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THE LEGISLATIVE ASSEMBLY DEBATES

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(9th April to 23rd April 1936)

THIRD SESSION OF THE FIFTH LEGISLATIVE ASSEMBLY, 1936



NEW DELHI
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Legislative Assembly.

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MR. M. S. ANNY, M.L.A.

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LEGISLATIVE ASSEMBLY.

Tuesday, 14th April, 1936.

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

MEMBER SWORN.

Mr. Gurunath Venkatesh Bewoor, C.I.E., M.L.A., (Director General of Posts and Telegraphs).

QUESTIONS AND ANSWERS.

RESERVATION OF SEATS FOR INDIAN STUDENTS IN FOREIGN UNIVERSITIES.

1545. ***Mr. M. Asaf Ali** (on behalf of Mr. S. Satyamurti): Will Government be pleased to state:

- (a) whether they propose to consider the resolutions of the Inter-University Board, urging upon the Government the necessity of securing for Indian students, who are granted foreign scholarships, or fellow-ships by the different universities, a definite number of seats without premium in different industrial concerns of the various countries from which supplies are purchased by India, by making suitable conditions at the time of giving contracts;
- (b) whether they propose to take action on this line; and
- (c) if not, why not?

The Honourable Sir Frank Noyce: With your permission, Sir, I propose to answer questions Nos. 1545 and 1546 together. The Honourable Member is presumably referring to the resolutions adopted by the Inter-University Board at their last meeting. Copies of these resolutions have not so far reached the Government of India.

Dr. Ziauddin Ahmad: May I ask if it is not the case that the Educational Commissioner with the Government of India is a member of the Inter-University Board?

The Honourable Sir Frank Noyce: I believe so, Sir.

Dr. Ziauddin Ahmad: I suppose then he must have received a copy of the resolutions immediately?

The Honourable Sir Frank Noyce: Possibly, but they have to come to Government through the usual channel. The resolutions have to be

sent by the Secretary of the Inter-University Board to Government. The Educational Commissioner is a member of the Board, but he is not the channel of communication between the Board and Government.

FACILITIES FOR PRACTICAL TRAINING TO INDIAN GRADUATES IN FOREIGN UNIVERSITIES.

†1546. ***Mr. M. Asaf Ali** (on behalf of Mr. S. Satyamurti) Will Government be pleased to state:

(a) whether their attention has been drawn to the resolution of the Inter-University Board, requesting the Government of India and the Provincial Governments to use their influence to secure facilities for practical training to Indian graduates, specially when Government gives protection to certain industries or purchases stores for Government purposes; and

(b) whether they propose to take any action in this direction; if not, why not?

DELAY IN THE DISPOSAL OF APPEALS REGARDING CONSTRUCTION OF BUILDINGS LYING IN THE MUNICIPAL COMMITTEE, DELHI.

1547. ***Sirdar Jogendra Singh**: (a) Are a large number of appeals regarding construction of buildings and part or parts of buildings, lying in the Municipal Committee, Delhi, since 1930-1933? What is their number?

(b) Were these appeals filed in the Municipal Committee, Delhi, during the years 1930-1933? Why have they not yet been disposed of?

(c) Are Government aware that the delay in the disposal of these appeals has caused a great hardship and a heavy loss to the appellants?

(d) Is it a fact that on a number of appeals filed in 1930-1933 in the Municipal Committee, Delhi, the orders were given for the inspection of the buildings, and part or parts of the buildings situated in Delhi, but the inspection was never carried out? Have the orders for dismantling the buildings, and part or parts been recently issued? If so, why?

(e) Will Government be pleased to lay on the table a statement showing the particulars for the years 1930-1935 as regards the date of the receipt of the appeals, orders if any given on the appeals, the date of order for inspection, if given, the date of inspection done, the date of final orders given and the date on which the final notice was issued to the appellants?

(f) Do Government intend to cancel the order for dismantling the buildings in cases where buildings were not inspected after the issue of the orders for inspection? If not, why not?

Sir Girja Shankar Baijpai: The information has been called for and will be furnished to the House as soon as possible.

†For answer to this question, see answer to question No. 1545,

MAINTENANCE OF COMMUNAL REPRESENTATION OF STAFF IN GOVERNMENT OF INDIA OFFICES.

1548. ***Khan Bahadur Fazl-i-Haq Piracha:** Will Government be pleased to state whether communal representation in the ministerial services in the Government of India Secretariat and attached offices is maintained, taking the offices separately or as a unit?

The Honourable Sir Henry Craik: All the Departments of the Secretariat and Attached Offices which recruit through the examinations held by the Public Service Commission are treated as a single unit for the purpose of communal representation, since recruits are nominated to them all from a common list of candidates.

BAN ON MR. SUBHASH CHANDRA BOSE.

1549. ***Mr. Satya Narayan Sinha:** (a) Has the attention of Government been drawn to the Reuter's news published in the *Hindustan Times* of the 22nd March, 1936, regarding Government warning to Mr. Subhash Chandra Bose?

(b) If the reply to part (a) be in the affirmative, will Government be pleased to state the reason for taking this action against Mr. Subhash Chandra Bose?

(c) Is it not a fact that Mr. Subhash Chandra Bose was arrested last time under Regulation III, 1818, just after Mahatma Gandhi resumed civil disobedience movement in the year 1932, after his coming back from the Round Table Conference?

(d) When the civil disobedience movement has been suspended and all prisoners connected with it have been released, will Government be pleased to state why is Mr. Bose being singled out for persecution?

The Honourable Sir Henry Craik: (a) Yes.

(b)—(d). I would refer the Honourable Member to the replies given by me on the 23rd March last to the supplementary questions to Mr. Chettiar's question No. 1394 when I made it clear that Mr. Bose's arrest in 1932 was not connected with the Civil Disobedience Movement. I would also invite the Honourable Member's attention to the speeches made in this House by Mr. Hallett and me in connection with the recent adjournment motion relating to Mr. Bose's return to India.

BAN ON MR. SUBHASH CHANDRA BOSE.

1550. ***Pandit Lakshmi Kanta Maitra:** (a) Will Government be pleased to state if there is any truth in the Reuter's message dated London, March 21, "that Mr. Subhash Chandra Bose has received a letter from the British Consul at Vienna, saying that the Consul had received instructions from the Foreign Secretary to warn Mr. Bose that the Government of India had seen Press statements that he proposed to return to India on March 11 and the Government of India desired to make it clear to him that should he do so, he could not expect to remain at liberty"?

(b) If the answer to part (a) be in the affirmative, will Government be pleased to state when exactly they came to this decision to ban his return to his native land, and what are the reasons for this decision?

(c) Has this decision been arrived at in consultation with the Local Government? If so, will Government be pleased to lay on the table all the correspondence that has passed between the Local and Central Governments on the one hand and the Government of India and the Home Government on the other, on this question of ban on Mr. Bose's return to his country? If not, why not?

(d) Will Government be pleased to state the period for which Mr. Subhash Chandra Bose has been forced to live the life of an exile from his motherland?

(e) What allowance, if any, is paid by Government to him for being thus compelled to live outside India against his will?

The Honourable Sir Henry Craik: (a) Yes.

(b) Government did not ban his return. The decision to warn him that he could not expect to remain at liberty was taken early this year. As to the reasons I would refer the Honourable Member to the answer I have given today to part (b) of Mr. Satya Narain Sinha's question No. 1549.

(c) The Local Government was consulted. I am not prepared to lay a copy of any of the correspondence on the table.

(d) As the Honourable Member is doubtless aware, Mr. Bose is returning to India.

(e) Does not arise.

PROPORTION OF BRITISH AND INDIAN PERSONNEL IN THE INDIAN CIVIL SERVICE.

1551. ***Mr. T. S. Avinashilingam Chettiar:** Will Government state:

- (a) in view of their answer to starred question No. 1252 of this Session, what are the circumstances that have arisen now to call for reconsideration of the proportion of the British and Indian personnel in the Indian Civil Service;
- (b) what are the proposals they are considering; and
- (c) what are the results of this reconsideration?

The Honourable Sir Henry Craik: (a) to (c). I have nothing to add to the information supplied in the course of the answers given on the 6th and the 16th of March to questions Nos. 967 and 1252 and the supplementaries thereto.

NEWSPAPERS ALLOWED AND PROHIBITED TO SOLDIERS.

1552. ***Mr. T. S. Avinashilingam Chettiar:** Will Government state:

- (a) whether any newspapers are expressly prohibited to Indian and British soldiers; if so, what are the names of those newspapers so prohibited;
- (b) which are the newspapers that Indian and British soldiers are allowed to read; and
- (c) the criterion on which these papers are allowed or prohibited?

Mr. G. R. F. Tottenham: (a), (b) and (c). Soldiers are permitted to read any newspapers except those which are classed as unsuitable. Papers are liable to be classed as unsuitable if they express views which are subversive of Government and good order, or are of an unhealthy moral tone, or are calculated to excite communal animosity. I am not prepared to give the names of the papers so classified.

BOOKS ALLOWED AND PROHIBITED TO SOLDIERS.

1553. ***Mr. T. S. Avinashilingam Chettiar:** Will Government state:

- (a) whether Indian and British soldiers are given the freedom to read whatever books they choose, or whether they are prohibited from reading certain books or authors;
- (b) if the latter, what are those authors and books that are prohibited; and
- (c) the criterion on which books are allowed or prohibited?

Mr. G. R. F. Tottenham: (a), (b) and (c). Soldiers are ordinarily permitted to read any book which is on sale to the public, but it may sometimes be necessary to class as unsuitable a particular book or pamphlet for one of the reasons I have given in answer to the Honourable Member's last question.

INDO-PERSIAN RAILWAY PROJECT.

1554. ***Mr. M. Asaf Ali** (on behalf of Mr. S. Satyamurti): Will Government be pleased to state:

- (a) whether their attention has been drawn to a letter from a London correspondent to the *Amrita Bazar Patrika*, published in it on the 3rd March, 1936, entitled "Indo-Persian Railway Project";
- (b) whether the facts stated therein are correct;
- (c) what were the subjects on which informal exchange of views took place between the officials of the Government of India and the Persian Minister for Foreign Affairs;
- (d) whether any conclusions have been arrived at regarding road and rail communications between Quetta and Zahedan; and
- (e) if so, what they are?

Sir Aubrey Metcalfe: (a) Yes.

(b) The article states no "facts": it consists of a series of deductions to which the Government cannot subscribe, and for which it assumes no responsibility.

(c) I have nothing to add to the answer given in the House of Commons to a similar question asked on the 10th February, 1936.

(d) No.

(e) Does not arise.

ARTICLE ENTITLED "DANGER IN MINES" PUBLISHED IN THE
HINDUSTAN TIMES.

1555. ***Mr. M. Asaf Ali** (on behalf of Mr. S. Satyamurti): Will Government be pleased to state:

- (a) whether their attention has been drawn to the article entitled "Danger in Mines" in the *Hindustan Times* of the 5th March, 1936;
- (b) whether the allegations stated therein are correct;
- (c) whether they propose to examine those allegations; and
- (d) whether they propose to take steps to prevent their recurrence in the future?

The Honourable Sir Frank Noyce: (a) Yes.

(b) and (c). No.

(d) I shall explain the position in my speech on the Mines (Amendment) Bill and hope this may prevent the repetition of such allegations in the future.

ARTICLE ENTITLED "THE MADRAS BUDGET" PUBLISHED IN THE
MADRAS MAIL.

1556. ***Mr. M. Asaf Ali** (on behalf of Mr. S. Satyamurti): Will Government be pleased to state:

- (a) whether their attention has been drawn to a leading article in the *Madras Mail* of the 26th February, 1936, entitled "The Madras Budget"; and
- (b) whether the facts stated therein have been brought or will be brought to the notice of Sir Otto Neimeyer?

The Honourable Sir James Grigg: (a) Yes.

(b) I have no doubt that all the facts referred to in the article were considered by Sir Otto Neimeyer.

LEVY OF DUTY ON IMPORTS OF FOREIGN RICE AND PADDY.

1557. ***Mr. M. Asaf Ali** (on behalf of Mr. S. Satyamurti): Will Government be pleased to state:

- (a) whether they have received any memorandum from the Madras rice merchants, pleading for the levy of duty on the imports of foreign rice and paddy during the year 1936-37 referred to in the *Hindu* of the 26th February, 1936;
- (b) whether they have examined facts stated in the article; and
- (c) whether they propose to adopt the recommendations of the Crop Conference held in 1934, namely, a duty of Re. 1-4-0 on rice and broken rice, and 15 annas on paddy; if not, why not?

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

(c) The Honourable Member is referred to the Indian Tariff (Amendment) Bill on the subject.

THIRD CLASS RAILWAY TRAVELLING.

1558. ***Mr. M. Asaf Ali** (on behalf of Mr. S. Satyamurti): Will Government be pleased to state:

- (a) whether their attention has been drawn to a leading article, about the third class passengers, in the *Hindu* of the 26th February, 1936;
- (b) whether they have considered or will consider the proposals to "make the railway travel a pleasure instead of the miserable business which it now is"; and
- (c) if so, what steps they propose to take; if not, why not?

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

(b) and (c). The question of improving the conditions of travel generally is constantly engaging the attention both of Government and of Railway Administrations. As the Honourable Member is perhaps aware, an improved third class carriage has recently been designed and the question of its general adoption is receiving special attention.

Mr. Lalchand Navalrai: May I know what was the last improvement Government made, and when?

The Honourable Sir Muhammad Zafrullah Khan: I would require notice of that.

Mr. Lalchand Navalrai: May I know if the wagons for third class passengers are ready now?

The Honourable Sir Muhammad Zafrullah Khan: No wagons are being constructed for third class passengers.

Mr. Lalchand Navalrai: I mean third class carriages that were being exhibited—are they ready or not?

The Honourable Sir Muhammad Zafrullah Khan: Those that were being exhibited were ready.

Mr. Lalchand Navalrai: Beyond that?

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

REVISION OF ELECTORAL ROLLS FOR THE ENSUING ELECTIONS OF THE COUNCIL OF STATE.

1559. ***Mr. M. Asaf Ali** (on behalf of Mr. S. Satyamurti): Will Government be pleased to state:

- (a) whether in all provinces the electoral rolls for the ensuing elections for the Council of State are being revised this year;
- (b) if so, what the dates for putting in claims and objections are; and

- (c) whether they have issued instructions to Provincial Governments to revise the electoral rolls, and to allow reasonable time for claims and objections?

The Honourable Sir Nripendra Sircar: (a) In six provinces new rolls have recently been prepared, the dates of final publication of the new rolls ranging from the 4th September, 1935, to the 23rd March, 1936. In the remaining three provinces, the process of preparing new rolls is approaching completion.

(b) The period for preferring claims and objections has expired except in Bengal, where it will expire on the 30th of April, and in the Central Provinces, where it has not yet been fixed.

(c) No further revision is contemplated save to the extent to which it may be found expedient to grant applications for the preparation of lists of amendments in accordance with sub-rule (6) of Rule 9 of the Electoral Rules. Lists of amendments are, I may add, now under preparation in the Madras and Assam (Muhammadan) constituencies. The question of the time to be allowed for claims and objections is one which the Government of India are content to leave to the discretion of Local Governments.

ARTICLE ENTITLED "AMERICA'S SILVER POLICY" PUBLISHED IN THE
HINDUSTAN TIMES.

1560. ***Mr. M. Asaf Ali** (on behalf of Mr. S. Satyamurti): Will Government be pleased to state:

- (a) whether their attention has been drawn to an article in the *Hindustan Times* of the 5th March, 1936, entitled "America's Silver Policy";
(b) whether they have considered the facts stated therein; and
(c) whether they propose to take any steps?

The Honourable Sir James Grigg: (a) Yes.

(b) and (c). I would invite the attention of the Honourable Member to the reply given by me in this Session to his starred question No. 31.

COURSE OF INSTRUCTION IN JAPANESE LANGUAGE TO BE HELD IN SIMLA.

1561. ***Mr. M. Asaf Ali** (on behalf of Mr. S. Satyamurti): Will Government be pleased to state:

- (a) whether it is a fact that a course of instruction in Japanese will be held in Simla from the 15th April, 1936, to 14th October, 1936, under arrangements made by the Secretary, Board of Examiners, Army Headquarters;
(b) the necessity for the course and the cost of such a course; and
(c) whether the British Government will pay any part of the cost?

Mr. G. R. F. Tottenham: It was proposed to hold such a course, but the proposal has been abandoned.

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

Mr. Lalchand Navalrai: May I ask why was that course introduced, and why, having been introduced, it was abandoned?

Mr. G. R. F. Tottenham: It was introduced in order to give officers an opportunity of learning the Japanese language. It was abandoned because, for various reasons, it was considered that the course proposed would not give officers a sufficient knowledge of the language for it to be worth while holding the course, and also partly because the number of officers that applied for the course was not sufficient to warrant the expense of holding it.

LEGISLATION ENSURING THE SAFETY OF AIRCRAFT DURING FLIGHT.

1562. ***Mr. M. Asaf Ali** (on behalf of Mr. S. Satyamurti): Will Government be pleased to state:

- (a) whether it is a fact that they are considering the advisability of introducing special legislation for the purpose of ensuring the safety of aircraft during flight;
- (b) whether they have asked the Local Governments for their opinion on this matter; and
- (c) when they propose to undertake these legislations?

The Honourable Sir Frank Noyce: (a) and (b). Yes.

(c) Until the replies of all Local Governments have been received and considered by the Government of India, I cannot say whether or when legislation will be undertaken.

PROMOTION OF THIRD DIVISION CLERKS IN THE GOVERNMENT OF INDIA OFFICES.

1563. ***Bhai Parma Nand:** (a) With reference to the reply given by the Honourable Sir James Crerar to part (li) of starred question No. 824 in the Legislative Assembly on the 24th March, 1930, will Government be pleased to state if it is a fact that:

- (i) ever since the creation of Third Division in 1924, not a single clerk, qualified for Third Division, has been promoted from Third to Second Division in the Home, Finance, Legislative, Industries and Labour, Commerce, Army, Military Finance and Imperial Council of Agricultural Research Departments;
- (ii) the change in the system of recruitment from qualifying to competitive examinations left a large number of clerks in the Third Division who were qualified for Second Division and to whom it was decided to give promotion against all vacancies reserved for departmental promotions, and deprived those who were qualified for Third Division only of promotion even to the limited extent of 20 per cent. laid down in the Home Department Office Memo. No. 452-27-Ests., dated the 8th December, 1928;

- (iii) their decision to convert a large number of Second Division posts to Third Division ones, as vacancies occurred, altogether blocked the progress of Third Division clerks, and the decision that first and every fifth vacancy may be filled by departmental promotions was relaxed in favour of those qualified for Second Division;
- (iv) there is a large number of clerks qualified for Second Division who have yet to be promoted and there is a large number of supernumerary posts which might take years to be absorbed;
- (v) they have contrary to the recommendations of the Conference appointed in 1927 to frame recruitment rules, established a class of Government servants for which there are no openings for advancement, however meritorious their work may be; and
- (vi) a good deal of dissatisfaction and discontent prevails amongst the affected persons?

(b) If the replies to part (a) (i) to (vi) be in the affirmative, are Government prepared to consider the advisability of taking early steps to fix separate percentages of vacancies (i) for conversion of supernumerary posts from Second to Third Division, (ii) for promotion of men qualified for Second Division, and (iii) for promotion of men in Third Division, who are considered meritorious? If not, why not?

The Honourable Sir Henry Craik: (a), (i) and (iv). The information is being collected and will be laid on the table in due course.

(a), (ii). When a Third Division was created in the Government of India Secretariat in 1924, it was distinctly laid down that this Division was in no sense to be regarded as a training ground for the Second Division. Therefore, men qualified for the Third Division only cannot, as of right, expect promotion to the Second Division. But as a concession, in order to allow the best of them some prospect of advancement, one out of every five vacancies in the Second Division may, in normal circumstances, be filled by the promotion of a specially meritorious Third Division clerk.

(a), (iii). Yes.

(a), (v) and (vi). As I have already explained, when conditions are normal, Third Division clerks may, in cases of exceptional merit, be promoted to the Second Division in not more than one of every five vacancies. These orders may be in abeyance in some offices, for the time being, in consequence of the retrenchment campaign; but, as soon as all the posts earmarked for abolition have either been actually abolished or absorbed against subsequent increases of staff, the orders enabling members of the Third Division to be promoted to the Second Division will again become operative.

(b) Government do not consider that any further measures are necessary to facilitate the promotion of persons to higher Divisions, whether qualified therefor or not.

PROMOTION OF THIRD DIVISION CLERKS IN THE GOVERNMENT OF INDIA OFFICES.

1564. *Bhai Parma Nand: (a) Is it a fact that:

- (i) the opinion of the Conference appointed by Government in 1927 to examine the system of recruitment to ministerial establishment that "normally Typists and Routine Clerks would not be capable of promotion to Second Division" was based upon their recommendations that the minimum educational qualifications for recruitment to Third Division should be only Matriculation and that the entrance examination should be different from and much simpler than that of the Second Division;
- (ii) the acute problem of unemployment amongst the educated middle classes actually attracted graduates to the Third Division;
- (iii) the conference considered it undesirable to establish a class which possesses no prospects of promotion at all and in which it was impossible to reward superior merit and recommended that one out of every five vacancies in the Second Division should be filled by promotion of meritorious Third Division clerks; and
- (iv) in most of the Departments of the Government of India even the provision of one out of every five vacancies for the meritorious clerks was never put into effect, resulting in the creation of a class of Government servants for which the doors of promotion are definitely closed?

(b) If the replies to part (a) (i) to (iv) be in the affirmative, do Government propose to make suitable amendments to the rules and reserve a proportion of vacancies for promotion of the meritorious clerks? If not, why not?

The Honourable Sir Henry Craik: (a), (i). Though the position may be as the Honourable Member infers, there is no definite evidence to this effect in the report of the Conference.

(a), (ii). It may be presumed that only those graduates enter the Third Division who are unable to succeed or have no hope of succeeding at the examination for the higher divisions.

(a), (iii). Yes.

(a), (iv). The information is being collected and will be laid on the table in due course.

(b) Adequate provision for promotion already exists in the rules and Government do not consider that any further measures are necessary.

CLAIM OF THE OLD TRAVELLING TICKET INSPECTORS OF THE EAST INDIAN RAILWAY TO MILEAGE ALLOWANCE.

1565. *Mr. Muhammad Azhar Ali: Will Government be pleased to state:

- (a) whether it is a fact that previous to 26th September, 1935, it had been declared in this House that a careful consideration

was made in regard to the claim of the old Travelling Ticket Inspectors of the East Indian Railway for average mileage allowance;

- (b) whether it is a fact that on 25th September, 1935, they declared in this House that no rules were framed as a result of the decision of the meeting held at Calcutta on 3rd May, 1927, *vide* starred question No. 744.
- (c) whether it is a fact that on the presentation of a copy of the said rules Government acknowledged that the denial of the existence of the said rules was due to the incomplete records of the Railway Board; and
- (d) whether it is a fact that when the decision was given by His Excellency the Governor General in Council on 22nd December, 1932, granting the said employees enhanced rates of consolidated allowance in lieu of mileage allowance, the rules referred to above were not consulted and Government were unaware of the said rules?

The Honourable Sir Muhammad Zafrullah Khan: With your permission Sir, I propose to reply questions Nos. 1565, 1566, 1573 and 1576 together.

I would invite the Honourable Member's attention to my reply to Qazi Muhammad Ahmad Kazni's question No. 832, asked on the floor of this House on the 26th February, 1936.

CLAIM OF THE OLD TRAVELLING TICKET INSPECTORS OF THE EAST INDIAN RAILWAY TO MILEAGE ALLOWANCE.

†1566. ***Mr. Muhammad Azhar Ali:** Will Government be pleased to state:

- (a) whether it is a fact that the old Travelling Ticket Inspectors of the East Indian Railway in their representation to the Railway Board in 1931, claimed *average mileage allowance* according to the rules framed by the Director of Finance, Railway Board, and approved by the Agent, East Indian Railway;
- (b) whether it is a fact that on this representation they were given enhanced rate of consolidated allowance in lieu of mileage allowance by His Excellency the Governor General in Council;
- (c) whether it is a fact that, in their second memorial to the Railway Board, they again claimed *average mileage allowance* which was promised to them on transfer to Operating Department under the above mentioned rules;
- (d) whether it is a fact that they were told that a careful consideration had already been made and their request could not be granted;
- (e) whether it is a fact that it was only during the last month that Government became aware of the said rules; and
- (f) whether they are prepared to consider the case again; if not, why not?

†For answer to this question, see answer to question No. 1565,

CONTROL OVER THE FINANCES OF STATE RAILWAYS.

1567. *Mr. Muhammad Azhar Ali: Will Government be pleased to state:

- (a) whether it is the duty of the Government of India and the Railway Board to exercise a control over the finances of the various State Railways in India and to check a wastage of tax-payers' money;
- (b) whether the Agents of the State Railways and their Deputies are empowered to spend money in any way they like or at their discretion; and
- (c) whether it is a fact that there has been a great deficit on the State Railways during the last few years?

