was on the face of it payable to bearer, the drawee need not trouble about anything that was written on the back and could safely pay its value to the person who might present it. Government were, therefore, urged to introduce legislation which would restore to the bankers the security which they had previously imagined themselves to possess. After consultation with Local Governments and commercial bodies, a Bill was introduced in this House which provided that negotiable instruments which, on the face, were payable to bearer, should, in no circumstances, change their character as bearer instruments, in spite of anything written on the back. This Bill was, however, rejected by this Assembly in September, 1929, partly because it was considered that the application of the legislation to *hundis* might involve undesirable interference with the traditional methods and practice of indigenous bankers and partly because it was considered that the question should be first examined by the Indian Central Banking Inquiry Committee. That Committee duly examined the question and recommended that cheques, which were originally drawn payable to bearer, should not lose their bearer character on account of any endorsements written on the back. They considered, however, that the proposed legislation should not apply to negotiable instruments other than those which were drawn in the form of cheques. The simple measure now before the House is the result of this recommendation. The House will observe that, in accordance with that recommendation, the proposed amendment refers only to cheques and not to negotiable instruments in general. The main objection raised in connection with the previous Bill regarding its application to *hundis* and possible interference with the traditional methods and practice of indigenous bankers is, therefore, no longer applicable to the present measure. Sir, this is the immediate purpose of the Bill, but it has a wider object than the protection of the banks. In the interests of the financial development of the country as a whole, it is essential that we should encourage the use of cheques by the general public much more freely than at present. It is possible that the growth of the cheque habit may be retarded if the purport of a cheque can be changed by an endorsement written in a script or language which may be unintelligible to the party to whom it may be subsequently transferred. If, on the other hand, a cheque payable to bearer is always payable to bearer, unless the word "bearer" on the face of the cheque is altered to "order", the necessary confidence is more likely to be acquired. Sir, the Bill is the result of long and careful con-

sideration, and the Select Committee has unanimously recommended that it be passed. I have, therefore, no hesitation in commending it to the acceptance of this House. Sir, I move. (Applause.)

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

“ That the Bill further to amend the Negotiable Instruments Act, 1881, for a certain purpose, as passed by the Council of State and as reported by the Select Committee, be taken into consideration.”

The motion was adopted.

Clause 2 was added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

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

“ That the Bill be passed.” (Applause.)

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

“ That the Bill further to amend the Negotiable Instruments Act, 1881, for a certain purpose, as passed by the Council of State and as reported by the Select Committee, be passed.”

The motion was adopted.

THE INDIAN TRUSTS (AMENDMENT) BILL.

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

“ That the Bill further to amend the Indian Trusts Act, 1882, for a certain purpose, as passed by the Council of State, be taken into consideration.”

Sir, the purpose of this Bill is to enable trustees to invest trust funds in securities which, under the present sub-section (a) of section 20 of the Indian Trusts Act, are not Government securities, but which are fully guaranteed by the Government of India or a Local Government. For some years the Government of Madras have been trying to secure trustee status to the debentures of the Central Land Mortgage Bank of Madras. But, so long as those debentures were not fully guaranteed, the Government of India could not accept the proposal. This attitude of the Government of India was not due to any lack of sympathy with the object which the Government of Madras desired to achieve. The distinction between trustee securities and other securities is mainly intended to protect beneficiaries who are not able to look after their own interests, and it is, therefore, the duty of the Government of India to see that the protection is as complete as possible. If trustee status were accorded to any securities, which were not fully guaranteed, it would be very difficult to resist claims on behalf of other securities which were of a less reliable type and this might lead to an undesirable relaxation of the standards which Government feel bound to maintain. The question was, however, re-considered in connection with the Resolution moved in this House by my Honourable friend, Mr. Thampan, and it was decided that it would be justifiable to introduce legislation on the lines proposed if the Government of Madras were prepared to substitute a complete guarantee of both principal and interest for the limited guarantee which had previously been given. The Government of Madras accepted this condition and agreed to extend the guarantee. The next question was, whether the

[Mr. K. Sanjiva Row.]

trustee status should be given only to the debentures of the Madras Central Land Mortgage Bank or whether legislation should be undertaken covering all securities which were similarly guaranteed by a Local Government. We preferred the second alternative, as there appeared to be no reason why the debentures of other Provincial Banks, which had been similarly guaranteed, should not acquire trustee status. In deciding the form of the amendment which is now before the House, we were also influenced by the fact that, in accordance with the recommendation of the Joint Select Committee on the Reserve Bank Bill, a proviso has been added to sub-section (8) of section 17 of the Reserve Bank Act to enable the Bank to purchase and sell securities which are fully guaranteed by a Local Government. Sir, I do not think I need elaborate the justification for this Bill. Government have frequently been urged to take more active measures to encourage the development of Land Mortgage Banks. The measure now before the House will materially assist the Land Mortgage Bank of Madras and may also benefit Land Mortgage Banks in other Provinces. I am sure, the House will share my satisfaction that the Government of India have now found it possible to offer this assistance. Sir, I move. (Applause.)