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

(b) No. They are empowered to sanction expenditure within limits laid down by the Government.

(c) There have been deficits since 1931-32.

COMPETENCE AND INDEPENDENCE OF AGENTS IN REGARD TO THE DETAILED ADMINISTRATION OF THEIR RAILWAYS.

1568. *Mr. Muhammad Azhar Ali: (a) Has the attention of Government been drawn to an article published on pages 8 and 10 of the *Railwayman*, Lucknow, dated the 14th March, 1936, under the heading "Where the Railway Fails"?

(b) Is it true that the Agents of the State Railways enjoy a vast competence and independence in regard to the detailed administration of their Railways?

(c) Is it correct that the Railway Board do not ordinarily interfere with the competence of the Agents?

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

(b) and (c). Yes, in matters in which powers have been delegated to the Agents.

DELEGATION OF POWERS OF COMPETENCE AND INDEPENDENCE BY RAILWAY AGENTS TO THEIR SUBORDINATES.

1569. *Mr. Muhammad Azhar Ali: (a) Is it a fact that the Divisional Superintendents have been delegated with vast powers of independence and competence by the Agents?

(b) Is it a fact that the Agent does not ordinarily interfere with the competence of the Divisional Superintendents?

(c) Is it a fact that the Divisional Superintendents have further delegated the powers of competence to their senior scale officers and who in turn have delegated these powers to their junior scale officers?

The Honourable Sir Muhammad Zafrullah Khan: (a) Divisional Superintendents have been delegated certain powers.

(b) Yes.

(c) Certain powers have been delegated to senior and junior scale officers.

APPOINTMENT OF AN ADDITIONAL MEMBER IN THE RAILWAY BOARD.

1570. ***Mr. Muhammad Azhar Ali:** (a) Is it a fact that one more member is going to be appointed in the Railway Board?

(b) If the reply to part (a) be in the affirmative, what will be his pay per month?

The Honourable Sir Muhammad Zafrullah Khan: (a) The matter is under consideration. If the appointment is made, it will have effect some months hence.

(b) If the post is sanctioned it will carry the usual pay of a Member of the Railway Board, *viz.*, Rs. 4,000 per mensem.

NON-PROSECUTION OF *SADHUS*, *FAKIRS* AND BEGGERS TRAVELLING WITHOUT TICKETS ON THE EAST INDIAN RAILWAY.

1571. ***Mr. Muhammad Azhar Ali:** (a) Is it a fact that the East Indian Railway has amended the Railway Act in favour of *sadhus*, *fakirs* and beggars who under the orders are not to be prosecuted for travelling without a ticket?

(b) Is there any provision in the Railway Act under which a begger or *fakir* is not liable to prosecution for undertaking a fraudulent journey on the Railway?

(c) When and under what authority were these powers delegated to the Agents?

(d) Will Government please state whether under the Railway Act all others than *fakirs* and *sadhus* are liable to prosecution?

(e) Do Government propose to take any action against the authority who has issued orders that beggars and *fakirs* are not to be prosecuted? If not, why not?

(f) Is it a fact that under the orders of the East Indian Railway management, beggars and *sadhus* are only to be turned out of the train?

(g) What action do Government propose to take against the officers who have issued orders that a begger or a *sadhu* should not be prosecuted for travelling without a ticket but should be turned out from the train?

The Honourable Sir Muhammad Zafrullah Khan: (a) and (b). No.

(c) Does not arise.

(d) No such distinction is made in the Act.

(e) to (g). I have called for certain information from the Agent, East Indian Railway, and will lay a reply on the table in due course.

HAYMEN-MAHINDRA TICKET PUNCHES PURCHASED BY THE EAST INDIAN RAILWAY.

1572. ***Mr. Muhammad Azhar Ali:** (a) Is it a fact that Haymen-Mahindra Ticket Punches, worth Rs. 1,46,554, were purchased by the East Indian Railway for working the Crew System?

(b) Is it a fact that the Crew System was never extended all over the Railway and was abolished?

(c) Is it a fact that originally the Haymen-Mahindra Punch could only be used under the Crew System and it had to be modified at an additional expenditure to be used under the present system which replaced the Crew System?

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

(b) Yes.

(c) Yes.

TRANSFER OF OLD TRAVELLING TICKET INSPECTORS FROM ACCOUNTS TO OPERATIVE DEPARTMENT ON THE EAST INDIAN RAILWAY.

†1573. ***Mr. Muhammad Azhar Ali:** (a) Is it a fact that the old Travelling Ticket Inspectors were transferred from Accounts to Operating Department in June 1931 and were designated as Travelling Ticket Examiners?

(b) Is it a fact that their emoluments which were treated as pay were reduced by 75 per cent. of their substantive pay?

(c) What was the reduction in the pay of the old Travelling Ticket Inspectors?

(d) What was the percentage of reduction in their emoluments which were treated as pay?

(e) What was the reduction in respect of their leave-salary on an average per head?

INCREASE IN EXPENDITURE ON TRAVELLING TICKET EXAMINING OR INSPECTING STAFF ON THE EAST INDIAN RAILWAY.

1574. ***Mr. Muhammad Azhar Ali:** (a) Is it a fact that with a heavy drop in the emoluments of the old Travelling Ticket Inspectors the expenditure on the Travelling Ticket Examiners was considerably increased?

(b) What was the increase in expenditure on the Travelling Ticket Examining or Inspecting staff employed from 1st June, 1931?

The Honourable Sir Muhammad Zafrullah Khan: Government have no information and do not consider that the expense and labour involved in collecting it will be justified by the results to be obtained.

† For answer to this question, see answer to question No. 1565.

ABOLITION OF THE POSTS OF HEAD TICKET COLLECTORS AT CERTAIN STATIONS ON THE EAST INDIAN RAILWAY.

1575. ***Mr. Muhammad Azhar Ali:** (a) Is it a fact that at several big stations of importance on the East Indian Railway the posts of Head Ticket Collectors were abolished and the posts of Assistant Head Ticket Collectors were created from 1st June, 1931?

(b) Is it a fact that the maximum pay of the Head Ticket Collector before 1st June, 1931 used to be Rs. 120 at certain stations and from 1st June, 1931 Assistant Head Ticket Collectors were provided at those very stations and the maximum pay was raised to Rs. 140?

(c) What was the maximum pay of the Head Ticket Collectors at the following stations on the East Indian Railway before 1st June, 1931 and what is the maximum pay now?

Howrah, Asansol, Gaya, Patna, Dinapur, Moghalsarai, Partabgarh, Benares Cantonment, Lucknow, Allahabad, Cawnpore, Bareilly Moradabad, Lhaksar and Hardwar.

(d) What were the reasons for raising the pay of the Head Ticket Collectors' posts and reducing the pay of the Travelling Ticket Examining staff?

The Honourable Sir Muhammad Zafrullah Khan: Government have no information and do not consider the labour and expense involved in collecting it will be commensurate with the results likely to be obtained. These are matters of detailed administration entirely within the competence of the Agent, to whom a copy of the question has been sent for information and such action as he may consider necessary.

ACCOUNTS CONTROL OF THE TRAVELLING TICKET CHECKING STAFF ON THE EAST INDIAN RAILWAY.

1576. ***Mr. Muhammad Azhar Ali:** (a) Is it a fact that for times immemorial it was considered the function of the Accounts Department to control the Travelling Ticket Examining staff as a supplemental audit check?

(b) Is it a fact that the Chief Accounts Officer, East Indian Railway, Director of Finance, Railway Board, and the Member, Railway Board, were all of opinion that the controlling agency of the Travelling Ticket Examining staff should be the Accounts Department?

(c) Do Government propose to examine the recommendations regarding the Accounts control of the Travelling Ticket Examining staff?

TICKET CHECKING SYSTEM.

1577. ***Mr. Muhammad Azhar Ali:** (a) Has the attention of Government been drawn to the note of Dr. Ziauddin Ahmad in the Railway Retrenchment Sub-Committee Report on the subject of the ticket checking system?

(b) Do Government propose to adopt the recommendations contained therein? If not, why not?

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

† For answer to this question, see answer to question No. 1565.

(b) I would refer the Honourable Member to the reply given to part (i) of starred question No. 606, asked by Khan Bahadur Haji Wajihuddin, on the 14th August, 1934.

TRAVELLING TICKET EXAMINERS PUNISHED FOR LOW EARNINGS.

1578. ***Mr. Muhammad Azhar Ali:** (a) Will Government be pleased to state how many Travelling Ticket Examiners were fined, warned, reverted as Ticket Collectors and asked to submit their explanations for low earnings in each Division during 1931, 1932, 1933, 1934 and 1935?

(b) Is it a fact that if the earnings are low, it is declared as slack or unsatisfactory working?

The Honourable Sir Muhammad Zafrullah Khan: Government have no information and do not consider the expense and labour involved in collecting it will be justified by the results likely to be obtained. These are matters of detailed administration entirely within the competence of the Agent to decide, to whom a copy of the question has been sent for information and such action as he may consider necessary.

DEATHS OF THE STAFF OF THE RAILWAY CLEARING ACCOUNTS OFFICE DUE TO TUBERCULOSIS AND OTHER FATAL CONTAGIOUS DISEASES.

1579. ***Sardar Sant Singh:** (a) Are Government aware that the staff, since the formation of the Railway Clearing Accounts Office, have been paying a heavy toll in lives by tuberculosis and other fatal contagious diseases every year?

(b) Are Government aware that the following young men from the staff of the Railway Clearing Accounts Office have died on account of tuberculosis and other diseases during the last six months?

1. Sita Ram Anand, 2. Nityanand, 3. Kanwarsain, 4. Nekram, 5. Kapoorchand, 6. Shivchand, 7. Ramnath, 8. Amarnath Khista, 9. Jagannath Khuller, 10. Jagannath Sethi, 11. Ramrakha Sharma, 12. Chatterji, 13. Bisrain, 14. Chhanganlal, 15. Achhrram, 16. Lachhmanpershad, 17. Ramlubbhaya, 18. Chhajulal, 19. Jotisarup, 20. Jagdambapershad, 21. Balakram Mangal, 22. Shivcharan, 23. Munnalal, 24. Nazir Ahmad, 25. Ali Akhrar, 26. Said Ahmed, 27. Din Mohd., 28. Gulam Din.

(c) Is it a fact that the staff submitted many memorials to this effect to the Railway authorities?

(d) Will the Honourable the Railway and Commerce Member be pleased to state what he proposes to do in the matter?

Mr. P. B. Rau: (a) Exact information regarding the number of deaths and causes thereof is being obtained.

(b) No. Only eight out of this list died during the last six months. The other casualties occurred between 1930 and 1935.

(c) and (d). Certain memorials have been received. The Director reports that necessary action to have the room disinfected and to keep the office as clean as possible have been taken. A suggestion to decentralise the office is at present under examination: if it is decided to retain it, it is proposed to construct a new office building as soon as possible.

Sardar Sant Singh: May I know if the Railway Board realise their responsibility in this matter? Eight deaths have occurred in six months' time,—and is not that serious?

Mr. P. B. Rau: My Honourable friend has misunderstood me. The total staff of the office is about 1,500, and I said that "eight out of this list died during last six months".

Sardar Sant Singh: Is that not a sufficiently serious number—eight deaths in six months?

Mr. P. B. Rau: I have already said that if the office is retained, it is proposed to construct a new office building as soon as possible.

GRIEVANCES OF INCOME-TAX ASSESSEES OF SHAHABAD IN BIHAR AND ORISSA.

1580. ***Mr. Anugrah Narayan Sinha:** (a) Has the attention of Government been drawn to an article appearing in the Hindi Weekly *Nava Shakti* published at Patna, under the caption of "Grievances of income-tax assesseees of the District of Shahabad (Bihar and Orissa)"?

(b) Are Government aware that a largely signed petition, setting forth their grievances, was submitted on behalf of the assesseees of the district of Shahabad, to the Income-tax Commissioner on the 16th January last?

(c) Are Government aware that no step has so far been taken to remedy those grievances?

(d) Do Government propose to enquire into the allegations made in the aforesaid articles?

Mr. A. H. Lloyd: (a) Yes.

(b) Yes.

(c) and (d) The principal complaint was directed against the location of the Income-tax Officer's office at Gaya and not at Patna. This has already been met, as the Shahabad district has been amalgamated with the Patna district with headquarters at Patna from 1st April, 1936. As regards complaints made against the Income-tax Officer the Commissioner of Income-tax has already made investigations and taken necessary action. The Government are satisfied that no further action is called for.

INDIAN AND EUROPEAN OFFICERS IN THE CIVIL SERVICE.

1581. ***Mr. Anugrah Narayan Sinha:** Will Government be pleased to lay on the table of the House a statement showing:

(a) the number of officers in the civil service in the whole of India under the Central Government in the years 1910-11, 1920-21, 1930-31 and 1935-36;

(b) how many of them were Indians and how many Europeans in the above-mentioned years, respectively?

The Honourable Sir Henry Craik: (a) and (b) I am not sure what information the Honourable Member requires? If he requires information about the Indian Civil Service, the statement which I lay on the table shows the strength and composition of the service as a whole on the dates mentioned. If he wishes to have information about the branches of the civil service, using that term in its wider sense, it will be convenient if he will specify the particular branches about which he wishes to have information and I will consider whether it can be collected without undue trouble.

Statement showing the Number of Europeans and Indians in the Indian Civil Service during the years 1910-11, 1920-21, and 1930-31.

Year.	Europeans.	Indians.	Total.	
1910-11	1,226	66	1,292*	*Includes incumbents of listed posts.
1920-21	1,158	96	1,254	
1930-31	869	427	1,296	
1935-36 (January 1st, 1935).	756	544	1,300	

COST OF COMMISSIONS AND COMMITTEES.

1582. ***Mr. Anugrah Narayan Sinha:** Will Government be pleased to state how many commissions and committees have been appointed since 1911, either by the Government of India or by the Secretary of State for India to enquire into the affairs of India, and what has been the cost of each of these commissions or committees?

The Honourable Sir Henry Craik: For information in regard to Commissions and Committees appointed between 1921 to 1931, I would refer the Honourable Member to pages 22 to 27 of Part II of the report (*interim*) of the General Purposes Sub-Committee of the Retrenchment Advisory Committee, a copy of which is in the Library of the House. Information for the period from 1932, up to date is being collected and will be placed in the Library in due course. As regards Committees appointed before 1921, I cannot find that the information has ever been collected, and I fear that to collect it now would mean an expenditure of labour which would hardly be justified.

TREATMENT METED OUT TO BRITISH INDIAN SUBJECTS REGARDING APPOINTMENTS IN INDIAN STATES.

1583. ***Bhai Parma Nand:** (a) Are Government aware of the fact that subjects of the Indian States are eligible to appointments to practically all services, including superior services, in the British India, whereas the

British India subjects are being debarred, year after year, from accepting any service in such States (unless of course they are appointed on deputation) by most of the Indian States, so much so that some of those already in the State services have been turned out?

(b) If so, are Government aware that this has caused great heart-burning amongst those who have been ousted from such States only by reason of their not being natives of the States?

(c) Are Government prepared to devise some ways and means in the new Constitution to so arrange things as to remove these inequalities and foster a spirit of greater unity and co-operation amongst the people as a nation?

The Honourable Sir Henry Craik: (a) Subjects of Indian States are eligible for appointment to any office under the Crown to which a native of British India may be appointed provided a declaration has been obtained under Section 96-A of the Government of India Act, 1919, to this effect. No Indian State entirely prohibits the employment of British Indian subjects in their services. Several of them give preferential treatment to their own subjects; this principle is not unknown in British India as regards Provincial Services. Government are not aware of any cases of dismissal from service in Indian States merely because the employee is a British Indian subject.

(b) Does not arise.

(c) Government do not think it necessary to take any action in the matter at present. The attention of the Honourable Member is, however, invited to section 262 of the Government of India Act, 1935.

DEMOLITION OF THE REMAINS OF A HINDU TEMPLE DISCOVERED IN THE CITY KOTWALI, DELHI.

1584. ***Mr. S. K. Hosmani:** (a) Are Government aware that the remains of a Hindu temple were discovered in the City Kotwali Station, Delhi, on or about the 23rd December, 1935, and, notwithstanding great remonstrance and agitation, the authorities in charge demolished the same?

(b) Are Government prepared to appoint an independent officer to study the situation from the archaeological point of view and, after a thorough investigation, place the whole material before the public?

(c) Are Government prepared to consider the advisability of making it over to the Archaeological Department for preservation under the Preservation of Ancient Monuments Act?

(d) Are Government prepared to adopt some suitable measures to condemn the action of those responsible for the demolition?

The Honourable Sir Henry Craik: (a) There is no truth in the statement that the remains of a Hindu temple were found in the City Kotwali. An underground chamber was discovered during excavations and was viewed by responsible Hindus. Enquiries show, however, that there could be no question of its being a Hindu temple. It is probably an old *tekhkhana* or a *hammam*.

(b) No.

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

TIME SUITABLE FOR HOLDING ELECTIONS TO THE PROVINCIAL LEGISLATURE IN MADRAS.

1585. *Mr. S. Satyamurti: Will Government be pleased to state:

- (a) whether their attention has been drawn to the statement of the Finance Member of the Madras Government in the Legislative Council that in the opinion of the Government of Madras, the middle of February, 1937, was the most suitable for holding elections to the Provincial Legislatures;
- (b) whether they have any information from the Madras Government on this matter;
- (c) whether they have made up their minds in this matter;
- (d) whether they are aware that February is a very undesirable time for holding these elections; and
- (e) whether they propose to direct the Local Governments to consult public opinion, including that of Congress, before they make up their minds finally?

The Honourable Sir Nripendra Sircar: (a) Yes.

(b) to (e) I would invite the Honourable Member's attention to the answer given by me to parts (c), (e), (g) and (h) of his starred question No. 1144, to which I have nothing to add.

Mr. M. Asaf Ali: May I put question No. 1586 on behalf of Mr. Ram Narayan Singh?

Mr. President (The Honourable Sir Abdur Rahim): Has the Honourable Member been authorised?

Mr. M. Asaf Ali: I have not been authorised.

Mr. President (The Honourable Sir Abdur Rahim): The House has made a rule that unless there is a written authorisation, no Member can put a question on behalf of another.

Mr. M. Asaf Ali: With your permission, I desire to put it.

Mr. President (The Honourable Sir Abdur Rahim): Unless there is written authority, the Chair cannot allow it.

RURAL CONDITIONS IN THE DELHI PROVINCE.

1586. *Mr. Ram Narayan Singh: (a) Has the attention of Government been drawn to the local Congress Committee's reply to the Honourable the Home Member's statement of the 20th March, 1936, regarding the rural conditions in the Delhi Province, published in the *Hindustan Times* of the 23rd March, 1936, and if so, are they prepared to consider the desirability of constituting a joint enquiry committee of Official and Non-Official Members of this House to find out the real conditions of the people of the villages of the Delhi Province?

(b) If the answer to the latter portion of part (a) be in the negative, are Government prepared to consider the desirability of making at least a public enquiry by officials into the rural conditions in the Delhi Province?

(c) If the answer to part (b) be in the affirmative, are Government prepared to consider the desirability of accepting the local Congress Committee's co-operation in this matter, and if so, in what way and on what terms?

The Honourable Sir Henry Craik: (a) Yes. Government are not prepared to consider the appointment of a joint enquiry committee.

(b) No. As I stated in reply to supplementary question on the 20th March last, the officers of Government in a small province like Delhi are constantly enquiring into and in touch with rural conditions.

(c) Does not arise.

ENFORCEMENT OF ACT X OF 1858 (IMPERIAL COUNCIL) IN DELHI.

1587. ***Mr. M. Asaf Ali** (on behalf of Maulvi Badrul Hasan): Will Government please state if Act X of 1858 (Imperial Council) was enforced in Delhi? If so, under what circular?

The Honourable Sir Henry Craik: Under section 15 of Act X of 1858, the Government of the North-Western Provinces issued the Judicial Department notification No. 905, dated the 15th April, 1858, extending the provisions of the Act to all the Districts of the North-Western Provinces including such portions of the Delhi territory as were then included in those provinces.

EXTENSION OF THE REPRESENTATION OF COMMERCE IN THE LEGISLATIVE ASSEMBLY AND THE BOMBAY LEGISLATIVE COUNCIL TO ALL IMPORTANT SECTIONS OF THE BUSINESS COMMUNITY IN BOMBAY.

1588. ***Babu Baijnath Bajoria:** (a) Are Government aware that besides the Indian Merchants Chamber of Bombay, there is another important and influential Chamber of Indian Commerce in that city, called the Marwari Chamber of Commerce?

(b) Are Government aware that the members of the Marwari Chamber of Commerce hold as substantial interests in the trade, commerce and industry of the presidency and the country as those of the Indian Merchants Chamber and that the former chamber regulates and controls certain trades, provides effective arbitral machinery and restricts membership to businessmen only?

(c) Are Government aware that the present arrangement in Bombay for representation of Indian Commerce in the Assembly and in the Bombay Council is regarded as wholly inadequate and unsatisfactory by important sections of business community, particularly those represented by the Marwari Chamber of Commerce?

(d) Are Government aware that there is a strong feeling among these sections that the plan for representation of Indian commerce in the legislatures to be formed under the new constitution should be based on a more equitable principle than the membership of a single association, so as to extend representation to all important sections of the business community?

(e) Are Government prepared to make a suitable representation to the Secretary of State for India in connection with the suggestion contained in part (d) above so that the same may be considered with the report of the Indian Delimitation Committee?

The Honourable Sir Nripendra Sircar: (a) Government are aware that there is an association called the Marwari Chamber of Commerce in Bombay.

(b) I am not in a position to comment on the Honourable Member's contention.

(c) I am not aware that there has been any serious dissatisfaction in regard to the existing arrangement.

(d) and (e). I understand that the question of the representation of Indian Commerce in Bombay in the Legislatures under the new constitution was examined fully by the Bombay Provincial Delimitation Committee and by the Indian Delimitation Committee and I see no reason to think that the claims of the Marwari Chamber of Commerce were overlooked. Government are not prepared to address the Secretary of State in the matter.

NON-INCLUSION IN THE SELECTIONS FROM THE EVIDENCE SUBMITTED BEFORE THE INDIAN DELIMITATION COMMITTEE OF ORAL EVIDENCE LED BY THE INDIAN MERCHANTS' CHAMBER OF BOMBAY.

1589. ***Babu Baijnath Bajoria:** Will Government be pleased to state the reasons why in the publication of selections from the evidence submitted before the Indian Delimitation Committee, the oral evidence led by such an important body as the Indian Merchants' Chamber of Bombay was not included?

The Honourable Sir Nripendra Sircar: Government have no information.

DEMAND OF THE MARWARI CHAMBER OF COMMERCE, LIMITED, BOMBAY, FOR A COMBINED SEAT IN THE NEW LEGISLATURES.

1590. ***Babu Baijnath Bajoria:** (a) Is it true that while taking the evidence of the representatives of the Bombay Millowners' Association, the Chairman of the Indian Delimitation Committee said that he knew nothing of the Marwari Chamber of Commerce, Limited, Bombay, and confused it with a similar body at Calcutta?

(b) Will Government be pleased to state whether the memorandum submitted by the Marwari Chamber of Commerce, Limited, Bombay, to the Indian Delimitation Committee, was placed before the Chairman of the said Committee at all? If not, why not?

(c) Are Government aware that the Marwari Chamber of Commerce, Limited, Bombay, occupies an important position in the field of trade, commerce and industry of Western India?

(d) Will Government be pleased to state the reasons why the demand of the Marwari Chamber of Commerce, Limited, Bombay, for a combined seat in the new Legislatures has been turned down?

The Honourable Sir Nripendra Sircar: (a) The statement is given at page 152 of Volume III of the Report of the Indian Delimitation Committee. I am scarcely in a position to explain what may have been in the mind of the Chairman.

(b) Government have no information.

(c) and (d). I would draw the Honourable Member's attention to the reply given to parts (b), (d) and (e) of his question No. 1588.

ABSENCE OF A SHED ON THE PLATFORM OF THE HARDWAR RAILWAY STATION.

1591. ***Mr. Muhammad Azhar Ali:** With reference to the answer given on the 9th July, 1934, to starred question No. 554, asked on the 27th March, 1934, regarding the absence of a shed on the platform of the Hardwar Railway Station, will Government please state:

- (a) the number of passengers who are accommodated with their luggage in the covered portion 12' x 140' or 1,680 square feet;
- (b) the length of the passenger trains received on the platform which has the covered portion 12' x 140';
- (c) whether the gradual slopes leading to the platform, which are nine feet higher than the road level, are used for passing in or out the passengers entraining or detraining the trains;
- (d) whether the gradual slopes are considered safe for traffic; if so, by what authority;
- (e) the daily in and out traffic of passengers between 15th March, 1935 and 15th October, 1935; and
- (f) whether they are prepared to consider the desirability of providing amenities to travelling public in respect of their safety of passing in and out of the station and shelter from heat-stroke and rain; and if not, why not?

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

RECONSTRUCTION OF THE HARDWAR RAILWAY STATION.

1592. ***Mr. Muhammad Azhar Ali:** (a) Will Government please state how far it is true that the East Indian Railway do not propose to expend any sum of money on the remodelling or otherwise of the Hardwar Station? If it is true, what are the reasons for not providing a station at Hardwar worthy of its traffic and why were preferences given to those stations whose earnings are far below those of Hardwar?

(b) Do Government now propose to undertake to make the present station sufficient for its traffic, and if not, why not?

The Honourable Sir Muhammad Zafrullah Khan: (a) and (b). The East Indian Railway propose to carry out improvements to Hardwar Station as funds become available.

DISCONTINUANCE OF THE USE OF CASTOR OIL AS LUBRICANT ON STATE RAILWAYS.

1598. ***Mr. M. Asaf Ali** (on behalf of Mr. S. Satyamurti): (a) Are Government aware that the State-owned Railways have recently commenced to use a non-Empire mineral oil, Gargoyle H Dark lubricating, imported from America in place of castor oil, an indigenous lubricant?

(b) If the reply to part (a) be in the affirmative, will Government be pleased to state whether they have studied the economic effect upon India resulting from the discontinuance of the use of castor oil as lubricant, such as:

- (i) effect on the Indian oil industry;
- (ii) the effect on the Indian sugar industry through the absence of castor cake as a fertiliser;
- (iii) the effect on the Indian agriculture for want of castor cake as a fertiliser and loss of market for castor seed;
- (iv) the effect on the wear and tear of locomotives;
- (v) the loss of milage due to the locomotives remaining in repair shops for a longer time; and
- (vi) the loss of railway freights on castor seed, castor cake, coal, mill accessories, gunny bags, empty drums, etc., used in the castor oil crushing industry?

(c) Is it a fact that the East Indian, the Bombay, Baroda and Central India, the Bengal and North Western, and the North Western Railways owned their own castor oil mills for producing lubricating oil some ten years back?

(d) Will Government be pleased to state the quantities of castor oil and mineral oils used during each of the past five years by each of the State-owned Railways, and for what quantities of these oils contracts have been placed for the year 1936-37?

(e) Are Government aware that the oil crushing industry is one of the industries, which the United Provinces and other Provincial Governments are fostering?

(f) Will Government be pleased to state what efforts they have made to encourage the pressing of oil seeds in India?

(g) Are Government aware that the discontinuance of the use of castor oil by Railways is likely to kill the castor seed crushing industry established in India since good old days?

(h) Are Government aware that the departments of agriculture in the sugar-cane growing areas are advocating an increased use of castor cake as a fertiliser for the sugar-cane crop?

(i) Are Government aware that the effect of importing mineral oil for use in Railways in place of castor oil will cause a serious shortage of castor cake to the detriment of the sugar-cane crop in particular and agriculture in general?

(j) Will Government be pleased to state whether any comparison has been made between the life of locomotive bearings when castor oil is used as a lubricant and when mineral oil is used?

(k) Is it a fact that many locomotive engineers are of the opinion that castor oil as a lubricant is superior to mineral oil for the high temperatures prevailing in India, on account of its high flash point and good viscosity at high temperatures?

(l) Will Government be pleased to state the loss of revenue due to locomotives being laid up while under repairs on account of this substitution of castor oil as a lubricant?

(m) Are Government prepared to undertake that in future castor oil made in India will be given preference over imported mineral oils for use in the State-owned Railways?

(n) Do Government propose to consider the question of enhancing duty on the import of any oil which may be used as a substitute for a vegetable oil produced in India in order to protect the oil industry?

The Honourable Sir Muhammad Zafrullah Khan: Information is being collected and will be laid on the table of the House in due course.

LAND WITHIN THE OLD ALMORA CANTONMENT.

1594. ***Pandit Sri Krishna Dutta Paliwal** (on behalf of Mr. Mohan Lal Saksena): (a) For how long has the old Almora Cantonment been in existence?

(b) Do Government claim all the land within the old Almora Cantonment as Government land? If so, when and by which notification was this land declared to be Government land?

Mr. G. R. F. Tottenham: (a) For about 90 years.

(b) Yes—with the exception of one or two small plots which are in private ownership. The land has been recognised to be Government land ever since it was taken from the Gurkhas well over 100 years ago.

HOUSES WITHIN THE OLD ALMORA CANTONMENT.

1595. ***Pandit Sri Krishna Dutta Paliwal** (on behalf of Mr. Mohan Lal Saksena): (a) How many houses are there within the old Almora Cantonment belonging to private individuals?

(b) Do the houses and their compounds belong to the house-owners, or are they lessees of the land over which their properties stand?

(c) Have the house-owners executed any lease for the land that they hold within the old Almora Cantonment?

(d) If not, under what right do they hold such land?

Mr. G. R. F. Tottenham: (a) About 16.

(b), (c) and (d). Except in two cases where the land is privately owned, the houses and their compounds are held under old grants in accordance with which the owners of the houses possess occupancy rights only in the land.

HOUSES WITHIN THE OLD ALMORA CANTONMENT.

1596. ***Pandit Sri Krishna Dutta Paliwal** (on behalf of Mr. Mohan Lal Saksena): (a) Is it a fact that many of the houses within the old Almora Cantonment were built before they were taken into the Cantonment limits?

(b) If so, under what circumstances were houses allowed to be included into the Cantonment area?

(c) If the reply to part (a) be in the negative, under what circumstances were houses allowed to be built within the Cantonment Area of the old Almora Cantonment?

(d) Do Government possess any title or agreement under which the land within the old Almora Cantonment could be declared as Government land?

(e) If so, on what conditions was land allowed to private individuals to build their houses upon?

Mr. G. R. F. Tottenham: (a) and (b). Government have no information, but it is improbable that many houses were built before the cantonment was formed.

(c) to (e). The majority of the houses in the cantonment were no doubt built under the regulations then in force in other cantonments, in accordance with which Government made free grants of the occupancy rights in certain plots of land on conditions that the grantee erected thereon a bungalow for a military officer to live in. The existence of these grants is evidence of Government's title to proprietary rights on the land.

TIMBER AND FUEL OF THE TREES IN THE OLD ALMORA CANTONMENT.

1597. ***Pandit Sri Krishna Dutta Paliwal** (on behalf of Mr. Mohan Lal Saksena): (a) Is it a fact that up till the year 1935 house-owners were freely allowed to utilise the timber and fuel of the trees which were sanctioned to be cut by the Cantonment authority, Almora, within their private grounds?

(b) Is it a fact that only recently the Cantonment Authority of Almora Cantonment is claiming such trees as Government property?

(c) If so, is there any Government of India ruling to this effect? If so, when was it given?

(d) Why was this ruling not enforced so long?

(e) Did Government give an opportunity to the house-owners to place their view-point before the Government prior to giving this ruling?

Mr. G. R. F. Tottenham: (a), (b) and (d). Government have no information.

(c) In the absence of an express condition to the contrary in the original grant, Government retain proprietary rights in the trees growing in the compounds of houses. This was made clear in a general order on the subject in 1926.

(e) No, but it is open to any occupant who is not satisfied with the position to take his case to court if he so wishes.

Pandit Sri Krishna Dutta Paliwal: As regards part (a), will Government please make enquiries and give the information?

Mr. G. R. F. Tottenham: If any specific case is brought to the notice of the Government, they will certainly make enquiries.

Mr. Lalchand Navalrai: Are there any agreements where this stipulation is made that the trees belong to the people to whom the hungalows belong?

Mr. G. R. F. Tottenham: If there had been any such stipulation, this question would not have arisen.

STATUS OF THE HOUSE-OWNERS IN THE OLD ALMORA CANTONMENT

1598. ***Pandit Sri Krishna Dutta Paliwal** (on behalf of Mr. Mohan Lal Saksena): (a) Do Government propose to resume the land within the old Almora Cantonment?

(b) If not, are Government prepared to define the status of the house-owners having houses within the limits of the old Almora Cantonment?

Mr. G. R. F. Tottenham: (a) Government are not aware of any such scheme.

(b) Government have always been prepared to define the status of house owners in any cantonment by granting leases on reasonable terms to those who wish to have them.

EXPENDITURE OF THE ALMORA CANTONMENT DURING CERTAIN YEARS.

1599. ***Pandit Sri Krishna Dutta Paliwal** (on behalf of Mr. Mohan Lal Saksena): (a) What was the total income and expenditure of the Almora Cantonment during the years 1932-33; 1933-34 and 1934-35?

(b) What portion of the expenditure was incurred on the staff including the Executive Officer?

Mr. G. R. F. Tottenham: (a) and (b). I lay on the table a statement showing the required information.

Statement.

	Income (excluding grants-in-aid).	Total expenditure.	Expenditure on staff including the Executive Officer under General Administra- tion.
	Rs.	Rs.	Rs.
1932-33 (Actual)	9,369	10,905	3,197
1933-34 (Actual)	(a) 6,751	10,198	3,256
1934-35 (Revised estimate)	(b) 7,336	11,664	2,976

(a) Excludes ordinary grant-in-aid of Rs. 313 paid by Government to the cantonment fund.

(b) Excludes ordinary grants-in-aid of Rs. 5,485 paid by Government to the cantonment fund.

CANTONMENT COMMITTEE AT ALMORA.

1600. ***Pandit Sri Krishna Dutta Paliwal** (on behalf of Mr. Mohan Lal Saksena): Has the Almora Cantonment a Cantonment Committee? If so, how is it formed? If not, why not?

Mr. G. R. F. Tottenham: No, Sir. The Civil population of Almora Cantonment is far below the statutory limit at present prescribed in section 14 of the Cantonments Act, 1924.

LEASES FOR THE LAND HELD BY HOUSE OWNERS IN THE ALMORA CANTONMENT.

1601. ***Pandit Sri Krishna Dutta Paliwal** (on behalf of Mr. Mohan Lal Saksena): (a) Is it a fact that the house-owners were once asked to execute leases for the land which they held within the Cantonment of Almora?

(b) Is it a fact that no leases were executed and the house-owners claimed that they had the land in their sole possessions as sole owners much before the Cantonment came into being?

Mr. G. R. F. Tottenham: (a) and (b). Government have no information.

ABOLITION OF THE ALMORA CANTONMENT.

1602. ***Pandit Sri Krishna Dutta Paliwal** (on behalf of Mr. Mohan Lal Saksena): (a) Do Government propose to abolish the Almora Cantonment?

(b) Were Government advised by a high military authority sometime in the year 1932 or 1933 to abolish this very small cantonment with a view to retrenchment?

Mr. G. R. F. Tottenham: (a) No, Sir.

(b) The question was considered in 1932, not primarily from a retrenchment point of view, but from the point of view of the suitability of the station for troops. The examination showed that from neither point of view was the proposal worth pursuing.

DOGRA SHOOTING CASE AT AJMER.

1603. ***Pandit Sri Krishna Dutta Paliwal** (on behalf of Mr. Mohan Lal Saksena): (a) Will Government please put on the table of the House a statement relating to the Dogra shooting case at Ajmer, showing (i) the total number of prosecution witnesses called for and paid for in the said case; (ii) the total number of prosecution witnesses produced in court; (iii) the total number of prosecution witnesses summoned from outside but not examined in court; and (iv) the total number of prosecution witnesses whose evidence was recorded in court but subsequently withdrawn by the prosecution?

(b) Will Government please inquire and state (i) the amount of expenses paid to the prosecution witnesses in the Dogra case, who actually gave evidence, and (ii) the amount of expenses paid to the prosecution witnesses who were given up by the prosecution after their having been called to Ajmer from outside?

(c) What are the names and addresses of the prosecution witnesses who were called from outside Ajmer to give evidence in the Dogra shooting case, but were given up by the prosecution?

The Honourable Sir Henry Craik: I regret I am unable to give this information as the case is still *sub-judice*.

DOGRA SHOOTING CASE AT AJMER.

1604. ***Pandit Sri Krishna Dutta Paliwal** (on behalf of Mr. Mohan Lal Saksena): (a) Is it a fact that after the shooting of Mr. Dogra a new special jail was established in Mohalla Ganj, Ajmer?

(b) Will Government please inquire and state (i) what was the total amount spent in establishing and maintaining the said special jail, and (ii) what is the total amount spent so far in connection with the said Dogra shooting case?

(c) Is it a fact that there is a big central jail at Ajmer with sufficient accommodation for under-trial prisoners in the said central jail? If so, what necessitated the creation of a special jail in Ganj Mohalla, Ajmer?

(d) What was the average daily attendance of under-trial prisoners in the said special jail?

(e) What expense did Government incur per day in maintaining the said special jail?

(f) What was the (i) maximum, and (ii) minimum number of under-trial prisoners kept in the said special jail?

(g) What was the total number of prisoners kept in the said special jail?

(h) How many persons kept in the said special jail, were prosecuted in any court of law?

The Honourable Sir Henry Craik: (a) Yes. A police station was vacated and made over as a lock-up.

(b) Minor alterations were made. The total cost of these is not available at present.

(c) Yes. It was considered desirable that the accused in this case should be housed in a separate lock-up.

(d) and (f). Two under-trial prisoners and one other accused.

(e) Exact figures are not available but the total expenditure for the jailor and warders was somewhere about Rs. 18 a day.

(g) Three.

(h) Two.

DOGRA SHOOTING CASE AT AJMER.

1605. ***Pandit Sri Krishna Dutta Paliwal** (on behalf of Mr. Mohan Lal Saksena): (a) Will Government please enquire and state (i) the number of houses searched, (ii) the number of persons taken into police custody, (iii) the number of persons released after custody, and (iv) the number of persons sent for trial, in connection with the Dogra shooting case at Ajmer?

(b) Is it a fact that the police were unable to recover any unauthorised arms or ammunition from any of the houses searched and any of the persons taken into police custody in connection with the Dogra shooting case?

(c) Is it a fact that the orphanage building, where the alleged accused is said by the prosecution, to have taken shelter in the night after firing on Mr. Dogra, has not been searched as yet by the police officers in charge of the Dogra shooting case investigation? If so, will Government please state why the alleged sheltering place of the accused (the orphanage) was not searched while a large number of houses belonging to innocent persons were searched?

The Honourable Sir Henry Craik: In the public interest, I am not prepared to give the information asked for.

DOGRA SHOOTING CASE AT AJMER.

1606. ***Pandit Sri Krishna Dutta Paliwal** (on behalf of Mr. Mohan Lal Saksena): (a) Are Government aware that in Ajmer-Merwara the Public Prosecutor is, as a rule, paid Rs. 12, Rs. 20 and Rs. 30 per day for appearing in the courts of a Magistrate, Sessions Judge and the Judicial Commissioner, respectively?

(b) Is it a fact that the Special Public Prosecutor appointed to appear in the Court of the Additional District Magistrate in connection with the Dogra shooting case was paid Rs. 60 per day of hearing, together with Rs. 16 for consultation on each point?

(c) Will Government please state what necessitated the appointment of the said Special Public Prosecutor on such high payment?

(d) Is it a fact that Government paid only Rs. 12 per day of hearing to the defence counsel in the said Dogra shooting case under section 307, Indian Penal Code?

(e) Will Government please state whether they are aware that the Special Public Prosecutor and the defence counsel in the Dogra shooting case were generally practising and appearing for the same parties in cases prior to the Dogra shooting case? If so, why was such choice made?

The Honourable Sir Henry Craik: (a) Yes. As a general rule the Public Prosecutor is paid these fees, but in important cases or for other special reasons higher fees can be and are occasionally given.

(b) Yes.

(c) It was necessary to secure the services of a Special Public Prosecutor as the Public Prosecutor and the Assistant Public Prosecutor had not the time to take up this case. The fee paid was not excessive and it was considered necessary to secure the services of the most suitable Counsel available.

(d) Yes. The Defence Counsel was employed by one of the other suspects in this case during the investigation and was accepted for the defence by the two accused. He is a competent lawyer.

(e) No.

Mr. Lalchand Navalrai: With regard to part (d), why was there a difference in the scale of fees paid to the Public Prosecutor and to the Defence Council?

The Honourable Sir Henry Craik: The one was a more expensive Counsel than the other.

Mr. Lalchand Navalrai: Was the Counsel appointed by the Government for the accused also?

The Honourable Sir Henry Craik: Yes, Sir.

Mr. Lalchand Navalrai: Why was not a Counsel appointed for the Defence as competent and as capable as the Public Prosecutor, so that both could be paid the same scale of fees?

The Honourable Sir Henry Craik: The Counsel for the Defence was the man selected by the accused themselves. I have stated that he is a competent lawyer. The Counsel for the Prosecution was specially engaged from outside the station and had to be paid higher fees.

Mr. Lalchand Navalrai: Was any agreement come to with the Counsel for the Defence to accept a lower scale of fees, or did the Government, of their own accord, decide that lower fees should be paid to him?

The Honourable Sir Henry Craik: I do not know if there was any written agreement with the Counsel for the Defence. He was paid the usual daily fee prevalent there.

Mr. Lalchand Navalrai: Was the Public Prosecutor paid the usual daily fee as the Counsel for the Defence, or was he paid a special fee over and above the usual daily fees?

The Honourable Sir Henry Craik: I say that the Counsel for the Defence was paid the usual daily fee which is paid in such circumstances in Ajmer and he accepted it. He did not raise any objection.

HOLDING OF HIS COURT AT HIS BUNGALOW BY THE COMMISSIONER OF AJMER-MERWARA.

1607. *Pandit Sri Krishna Dutta Paliwal (on behalf of Mr. Mohan Lal Saksena): (a) Is it a fact that the Commissioner, Ajmer-Merwara, is the District and Sessions Judge?

(b) Is it a fact that the Commissioners in Ajmer-Merwara used to hold their court within the Ajmer Court's precincts, prior to the advent of Mr. C. H. Gidney, present Commissioner of Ajmer-Merwara?

(c) Is it a fact that the said Commissioner, Mr. Gidney, holds his court at his bungalow and not in the court room?

(d) If so, will Government state the reasons which have led the Commissioner to do so?

Sir Aubrey Metcalfe: (a) Yes, but the work of District and Sessions Judge is done by the Additional District and Sessions Judge.

(b) No, not invariably. Commissioners have used their discretion according to the greater or lesser amount of their Court work and the nature of it.

(c) The Commissioner has a large office with waiting room attached in his bungalow and does his occasional court work there.

(d) The Commissioner has only very occasional Court work and that too mostly of an appellate nature and he has regarded it as generally and administratively more convenient to do this work in the office in his house. No representation has been made to him that this practice is causing inconvenience.

Sardar Sant Singh: May I know whether the combination of the posts of Commissioner and District Judge is in accordance with modern ideas?

Sir Aubrey Metcalfe: I have explained that although he is nominally the District and Sessions Judge, practically all the judicial work is done by the Additional District and Sessions Judge and that officer is a whole-time judicial officer.

Sardar Sant Singh: Then, why is this additional office given to the Commissioner? Why not deprive him of the powers of District and Sessions Judge?

Sir Aubrey Metcalfe: I shall require notice of that question.

Mr. Lalchand Navarai: With regard to clause (c), may I know whether the Commissioner has got a separate Court room for hearing cases or is the bungalow used for both purposes?

Sir Aubrey Metcalfe: I shall require notice of that question.

Pandit Lakshmi Kanta Maitra: Does he hold Court in the bungalow with the permission of the superior authorities?

Sir Aubrey Metcalfe: Presumably.

Pandit Lakshmi Kanta Maitra: Is the Honourable Member not aware that there is no specific rule of Government laying down that in certain circumstances Courts may be held in bungalows?

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(No reply.)

**CHALANS BY POLICE UNDER SECTION 34 OF THE POLICE ACT IN RESPECT OF
THE BAZAR AREA OUTSIDE MADAR GATE, AJMER.**

1608. ***Pandit Sri Krishna Dutta Palliwal** (on behalf of Mr. Mohan Lal Saksena): (a) Will Government please state whether it is a fact that, in the middle of December, 1935, the Inspector General of Police, Ajmer-Merwara, (i) personally visited the roads of the Bazaar outside Madar Gate in the city of Ajmer, (ii) found the said roads obstructed by unauthorised *thekas*, and hawkers, and (iii) reached the Kotwali police station to take steps in the matter?

(b) Will Government please lay on the table of the House a statement showing the number of *chalans* by police under section 34 of the Police Act, in respect of the bazaar area outside Madar Gate, Ajmer, in (i) September, 1935, (ii) October, 1935, (iii) November, 1935, (iv) the part of December, 1935, prior to the visit of the Inspector General of Police, and (v) just after the Inspector General of Police's visit in the month of December, 1935?

(c) Is it a fact that, after the visit of the Inspector General of Police to the roads outside Madar Gate about the middle of the month of December 1935, a large number of *chalans* were made under section 34 of the Police Act? If so, will Government please state why such *chalans* were not made prior to the said visit of the Inspector General of Police to the locality referred to in parts (a) and (b) above?

Sir Aubrey Metcalfe: (a), (i) Yes.

(ii) No.

(iii) No.

(b) The number of *chalans* under section 34 of the Police Act is:

September	44
October	12
November	42
Up to 17th December	36
After 17th December to 31st December	12

(c) No.

REMOVAL OF THE INCOME-TAX OFFICE FROM HAZARIBAGH.

1609. ***Mr. Ram Narayan Singh:** Is it a fact that Government have finally decided to remove the income-tax office from Hazaribagh partly to Deoghar and partly to Purulia in the Manbhum District and if so, are they prepared to reconsider the question?

Mr. A. H. Lloyd: I would refer the Honourable Member to the reply given to his question No. 1488 on the 7th April, 1936.

**INDIANS IN ABYSSINIA INJURED OR KILLED IN THE ITALO-ABYSSINIAN
CONFLICT.**

1610. ***Mr. M. Asaf Ali** (on behalf of Mr. T. S. Avinashilingam Chettiar): Will Government state:

(a) whether any Indians in Abyssinia have been injured or killed in the Italo-Abyssinian conflict;

(b) if so, how many; and

(c) whether properties belonging to Indians have been damaged; if so, how much?

Sir Aubrey Metcalfe: (a)—(c). The Honourable Member's attention is invited to the Press Communiqué issued in the morning papers of the 8th April, 1936, which gives all the information available.

A copy of the Communiqué is laid on the table.

Press Communiqué.

The following message has been received from His Majesty's Legation, Addis Ababa :

"As far as can be ascertained no registered British subjects or protected persons were killed or injured in the bombardment of Jijiga. About 50 persons were killed and 100 wounded there and these may include some unregistered Somalis.

Damage and loss to British subjects in Jijiga from bombardments and subsequent looting is roughly estimated at 150,000 dollars but detailed facts can only be established by a personal visit, for the town is deserted and telephone communication almost useless. It is proposed that a British Consul should visit Jijiga for this purpose as soon as possible.

No British subjects or protected persons were injured in the bombardment of Harar and no complaints have been received of damage to their property. Merchants have been able to remove most of their stocks during the past few days and the town is now deserted."

ACCIDENT NEAR CHAREGAON IN THE JUBBULPORE-GONDIA SECTION OF THE BENGAL NAGPUR RAILWAY.

1611. ***Mr. Ghansham Singh Gupta:** (a) Has the attention of Government been drawn to the Railway accident near Charegaon to the 144 Up passenger train in the Jubbulpore-Gondia section of the Bengal Nagpur Railway, reported in the *Hindustan Times* of the 26th March, 1936?

(b) Will Government please state the details of the accident, particularly on the following points:

- (i) the circumstances under which the accident occurred;
- (ii) person or persons, if any, responsible for the accident;
- (iii) details of the injury caused, the number of the dead and injured, with their names, and nature of the injuries, if possible; and
- (iv) measures of relief adopted?

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

(b), (i) and (ii). The engine of the train left the rails at the end of a curve at the approach to the bridge at mile 664/8 of the Gondia Jubbulpore narrow gauge line at about 16 hours, due to the buckling of the track caused by heat and the closing of joints. The engine and two leading third class coaches capsized and fell into the bed of nullah, and one upper class composite carriage capsized on the bank.

(iii) Driver Rahim-ud-din and fireman Sheo Ram of the train engine were killed. Manso Ram, a passenger, was badly scalded on the face and body and Govinda, another passenger, had two of his ribs fractured. Four railway servants, two mail service employees and eight other passengers were slightly injured.

(iv) District officers with an Assistant Surgeon and a Sub-Assistant Surgeon proceeded, with necessary first aid equipment to the scene of the accident which they reached at 6-30 p.m. First aid was rendered at once to those who required it. One passenger seriously injured and three slightly injured were taken to Nainpur hospital where they are reported to be making good progress. The passenger who was scalded and others who were slightly injured were allowed to proceed to their destination at their own request.

Mr. Ghanshlam Singh Gupta: What was the number of the dead?

The Honourable Sir Muhammad Zafrullah Khan: So far as I have been able to ascertain, two.