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

“ That the Bill further to amend the Indian Trusts Act, 1882, for a certain purpose, as passed by the Council of State, be taken into consideration.”

Diwan Bahadur A. Ramaswami Mudaliar (Madras City : Non-Muhammadan Urban) : Sir, I certainly for my part share the satisfaction of my Honourable friend, Mr. Sanjiva Row, that at long last even the Government of India have moved in a matter on which agitation has been so strenuous and consistent, not merely from the public and from a known agitator, if I may say so, even like myself, but also from a well-established, orderly and sacrosanct Government like the Government of Madras. Sir, it took several years to convince the Government of India and the Finance Department in particular that nothing revolutionary was intended by the proposal which we put forward that debentures of Land Mortgage Banks should be treated as trustee securities, so that the investing public may invest in these securities with greater confidence. It is not exactly correct, as my Honourable friend, Mr. Sanjiva Row, tried to convey that Land Mortgage Banks must always have been guaranteed by the Local Government if their debentures were to secure trustee status. So far as the Land Mortgage Bank of Bombay is concerned. . . .

Mr. B. V. Jadhav (Bombay Central Division : Non-Muhammadan Rural) : There is no Land Mortgage Bank in Bombay.

Diwan Bahadur A. Ramaswami Mudaliar : At any rate, there was legislation as early as 1914 giving Land Mortgage Bank debentures of Bombay. . . .

Mr. B. V. Jadhav : Bombay Provincial Co-operative Banks.

Diwan Bahadur A. Ramaswami Mudaliar : Well, I stand corrected to that extent. Giving them the status of a trustee security without any backing of the Local Government,—and that was the point I was on—it does not matter whether it was Land Mortgage Banks or other Banks. My

friend says it is not so ; I certainly was under the impression that the legislation in 1914 did not require, as a pre-requisite, the backing up of the Provincial Government, so far as principal and interest were concerned. I, however, have no quarrel with that suggestion ; and, in fact, at the informal conferences, that some of us had with the Honourable Sir George Schuster, we accepted the condition that the Provincial Government should back up these securities, and that then and then alone should the status of trustee security be secured for them.

Mr. K. Sanjiva Row : The debentures of the Bombay Provincial Co-operative Bank are included in trustee securities on the condition that the interest thereon is guaranteed by the Secretary of State for India in Council.

An Honourable Member : What about the principal ?

Diwan Bahadur A. Ramaswami Mudaliar : Now, Sir, as I stated, I have no quarrel with this condition that the Provincial Government should guarantee both the principal and the interest, in case the trustee status was given to these securities. In fact, in our informal conferences, we accepted that condition, and we are glad that the Finance Department has at last moved in this matter. But, while I am on this subject, I should like to refer to another condition which the Finance Department has insisted upon and is now insisting upon and which does not find a place in the Bill. They told us that the amount of guarantee which the Provincial Government can extend is of a limited character, that it cannot be beyond, for instance, fifty lakhs of rupees, and that the Provincial Government, which is under the control of the Government of India with reference to its loan policy, will not be permitted to back up these securities beyond a sum of fifty lakhs of rupees ; at any rate, that was what I was given to understand at the informal conference we had, and, I believe, in the letter which the Government of India have addressed to the Local Government on the subject, whether it is exactly the amount of fifty lakhs or not, certainly a certain amount of maximum is prescribed, beyond which the Local Government cannot go, in backing up these trustee securities. I speak subject to correction, but that is the recollection I have of the negotiations that took place with the Minister in charge of this Department of my Presidency who was in Delhi, and, if I am correct, that is also the content of the letter which the Government of India have addressed to the Local Government. Now, it is about that condition I should like to say a word.

The object of this Land Mortgage Bank is to redeem the indebtedness of the landholders in my Presidency—in fact in any Presidency. We have heard recently an official conference on the subject, and a great deal of talk has been indulged in about Debt Conciliation Boards, about the methods by which rural indebtedness could be relieved, and so forth, but from newspaper reports and even from the communiqué of the Government of India, there is no indication of a solution of the problem, and the impression left is that the Conference broke up, if I may say so, “ as usual ” without anybody being the wiser for the Conference having been held. They were wiser certainly in that they knew each other’s deficiencies, but so far as any project to redeem the rural indebtedness of the peasant or to mitigate the aggravated circumstances in which the landowner finds himself today was concerned, the Conference does not seem to have produced any result whatsoever. Here