SMUGGLING OF OPIUM AND CHARAS IN THE PUNJAB AND THE UNITED PROVINCES.

1612. ***Qazi Muhammad Ahmad Kazmi:** (a) Will Government be pleased to state whether their attention has been drawn to the statement of the Punjab Government on page 91 of the Punjab Administration Report for 1933-34, to the effect "It appears that there has been constant smuggling of the drug (opium) through the Punjab for consumption in other Provinces, every effort has been made to check the evil, but the real remedy is the adoption of a uniform policy by all the provinces concerned."?

(b) Has the attention of Government been drawn to the Excise Administration Report of the United Provinces for 1934-35, on page 17 of which they say, "The disparity in prices of *charas* prevailing in the province and in the neighbouring provinces of Delhi, Punjab and North-West Frontier continue to be a great temptation to the smugglers to exploit the United Provinces for their unlawful trade"?

(c) Are Government aware that the disparity of the rates of sale of opium and *charas* between different Provinces are the chief reasons for the large amount of smuggling of these articles that is going on?

(d) Are Government aware of the fact that the Provincial Governments are not taking any steps to co-ordinate their policy in this matter, and has their attention been drawn to the statement of the United Provinces Government made on page 17 of the Excise Administration Report 1934-35:—"Contraband articles worth Rs. 45,885 were seized fines and forfeitures imposed on the accused was Rs. 3,476, the total being Rs. 49,581, including all cases. The expenditure on the entertainment of the staff amounted to Rs. 34,843 and thus the staff cost practically nothing to Government"?

(e) Are Government aware that these cases take up a considerable time of the Courts and cause very grave inconvenience to the public?

(f) Have Government considered the advisability of inducing the various Provincial Governments to co-ordinate their policy regarding the duty and sale price of the excisable drugs and save the public from great inconvenience, expense and worry? If not, why not?

Mr. A. H. Lloyd: (a) and (b). The Government have read the statements in question. The statement quoted from the Punjab Administration Report relates to the smuggling of *charas* and not opium.

(c) Any disparity in the sale-prices of drugs in different provinces is likely to lead to inter-provincial smuggling.

(d) and (f). The Government have read the statement in question. The question of the sale-prices of drugs was considered at a Conference of representatives of Local Governments held in 1930 which recommended that Local Governments should be asked to make an attempt to equalise sale-prices on their respective borders by mutual consultation. The Government of India, who are in sympathy with this objective, duly conveyed this recommendation to Local Governments, but, as "Excise" is a provincial transferred subject, they have no power to take any further action in the matter.

(e) This seems to be a matter of opinion.

SMUGGLING OF OPIUM AND CHARAS IN THE PUNJAB AND THE UNITED PROVINCES.

1613. ***Qazi Muhammad Ahmad Kazmi:** (a) Will Government be pleased to state whether they are aware that the quantity of opium and *charas* that can be sold to any one man—or can be kept by him—is higher in the Punjab than in the United Provinces?

(b) Are Government aware that innocent persons coming from the Punjab to the United Provinces and carrying the proper quantity of these drugs according to the Punjab rules are held to be in possession of illegal quantities of the said drugs when they enter the United Provinces and are prosecuted for offences under the Excise Act?

(c) Are Government aware that the disparity in the quantities of the excisable drugs, that are retailed to public is causing great trouble and worry to the public?

(d) Have Government considered the advisability of inducing the Provincial Governments of the two provinces to co-ordinate their work in this direction and save the public from considerable inconvenience? If not, why not?

Mr. A. H. Lloyd: (a) According to the latest information in the possession of the Government of India, the position is as described by the Honourable Member in the case of *charas* but not of opium.

(b) and (c). The Government have no information.

(d) The Government of India have no authority to interfere in the matter, since excise is a provincial transferred subject.

DOCUMENTS ACCEPTED AS AUTHORITATIVE PROOFS OF AGE OF GOVERNMENT SERVANTS.

1614. ***Pandit Lakshmi Kanta Maitra:** (a) Will Government be pleased to state whether for public purposes they accept University certificates for Matriculation or Entrance Examination, Baptismal certificates and horoscopes, as authoritative proofs of age of the persons holding them?

(b) If the answer to part (a) be in the negative, will Government be pleased to state what exactly are the documents that they accept as authoritative proofs of age for the purpose mentioned therein?

(c) If the answer to part (a) be in the affirmative, do Government propose to allow their employees to have their dates of birth wrongly recorded in their service records, corrected in the light of the particulars contained in the documents referred to in part (a), so as to enable them to enjoy extension in the period of service? If not, why not?

The Honourable Sir Henry Craik: (a) and (b) If the Honourable Member is referring to proof of age for the purpose of eligibility for a Government appointment, the procedure of the Public Service Commission is to accept the age of a candidate recorded in his matriculation certificate or equivalent certificate, unless there is some reason for not accepting it. When the age of a candidate is in doubt, the Commission consider all available evidence and are not bound to accept any particular kind of evidence as necessarily authoritative.

(c) Applications from Government servants for the correction of their dates of birth are considered and decided on their merits.

Mr. Lalchand Navalrai: With regard to clause (c), what proofs will Government accept?

The Honourable Sir Henry Craik: Any evidence available would be considered.

Pandit Lakshmi Kanta Maitra: With regard to part (b), what exactly are the proofs that Government require as to the correctness of the age?

The Honourable Sir Henry Craik: It is usual to accept the matriculation certificate or a similar certificate if one is available. If not, an entry in the municipal register of births would ordinarily be accepted if that appears to be a genuine entry. And any other evidence that happens to be available would be considered.

Pandit Lakshmi Kanta Maitra: In the case of public servants who have been in service for a large number of years and who are nearing the completion of their career, if it is found that their age has been incorrectly recorded, by what kind of proof will they be allowed to rectify the mistake?

The Honourable Sir Henry Craik: It depends on what kind of evidence is available. If a Government servant has accepted and not taken any action to get an entry corrected for a large number of years, the onus of proving that the entry is incorrect is very strongly on him.

Mr. Lalchand Navalrai: Are horoscopes accepted?

The Honourable Sir Henry Craik: I cannot say that they are always accepted. They would be considered.

CONDEMNATION OF THE DUFFERIN BRIDGE OVER THE GANGES AT BENARES.

1615. ***Mr. V. V. Giri** (on behalf of Mr. Sri Prakasa): (a) With reference to the reply given to starred question No. 449 on the 14th February, 1936, do Government propose to call for the report of the Committee appointed by the United Provinces Government in 1926 and presided over by Sir Alan Pim and consider it?

(b) In view of Government's decision not to build another bridge over the Ganges at Benares, are they prepared to consider the desirability of broadening the pedestrian passage on the city side of the bridge to enable vehicular traffic to pass over it, and reserving the passage on the further side for pedestrians, thus eliminating the necessity of the pontoon bridge which exists only for half the year?

The Honourable Sir Muhammad Zafrullah Khan: (a) No. Had there been any matter in this report which was the concern of the Governor General in Council, the Local Government would, no doubt, have forwarded a copy to the Government of India. They have not done so.

(b) The cost of this proposal, which would be considerable, would have to be borne by the road authorities, that is, the Local Government. The matter is, therefore, one for their consideration.

ACCOMMODATION FOR SOLDIERS AND PASSENGERS IN LOWER CLASSES ON THE RAILWAYS.

1616. ***Mr. V. V. Giri** (on behalf of Mr. Sri Prakasa): With reference to the reply given to starred question No. 451 on the 14th February, 1936, is it not a fact that the kit of soldiers is more compact than that of ordinary passengers and that special hooks are attached to the roof of the railway compartments for their rifles? Are Government prepared to reconsider the necessity of equalising the status of soldiers and ordinary passengers so far as accommodation is concerned?

The Honourable Sir Muhammad Zafrullah Khan: Soldiers' kit taken into the Railway carriage consists of rifle (for which there are special fittings in the carriage), equipment, bedding and, in the cool season, great coats. The kit of ordinary passengers varies almost from passenger to passenger and, it is, therefore, not possible to say whether a soldier's kit is or is not more compact than that of an ordinary passenger. Government are not prepared to make any alteration in the carrying capacity of third class carriages.

WAITING ROOM FOR INTERMEDIATE CLASS PASSENGERS AT THE BENARES CANTONMENT RAILWAY STATION.

1617. ***Mr. V. V. Giri** (on behalf of Mr. Sri Prakasa): With reference to the reply given to starred question No. 492 on the 14th February, 1936, are Government prepared to ask the East Indian Railway, pending the construction of a separate waiting room for intermediate class male passengers at the Benares Cantonment Railway Station, to partition off the portion of the sweetmeat vendors' shed now reserved for such passengers with at least wooden screens all round, so as to give them some privacy and protection from sun and the rain beating on them from the sides?

The Honourable Sir Muhammad Zafrullah Khan: A copy of the question will be forwarded to the Railway Administration for consideration of the suggestion therein.

Mr. V. V. Giri: May I also suggest to the Honourable Member that he should advise the railway authorities to provide for intermediate class passengers accommodation in the second class waiting room till regular accommodation is provided for them?

The Honourable Sir Muhammad Zafrullah Khan: The whole question and answer, including the supplementary question, will be sent to the Agent.

CLOSING OF THE LEVEL CROSSING NEAR THE BENARES CANTONMENT RAILWAY STATION.

1618. ***Mr. V. V. Giri** (on behalf of Mr. Sri Prakasa): (a) With reference to the reply given to starred question No. 493 on the 14th February, 1936, is it the contention of the railway that the level crossing near the Benares Cantonment Station is closed only once in 24 hours and that for a period of over 15 minutes, or is it that it is closed once for over 15 minutes and at various other times for less than that period?

(b) Is it not a fact that every evening, about six or seven, the level crossing is closed for a long period for shunting purposes and very often closed and opened after some time without any passage of trains at all in the interval?

(c) Are the Railway authorities prepared to issue instructions that the level crossing, as a rule, is not to be closed for more than five minutes at a time, except on the one occasion and the one purpose referred to in the previous reply?

(d) Is it not a fact that the Grand Trunk Road actually passes over this level crossing; and if so what is the reason for postponing the construction of a subway here till the diversion of the road from its present position to some other?

The Honourable Sir Muhammad Zafrullah Khan: I am making enquiries from the Railway Administration and will lay a reply on the table in due course.

RAILWAY FREIGHT FOR ORNAMENTAL BRASS VESSELS.

1619. ***Mr. V. V. Giri** (on behalf of Mr. Sri Prakasa): (a) With reference to the reply given to starred question No. 495 on the 14th February, 1936, will Government state when they expect the revised classification, equalising the rate of transit by railway for both ornamental and ordinary brass vessels will come in effect?

(b) Are Government prepared to instruct the railway to treat 'Benares brassware, tin-nickelled' as included in the term "Moradabad, Brassware, tin-nickelled" with reference to paragraph (c) of the previous reply?

The Honourable Sir Muhammad Zafrullah Khan: (a) In the revised classification which Railways have notified will have effect from 1st May, 1936, no distinction is made between ornamental and ordinary brass vessels. These come under the nomenclature "Brassware, not otherwise classified".

(b) Government do not consider that the issue of any instructions is called for.

CONSTRUCTION OF HYDRANTS SUPPLYING DRINKING WATER OR URINALS AND LATRINES BY THE ROAD-SIDE IN NEW DELHI.

1620. ***Mr. V. V. Giri** (on behalf of Mr. Sri Prakasa): (a) Are Government aware that no public hydrants supplying drinking water, or public urinals and latrines, have been constructed by the road-side in New Delhi, and this is causing much inconvenience and embarrassment to pedestrians and visitors generally?

(b) Are Government prepared to take steps to construct these at suitable places?

Sir Girja Shankar Bajpai: With regard to provision of water taps I would refer the Honourable Member to the answer to Mr. C. N. Muthuranga Mudaliar's question No. 856 asked on 18th February. On the other points, information has been called for and will be furnished to the House as soon as possible.

UTILISATION OF A RETURN TICKET FOR BREAK OF JOURNEY ON THE EAST INDIAN RAILWAY.

1621. ***Mr. V. V. Giri** (on behalf of Mr. Sri Prakasa): (a) With reference to the reply to starred question No. 1128 on the 11th March, 1936, will Government please state the nature of abuse that has been discovered in actual practice when a person on a return journey, say, from Delhi to Benares has stayed six days at Cawnpore instead of five, as permitted, even though the whole journey had been completed within the time allowed by the original return ticket?

(b) Do not the punches, now supplied to ticket examiners, stamp the dates and stations of the check on the tickets?

(c) Is it not a fact that no certificates are given by Station Masters when a journey is broken, despite a rule on the subject, and have Government considered whether an arrangement for the prompt giving of such certificates by the ticket collector at the gate will not prevent possible fraud and conduce to the convenience of passengers?

(d) Are Government prepared to reconsider the matter and recommend to the Railways to permit a passenger holding a double journey ticket to break his journey on his return anywhere on the way, provided the same is completed within the time permitted on the ticket concerned?

The Honourable Sir Muhammad Zafrullah Khan: (a) Any extension of the period of availability of a ticket once a journey has commenced, increases the possibility of the ticket being used for another journey in the same direction.

(b) I am making enquiries on this point. It is not, however, possible to ensure that every ticket is punched by a ticket examiner.

(c) and (d). The rule to which the Honourable Member refers requires that tickets should be endorsed to the effect that the journey has been broken and if its enforcement in every case were practicable, an abuse of the privilege could be checked. I shall communicate the Honourable Member's suggestion to Railways for consideration.

UTILISATION OF A RETURN TICKET FOR BREAK OF JOURNEY ON THE EAST INDIAN RAILWAY.

1622. ***Mr. V. V. Giri** (on behalf of Mr. Sri Prakasa): Is it a fact that holders of tickets between Benares and Allahabad are permitted to break journey for one day at Bindhachal on the way, and do Government propose to recommend to the Railway to permit them to break journey at Mirzapur or Chunar also as an alternative?

The Honourable Sir Muhammad Zafrullah Khan: Yes. A break of journey is only allowed on tickets issued for distances exceeding 100 miles. The distance between Benares and Allahabad is only 84 miles and the break of journey permitted at Bindhachal is, therefore, obviously a concession. I shall, however, convey the Honourable Member's suggestion to the Agent, East Indian Railway, for consideration.

OPENING OF A PASSAGE DIRECT TO THE DHARMASHALA OUTSIDE ETAWAH RAILWAY STATION IN THE BOUNDARY WALL.

1623. ***Mr. V. V. Giri** (on behalf of Mr. Sri Prakasa): (a) With reference to the reply given to starred question No. 1125 on the 11th March, 1936, will Government state whether the plot of land outside the Etawah Railway Station, on which a wall has been raised, shutting out the frontage of the Dharmashala, was a part of the land originally required for the construction of the station, or was it acquired later?

(b) If it was acquired later, was it acquired specifically for the purpose of enabling the Railway to construct this wall, and if so, what specific public purpose does this wall serve?

The Honourable Sir Muhammad Zafrullah Khan: I am making enquiries from the Railway Administration and shall lay a reply on the table in due course.

RULES ON THE EAST INDIAN RAILWAY RE ALTERNATIVE ROUTES FOR THROUGH TRAVELLING AND BREAK OF JOURNEY.

1624. ***Mr. V. V. Giri** (on behalf of Mr. Sri Prakasa): (a) With reference to the reply given to starred question No. 1127 on the 11th March, 1936, have Government seen pages 190 to 192 of the Four Anna Time Table of the East Indian Railway, giving various alternative rates? Is it a fact that in some cases it is mentioned which is the longer route and whether break of journey is permitted, while on most items such indications are not given?

(b) Do Government propose to insist on the Railway giving full information about the comparative length of the route and permission to break journey on each item?

(c) Are Government aware that railway officials themselves are often confused owing to the complicated nature of these rules?

(d) What is the exact point in permitting alternate journey but preventing break of journey on the alternate routes?

(e) Are Government prepared to ask the Railway to permit break of journey wherever it permits an alternate route?

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

(b) In the revised time-table in force from the 1st April, 1936, Government observe that an endeavour appears to have been made to meet the Honourable Member's point of view.

(c) Government have no reason to think that this is the case.

(d) and (e). When the alternative route is a longer one, the use of it is intended to allow a passenger to complete his journey in a shorter time wherever this is practicable. It is not equitable that a passenger who has paid the fare by the shorter route should be allowed the same privilege in regard to breaking journey as a passenger who pays the fare by the longer route.

HANDWRITING AS A QUALIFYING SUBJECT IN THE MINISTERIAL SERVICE EXAMINATIONS HELD BY THE PUBLIC SERVICE COMMISSION.

1625. ***Seth Sheodass Daga:** (a) Is it a fact that in the Routine Grade and First and Second Division examinations of the Government of India, held by Public Service Commission more importance is attached to handwriting than to any of the other subjects and that a candidate is required to have 40 per cent. marks in that subject?

(b) Will Government please state whether they have imposed any such condition on examinations for superior services? If not, why not?

(c) Will Government please state when this subject was made a qualifying subject and why 40 per cent. marks were fixed as the qualifying standard?

(d) Do Government notice from the previous results of two or more of the Commission's examinations any difference of marks awarded to one and the same candidate in handwriting?

(e) Is it a fact that candidates are required to have a typewriting certificate of at least 40 words a minute? If so, how do Government justify a qualifying standard of 40 per cent. marks in handwriting?

(f) Is it a fact that it is not the practice of the Commission to revise or reconsider this paper and a candidate who fails in handwriting is ineligible for appointment, however good his position may be on the general list?

(g) Will Government please state what steps they have taken to modify this rule?

The Honourable Sir Henry Craik: (a) Handwriting carries only 100 marks, while General Knowledge carries 150 and English 200. In recent examination the Public Service Commission have required a minimum of 40 per cent. in handwriting.

(b) No. Handwriting is not a separate subject in Superior Examinations, but deductions are made for bad handwriting.

(c) The Public Service Commission are empowered to fix a minimum, and fixed 40 per cent. in this subject as a sufficiently low mark. It has been made a qualifying subject only recently.

(d) Government have not noticed this, but would expect such differences to occur.

(e) Candidates for the Routine Grade examination are required to produce a certificate of proficiency in typewriting but there is no rule regarding the minimum speed. The Public Service Commission exercise their own discretion in recognising certificates.

(f) The Public Service Commission check and scrutinise the marks carefully before the results are passed, but do not revise them afterwards. A candidate who fails in handwriting is ineligible for appointment.

(g) The rule has been designed to secure the services of candidates with good handwriting and Government do not see any reason to modify it.

STATEMENTS LAID ON THE TABLE.

Information promised in reply to parts (c) and (d) of starred question No. 60 asked by Mr. Amarendra Nath Chattopadhyaya on the 3rd September, 1935.

FACILITIES GIVEN TO NEW VENDING CONTRACTORS AT RAILWAY STATIONS ON THE EAST INDIAN RAILWAY.

(c) Four passes have been issued as follows :

- one between Dildarnagar and Benares Cantonment for one maund provisions;
- two between Lhaksar and Saharanpur each for two maunds provisions;
- one between Lhaksar and Dehra Dun for two maunds provisions.

These passes have been issued to enable the contractors to obtain adequate and regular supplies from other stations when local supplies are not of the required quality or quantity for sale to passengers.

(d) Hawking fees now recovered from the area contractors on the Howrah and Dinapore Divisions, where the area contract system has been introduced, amount to Rs. 1,853 per mensem.

The hawking fees previously recovered from the petty vendors who were replaced by area contractors on these two Divisions amounted to Rs. 1,609 per mensem.

Information promised in reply to starred question No. 1176, asked by Mr. Ghansham Singh Gupta on the 12th March, 1936.

SCHEME PROPOSED BY THE SHRADHANAND DEPRESSED CLASSES MISSION TO ESTABLISH A DEPRESSED CLASSES SETTLEMENT IN DELHI.

(a) The Chief Commissioner agreed to establish a settlement for persons belonging to the depressed classes only.

(b) Yes.

(c) The orders of 1926, sanctioning allotment to members of the depressed classes on the recommendation of the mission, were followed till April, 1932, when it was discovered that several persons not belonging to these classes had been recommended for sites in the area. It was then decided to make allotments direct and not through the mission. As it was further discovered that quite a number of plots allotted to members of the depressed classes had not been built on, the Chief Commissioner decided that the Deputy Commissioner should be given discretion to dispose of part of the site in the manner most advantageous to Government. Allotments to members of the depressed classes have not been stopped.

(d) and (e). No.

(f) I would refer the Honourable Member to the answer I have given to part (c) of the question. Government do not consider it necessary to lay a copy of the correspondence on the table.

Information promised in reply to starred question No. 1278 asked by Khan Sahib Nawab Siddique Ali Khan on the 17th March, 1936.

PERMANENT WAY INSPECTORS APPOINTED ON THE GREAT INDIAN PENINSULA RAILWAY.

Government are informed as follows :

- (a) None.
- (b) to (d). Do not arise.
- (e) 91.
- (f) 2.
- (g) The orders fixing a definite percentage for Muslims on the Great Indian Peninsula Railway apply to direct recruitment only, and if suitably qualified Muslim candidates are forthcoming the percentage reserved for them will be worked up to, but if vacancies are filled by promotion they will not be subject to these orders, such vacancies being filled by merit and seniority, regardless of communal considerations.

Information promised in reply to starred question No. 1370 asked by Raizada Hans Raj on the 20th March, 1936.

REPRESENTATION ADDRESSED TO HIS EXCELLENCY THE VICEROY BY OFFICERS OF CERTAIN STATE RAILWAYS.

(a) The information is not readily available and its collection will involve an amount of time and labour not commensurate with the results likely to be obtained.

(b) No.

(c) Presumably the Honourable Member is referring to Part III of the Public Service Commission (Functions) Rules, 1926. If so the Public Service Commission are consulted in regard to appeals from officers which are required to be referred to them under these Rules; a copy of which is in the Library of the House.

(d) No.

(e) As regards the first part of the question it is understood that except in cases in which it is obligatory to consult the Public Service Commission the circumstances of each case are taken into consideration before deciding whether the Public Service Commission should be consulted or not. With regard to the latter part Government do not consider it necessary to go beyond the provisions of the Public Service Commission (Functions) Rules

Information promised in reply to unstarred question No. 411 asked by Mr. Anugrah Narayan Sinha on the 20th March, 1936.

NON-PAYMENT OF GRATUITY TO THE RETIRED EMPLOYEES IN THE MORADABAD DIVISION OF THE EAST INDIAN RAILWAY.

(a) and (c). The reply is in the negative.

(b) Government are informed that there are a few cases in which the payment of gratuity of employees who had retired has not yet been made pending investigation and that steps have been taken to expedite the settlement of these cases.

(d) In view of my reply to part (b) no further action is called for.

Information promised in reply to unstarred question No. 419 asked by Mr. C. N. Muthuranga Mudaliar on the 20th March, 1936.

ENQUIRY AGAINST THE SALT FACTORY STAFF IN MARKANAM, SOUTH ARCOT DISTRICT.

(a) Yes.

(b) No action was taken against the factory officer as no allegation against him was proved.

(c) No.

(d) No.

(e) and (f) 538 maunds of salt were destroyed as this salt was left unstored for a very long time after the closure of the season and as the licensees did not take any steps to store it in spite of several notices issued to them.

(g) The action taken was in accordance with the rules.

Information promised in reply to starred question No. 1390 asked by Pandit Lakshmi Kanta Maitra on the 23rd March, 1936.

DIVISIONAL SUPERINTENDENTS ON THE EAST INDIAN AND NORTH WESTERN RAILWAYS.

(a) and (b). I place a statement on the table of the House giving the required information.

As regards the qualifications of officers, I would refer the Honourable Member to the "History of Services of the Officers of the Indian State Railways", a copy of which is in the Library of the House.

(c) Two are Indians and their scales of pay are shown in reply to parts (a) and (b).

(b) Mr. L. P. Misra was first appointed to officiate as Divisional Superintendent from the 31st May, 1935, since which date he has been officiating continually in that post.

Rai Bahadur N. C. Ghosh has officiated as Divisional Superintendent for the following periods :—

(i) from 19th March, 1934 to 14th June, 1934;

(ii) from 17th August, 1934 to 9th November, 1934;

(iii) from 9th February, 1935 to 12th November, 1935.

He has now again been appointed to officiate as Divisional Superintendent from the 12th March, 1936.

Statement.

Name.	Division on which employed.	Pay etc.
<i>East Indian Railway.</i>		
1. Mr. L. P. Misra	Howrah	Rs. 2,150 + Rs. 131-4 Calcutta compensatory allowance.
2. Mr. R. E. Marriott	Asansol	Rs. 2,150 + £13-6-8 Overseas pay.
3. Mr. B. G. Smith	Dinapore	Ditto.
4. Mr. R. E. Rutherford	Allahabad	Ditto.
5. Mr. E. R. Casement	Lucknow	Ditto.
6. R. B. N. C. Ghosh	Moradabad	Ditto.
<i>North Western Railway.</i>		
7. Mr. L. E. Brock	Delhi	Rs. 2,150 + £13-6-8 Overseas pay.
8. Mr. A. K. Homan	Karachi	Ditto.
9. Mr. A. C. Giffin	Rawalpindi	Ditto.
10. Mr. J. G. O'Neill	Multan	Ditto.
11. Mr. C. C. T. Brereton	Lahore	Ditto.
12. Mr. S. E. L. West, O.B.E.	Ferozepur	Rs. 1,950 + £13-6-8 Overseas pay.
13. Mr. B. C. L. Vean	Quetta	Ditto.

Information promised in reply to starred question No. 1401 asked by Mr. Lalchand Navalrai on the 23rd March, 1936.

PAY OFFERED TO ASSISTANT AND SUB-ASSISTANT SURGEONS APPOINTED ON THE NORTH WESTERN RAILWAY.

(a) Eight temporary Assistant Surgeons and eleven temporary Sub-Assistant Surgeons.

(b) All were appointed in a temporary capacity on the scales of pay in force at the time which was specified in their letters of appointment. As they were appointed on a temporary basis and after the 15th July, 1931, there was no necessity to specify that they would be liable to any revision in scales of pay that may be introduced.

(c) Yes, because under the rules, persons appointed after the 15th July, 1931, are to be governed by the new scales of pay.

(d) After careful consideration of the representations made by the staff, it was decided that there was no ground for giving the men concerned the old scales of pay. Government do not propose to take any further action in the matter.

Information promised in reply to unstarred question No. 446 asked by Mr. Muhammad Azhar Ali on the 23rd March, 1936.

WATER SUPPLY AT SHAHDARA, DELHI.

(a) The water supplied to Shahdara is not harder than in the case of many other towns. The Notified Area Committee cannot afford to instal and run a plant for softening it.

(b) No. The water has been analytically examined and it has not been found to be in any way dangerous to health. A statement giving the vital statistics for the last five years is attached.

NOTIFIED AREA COMMITTEE, SHAHDARA.

Vital Statistics of the Notified Area Committee, Shahdara, Delhi Province, from the year 1930-31 to the year 1934-35.

No.	Year.	Births.	Deaths.	Detail's of Deaths.					Remarks.
				Small-pox.	Fevers.	Pneumo-nia.	Phtisis.	Other Diseases.	
1	1930-31	296	141	2	134	5	Malaria in epidemic form due to floods. Malaria continued due to after-effects of floods.
2	1931-32	322	107	2	91	9	5	..	
3	1932-33	389	180	8	162	4	6	..	
4	1933-34	423	389	..	340	32	8	9	
5	1934-35	268	240		157	35	8	40	

Information promised in reply to starred question No. 1425 asked by Khan Sahib Nuwab Siddique Ali Khan on the 24th March, 1936.

VACANCIES IN CERTAIN DEPARTMENTS OF THE GREAT INDIAN PENINSULA RAILWAY.

Government are informed as follows :

(a) (i) Transportation Department	.	.	.	.	.	.	325
(ii) Commercial	„	.	.	.	.	.	167
(iii) Engineering	„	.	.	.	.	.	24
(iv) Medical	„	.	.	.	.	.	15
(v) Mechanical	„	.	.	.	.	.	39
(vi) Interlocking	„	.	.	.	.	.	1

(b) and (d). Up to April, 1935, applications were invited by advertisement as necessary; after this date all vacancies to be filled by direct recruitment were advertised.

(c) Yes.

(e) 54.

Information promised in reply to starred question No. 1440 asked by Prof. N. G. Ranga on the 24th March, 1936.

PREVALENCE OF DROUGHT AND DISTRESS OF PEASANTS IN BERAR.

(a) (i). There was partial failure of crops more on account of excessive, untimely or ill-distributed rain and cold than of drought.

(ii) No.

(b) Famine conditions have not prevailed in any districts of Berar during the last five years.

(c) Relief of distress is the concern of the Local Government which granted remissions and suspensions of revenue, distributed taccavi loans, and took other ameliorative measures where necessary.

THE ITALIAN LOANS AND CREDITS PROHIBITION BILL.

Mr. President (The Honourable Sir Abdur Rahim): The House will now resume consideration of the Bill to prohibit the making of certain loans and credits. **Mr. Ananthasayanam Ayyangar.**

The Honourable Sir James Grigg (Finance Member): May I ask which amendment is under consideration?

Mr. President (The Honourable Sir Abdur Rahim): The third amendment*.

*“That to clause 2 of the Bill, the following proviso be added :

‘Provided that nothing in this Act shall be construed to affect or prohibit the payment of insurance premia to any Italian Company doing business in India, with respect to the policies taken before the passing of this Act’.”

A point of order was raised. The matter was one on which the Chair did not want to stifle discussion if any Honourable Member thought there was room for any doubt, and since an eminent lawyer, Mr. Desai, expressed doubts, the Chair will allow discussion.

The Honourable Sir James Grigg: Perhaps it would simplify matters if, with your permission, I made a brief statement about this amendment. The Honourable Member wished to exclude from the operation of the Bill certain classes of payments which, I assured him, were not included within the damage of the Bill and the position of which the Government of India had made clear in an official communiqué. The Honourable Member refused to accept my assurance, and I elicited in private conversation afterwards that the ground of his non-acceptance of that assurance was that the prosecution would lie with local authorities, whereas the assurance had been given by the Government of India. In order to make the assurance water-tight, an amendment has been put down on behalf of Government which will make it clear that prosecutions cannot be undertaken, except with the consent of the Governor General in Council. If the Honourable Member is prepared to accept that amendment *plus* the assurance as satisfying himself, perhaps he would not mind withdrawing both his amendments and allowing Government to move theirs.

Mr. M. Ananthasayanam Ayyangar (Madras ceded Districts and Chittoor: Non-Muhammadan Rural): My difficulty is that the assurance is not sufficient. I have considered the assurance and find that unless an explanation is attached to the clause in the Bill excluding insurance premia from the scope of the Bill, it will not be convenient or desirable to allow it to stand as it is.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member does not want to move the amendment?

Mr. M. Ananthasayanam Ayyangar: I shall move the amendment.

The Honourable Sir James Grigg: I want to make it quite clear to the Honourable Member that if my offer is not accepted, then I shall resist his amendment and not move my own.

Mr. M. Ananthasayanam Ayyangar: I shall state the facts which gave rise to these amendments. Afterwards if, individually, as regards each one of these amendments, the Honourable Member gives an assurance, I shall consider the withdrawing of the amendments.

Mr. President (The Honourable Sir Abdur Rahim): This amendment is now before the House. Does the Honourable Member wish to move it?

Mr. M. Ananthasayanam Ayyangar: I wish to move the first amendment.

Mr. President (The Honourable Sir Abdur Rahim): The amendment now before the House is No. 8.

Mr. M. Ananthasayanam Ayyangar: I move:

"That to clause 2 of the Bill, the following proviso be added:

'Provided that nothing in this Act shall be construed to affect or prohibit the payment of insurance premia to any Italian Company doing business in India, with respect to the policies taken before the passing of this Act'."

Sir, the object of the Bill and the scope of the Bill is to prevent the making of certain loans and credits to any Italian Company or to the Italian Government or to any person doing business in Italy. By this amendment I want to make it clear that the payment of insurance premium to an Italian Company, doing business in India, does not come within the purview of the mischief contemplated by this Bill. I consider that payment of an insurance premium is tantamount to the advancing of a loan and will be covered by the provisions of this Bill.

The Honourable Sir James Grigg: May I interrupt the Honourable Member at this moment? I had taken legal advice since the Honourable Member made that assertion last time, and I understand that there is absolutely no warrant in law for the statement that a payment of an insurance premium is or can possibly be a loan.

Mr. M. Ananthasayanam Ayyangar: I do not know what the source is from which the Honourable Member gets that information, but I have not been able to find any judgment of a Court which says that insurance premia are not loans advanced to companies. There are various kinds of insurance, marine insurance, fire insurance, life insurance. Whatever may be said with regard to marine insurance and fire insurance—that those contracts are in the nature of indemnity contracts, that only the losses are guaranteed to be paid by the insurance companies, a different kind of construction is placed on contracts relating to life assurance. Life insurance contracts are not contracts of indemnity. I would like to refer in this connection to a passage in Halsbury's Laws of England at page 548 of Volume 17:

"The contract" referring to life insurance contracts—differs from other contracts of insurance in this important respect, that it is not a contract of indemnity. This is obvious from the fact that a man may insure his life for any sum that he pleases, and his executors or representatives can recover this sum in full from the insurers."

Honourable Members may be aware that in insurance contracts there are various modes and various kinds of contract. One kind of contract is that in which the amounts are payable only on the death of the assured. There are contracts which go by the name of endowment policies where at the end of a particular period, if the premium is paid regularly, a definite sum agreed upon is liable to be paid and the insurance company undertakes the obligation to pay back a consolidated amount in consideration of the various instalments of premia being paid regularly for a period. This is in the nature of a recurring deposit made either in a bank or a co-operative society. Honourable Members who have had anything to do with co-operative societies may be aware that in co-operative societies various kinds of recurring deposits have been instituted. A depositor pays a deposit of one rupee every month for 24 months and at the end he is paid Rs. 25 in a lump; at the end of that period he is entitled to get back Rs. 25. There is little or no difference between that transaction

between such an arrangement and an endowment policy that is taken in an insurance company. There is an additional guarantee or risk provided for in the latter that if within the period for which the policy is taken out, the assured dies, his representatives are entitled to recover the amount without the liability of paying further instalments, for the entire endowment period: that is the only difference. In other respects, the endowment policy is merely a combination of two contracts: one is in the nature of a recurring deposit and the other undertakes a risk. I would, therefore, say **with regard to such recurring deposits** that it cannot be easily said that one is not a loan. Honourable Members may be aware that whatever is lent to another with an expectation of getting it back is a loan. A cycle taken by a friend for a certain period and then returned or taken back is a loan. Whatever is intended to be returned is a loan. In the case of these endowment policies, is there or is there not an intention that there should be repayment of the amount? It might be with or without interest, or there may be a stipulation for paying interest consolidated at so much per cent; but in fixing the amount that is liable to be paid, all these several ingredients are taken into account. The man who enters into an endowment policy goes into a contract to advance a certain amount and at the end of the period if the subscriptions are regularly paid, he is entitled to get back that amount and he has a cause of action if the amount is not paid back. I have already referred to the passage in Halsbury where a distinction is made between life assurance and other forms of insurance like fire and marine. Having this difficulty in view, clause 3 provides for

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member need not go on to clause 3: the House is now dealing with clause 2.

Mr. M. Ananthasayanam Ayyangar: I refer to that clause to show that the framers of the Bill themselves were not without doubt, and that they contemplated some inconvenience of the kind I referred to. Clause 2 (3) says:

"Nothing in this section shall be taken to prohibit the performance of any contract made before the 18th day of November, 1935, with any Government or person other than such a Government or person as is mentioned in clause (a) of sub-section (1), but save as aforesaid the provisions of this section shall have effect notwithstanding anything in any contract."

This includes only contracts entered into before the 18th November, 1935, with Governments and persons other than those mentioned in the previous portion. Person is made to include corporation also. Thus retrospective effect is given to all contracts made before the 18th November, 1935, with the Italian Government, or with insurance companies incorporated there. It is only with respect to other classes of contract that this is not made retrospective. Apart from the question as to whether this is or is not a loan, is this or is this not a contract? By the making of the provision in clause 2 (3) it is intended that certain contracts which came into existence before that date ought to be exempted from the operations of the Bill. The case I have in mind is certainly one which comes under that category. To me it appears that the obligation to pay insurance premia to an Italian company doing business here comes within the purview of this section. Lastly, I would say that if a doubt arises it is absolutely

[Mr. M. Ananthasayanam Ayyangar.]

necessary to make it clear: let us not leave the person who might be affected in the hands of a court and leave the discretion to the court to find out whether the provision applies or not. It is the essential purpose of a Bill to make it as clear as possible, as unambiguous as possible. When a doubt has been raised, what is the difficulty in accepting this amendment and making it clear that it does not apply to insurance premia? On that ground also, in order to avoid ambiguity, I would say that this amendment should be gladly accepted by the Mover of the Bill. That is all I have to submit.

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

"That to clause 2 of the Bill, the following proviso be added :

'Provided that nothing in this Act shall be construed to affect or prohibit the payment of insurance premia to any Italian Company doing business in India, with respect to the policies taken before the passing of this Act'."

Sir Cowasji Jehangir (Bombay City: Non-Muhammadan Urban): Mr. President, I am not quite able to follow this discussion, if I may be permitted to say so. It appears that the Honourable Member, who has just sat down, has had some doubts about insurance premia. The Honourable the Finance Member has assured him that it does not fall within the mischief of the Bill. To add to that he has instructed our friend, Mr. Lloyd, to put down an amendment whereby no prosecution can take place by a Local Government without the permission of the Government of India. If he goes so far as that to meet the opposition and to allay their apprehensions with regard to the real interpretation of the clause, what is the objection to accepting this amendment? I am not able to follow that.

The Honourable Sir James Grigg: I quite understand that the Honourable Member would not follow that. I say, and I have taken the best advice in the insurance and legal world, that this contract that the Honourable Member has referred to cannot possibly be a loan; and personally I have a rooted objection to being responsible for legislation which is on the face of it ridiculous. That is the reason why I am extremely loth to accept this amendment which is on the face of it absurd

Sir Cowasji Jehangir: It means that the amendment is redundant?

The Honourable Sir James Grigg: I think it is equivalent to saying that black is not white. This amendment has as much sense as that statement.

Sir Cowasji Jehangir: It amounts to saying that white is white. You say it is white: they say they want it to be white and they amend the clause to ensure that it is white; and then you say: "Why put down an amendment which says white is white?" That seems to be the argument. If that is the position, may I ask, why do you put down an amendment that all prosecutions shall require the sanction of the Central Government?

The Honourable Sir James Grigg: I put that down in order to satisfy the Honourable Member that the assurance given could be made effective. The Honourable Member does not accept that assurance and my offer is now withdrawn.

Sir Cowasji Jehangir: My President, I do not think there is very much in the discussion really or in the amendment. It appears to me that there were apprehensions: assurances have been given that those apprehensions are not correct in law; but in order to meet the opposition the Honourable the Finance Member has put down an amendment. Now, Sir, it is very often necessary in Bills to make matters doubly clear, and personally I really cannot see the strong objection of my Honourable friend, the Finance Member, to accepting an amendment of this sort and cutting the debates short. I know very often the interpretation of a Bill is quite clear in the opinion of Government or of the framer of the Bill, but, if somebody has a doubt and a provision of this sort is suggested, and the Mover of the Bill agrees that that is the correct interpretation,—he says "All right have it, and be done with it". Unless there is something behind this amendment, which I do not understand, or if this amendment leaves a loop hole for somebody to be able to play, what in ordinary parlance is called hanky-panky with the Act and give a loan to the Italian Government, then I can understand the objection of the Finance Member; but if that is not possible, then I think the discussion might be cut short.

The Honourable Sir James Grigg: Sir, the Government cannot accept this amendment. There is always the possibility of an amendment accepted hastily covering something which nobody ever foresaw when it was accepted. I have, I consider, given the Honourable Member all the assurances that he can legitimately ask for, and he has not accepted those assurances, and, therefore, my position is, that the Government are unable to accept this amendment.

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

"That to clause 2 of the Bill, the following proviso be added:

'Provided that nothing in this Act shall be construed to affect or prohibit the payment of insurance premia to any Italian Company doing business in India with respect to the policies taken before the passing of this Act'."

The motion was negatived.

Mr. President (The Honourable Sir Abdur Rahim): There is an amendment to clause 2 standing in the name of Mr. Ayyangar. That is substantially the same as the amendment which the Chair has just disallowed, otherwise it will mean going back.

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

"That clause 2 stand part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill.

Clauses 3 and 4 were added to the Bill.

Mr. A. H. Lloyd (Government of India: Nominated Official): Sir, I do not move my amendment*.

Clause 5 was added to the Bill.

*"That after clause 4 of the Bill, the following new clause be inserted, and the subsequent clauses be re-numbered accordingly:

'5. No prosecution under this Act shall be instituted except with the previous sanction for prosecution. sanction in writing of the Governor General in Council'."

Mr. M. Ananthasayanam Ayyangar: Sir, I move:

"That after clause 5 of the Bill, the following new clause be inserted:

'6. No prosecution shall be instituted under this Act except with the previous sanction in writing of the Local Government'."

Sir, with respect to the previous amendment, I stated that there are various other matters which may be brought under the definition of a loan, for instance, insurance premia. Having considered such a difficulty, the Honourable the Mover of the Bill perhaps asked another Member of the Government to give notice of an amendment to the effect that no prosecution under this Act shall be launched without the previous sanction in writing of the Governor General in Council. Now, Sir, after I pressed my amendment to the previous clause the Honourable the Mover who had evidently asked another Member of the Government to give notice of his amendment again asked him to withdraw his amendment. Sir, is it a wordy warfare or is it by way of revenge by one Member against another that legislation of this nature should be introduced? I am exceedingly sorry that the Honourable the Finance Member thinks that it is a matter of personal quarrel between himself and myself. There is nothing of the kind. We are legislating for the whole of India. There are a hundred thousand people who unwarily enter into contracts of this nature. After all, why should not the Governor General in Council or the Local Governments keep it in their hands to see that unnecessary and improper prosecutions are not launched under this Act? This is sought to be a beneficent measure. You are trying to support Abyssinia against Italy and prevent Italy from defeating poor Abyssinia, but whether you are supporting Abyssinia or not, one thing is clear that there will be a number of reckless prosecutions launched. I am not able to understand the mentality of the Honourable the Mover of the Bill, and also the Member of Government who has withdrawn his amendment with some indignation. What are the reasons for withdrawing it? The very fact that an amendment of like nature has been given notice of strongly supports my amendment that a new proviso ought to be substituted. I wanted that the Local Governments should be invested with the power of sanctioning a prosecution, but the Mover of the Bill perhaps thought that the Local Governments not to be trusted in with the power of sanctioning a prosecution before one is launched; he perhaps considers that Local Governments are too small for this purpose, and in a fit of enthusiasm he asked a Member of the Government to give notice of an amendment to substitute the Governor General in Council for Local Governments. That is exactly the object of this amendment. Sir, I am surprised that the Honourable Member has withdrawn his amendment. It is unnecessary for me to labour this point further. The very fact that an amendment of like nature substituting the Governor General in Council for Local Governments was given notice of and subsequently withdrawn after I refused to withdraw my amendment shows that there is some justification for my present amendment. Sir, there are some other difficulties also. I was surprised that the Honourable the Finance Member did not ask his colleague, the Law Member, who is certainly the best law authority on this subject, to express his opinion and to say whether my doubts and suspicions in regard to insurance premia are well founded or not. Sir, I am a Vakil; I have been practising for 20 years. I do not know with what authority another gentleman who is not a lawyer can

oppose my amendment, unless it has been established by the highest tribunal in this country that the view held by the Government Member is correct. Even if a High Court Judge holds that insurance premia do not come within the purview of this Bill, I would not be satisfied, because one Judge holds one view, and it is soon disturbed by another Bench of Judges of the same Court. Again and again the very same Judge holds one and the same view, but later on finds that a particular argument was not placed before him and so he changes his view. I do not know what legal experience this young Member of Government has, to say that my amendment is a ridiculous one, or that it is an absurd one.

Mr. President (The Honourable Sir Abdur Rahim): That clause has already been passed.

Mr. M. Ananthasayanam Ayyangar: Yes, Sir, but it is because there is that doubt that I insist that this amendment should be accepted. The Local Governments must have the power to launch prosecutions. Therefore, I do press this amendment with all the force I can command.

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

"That after clause 5 of the Bill, the following new clause be inserted:

"6. No prosecution shall be instituted under this Act except with the previous sanction in writing of the Local Government."

The Honourable Sir James Grigg: The Honourable Member has been a little less than candid in this matter. Two successive sets of conversations took place with him over his previous amendment. He told me in conversation that the reason why he was unable to accept my assurance in regard to the insurance contracts, that no prosecutions would be undertaken, was that there was no means of making my assurance effective because prosecutions could be undertaken by other than the Government of India. That being so, he then went away and put down an amendment about the requirement of Local Government's sanction for prosecution. Subsequent to that, certain conversations took place authorised by me, offering to put down an amendment to cover the point about prosecutions requiring sanction of the Governor General in Council, provided that he would then accept the assurance that I had given, and on which I had consulted the Law Member—since he is so curious about that—I had consulted the Law Member and other legal authorities and certain insurance authorities and I have received explicit assurances from them that my view is correct. The Honourable Member indicated—I am not going to say for one moment that he categorically accepted that proposal, but he indicated that he would probably accept it.

Mr. President (The Honourable Sir Abdur Rahim): The Chair does not think it is necessary to discuss conversations that took place outside the House.

The Honourable Sir James Grigg: He has not accepted it, and I say that both these amendments are unnecessary. The House has decided that one of them is unnecessary, and I, therefore, say, that the adjunct is one which is also unnecessary and I do not accept the amendment.

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

"That after clause 5 of the Bill, the following new clause be inserted :

'6. No prosecution shall be instituted under this Act except with the previous sanction in writing of the Local Government'."

The Assembly divided:

AYES—30.

Asaf Ali, Mr. M.
Ayyangar, Mr. M. Ananthasayanam.
Azhar Ali, Mr. Muhammad.
Chaliha Srijit Kuladhar.
Chattopadhyaya, Mr. Amarendra Nath
Chunder, Mr. N. C.
Das, Mr. B.
Das, Mr. Basanta Kumar.
Das, Pandit Nilakantha.
Datta, Mr. Akhil Chandra.
Deshmukh, Dr. G. V.
Essak Sait, Mr. H. A Sathar H.
Gauba, Mr. K. L.
Giri, Mr. V. V.

Gupta, Mr. Ghansham Singh.
Jogendra Singh, Sirdar.
Lahiri Chaudhury, Mr. D. K.
Lalchand Navalsai, Mr.
Laljee, Mr. Husenbhai Abdullahbhai
Maitra, Pandit Lakshmi Kanta.
Malaviya, Pandit Krishna Kant.
Mangal Singh, Sardar.
Murtuza Sahib Bahadur, Maulvi Syed.
Paliwal, Pandit Sri Krishna Dutta.
Parma Nand, Bhai.
Sant Singh, Sardar.
Shaukat Ali, Maulana.
Som, Mr. Suryya Kumar.
Umar Aly Shah, Mr.
Vissanji, Mr. Mathuradas.

NOES—50.

Abdullah, Mr. H. M.
Acott, Mr. A. S. V.
Ahmad Nawaz Khan, Major Nawab.
Allah Bakhsh Khan Tiwana, Khan Bahadur Nawab Malik.
Aminuddin, Mr. Saiyid.
Ayyar, Diwan Bahadur R. V. Krishna.
Ayyar, Rao Bahadur A. A. Venkatarama.
Bajpai, Sir Girja Shankar.
Bewoor, Mr. G. V.
Buss, Mr. L. C.
Craik, The Honourable Sir Henry.
Dalal, Dr. R. D.
Dash, Mr. A. J.
DeSouza, Dr. F. X.
Dow, Mr. H.
Ghiasuddin, Mr. M.
Ghuznavi, Sir Abdul Halim.
Gidney, Lt.-Col. Sir Henry.
Grigg, The Honourable Sir James.
Hands, Mr. A. S.
Hudson, Sir Leslie.
Hutton, Dr. J. H.
James, Mr. F. E.
Jawahar Singh, Sardar Bahadur Sardar Sir.
Jenkins, Mr. F. M.

Lal Chand, Captain Rao Bahadur Chaudhri.
Lindsay, Sir Darcy.
Lloyd, Mr. A. H.
MacDougall, Mr. R. M.
Mehar Shah, Nawab Sahibzada Sir Sayad Muhammad.
Metcalf, Sir Aubrey.
Milligan, Mr. J. A.
Morgan, Mr. G.
Muhammad Nauman, Mr.
Mukherjee, Rai Bahadur Sir Satya Charan.
Noyce, The Honourable Sir Frank.
Rajah, Rao Bahadur M. C.
Rau, Mr. P. R.
Roughton, Mr. N. J.
Sale, Mr. J. F.
Sarma, Mr. R. S.
Scott, Mr. J. Ramsay.
Sher Muhammad Khan, Captain Sardar.
Singh, Rai Bahadur Shyam Narayan.
Sircar, The Honourable Sir Nripendra.
Spence, Mr. G. H.
Tottenham, Mr. G. R. F.
Witherington, Mr. C. H.
Yamin Khan, Sir Muhammad.
Zafrullah Khan, The Honourable Sir Muhammad.

The motion was negatived.

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

"That clause 6 stand part of the Bill."

Mr. M. Ananthasayanam Ayyangar: (Sir, I beg to move:

"That clause 6 of the Bill be omitted."

Clause 6 reads as follows:

"The Governor General in Council may, by notification in the Gazette of India, declare that with effect from such date as may be specified in the notification this Act shall cease to be in operation and upon the issue of such notification this Act shall be deemed to be repealed on the date so specified."