[Diwan Bahadur A. Ramaswami Mudaliar.]

is a practical proposition, whereby the operations of the Land Mortgage Bank may seriously tend to minimise the indebtedness of the landowner. Now, the total indebtedness of the whole of India, so far as the landed proprietors are concerned, is estimated somewhere between 200 and 225 crores of rupees. Any suggestion of raising a large loan, which can be utilised to buy up this indebtedness and to transfer it to lower rates of interest is looked upon as an extremely heterodox proposition by the orthodox Finance Department of the Government of India. They talk of Sanatanists and their orthodoxy, but I venture to think that the most confirmed Sanatanists are those who adorn the Finance Department of the Government of India. (Hear, hear.) Other countries have made this experiment and have been benefited by it. In our country, one Indian State—and Indian States are so often held up to ridicule and obloquy in this House, that I should like to refer, with appreciation, to one State—a State which can be held as a model for the Government of India to copy in this respect—the State over whose fortunes my esteemed friend, Sir Prabha Shankar Pattani, presides with so much of credit, has solved this problem. The State itself has bought up all the indebtedness. It has compelled many people to have their indebtedness settled at lower rates than would have been possible in Courts of law, and, if the reports are correct, it has done what the Government of India have not even dreamt of doing, namely, it has conciliated many of these debts and made it more possible for them to bear the burden of their indebtedness. As I was saying, in the absence of the Government of India and of the Local Governments moving in this matter—and it is a vicious circle in which the Government of India expect the Local Governments to move, because it is their primary concern, and the Local Governments say that they cannot raise a loan, because it is the primary concern of the Government of India,—the rural indebtedness problem is just where it was, and the peasant is expected to remain in the same position as he is or rather he is gradually getting into a worse and worse position. So far as the Government of India are concerned, we, in the South, unfortunately know that it is so far off that it does not even understand our problems. The problem of rice, over which we have been agitating for months past, is exactly where it has been. What do we find? Paddy is being dumped from Siam and Indo-China. We made representation after representation without any avail. If I were to be returned on the Congress ticket, I know exactly the language I shall use much of which would hardly be parliamentary and little of which will be taken note of by the Treasury Benches owing to its very extravagance; but as I hope to be returned on the ticket on which I have fought every election during the last 15 years, I shall use the language which I have been accustomed to use and say that it is a scandal that this Government should be impervious to all our arguments on the subject and that unless they wake up at least now, they will be faced with a fearful agrarian crisis, with disastrous consequences to the stability, financial and otherwise, of the Local Government. The Commerce Member has heard us so often, the Member in charge of Lands has also heard our representations and the Finance Member has been even compelled to hear at odd moments what we had to say, and yet none of them has awakened to a realisation of their responsibilities. That is what we call responsive Government in this country as opposed to responsible Government. As I was saying, if the indebtedness, which has become more

and more acute, of the peasant and of the landowner is to be redeemed in any sense at all and to any extent, then the Land Mortgage Bank is the last resort of the rural peasant today. The Land Mortgage Bank is making slow progress. Its funds are very limited, and it is to augment those funds that its debentures may be treated as securities. As this Bill is going to be passed, I hope that the Land Mortgage Bank's beneficent activities will expand and the non-official agency at least will put to shame the Government of India as well as the Local Governments by coming to the relief of the indebted peasant. I welcome this proposal, and I must express my gratitude that the Finance Department and the Government of India as a whole have at long last come to our help and accepted our suggestion.

Mr. K. P. Thampan (West Coast and Nilgiris : Non-Muhammadian Rural) : Sir, I do not want to take up the time of the House by making a long speech on this motion. The Honourable the Mover of the Bill referred to the Resolution that was moved by me with a view to giving the debentures of the Madras Land Mortgage Bank the status of a trustee security. The Honourable the Finance Member promised to comply with that request if the Local Government were to guarantee, not only the principal, but the interest of the debentures as well. Since then, the Madras Government has guaranteed the interest also, and the conditions that were required by the Honourable the Finance Member have now been complied with. Coming as I do from Madras, I am grateful to the Government for the promptness with which they have come forward to give our debentures the legal status of trustee securities. I have great pleasure in supporting the motion that is now before the House.

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

“ That the Bill further to amend the Indian Trusts Act, 1882, for a certain purpose, as passed by the Council of State, be taken into consideration.”

The motion was adopted.

Clause 2 was added to the Bill.

Clause 1 was added to the Bill.

The Title and the Preamble were added to the Bill.

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

“ That the Bill, as passed by the Council of State, be passed.”

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

“ That the Bill, as passed by the Council of State, be passed.”

The motion was adopted.

The Assembly then adjourned till Eleven of the Clock on Tuesday, the 31st July, 1934.