Before this Bill was introduced, in November, 1935, an Ordinance was passed in terms of this Bill. Under the terms of this clause power is sought to be given to the Governor General to repeal this Act as and when he chooses. Thus this is another Ordinance which gives power to the Governor General over the head of the Legislative Assembly to repeal this Act and this Assembly's power is only a mockery.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member must not make that remark.

Mr. M. Ananthasayanam Ayyangar: What I mean to say is that by this provision the powers of the Assembly are sought to be made a mockery. It makes the power absolutely nugatory. I would point out that the work of repealing a measure is essentially the work of the Parliament and this Assembly. Let us not by any shifting of this responsibility give away the power of this Assembly to repeal a measure. If the Governor General and the Executive Council find that it is not necessary any longer to continue the provisions of this Act, they can certainly come to this Assembly and have this Act repealed. There is absolutely no difficulty. This Assembly would surely not be unreasonable, but will take all the relevant factors into consideration. I would, therefore, suggest that there is absolutely no need to have a provision of this kind.

There is another matter which I would like to place before the House. When the Ordinance was passed, this House was not in Session and this Bill has been brought before the House before the expiry of six months from the date of the promulgation of the Ordinance. I say this measure is absolutely tardy. It does not relieve the person whom it seeks to relieve nor does it impose a penalty against the person in respect of whom penalty is sought to be imposed. It does not really impose any penalty against the country which is the aggressor. Therefore this is an ineffective measure. We would like much more effective measures taken and before the Act is repealed, this Assembly has got a right to know whether it is being repealed prematurely. Why should we give up this right to decide what is really in the interests of the party for whom this Bill is going to be enacted in pursuance of the mandate of the League of Nations. Then there is another point and that is why should we give power to the executive over our head? In this connection I would like to point out that I have given notice of another amendment by which power is given to the Governor General to suspend the operation of the Act by means of a notification and then for bringing the matter for ratification later by the Legislative Assembly. This amendment gives ample power to the Viceroy to suspend the operation of the Act for a few months, so

[Mr. M. Ananthasayanam Ayyangar.]

that he can place the matter before the Assembly. In these circumstances I strongly urge that we should not give unconditional power to the Governor General to repeal this enactment.

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

"That clause 6 of the Bill be omitted."

The Honourable Sir James Grigg: I hesitate to give any further assurances to the Honourable Member but if he will accept an assurance, I can assure him that as far as I or the Government of India are concerned, we cannot conceive of any circumstances arising in which the Government of India will repeal this legislation except in the event of a decision by the League of Nations to remove the sanctions. On the other hand, if the League of Nations does decide to remove the sanctions then, if the Government of India retains them in operation, she is doing what is akin to an act of war against Italy. In point of fact the Honourable Member is unduly suspicious. If the League of Nations removes the sanctions, India has simply got to remove the sanctions unless she is prepared to go to war with Italy. As I say I cannot conceive of any circumstances in which India would remove the sanctions in advance of a general decision of the League of Nations to do so. That being so, there really is no latitude in the matter of action or inaction. When the League takes its decision, India simply follows suit and it is not a question of trying to remove this from the purview of the Legislature. It is much rather a question of preventing the coming to the Legislature merely to ask them to ratify what is a *fait accompli* and turn it into a ratifying machine without any discretion in the matter whatever. I submit that the second course would be much more derogatory to the dignity of this House than the course which we propose.

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

"That clause 6 of the Bill be omitted."

The motion was negatived.

Mr. M. Ananthasayanam Ayyangar: Sir, I move:

"That for clause 6 of the Bill, the following be substituted:

'7(a) The Governor General in Council may for sufficient cause suspend the operation of this Act, by a notification in the Gazette of India, from such date as may be specified in the notification.

(b) Such notification shall be subject to ratification by the Legislative Assembly."

I was speaking about the previous amendment, and I have already stated that both in the matter of the initiation of proceedings, as also . . .

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member need not repeat all those arguments.

Mr. M. Ananthasayanam Ayyangar: I have already stated the circumstances, and I would still say, that without hampering, without tying down the hands of the Governor General in case of an emergency, all the circumstances should be placed before the Assembly. Sir, this is an innocuous amendment, designed to put us in knowledge of all the circumstances under which action is sought to be taken by the Governor General. I would therefore say that it is really not derogatory either to the one or to the other; we simply want to be apprised of all the circumstances. Sir, I move.

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

"That for clause 6 of the Bill, the following be substituted:

"7(a) The Governor General in Council may for sufficient cause suspend the operation of this Act, by a notification in the Gazette of India, from such date as may be specified in the notification.

(b) Such notification shall be subject to ratification by the Legislative Assembly."

Mr. Lalchand Navalrai (Sind: Non-Muhammadan Rural): Sir, I wish to support this amendment. The issue involved in the last amendment that was placed before the House was whether delegation to the Governor General in Council should be made for terminating the operation of this Italian Loans Act. Now this amendment is still a more reasonable one than the other one concerning the question whether the delegation should be made to the Governor General in Council or whether the House should consider the termination of this Bill when it is brought up before them for that purpose. Now that first amendment was lost, but the present one is a more reasonable one and, I think, there is every reason for Government to accept this, because what is wanted is this. It is said that if the Government, at any time, were to make up their mind that there should be a termination of this Bill, then the Governor General in Council should issue a notification to that effect and, after issuing that notification, that matter should come before the House for consideration; and, after that consideration, if the House comes to the conclusion that the time has arrived when the termination should take place, it should do so, and not otherwise. Now why is it that it is proposed that Government should have executive power *in toto* to do anything that they would like to do, without consulting the House? Now, the reason given was that it would be the League of Nations that would first of all decide whether this Bill should remain on any longer or should be cancelled or brought to a termination. That is all right, if the League of Nations comes to that conclusion; may I ask what difficulty there will be to place that League of Nations' decision before this House to arrive at a conclusion whether in the interests of India or in any larger interest it would be right to act up to that? Well, there are many Conventions made by the League of Nations and the Government itself brings them before the House and proposes not to ratify them. In the like manner, similar questions may arise here also; and, therefore, to pass a Bill like this to give power into the hands of the executive, at this time, is wholly wrong, and I think it would be wise, instead of giving that power in advance, to act in another way,—to think coolly and considerably over it and to grant the powers as and when the necessity arises. The only thing that we want is that power should remain in the House and not that the powers should be delegated absolutely to the Governor General. In that view I support this amendment.

The Honourable Sir James Grigg: Sir, I was under the impression that we were discussing the two amendments taken together. I have, therefore, nothing to add to what I have already said on the previous occasion.

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

"That for clause 6 of the Bill, the following be substituted:

"7(a) The Governor General in Council may for sufficient cause suspend the operation of this Act, by a notification in the Gazette of India, from such date as may be specified in the notification.

(b) Such notification shall be subject to ratification by the Legislative Assembly."

The motion was negatived.

Clause 6 was added to the Bill.

Clause 1, and the Title and the Preamble were added to the Bill.

The Honourable Sir James Grigg: Sir, I beg to move:

"That the Bill be passed."

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

"That the Bill be passed."

Dr. Ziauddin Ahmad (United Provinces Southern Divisions: Muhammadan Rural): Sir, in a particular State, whose name I would not like to disclose, a fire broke out in an out-of-the-way country-place. The fire was very severe and the tehsildar of the place applied to the Finance Minister that money should be sanctioned in order that the fire could be extinguished. The budget for extinguishing the fire was sent to the budget officer and it was laid before the Legislative Assembly of that particular State in the form of a supplementary grant and there was a good deal of discussion on it whether the sum required for extinguishing the fire was sufficient, or whether it should be increased or diminished. Sir, this particular incident, real or imaginary whatever it may be, really reminds one of the present state of affairs. Here is a fight between Italy and poor Abyssinia which, before this Bill is put into operation, will probably be settled.

Now, the League of Nations is really in this case acting as the tehsildar who sent his estimates in order to extinguish the fire. We are now discussing that law; but before this law is enacted and applied, I fear the fate of Abyssinia will be the same as the fate of fire in this story. Now, really speaking, the League of Nations ought to have taken more quick action. What they ought to have said is, immediately they are unable to settle it, they should have left it to the States which have got interests in this particular war; but they have done neither the one nor the other, and I am afraid, by this Bill, we are not helping the issue at all,—that is, the fate as between Italy and Abyssinia. Now, the League of Nations, I think, should either justify its existence by being more practical, or they should announce very definitely that they are not in a position to solve the affairs and let the States look after themselves. Of course, the League of Nations has been described by one humorist as being really a pleasant club which people

may enter whenever they like and from which they may get away whenever it is convenient for them to do so. This has been happening time after time; and I think for any country to take such action on the advice of the League of Nations is really taking action on the advice of a Secretary of a Club which has no statutory position. I think if we had been left alone to ourselves and if only the Government of India would have issued a notice that everybody here was at liberty to volunteer himself, then probably we would have taken quicker action and probably helped Abyssinia in a more practical manner.

Pandit Krishna Kant Malaviya (Benares and Gorakhpur Divisions; Non-Muhammadan Rural): Do they really want to help Abyssinia?

Dr. Ziauddin Ahmad: That is a question which I would like the Honourable Member to reply. But, so my mind, the whole procedure is a very unsound one; it is really a waste of time, and indirectly it amounts to helping Italy, though it is intended really to help Abyssinia; by giving time, they are helping Italy, and the very object for which the whole enactment is intended is altogether lost. So, though I do not oppose the Bill, yet, at the same time, I should like to draw the attention of the House to the fact that the whole measure is practically futile, because, long before this Bill is placed on the Statute-book and any practical step is taken, the war will be over, and the drama is much like the story that I have just now related. I think the British Government and the Government of India should chalk out a more effective plan for settling this matter, and unless some of the bigger powers interest themselves in this matter and settle the affair, there is no chance of any settlement of the dispute, because Abyssinia is no match for Italy. Unless the stronger powers help Abyssinia, it is impossible for her to win the war. The League of Nations is intended to give help to the weaker nations. . . .

An Honourable Member: They do not do so in practice.

Dr. Ziauddin Ahmad: My Honourable friend doubts it. But the League of Nations claims to support the weaker nations. In fact, the League is not in a position to do so, as is evident from the present instance and from many other instances which happened in the past. I take this opportunity to emphasise the fact that the League of Nations is a very weak body. It is really a pleasant club, and the money we contribute to the upkeep of the League of Nations is, in not altogether a waste, at least an expenditure for which we do not derive as much benefit as we should. Several times, I pressed on the Government that we should have some time allotted to discuss the question of the League of Nations, but unfortunately no time was allotted either on the excuse that the Resolution was not balloted or perhaps they say that the Leaders do not demand such allotment of time. But the fact remains that for the last four years, time after time, I have been demanding for an opportunity to discuss the affairs of the League of Nations. This opportunity unfortunately was never given. Here is a particular Bill under which we take action under the direction of the League of Nations, but I submit the action we take now is a very weak one. The body under whose guidance we are taking this action is also a very weak body, and we should try to make that body either strong or leave it alone.

Dr. G. V. Deshmukh (Bombay City: Non-Muhammadan Urban): Sir, I hope I will not be misunderstood when I stand to oppose the passing of this measure. Sir, my position is this. I think there is no doubt, there can be no doubt in the minds of any that we have our fullest sympathies with Abyssinia, and if we could assist Abyssinia in any practical way, we would whole-heartedly do so. But, what is the position? I take it that this House has always prided itself that it is a practical House and that it is never carried away by sentiment and that it always looks at things from a useful and practical point of view. I want to consider this question from a practical point of view.

The question can be considered under two heads. We are supposed to be an independent signatory or an independent member of the League of Nations which was started for the preservation of the integrity of small nations and to help the smaller nations against the stronger. That is what I want to consider first from that point of view, and, secondly, I want to prove to the House that the voice that is rung out in the League of Nations as the voice of India is not the real voice of India, but that it is the voice commanded by a master, that is the British nation or England. Supposing we take the first line and I say that we are an independent member of the League of Nations, then what are the considerations? The considerations that I want to urge are these: supposing we pass this Bill, are we going to help Abyssinia in any way at all? A practical man, there cannot be any doubt that we cannot help Abyssinia. How is this Bill going to help Abyssinia? You may try to injure Italy, but that is not going to help Abyssinia. I have grave doubts whether this measure will help Abyssinia in any way. This is the same thing as what we heard during the time when we could not say 'boycott', you could say 'swadeshi'. This comes practically to the same thing. It only means that you are acting, at the present time, in a way which shows that you are trying to boycott Italy without actually engaging yourself in helping Abyssinia in any way. That is what it comes to. Therefore, I think the House will agree that by passing this measure, Abyssinia cannot be helped in any way. Supposing we were an independent nation and that we did pass a Bill of this kind, what would be the result? Let the previous history of this country give us the answer, previous history than which there cannot be any better example. We alienate ourselves against the Italians. What would be the result of this alienation of India against any other power? England has always used India as a pawn in the game to further her own self-interests. As soon as an agreement is reached between Italy and England, eventually, we are the people who will suffer and England will be safe. I will give the House one instance. When the war against the Boers in South Africa was first started, we were told that the Boers were treating Indians very badly and it was to enforce better treatment of Indians by the Boers, that the war was waged. When the war ended, and eventually South Africa became independent, what was the result? The Boers bore a grudge against the Indians for having rendered help to Britain during the war, and, eventually, it was not the British people who were put to any disadvantage in South Africa, but the whole force and momentum of hatred came against the Indians. I can assure the House that eventually the same position will arise now. By means of treaties, by means of negotiations and by means of talking round the green table, things will be so arranged that the only result will

so that England and Italy will again be good friends and that Italy will wreak her vengeance on India for having enacted measures of this sort. That is going to be the result. Logically again, if India as an independent member of the League of Nations follows the same line with regard to other affairs, what happens? Today it is the case of Abyssinia. Recently Germany marched into the Rhineland. Supposing the League of Nations tomorrow says that there should be a march of troops against Germany. Will the Government of India despatch troops from India to march against the Germans? India being an independent member of the League of Nations, the logical position would be that we should send an Indian regiment tomorrow to march into the Rhineland against Germany. On the other hand, when, the other day, a few questions were asked in this House as to what was the policy of the Government of India about the march of German troops into the Rhineland, we were told by the Foreign Secretary: "No, you cannot ask this question, because these matters relate to foreign affairs and so such questions cannot be asked". Well, Sir, I need not go so far as the Rhineland, but coming nearer home, in Asia, Japan took by force Manchukuo last year. What was the attitude of the League of Nations then? The League of Nations, perhaps very wisely, but I say, to the utter astonishment

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member cannot discuss the general question about the League of Nations. He must confine himself to the Bill before the House.

Dr. G. V. Deshmukh: With due apologies, I submit that I am confining myself to the subject matter of the Bill.

Mr. President (The Honourable Sir Abdur Rahim): But if the Honourable Member enters into a general discussion of the League of Nations, it is not relevant.

Dr. G. V. Deshmukh: I only want to point out that if India adopts a certain attitude with regard to this measure today, the same kind of action will be expected of her on future occasions.....

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member need not discuss all sorts of hypothetical questions.

Dr. G. V. Deshmukh: I am putting forward arguments to show what attitude India will have to take.....

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member must confine himself to the Bill before the House and not enter into a general discussion on the League of Nations.

Dr. G. V. Deshmukh: In pursuance of the obligations imposed on India as a signatory to the Covenant of the League of Nations, I take it that this position will repeatedly arise and my argument shortly is this: that if we take this step logically we may be compelled to take similar steps in the future which will land this country in trouble.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member's remarks must be relevant to the discussion on the present Bill.

Dr. G. V. Deshmukh: It is not in my nature to be irrelevant.

Then, Sir, what happened in the case of Japan? Japan usurped or took this province of Manchukuo from China for which there was absolutely no justification and which was against any kind of justice. What did the League of Nations do? The League of Nations did not move its little finger beyond appointing a small commission to go into it. Therefore, the question comes to this. Because we are supposed to be independent members of the League of Nations, is it incumbent upon us, in pursuance of whatever Article it may be, that we must necessarily do what the League of Nations asks us to do? This is the argument that I was driving at. Now what is our voice in the League of Nations? I do not want to say anything particularly hurtful, but I think, facts are facts and if you do not mention them on the floor of this House then I do not know where they are to be mentioned, because we are paying largely out of the revenues of India. We are about the third or fourth nation which pays enormously to the League of Nations.

Mr. President (The Honourable Sir Abdur Rahim): All these may be very interesting, but they really do not arise on this Bill. The question of India's representation on the League of Nations or what the League of Nations has been doing or may do cannot be discussed now. The Honourable Member must confine himself to the Bill.

Dr. G. V. Deshmukh: I am trying to develop the argument that the voice in the League of Nations is not our voice and cannot be our voice for reasons I am going to put forward. I would request you to be a little patient because I am of the opinion that this question is not a small question. Otherwise the Honourable Member opposite would have very well merely moved the Bill and we would have merely said: "We oppose".

Mr. President (The Honourable Sir Abdur Rahim): The Chair cannot allow any Honourable Member now to discuss generally the position of India in the League of Nations or whether the League of Nations is an effective body or not. The Chair cannot allow any such general discussion. The Honourable Member must confine himself to the Bill.

Dr. G. V. Deshmukh: Will you allow this kind of argument that the voice there cannot be the voice of India?

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member can state that and pass on to the Bill. But the Chair cannot allow any general discussion on the League of Nations and India's position in it.

Dr. G. V. Deshmukh: I am discussing our voice in the League of Nations.

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

Dr. G. V. Deshmukh: I will abide by your ruling, and I will try to keep any general discussion on the League of Nations as far out as I possibly can. Sir, these instructions from the League of Nations are nothing but instructions from the British Government. And, for this reason, that our representative in the League of Nations is not the representative of India. And he is not the representative of India, for this reason. There is no elective element in it. Whenever the foreign policy of a nation is to be considered, it is not as in the case of other nations or even in the case of the colonies that he takes the opinion of the Legislature or takes the opinion of the Leader of the Opposition, but he is asked to say a few things. He is asked to agree to whatever is told him, and, therefore, he has to say those things in the League of Nations. And, therefore, even if it comes from the League of Nations as the voice of India, it is absolutely necessary and incumbent upon us to see whether it is really the voice of India or not. Under the circumstances, I say that it is not the voice of India, because we are not consulted; the Leader of the Opposition is not consulted; I doubt very much whether even the Government of India are consulted. The High Commissioner is told to agree to certain things and on account of his position he has to agree to those things and that becomes the voice of India.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member can discuss the general features of the Bill. That is all that is open to discussion now.

Dr. G. V. Deshmukh: Sir, ever since I came to this House I have repeatedly heard that politics in modern days is nothing but economics; and, therefore, I want the House to look at this proposition from the economic point of view. India is a raw producing country. We are raw producers and we had a full-dress debate for more than three days so that we may have markets and we may have customers outside and the export trade of India may flourish. Now, Sir, Italy is one of our very good customers of raw produce. Do you want to alienate this good customer of ours by passing this futile kind of legislation which is not going to help Abyssinia in any way, which is after all our objective in whatever we do? I say that all that you will be doing is that you will be alienating a good customer and you will be losing a good market. Therefore from that point of view also I say that economically it is not a sound proposition. In my part of the country, in Gujrat, there is a saying that if a dwarf wants to walk along with a giant, either he will die or if he does not die at least he will get lame. Now, Sir, if India is made to walk along with England that is exactly the position that is going to occur. We cannot keep pace with England. England can have these sanctions, although England herself is frightened about applying those sanctions. There are the oil sanctions. Why have not the oil sanctions been applied? If all the European nations could have applied all the sanctions that were thought of by the League of Nations, this war could not have gone on even for a fortnight. And yet we hear and read from day to day in the papers that the oil sanctions are going to be applied. There was a meeting and a committee and all that, still even now we do not find the oil

[Dr. G. V. Deshmukh.]

sanctions applied. If a rich and industrial country like England, a country which has nothing to do with Italy as a customer, hesitates to apply these sanctions, why try to force them on a poor country like India to the great ruin of its trade and also of the sympathy that India is very much in need of from the foreign nations? Therefore, to say that we are applying these sanctions in pursuance of Regulation such and such of the League of Nations cannot and should not appeal to this House. After all, there are more powerful nations that do not apply the sanctions which they were morally bound to do. And now they want us to apply those sanctions; in other words, we are always used as pawns in the Imperial game. Whether it is trade or whether it is war, it is India and India alone that is used as a pawn in this Imperialistic game. If it is war, it is on account of Indians that are badly treated; therefore, the war should be fought out. If it is trade, the market of India should be thrown open to the colonies and the different nations so that they may grow to the advantage of England. This is so far as the sanctions are concerned. I have told you that the voice.....

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member need not repeat himself.

Dr. G. V. Deshmukh: I am not repeating anything. If your point is that I should not repeat anything that has been said here.....

Mr. President (The Honourable Sir Abdur Rahim): Certainly, the Honourable Member cannot go on repeating what has been said already in the House on this Bill. That is the Rule and Standing Order.

Dr. G. V. Deshmukh: Therefore, I would urge on this House to consider our position as producer of raw materials; consider the position that you will be in need of sympathy of all the nations, and it does us no good to alienate the sympathies of any other nation.

Now, only this morning, I read in the papers that the Negus was fed up with this League of Nations. I am sure he has not only voiced his own mind, but I am sure the mind of every Indian. We are not only fed up with this League of Nations, we are disgusted with this League of Nations. We are a subject nation, and, therefore, we certainly look to the League of Nations to safeguard our interests. Never have the interests of our nation been safeguarded; we have been made to go through all kinds of things which are not suitable and which are not advantageous to our country. Well, Sir, all I can urge on this House is "consider our position economically, consider our position as a nation which is in need of sympathy" and from all these points of view the Bill should be opposed and, therefore, I urge on this House to oppose the Bill.

Mr. G. H. Spence (Secretary, Legislative Department): I move that the question be now put.

Several Honourable Members from Official Benches: The question may now be put.

Mr. President (The Honourable Sir Abdur Rahim): The question is: "That the question be now put."

The Assembly divided:

Mr. D. K. Lahiri Chaudhury (Bengal: Landholders): Sir, I rise to a point of order.

Mr. President (The Honourable Sir Abdur Rahim): No point of order can be raised now. (After a pause.) What is the point of order?

Mr. D. K. Lahiri Chaudhury: I want your ruling on this point: it is the general custom, even in Parliament, that when a Member has entered a particular lobby for voting—by mistake or otherwise—and when he shouted his name to the teller, then the teller is bound to take down the name. When I entered the "Noes" Lobby, I found an Honourable Member shouting his name, but his name was not taken down

Mr. President (The Honourable Sir Abdur Rahim): What happened?

Mr. D. K. Lahiri Chaudhury: Then I insisted that the name having been shouted must be taken down in the list: then he objected and the name was not taken down: I want your ruling whether this sort of thing can be allowed. If he considered he had committed a mistake, he ought not to have shouted his name: but once his name having been shouted, it must be taken down then.

Mr. President (The Honourable Sir Abdur Rahim): Supposing he found out at the time that he had gone into the wrong lobby, does the Honourable Member mean to say that he must stick to it and the vote must be so recorded? The Chair wants to know first whether his vote was recorded at all?

Mr. D. K. Lahiri Chaudhury: His name was shouted: I expected it would be recorded.

Mr. President (The Honourable Sir Abdur Rahim): Was his vote recorded?

Mr. D. K. Lahiri Chaudhury: At his instigation, it was not recorded: I insisted it should be recorded, but that he might take objection later on if he wanted to do so

Mr. President (The Honourable Sir Abdur Rahim): Has the Honourable Member any precedent or authority for this?

Mr. D. K. Lahiri Chaudhury: Yes: so far as my recollection goes—and I have been here for the last nine years, and this is the tenth year—there was an occasion when the vote was taken on a very historical division on the Army (Amendment) Bill, and there was a tie and the tie was only known to the Members from going to different lobbies and calculating the numbers: objection was raised at that time that there was no partition wall and every Member could see everything, and since then the partition was raised

Mr. President (The Honourable Sir Abdur Rahim): That has nothing to do with it. Can the Honourable Member give any reference?

An Honourable Member: Who was the offending Member?

Mr. D. K. Lahiri Chaudhury: The Honourable Mr. Alla Bakh.

Mr. President (The Honourable Sir Abdur Rahim): As regards the point of order raised, there is a ruling which really goes even further; that is, a Member, who votes under a misapprehension, is entitled to have his vote corrected if he brings it to the notice of the Chair.

Mr. D. K. Lahiri Chaudhury: That is my point: he should have brought it to the notice of the Chair after his name had been taken down.

Mr. President (The Honourable Sir Abdur Rahim): The Chair overrules the point of order.

AYES—49.

Acott, Mr. A. S. V.
Ahmad Nawaz Khan, Major Nawab.
Allah Bakhsh Khan Tiwana, Khan Bahadur Nawab Malik.
Aminuddin, Mr. Saiyid.
Ayyar, Diwan Bahadur R. V. Krishna.
Ayyar, Rao Bahadur A. A. Venkata-rama.
Bajoria, Babu Baijnath.
Bajpai, Sir Girja Shankar.
Bewoor, Mr. G. V.
Bhagchand Soni, Rai Bahadur Seth.
Buss, Mr. L. C.
Craik, The Honourable Sir Henry.
Dalal, Dr. R. D.
Dash, Mr. A. J.
DeSouza, Dr. F. X.
Dow, Mr. H.
Ghuznavi, Sir Abdul Halim.
Grigg, The Honourable Sir James.
Hands, Mr. A. S.
Hudson, Sir Leslie.
Hutton, Dr. J. H.
James, Mr. F. E.
Jawahar Singh, Sardar Bahadur Sardar Sir.
Jenkins, Mr. E. M.
Lal Chand, Captain Rao Bahadur Chaudhri.

Leach, Mr. F. B.
Lindsay, Sir Darcy.
Lloyd, Mr. A. H.
MacDougall, Mr. R. M.
Mehr Shah, Nawab Sahibzada Sir Sayad Muhammad.
Metcalfe, Sir Aubrey.
Milligan, Mr. J. A.
Morgan, Mr. G.
Mukherjee, Rai Bahadur Sir Satya Charan.
Noyce, The Honourable Sir Frank Rajah, Rao Bahadur M. C.
Rau, Mr. P. R.
Roughton, Mr. N. J.
Sale, Mr. J. F.
Sarma, Mr. R. S.
Scott, Mr. J. Ramsay.
Sher Muhammad Khan, Captain Sardar.
Singh, Rai Bahadur Shyam Narayan.
Sinha, Raja Bahadur Harihar Prosad Narayan.
Sircar, The Honourable Sir Nripendra.
Spence, Mr. G. H.
Witherington, Mr. C. H.
Yamin Khan, Sir Muhammad.
Zafullah Khan, The Honourable Sir Muhammad.

NOES—35.

Asaf Ali, Mr. M.
Ayyangar, Mr. M. Ananthasayanam.
Azhar Ali, Mr. Muhammad.
Bhagavan Das, Dr.
Chaliha Srijut Kuladhar.
Chattopadhyaya, Mr. Amarendra Nath.
Chunder, Mr. N. C.
Das, Mr. Basanta Kumar.
Das, Pandit Nilakantha.
Datta, Mr. Akhil Chandra.
Deshmukh, Dr. G. V.
Eesak Sait, Mr. H. A. Sathar H. Giri, Mr. V. V.
Gupta, Mr. Ghanashiam Singh.
Hoemani, Mr. S. K.
Jehangir, Sir Cowasji.
Jogendra Singh, Sirdar.
Joshi, Mr. N. M.

Lahiri Chaudhury, Mr. D. K.
Lalchand Navalrai, Mr.
Laljee, Mr. Husenbhai Abdullabhar
Maitra, Pandit Lakshmi Kanta.
Malaviya, Pandit Krishna Kant.
Muhammad Ismail Khan, Hajj Chaudhury.
Murtuza Sahib Bahadur, Maulvi Syed.
Paliwal, Pandit Sri Krishna Dutta.
Parma Nand, Bhai.
Sant Singh, Sardar.
Shaukat Ali, Maulana.
Siddique Ali Khan, Khan Sahib Nawab.
Som, Mr. Suryya Kumar.
Thein Maung, Dr.
Umar Aly Shah, Mr.
Vissanji, Mr. Mathuradas.
Ziauddin Ahmad, Dr.

The motion was adopted.

The Honourable Sir James Grigg: Sir, I do not propose to detain the House for more than two minutes. Most of the discussion on this motion was, as you have ruled, beyond the scope of the Bill. All I need do, therefore, is to congratulate the Honourable Member who spoke last on his agility. He started off by voicing the sympathy of himself and his friends for Abyssinia. He ended up, after certain slight hesitations and tergiversations, by saying what an outrage it is that this great imperial power, Britain, should force this poor India into quarrelling with its best customer Italy. How on earth he reconciles these two positions I do not know; but that is the character of the debate we have had so far, and I do not think it is necessary to do more than merely point out that inconsistency.

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

"That the Bill be passed."

The Assembly divided:

AYES—59.

Abdullah, Mr. H. M.	Leach, Mr. F. B.
Acott, Mr. A. S. V.	Lindsay, Sir Darcy.
Ahmad Nawaz Khan, Major Nawab.	Lloyd, Mr. A. H.
Allah Bakhsh Khan Tiwana, Khan Bahadur Nawab Malik.	MacDougall, Mr. R. M.
Aminuddin, Mr. Saiyid.	Mehr Shah, Nawab Sahibzada Sir Sayad Muhammad.
Ayyar, Diwan Bahadur R. V. Krishna.	Metcalfe, Sir Aubrey.
Ayyar, Rao Bahadur A. A. Venkata- rama.	Milligan, Mr. J. A.
Azhar Ali, Mr. Muhammad.	Morgan, Mr. G.
Bajoria, Babu Baijnath.	Muhammad Ismail Khan, Haji Chaudhury.
Bajpai, Sir Girja Shankar.	Muhammad Nauman, Mr.
Bewoor, Mr. G. V.	Mukherjee, Rai Bahadur Sir Satya Charan.
Bhagchand Soni, Rai Bahadur Seth.	Noyce, The Honourable Sir Frank.
Buss, Mr. L. C.	Rajah, Rao Bahadur M. C.
Craik, The Honourable Sir Henry.	Rau, Mr. P. R.
Dalal, Dr. R. D.	Roughton, Mr. N. J.
Dash Mr. A. J.	Sale, Mr. J. F.
DeSouza, Dr. F. X.	Sarma, Mr. R. S.
Dow, Mr. H.	Scott, Mr. J. Ramsay.
Essak Sait, Mr. H. A. Sathar H.	Shaukat Ali, Maulana.
Ghuznavi, Sir Abdul Halim.	Sher Muhammad Khan, Captain Sardar.
Grigg, The Honourable Sir James.	Siddique Ali Khan, Khan Sahib Nawab.
Hands, Mr. A. S.	Singh, Rai Bahadur Shyam Narayan.
Hudson, Sir Leslie.	Sinha, Raja Bahadur Harihar Prosad Narayan.
Hutton, Dr. J. H.	Sircar, The Honourable Sir Nripendra.
James, Mr. F. E.	Spence, Mr. G. H.
Jawahar Singh, Sardar Bahadur Sardar Sir.	Witherington, Mr. C. H.
Jehangir, Sir Cowasji.	Yamin Khan, Sir Muhammad.
Jenkins, Mr. E. M.	Zafrullah Khan, The Honourable Sir Muhammad.
Joshi, Mr. N. M.	Ziauddin Ahmad, Dr.
Lal Chand, Captain Rao Bahadur Chaudhri.	

NOES—25.

Asaf Ali, Mr. M.
 Ayyanger, Mr. M. Anantha-
 sayanam.
 Bhagavan Das, Dr.
 Chaliha Srijut Kuladhar.
 Chattopadhyaya, Mr. Amarendra
 Nath.
 Chunder, Mr. N. C.
 Das, Mr. B.
 Das, Mr. Basanta Kumar.
 Das, Pandit Nilakantha.
 Datta, Mr. Akhil Chandra.
 Deshmukh, Dr. G. V.
 Giri, Mr. V. V.

Gupta, Mr. Ghansham Singh.
 Hosmani, Mr. S. K.
 Jogendra Singh, Sirdar.
 Lahiri Chaudhury, Mr. D. K.
 Lalchand Navalrai, Mr.
 Laljee, Mr. Husenbhai Abdullabhai.
 Maitra, Pandit Lakshmi Kanta.
 Malaviya, Pandit Krishna Kant.
 Paliwal, Pandit Sri Krishna Dutta.
 Parma Nand, Bhai.
 Sant Singh, Sardar.
 Som, Mr. Suryya Kumar.
 Thein Maung, Dr.

The motion was adopted.

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 Abdur Rahim) in the Chair.

THE SALT ADDITIONAL IMPORT DUTY (EXTENDING) BILL.

The Honourable Sir James Grigg (Finance Member): Sir, I beg to move:

"That the Bill further to extend the operation of the Salt (Additional Import Duty) Act, 1931, be taken into consideration."

I do not think that at this stage I need add more than a few words to the Statement of Objects and Reasons which sets out the considerations which have led the Government to adopt the present proposal, which is to reduce the duty from $2\frac{1}{2}$ annas to $1\frac{1}{2}$ annas but to extend the operation of the Bill, not by one year as on previous occasions, but by two. The Bill is obviously, on the face of it, a compromise between two opposing views,—the view represented by the consumers of Bengal and Bihar that the duty is completely unjustified and that it is an unnecessary burden on the people of those consuming provinces, and the view of the producers, the more important of which are not on the mainland of India at all but in Aden, that they are entitled to have such an amount of duty as will ensure their continued existence without reference to the consumers interests at all. As I say, the Bill is, on the face of it, a compromise between those two views, and like all compromises, it obviously is going to please neither side, and I should be very surprised if I do not get attacked on behalf of both sets of interests this afternoon. I am not very pleased with the compromise myself. It inclines, in my view, rather too much towards the producers' than towards the consumers' interests, and I do not disguise from the House that I do not feel comfortable about it. But there it is, it is the best that I can produce, the nearest approach of being fair all round, and, as such, I commend it to the House. I hope very sincerely that the House will accept the Bill for what it is, a compromise between two conflicting sets of interests, and a compromise which cannot be altered without raising considerations which I hope will not be raised at this particular juncture. Perhaps, I might add one other word. I have received this morning from the Indian

Salt Association, "An Appeal to the Government and Members of the Indian Legislature". I do not want to traverse the arguments used in that appeal. I would just like to explain to the House this, that the appeal reproduces in a tendencious and misleading way certain things which passed at interviews between the Association and myself as to which I received from the Association the most explicit assurances of confidentiality. Those reports have been reproduced, as I say; I do not wish to say more about it at the moment, but, of course, I reserve full freedom to traverse any use made of those statements. Sir, I move.

Sir Cowasji Jehangir (Bombay City: Non-Muhammadan Urban): Is that the one that we received this morning?

The Honourable Sir James Grigg: Yes.

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

"That the Bill further to extend the operation of the Salt (Additional Import Duty) Act, 1931, be taken into consideration."

Sir Abdul Halim Ghuznavi (Dacca cum Mymensingh: Muhammadan Rural): Mr. President, I beg to oppose this motion. It was really a surprise to me to find the Honourable the Finance Member coming before this House with this Bill extending the Act of 1931 for another two years.

An Honourable Member: Do you want a longer period?

Sir Abdul Halim Ghuznavi: I want it to be abolished at once. Let us see what the Honourable the Finance Member himself said about this Act last year when he made his budget speech. He said:

"The first of these is the additional import duty on salt. Personally, I am very doubtful whether this duty can ever achieve the purpose for which it was designed."

I am sure, he has been satisfied now that it has not achieved its purpose:

"I have moreover, a good deal of sympathy with the views which have in the past been expressed by the Honourable Members from Bengal, that an impost which has the effect of helping the producers at Aden at the expense of the consumers of Bengal is fundamentally unfair."

He says, Sir, that it is fundamentally unfair, and still he persists in inflicting that unfairness for another two years at any rate. Taking all these things into consideration, he said that he was disposed to think that the duty ought to be abolished at once. That was, Mr. President, last year. In the next year, what do we find? He comes with a Bill for extending that duty in a reduced form for another two years, which he thought in 1935 ought to be abolished at once.

He said:

"But, perhaps, that would have been a little harsh to the vested interests."

[Sir Abdul Halim Ghuznavi.]

Vested interests—not the interests of Indian salt making on the mainland of India, but vested interests of four persons in Aden, and one is not an Indian, but an Italian. The Finance Member is making a present of nearly Rs. 50 lakhs a year at least, if not more, which I shall be able to prove from these books, to that Italian firm at the cost of the Indian masses, particularly at the cost of Bengal, Bihar and . . .

Sir Cowasji Jehangir: Is it not a fact that in Bengal there are some salt works producing the same quality?

(Interruptions.)

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member may proceed with his own speech.

Sir Abdul Halim Ghuznavi: It is a fact. But if you go on interrupting I will go on for two hours.

Sir Cowasji Jehangir: I won't interrupt you. I won't do it again, I promise.

Sir Abdul Halim Ghuznavi: Here he said that it would be very harsh to the vested interests. It is the vested interests of four individuals in Aden which are in question. Till the 8th April this year, we, the Members from Bengal, judging from the statement made by the Honourable the Finance Member in his budget speech last year, thought that this duty was not going to be continued any further. What has happened since last year and this year? This pamphlet, which I have received this morning, has disclosed that the watchdogs of Bombay have been after the Finance Member since last December, and in February it appeared that they came again and tried to convince him that they ought to get an extension, and I then find that the Honourable the Finance Member is so afraid of the Bombay watchdogs that he gave in. It was his own conviction last year that it ought to be abolished at once. What made him change his attitude? What was behind this Bill when it was introduced in 1931? His predecessor, Sir George Schuster, on the 17th March, 1931, moved, in a halting speech, for leave to introduce this Bill. What did he say then? He said:

"I move for leave to introduce a Bill to impose a temporary additional duty (Mark the word 'temporary') of customs on foreign salt."

The temporary business of 1931 seems to me to be coming to be a permanent business in 1936, going on from year's end to year's end, and, after two years, perhaps the Honourable the Finance Member will come up with another Bill extending it for another three years. The background in 1931 for the introduction of this Bill was this. The Eastern provinces of Bengal, Assam, Bihar and Orissa had been unable to produce all the salt they required. Consequently, they had to depend on imported salt which averaged about five hundred thousand tons a year. Out of this, 180 thousand tons came from Aden. The Indian works at Karachi and Okha supplied only about 25,000 tons. The remaining 2,95,000 tons came from foreign sources abroad, such as Port Said, etc.

The Tariff Board, after examining the position, had come to the conclusion that, for the protection of 25,000 tons of Karachi and Okha salt, it was unreasonable to impose a burden on the Bengal consumer. If I am not correct, I hope my friend, Mr. Lloyd, would correct me,

Mr. A. H. Lloyd (Government of India: Nominated Official): Quite correct.

Sir Abdul Halim Ghuznavi: and they were uncertain whether the imposition of this duty would so expand Indian salt works as to enable them to supply, within a reasonable time, the major part of the requirements of the Bengal market. That was the main reason for the introduction of this Bill in 1931. That was one of the main justifications of this protective duty as laid down by the Fiscal Commission. A special Committee was then appointed by this Honourable House, and they reported that, within the next five or six years, the Indian sources of supply could be expected to produce about 50,000 tons more. It was also reported that the Railway Administration had undertaken to transport salt from Khewra and other Northern Indian sources to the Bengal market at a rate which would be economical for the Bengal consumer. Let us see if that object has been achieved. This was the back ground for this piece of legislation which is now before the House, this piece of temporary legislation, as we were told in 1931. When the special Committee was meeting, a serious emergency had arisen in the salt market in Bengal. The price of foreign imported salt, which had been Rs. 56 per hundred maunds at the time of the Tariff Board's report, came down to Rs. 36 per hundred maunds, which was rather alarming for the salt industry in India. That is what made the Committee to make that recommendation. They thought, therefore, that some emergency measure was called for and the temporary additional duty of 4½ annas per maund was imposed, but, since the introduction of this so-called protective measure, the position has become different to what had been intended. Although the foreign sources have been successfully kept out, the gap has been filled up by largely increased imports from Aden, not from India and by a very small increase from the mainland sources. Five years have gone by since the introduction of this measure, and the Bengal market is being dominated today by four Aden firms. From about 1,50,000 tons of salt which used to be imported from Aden, Aden has increased to about three lakhs of tons, while the mainland sources, for which really this protective duty was imposed, has sent to Bengal under a hundred thousand tons. This is the position. You are putting into the pocket of an Italian firm half a crore.

An Honourable Member: You want it to go to Lancashire?

Sir Abdul Halim Ghuznavi: I want to give it to India. Lancashire does not send any salt at all. Sir, who are these salt manufacturers in Aden? Three of them are Indians and one is an Italian. I will read one passage from the speech of Mr. C. C. Biswas, who was then a Member of this Honourable House and who opposed this Bill at that time.

An Honourable Member: Who is he?

Sir Abdul Halim Ghuznavi: You are surprised to hear his name? Well, he read out before this Honourable House a Resolution which was passed by the Bengal Legislative Council to show that they did not want this duty to be imposed and then he informed this House that "out of the four concerns, the Italian concern is the oldest and the biggest of them all, and is big enough to swallow up the other three; as a matter of fact, the output of the Italian concern is greater by several thousands of tons than the total output of the three Indian concerns put together".

An Honourable Member: That is not a fact.

Sir Abdul Halim Ghuznavi: From records, I have now got in my possession, I can show that it is a fact. An Honourable Member shouted "twenty times more"—that was in 1931.

Mr. Akhil Chandra Datta (Chittagong and Rajshahi Divisions: Non-Muhammadan Rural): What is the date of that speech?

Sir Abdul Halim Ghuznavi: 20th March, 1931, in Volume IV of the Legislative Assembly Debates.

Sir, just see what is the position today. Mr. C. C. Biswas, in his speech in 1931, informed this Honourable House that when in 1931, the import from Aden was a lakh and fifty thousand tons, the Italian firm was making Rs. 35 lakhs, that is the present that was being given to them by this duty. Now, what is the Italian firm getting today when that import has been increased to three lakhs of tons? And still from a pamphlet which we have received today and also from cuttings from the *Bombay Chronicle* we are told that the consumers have not to pay, that it does not come out of the pockets of the consumers, and that, after the imposition of this duty, the prices in Bengal have been much cheaper than before the imposition of this duty. Sir, I disagree with that, as any economist would disagree, and I will just read one passage from a speech of Prof. H. L. Dey of the Dacca University. "Protection"—he said—"is the legalised method of transferring crores of rupees to a section of the people at the cost of the masses." (*The Honourable Sir James Grigg:* "Hear, hear")—and this is protection for a section of the people, viz., three Indian firms and one Italian firm! The benefit of the protection that we are giving goes to producers of salt, not from the main land sources, but from Aden which is not India any longer, and practically we are giving three-fourths of this benefit to an Italian firm, and only this morning the Honourable the Finance Member had his Bill passed, with regard to sanctions. "Protection", said Prof. Dey, "after all taxed the consumers and brought profits to the few producers and was given to cover inefficiency and stagnation. (Hear, hear.) Moreover, once given, there was no prospect that it would ever come to an end" (Hear, hear),—and this is the position. Every year, year in and year out, we are having some protective Bills coming on giving protection to the extent of one hundred and two hundred per cent., and we will shortly have Bills coming on granting three hundred per cent. protection. Sir, what is the result of protection as it affects the millions of poor consumers in this country? Prof. Dey, in addressing the Bengal National Chamber of Commerce, said what I have already quoted, and he is the Professor of Economics in the University of Dacca. His remarks are very significant and

thought-provoking. Sir, I hope I have been able to show that this protective duty on salt has not in the least helped the main-land sources of the salt industry. (Interruptions.) By shouting several times, you do not make your case stronger. Sir, I have been able to show that it has only hepled the four gentlemen, and here is a cartoon showing who are these four gentlemen who have been benefited. (Exhibit.)

An Honourable Member: Sir, that must be laid on the Table of the House.

Another Honourable Member: No exhibits.

Sir Abdul Halim Ghuznavi: Sir, this exhibit shows one Italian, one Parsi and two Mussalmans. The Italian, as you will see, is the heaviest, and this will show who are being benefited by this protection. (Voices: "Lay it on the table.") That shows where the money goes, and how the money goes.

An Honourable Member: What is the paper you have got hold of?

Sir Abdul Halim Ghuznavi: "The Indian Salt Industry and the Aden Menace—Some Birds-Eye Views by the Karachi Salt Asscciation". It does not come from Government sources, or from the Liverpool salt sources, but from a Karachi source

Mr. Lalchand Navalrai (Sind: Non-Muhammadan Rural): How is it that the Karachi people have sent this to you?

Sir Abdul Halim Ghuznavi: Because they know they have got a champion of the interests of the poor consumers here. (Ironical Cheers). Sir, we have something here from a pamphlet which we received from Bombay this morning showing who will benefit if this salt duty is imposed . . .

An Honourable Member: Because we all know that you will support the consumers as you have been supporting them . . .

Sir Abdul Halim Ghuznavi: You do not look to the consumers' interests, but you look to the interests of those gentlemen.

Sir, the whole question is this. Bengal imports 5½ lakhs of tons and
 3 P.M. Aden wants to capture the whole market. Aden wants protection against foreign salt to make additional profit. The Tariff Board reported that Aden has been able to compete with foreign salt without the aid of protection, and that, in fact, Aden needs no protection at all. Still the predecessor of the present Finance Member thought that a little protection was needed, and that that protection was needed in the interests of mainland sources. But, during the last five or six years, we find that the mainland sources have not gained anything at all. I have got literature on this subject in my house to show that the mainland sources have not been benefited at all. Whatever benefit was intended for the mainland sources is taken away by Aden.

Pandit Krishna Kant Malaviya (Benares and Gorakhpur Divisions: Non-Muhammadan Rural): On a point of information, Sir

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member should not interrupt now. If he wants to say anything, he will have an opportunity to do so.

Pandit Krishna Kant Malaviya: I only want some information.

Mr. President (The Honourable Sir Abdur Rahim): The Honourable Member is not giving way.

Sir Abdul Halim Ghuznavi: If once this duty is taken away, it will be only then that the mainland sources will be helped, and not otherwise. It is proposed to transfer Aden to the control of England direct, and, therefore, it is not fair to treat Aden as part of India. So long as you keep this protective duty and give protection to Aden, the mainland sources are not able to compete in Bengal market with Aden salt. Khewra salt is not able to compete with Aden salt. The Government, by their protective measures, are only helping Aden as against the mainland sources. Eliminate Aden from this protection, levy a duty on all foreign salt, then I have no objection. My only objection is that you are protecting Aden as against the mainland sources. Exclude Aden from this protection of 2½ annas, so that the mainland sources may be able to capture the Bengal market. Without that, they will never be able to capture the Bengal market, and Aden will continue to take away all the profits from Bengal. If you keep this duty after excluding Aden, I shall be the first to support this measure.

Mr. Husenbhai Abdullabhai Laljee (Bombay Central Division: Muhammadan Rural): What about the protection advocated by the Professor referred to by you?

Sir Abdul Halim Ghuznavi: Aden is not my neighbour. I have mainly to look to the mainland sources. The Tariff Board Report and the Central Board of Revenue wanted the mainland sources to be self-sufficient, so that, at any moment, in case of war, India could produce salt for her consumption, and that she might not be dependent upon foreign salt for her needs. So long as you give the benefit of this protection to Aden, the mainland sources will not be able to compete in the Bengal market. Sir, I oppose this motion.

Mr. Husenbhai Abdullabhai Laljee: Sir, before I speak on the Bill, I do wish to acknowledge that, as manufacturers, we have had two opportunities of meeting the Honourable the Finance Member and we do feel, Sir, that our case has been very carefully considered by the Honourable the Finance Member. With regard to the reference he made to this leaflet and to certain passages that appeared there, I do beg to express openly that I am really very sorry that some passages have crept in there which ought not to have been there. After saying this, I do wish to point out that in introducing this measure, I feel that the Honourable the Finance Member has generally done a duty by the country. When I say that I do mean to say that every civilized country is out, for years together, for protection to its own industries and if you have not done that up till now in right earnest, you have not done your duty. It is no use now at

this time of the day to say that we do not need protection. My Honourable friend, Sir Abdul Halim Ghuznavi, just now quoted a certain professor with regard to protection, but within a few minutes he had to come back again and say that he had no objection to the grant of protection to the mainland sources. At least so far as that is concerned, he has had to accede within fifteen minutes. Now with regard to the benefits of protection and the employment that it gives and the drain that it stops and the industry it creates in the country for being self-sufficient, these are subjects on which everybody has read a good deal and I do not wish to dilate on this subject, but it is certain that so far as this country is concerned, we are very backward in that respect. I can give you one instance. Only last year, when I had the privilege of attending the International Labour Conference, I had to make that point clear that every country was demanding employment for its unemployed and demanded and desired that in countries like India, they should be given some room and I said, we had much more unemployment because we were not developing our industries as we ought to. What the effect was that the Honourable Sir Joseph Bore, then representing the Government, immediately jumped to his feet and said: "we are doing everything that other nations are doing, and, as an example, we have created the Tariff Board". I do not now wish to go into that aspect of the question. We know very well how long it takes for a matter to refer to the Tariff Board, and how long it takes for the Tariff Board to enquire into that matter and submit its report, and how long it takes for us to move in the matter. That is another question on which I do not wish to take up the time of the House. But this is certain, that so far as the salt industry is concerned, all that is needed has been carried out by this industry and in the face of what we have been hearing from my Honourable friend, Sir Abdul Halim Ghuznavi, and others, and in the face of the fact that protection was given from year to year, I trust that even the Honourable the Finance Member will admit that it does not help the industry to flourish as it ought to. Take the instance of the salt industry. Right from 1873, the Province of Bengal has been supplied with foreign salt to the tune of nearly 500,000 tons and no attempt seems to have been made to replace this foreign salt right up to 1908. Now, what was the salt that was coming in? What was the price that we were paying? That is the most important question that we have to look into. The price that we were paying was always over Rs. 66 per hundred maunds. The salt that came was not only from Liverpool, but it came from other places, such as Hamburg, the Spanish Port Said and even Maussa in Arabia and a little bit from Aden. My Honourable friend, Sir Abdul Halim Ghuznavi, has no objection perhaps to all the salt that comes from Hamburg, from Liverpool and other places and he would gladly pay Rs. 66 per hundred maunds, but he would object to salt coming from Aden. The price of salt was Rs. 66 per hundred maunds right up to the time when protection was granted, that is up to 1931, and we were paying such a heavy price as Rs. 66 per hundred maunds, while at present it is Rs. 50 which is not more than in any part of India.

The Honourable Sir James Grigg: His own pamphlet gives the figures for 1909, as Rs. 40 per hundred maunds.

Mr. Husenbhai Abdullahai Laffee: That is where I came in. I cannot forget that.

[Mr. Husenbhai Abdullabhai Laljee.]

Well, Sir, here is a table right up to 1907. The prices were high. In 1908 and 1909 the prices came down, for a short period, to Rs. 40 and Rs. 30. I did not wish to go into these things in detail, but I cannot now keep back reading from the Tariff Board Report, a fact which my Honourable friend, the Finance Member, and Sir Abdul Halim Ghuznavi, will have to consider very carefully. It is a fact that right up to 1908 the salt supplied to Bengal was from foreign sources and, as I have said, the prices have been always above Rs. 66. The procedure that was adopted whenever a new salt came was as is given in the Tariff Board Report, page 11.

"The first of these is the tenacity with which the manufacturers supplying the Calcutta market have clung to that market and attempted to exclude all new-comers. In fact it would appear that the intrusion of any new manufacturer has been the signal for a price war. At the end of 1911 when the Indo-Aden Salt Works"

Those are the works which we built in 1908 and 1909. The first shipment that arrived was a small shipment in 1908-09. Our regular shipments started in 1911:

" At the end of 1911 when the Indo-Aden Salt Works first commenced to import, the price of Liverpool salt which had previously stood at Rs. 71 was at once reduced to Rs. 41."

I do not wish to read further, but I will read the report of the Collector of Customs appearing in the Tariff Board Report:

"The Collector of Customs reports that a combine was formed with the object of maintaining prices at a high level and of obviating the cutting of rates to which competition gives rise. The result was that prices ruled high and there was a temporary holding off of purchasers until more normal conditions occurred. In December 1911 an importation of Aden salt was introduced into the market and the combine was forced to lower its prices in its endeavour to exclude the intruder. Liverpool, Hamburg and Saliff salt dropped as much as Rs. 30 per 100 mounds."

After that, what do we find? Coming to the facts as they appear since the Tariff Board report was made, the price that was fixed was Rs. 66. Of course, at that time, the prices were put down at Rs. 66 because of the high freight rate and which was the price at which Bengal got its salt. Later on, when the freight rates went down, the price was brought down to Rs. 56 and recently the price has been brought down to Rs. 50. Now, Sir, the value of the salt, less the freight coming into the whole of Bengal, is something like 35 lakhs of rupees. I ask my Honourable friend there, how did the Italian salt works make 50 lakhs of rupees, when the value of salt coming into Bengal, i.e., 550,000 tons, was not more than 35 lakhs? And probably in 550,000 tons there was more than half the quantity of salt that came from outside to Aden. The quantity that Aden brought was between two lakhs 50 thousand and three lakhs and the value, as such, would not be more than 24 lakhs, while the profit of one Italian company was said to be 50 lakhs. I will take it further. The three other Indian salt works had produced, according to Government reports, one lakh and 60 thousand tons, while the Italians produced one lakh and 20 thousand tons. That is 40,000 tons more. And here was a statement made that the Italians produced thousands of tons more than all the three

works put together. Then, Sir, the value of this 120,000 tons of Italian salt would be something like seven or eight lakhs of rupees, and still my friend will say the Italians were making a profit of 50 lakhs! I do not know whether I should take him any further. When the value of the salt, all told, was only 35 lakhs, when the value of the Aden salt was never more than 21 lakhs and the value of the Italian salt was never more than eight lakhs, I do not know how the figure of 50 lakhs came in. I am sure that is sufficient for my Honourable friend to digest his figures and will not make such statements here. I believe, Sir, such were the figures even quoted in the Bengal Legislative Council.

Now, Sir, take the present question. At the present moment the quantity that is imported into British India comprises nearly 50 per cent. of Indian salt and 50 per cent. from Aden; and each of them has made, since the last two years, a point that neither Aden nor India will bring more than that. And neither has brought more than that. In fact, at the present moment, the consumption is something like five lakhs and 50 thousand,--2½ lakhs is got from India, 2½ lakhs from Aden, and 50,000 tons come from Hamburg or Liverpool, a special quality of salt. When I say it is a special quality of salt let me explain that also. So far as the salt made in India and Aden is concerned, it is pure white salt only, it is not so finely ground as Liverpool salt and not so very dry. That is only the difference. Up to now the thing is that there is a certain class of people who have taken to this fine salt, and this fine salt does find a market to the tune of 40 to 50 thousand tons. That is the real position. The Indo-Aden salt is the quality that is mostly required by Bengal.

Now, with regard to protection, I beg to point out that there has always been an impression, in this House as well as outside, that the protection given to the salt industry is at the cost of the consumer. It is a fact that the Tariff Board has found that the economic cost of the production of salt is about Rs. 45 at the present rate of freight. If Rs. 47 to 48 is the price then I ask in all seriousness whether Rs. 2 to 3 per 100 maunds that is given is a big margin for an industry. And, furthermore, it is also a fact that none of the old foreign works is able to produce its salt at less than Rs. 45. Of course they have at times sold at Rs. 35 and they may sell at Rs. 30 but that would be temporary and it must be temporary. The argument that will be advanced is, how long are they going to suffer losses? But, Sir, they know very well that we are still infants, we have no reserve, we have no protection. We have got protection year by year, and nobody wants to advance to an industry which has no security and no future. Foreigners are very clever and they will not fail to take full advantage of this position specially when we are becoming self-sufficient. On the other hand, they have been in the market for 30 and 40 years, they have got reserves and they know very well that before they go out it is certain we will be wiped out. I assure the Finance Member that, if he can tell me that he will stop foreign salt selling under economic prices, I do not want this protection. It does not help me except to keep out the foreigner which I claim I am entitled to.

An Honourable Member: Hear, hear.

Mr. Husenbhai Abdullabhai Laljee: You have fixed the maximum price and I cannot sell at more than Rs. 50, this sort of protection is not the protection that is given to all the other industries. In the other industries to which protection is given, the manufacturers can sell at market

[Mr. Husenbhai Abdullahhai Laljee.]

rate, but I cannot sell at the market rate, that is, even if I am offered Rs. 52, I can't. This is the important difference. You have laid down, after careful study, at what price salt could be available, and after that you have fixed the price. You have bound me down and then also to say that protection is going against the consumers' interests is not fair. Do not fix the maximum price, give me protection, and then, I will certainly make up something and lay by something. What do I demand? I say 'you are quite right and fair'—when you fix minimum price for selling I do not want to be unreasonable—I want you to fix the maximum price, you have done it and now you give me a fair return.' Further, what I want is a duty against foreign imports. If foreign imports do not come, that would not be a burden on the consumer at all; and if you say that foreign imports could *bona fide* come cheaper than our salt and, therefore, the consumer will be burdened to some extent, then I say this is not a fact and not at all possible. The only thing you will do by reducing the import duty will be to destroy the industry which has produced 500,000 tons and to allow the foreigner to attempt to capture the Indian market once again. There was an attempt made by the Italian works to sell at Rs. 30 and Rs. 35. We all know very well that many of these works have been built with foreign Government capital, and are not at all individual ones. In fact, those works were created by those Governments and, it has been to their interests to keep up the imports into India for various reasons. Why was it—I ask a simple question—that up to 1933 the Liverpool salt that used to come to the tune of 45,000 to 50,000 tons, that last year it has come down to 3,000 tons, and Hamburg has gone up in its place to 45,000? It is because the German Government started giving very heavy subsidies for their exports; they are not going to give always, but they can give up to the time when they see that we are no more, and again make money. Therefore, I ask, "when the industry is able to give salt at a reasonable price, a price at which salt is sold all over India, why do you want to allow foreigners to come in?" Why do you give a loophole, why do you keep the door wider open to tempt them to come to your country? That is all that I want. When the duty was put at $4\frac{1}{2}$ annas, with one anna extra provided by the Government, even then, foreign-dumping could not be entirely prevented. At $2\frac{1}{2}$ annas, it comes to about Rs. 15. There was a time when Government provided a wall of Rs. 30, and rightly too, to discourage foreigners to attempt to dump the markets, but, that has been further now reduced to $1\frac{1}{2}$ annas, or say about Rs. 9-6-0 and therefore there is every likelihood of foreigners attempting to dump their salt. At the rate of $4\frac{1}{2}$ annas duty it may be said that if all salt which came to Bengal paid duty at $4\frac{1}{2}$ annas, it may come to a very big figure, but the fact is Bengal is not paying any duty on salt coming from Aden and India, so there is no burden whatsoever—far less 50 lakhs or so.

Sir Abdul Halim Ghusnavi: The Honourable Member is making a mistake. I was quoting Mr. C. C. Biswas. He said:

"I shall have occasion to point out that the result of the import duty which is now going to be levied will be to put about Rs. 35 lakhs into the pockets of the Italian people."

I suppose he calculated the duty at $4\frac{1}{2}$ annas which he said would be the tax on Aden Italian salt.

Mr. Husenbhai Abdullabhai Laljee: That is exactly what I am saying. They have calculated the duty, but all that salt has not to pay duty. It has been selling at Rs. 50, and the amount of duty is only a wall. If foreign salt came, then only Bengal would have to pay that duty. But I do wish that Government would still consider, with $1\frac{1}{2}$ annas, and one anna in case of emergency, would it not be fair that they should give us something more as that would not be burden on the consumer, but will only show to the foreigners that there is a wall which Government will make use of in case they attempt to dump. That is my whole object. If the Finance Member would assure me about that—and I am sure he would do it—then I am content, that is that in case of foreign salt attempted to be dumped, he will not only use, that one anna, but add something more, because, Sir, we have found instances when at Rs. 28 Italian salt has been dumped. Therefore, our fear is that with this $1\frac{1}{2}$ annas and one anna emergency, the Italians will try to dump for a year or two within which time we will be ruined. The duty, whether you put it at one anna, two annas or three annas, does not bring me a farthing, it is only a bar against the foreign import. My submission is that if the Finance Member thinks that with $2\frac{1}{2}$ annas he will be able to stop any raid by foreign importers, I have no objection, but as an experienced man and a man who has been in the trade for 24 years, I say, that the foreign interests are very strong. Not only are they strong, but a foreign Government, like the Italian Government, is bent upon—not for the reason of salt trade but for various other reasons—bringing their salt into India. You will see that in the Red Sea not only have Italians made salt works, but even the French have made salt works at Djoubti, and it is since the import duty has been levied, these works have stopped, but they have not been destroyed. They have been kept up always in the hope that because the protection is being extended, from year to year, it may stop at some time, and they may flood the market again. I would not mind even if they flood the market, but sure enough when it is a fact that they cannot produce at less than 50, you cannot expect these people to be so charitable as to come to Bengal on a loss for ever. The only conclusion is that they will continue to dump the market for two or three years and as soon as we are ruined, they will again take to 66, 86, and 126. I, therefore, suggest that the Honourable the Finance Member will kindly consider this aspect of the question seriously and tell us if he thinks with his expert knowledge that the duty proposed will be sufficient to meet the foreign competition. I have my doubts and I wish to be assured on that point before I could really agree to it.

Sir Cowasji Jehangir: If it is not, what is your suggestion for the future?

Mr. Husenbhai Abdullabhai Laljee: There could be only one thing, and that is, that we have spent money, we shall try to stand against competition and be ruined as many of our industries have been, unless Government make adequate provision against foreign dumping.

Coming to Aden itself, I do not know why my friend from Bengal should have anything to say against Aden. For years together we have been talking about finding market for our raw agricultural produces but we are not doing anything and, therefore, we could not get a sufficient

[Mr. Husenbhai Abdullahbhai Laljee.]

return. Aden is one of our centres that has been consuming for sixty years. Bengal rice. Now Burma rice has gone to Jeddah, to Hedjaz, to Iraq, but, still, Arabia with the centre at Aden has been consuming *balam* and *Radi* rice of Bengal and this is a trade which is carried on by Indians. I ask, Sir Abdul Halim Ghuznavi, in all earnestness, where else does he find a market for his own cultivators except in Aden? Or does he want us to go on importing Rangoon rice and destroy the whole crop of *balam* rice?

Sir Abdul Halim Ghuznavi: My friend betrays colossal ignorance of the Bengal market.

Mr. Husenbhai Abdullahbhai Laljee: I have got a firm for 40 years in Aden and we have got returns from the Aden Chamber of Commerce: we have got returns from the Aden Port Trust and from the Government customs house which go to show that the balance of trade in favour of Aden against us is 50 per cent. or more; and instead of encouraging Aden to buy more and more here is a gentleman who says, "We do not want to touch Aden? I hope those people are not much darker than my friend or myself (Laughter)."

Sir Abdul Halim Ghuznavi: I never said that.

Mr. Husenbhai Abdullahbhai Laljee: They are of the same religion as myself and my friend: they are consuming much more of our produce and they are entitled to ask that their salt should be favoured; they are working 12 hours under the sun producing the salt, the same as you are working 12 hours in the fields and selling your rice to them. You send rice and they send you salt, but they take 50 per cent. more value and still you say, "Oh, no: we do not want Aden: we will not touch it." Why? Because there is that Italian firm there? I cannot go into that question now: it is a far bigger question and I could talk on it for a very long time about the position of foreigners in this country. I will not go into it at present; but I do feel, as much as my friend feels, that the Italians should take so much out of this business out of us; but, all the same, they will remain there as long as the present constitution and things go on: they will continue to be there and you cannot do away with Aden salt merely because of this. We shall be very happy if you can against all foreigners, but you cannot do it because not much of discrimination is allowed in this country alone. Therefore, it is no use saying that there is an Italian firm there as against the three Indian firms; but look at the fact that in Aden, it is your own people who have been there: you have been requiring Aden: when you were separating Aden the other day, we were crying that we had captured that country and we had civilised it and we looked after it for 90 years: we wept and said, "please do not take it away". We were given assurances, in this House, by the British Government that we will not make discrimination; but here comes our own man and says, "Aden is out. They are not our brethren". That is the treatment that he wants us to give. Any Indian outside India is not an Indian! Does he cease to be an Indian when he is out? Does it lie in the mouth of anybody in India, whether he be an Indian or a

foreigner to say that the interests of Indians outside India are not the interests of India, that he shall be a party to create discrimination or any difference whatsoever? Great wars have been fought for this reason and this reason alone: if any people were ill-treated in foreign countries great wars followed. But what is our misfortune? Our own brethren, outside India, are treated most miserably, and here is my friend who says, "Though Aden has been with you for 90 years but now it has been separated, therefore, you do not touch the people there", as if they were devils or some bodies from hell with which one should have nothing to do.

This is a thing about which the less said the better: I do feel this: I never wanted to go into these matters had it not been for my friend who said that in extending this Bill the Honourable the Finance Member has done dis-service to the country. I do feel, that in extending this Act for a period of two years at a time, he has shown more interest than formerly used to be the case, when it was renewed from year to year. If you see carefully, you will find that protection was never granted for less than three or five years. However, we are beggars: we accept little mercies and gratefully acknowledge them: we only say if you could extend it for three years we shall be only too glad. Unfortunately this is our position as we are placed.

An Honourable Member: Ask for five years.

Mr. Husenbhai Abdullabhai Laljee: But it is not in your hand or my hand to give it. I should honestly say that as it is entirely in the hands of the Government we shall certainly have to leave it there. I shall request my friends here to realise the facts and I have to leave it to the Government to do the best they can possibly do in this matter. With these words, I congratulate the Honourable the Finance Member for introducing at least this period of two years.

Mr. G. Morgan (Bengal: European): Sir, my Honourable friend, Sir Abdul Halim Ghuznavi and my friend, Mr. Husenbhai Laljee, have gone over the history of this salt additional duty case so fully and entered into so many details that I do not propose to follow in their footsteps. As one who has opposed the salt additional duty from 1931 up to date, I still oppose this Bill. Bengal has always opposed this Bill, but I do so this year with less emphasis than I have been doing in the past. The reduction of the rate of duty mitigates the blow; but one thing I should have liked to have seen would have been the reduction of the purchasing price of Government from 50 to 45 rupees. Ever since the duty was brought in, we have known that the purchasing prices put down were far too high, and when my friends in the salt producing parts of India and Aden talk about not having been in a position to build up reserves and make profits because of this year to year business, I ask them what they have done with all the money that they got when salt was 66 when it should have been 45 at the outside

Sir Abdul Halim Ghuznavi: It was also 100 rupees.

Mr. G. Morgan: . . . never mind what it was before, when my friend was selling in 1911 after it went to high prices: but the fact remains that since this additional duty was brought in, the producers have made very handsome profits indeed; and the rate of duty which was brought in originally at 4a. 6p. with a 66 rupees selling price, and the rate of duty at 2a. 6p. with 50 rupees selling price—the lower duty made the selling price for foreign imports much less than that at which Government imported when the duty was 4a. 6p. In my opinion when we first of all reduced the selling price to 50 rupees, we ought also to have brought in this 1a. 6p. rate; and now I am glad to see the Honourable the Finance Member has done so in this Bill. My Honourable friend, Mr. Laljee, talked a good deal about foreign salt producers dumping. They have not dumped for the last two years: the selling price for foreign salt less the duty has been more or less consistent since the duty was started, and there has been no dumping in the sense that my friend used the word. With regard to the 50 rupees selling price I would like to ask my friend, that although prices have been at 48, 49 or 50 rupees in the market, will my Honourable friend tell me that that is the actual price on the contract? My information goes to show that there is a considerable rebate given and therefore my contention that 45 rupees is the proper price, holds good and I do not think my friend will contradict me. The whole argument against the additional salt duty as such from Bengal has been that Bengal and the Eastern provinces are the only market for this Aden and Western salt which they used to get from foreign countries. But there is no objection at all—Bengal would have no objection and has no objection to buying its salt in India and Aden if the price is a proper price. At first we were decidedly of the opinion that we should get a lower rate than Rs. 66 per hundred maunds, because the price had dropped down to Rs. 32; in a short time, it went up to Rs. 35 and Rs. 36, but we felt that, after the 1929-30 depression, the argument used by my friend was "Oh, you always used to get salt at Rs. 100, Rs. 110, Rs. 80 and Rs. 86, and you certainly were getting the benefit to the extent of Rs. 20 and Rs. 30 per hundred maunds" is beside the question—we felt that we ought to get the benefit of the 50 per cent. fall in prices just as much as others are getting in other commodities.

Well, Sir, I don't think I have very much more to say, but I feel quite sure that my Honourable friend, Mr. Husenbhai Laljee, is not correct when he says that the fear of dumping is self-evident, and that the rate ought to be Rs. 0-2-6. I do not agree with him at all. The rate of Rs. 0-1-6 is quite sufficient, and I should like to ask Government if they could not see their way to reduce the purchase price from Rs. 50 to Rs. 45. In that case I don't think Bengal would have very much to complain about even if the duty is fixed as it is in this Bill.

Mr. Lalchand Navalrai: Sir, let me at the outset say that I have no personal interest in this industry; nor do I hold any brief for anybody, but coming as I do from Karachi, and having visited the centres of salt manufacture in Karachi, I can say how the salt industry has progressed and, if salt manufacturers of Karachi had taken the trouble to take our Honourable friend, the Finance Member, across to the salt manufacturing areas, at Karachi, he would have seen for himself how this industry is progressing and has developed . . .

The Honourable Sir James Grigg: Developing out of their losses?

Mr. Lalchand Navalrai: Sir, Karachi is making headway, only because of this protection, and if this protection is reduced, I am afraid you will be ruining the salt industry of Karachi.

Sir, I am thankful to the Honourable the Finance Member, because he has so kindly agreed to put before this House this Bill, even in the form in which it has been presented to us. Sir, this is not a new question. This question of protection to the salt industry has been agitated for a long time past, because, until protection was granted to this industry, our country, though it has all the facilities for making cheap and pure salt, was dependent upon foreign salt, and after the grant of protection we have been enabled to make salt for our consumption.

As I was saying, Sir, I am glad the Finance Member has, after all, considered that this industry requires protection, but I feel that he should have taken courage in both hands and tried to make India self-sufficient in regard to salt until such time as India would have become entirely independent of foreign salt. The half-hearted manner in which the Finance Member is helping the country and this industry is, I must say, Sir, due to certain circumstances. It is the first information that one gets that creates the first impressions, and it is sometimes very difficult to remove such impressions. Last year when I was speaking on this Bill, I had to make a reference to this, that the former Finance Member had dealt with this question very well and he was in possession of facts and figures, and that he also conceded the fact that without sufficient protection, the salt industry of India would not progress. With that idea in mind he used to help this industry, although one or two Members from Bengal who were in this House then used to complain that the consumers were adversely affected by the grant of this protection just as our friend Sir Abdul Halim Ghuznavi has complained today. My point is this. The first impression that the Finance Member formed on this matter was in this way. Soon after he assumed charge of his office, he took the opportunity to go to Calcutta, and there he formed certain impressions. When he returned to Simla his impressions were there, and he became doubtful about this protection, and that doubt evidently still lingers in his mind, although certain facts have been brought to his notice to remove his wrong impressions. But one thing is good that the idea that this industry does need protection is still there with him, but what I am requesting him to do is that he should go the whole hog and not grant protection in a half-hearted manner, so that the price of salt may be reduced to at least half of what it is today

An Honourable Member: Never, never.

Mr. Lalchand Navalrai: It is very easy to say. "Never", but what my friend wants is that the fixed price should be reduced. My point is, if protection is going to be granted, then it should be granted with a broad mind in order to see that as a result of this protection the importation of foreign salt ceases to an appreciable extent. Sir, it is a fact that prior to this protection, a large quantity of foreign salt used

[Mr. Lalchand Navalrai.]

to be imported into this country. Why has it ceased now? The answer is simple, because there is protection and there is now the supply of indigenous salt. There being protection to the industry, the import of foreign salt has ceased. If we concede once that as a result of protection the import of foreign salt into India has ceased, then the irresistible conclusion is, that if the protection is removed, then the former state of affairs will prevail, and there will be dumped into this country large quantities of foreign salt to the detriment of the indigenous salt industry which is still in its infancy.

[At this stage, Mr. President (The Honourable Sir Abdur Rahim) vacated the Chair which was then occupied by Mr. Deputy President (Mr. Akhil Chandra Datta).]

My Honourable friend, Sir Abdul Halim Ghuznavi, advocated the cause of the consumers and said that from that point of view protection should not be granted at all. I am at a loss to understand why he is of that opinion. Either he is against Indian industries being developed or he has something very serious against some people in Aden, which has made him come here and make a special pleading in this House. So far as the mainland of India is concerned, he is for protection, but so far as Aden is concerned, he says that there ought not to be any protection. Is Aden really a foreign country, I ask? No matter if Aden is separated, against the wishes of the people of India, no matter that it is not going to be under Indian administration, no matter if it is under the control of the British Government, yet the Indian interests will continue to be there, we will be putting questions and asking for safeguards for the people in Aden, just as we have been doing now. How has Aden become foreign so that the Honourable Member from Calcutta comes forward and says, give no protection at all? He himself says that he has a love for Indian industries and that they should be protected; in the same breath he cannot say that Aden is a foreign country and as such not to be protected. If India had no interest in Aden it would be all right; otherwise, it is inconsistent pleading. He himself admits that there are Parsis in Aden. Are Parsis Indians, or are they foreigners? If only one or two Italians have joined hands with Indians in salt concerns there, may I ask my Honourable friend whether all the people there have become Italians? What is the result of my friend's argument? Foreign Italians from Port Said and other places will send salt to India. My Honourable friend has no objection to that—that is, those foreign countries may deal directly with India, but one or two Italians from Aden should not deal with India or send salt to India. I say that is no argument at all; or it is an argument with a certain purpose which will have no value in the eyes of others. So far as the industry is concerned, one thing is conceded by this Bill, namely, that it requires protection. If it had not required protection, I am sure the Finance Member would have forthwith, as a frank gentleman, come forward and said, no protection is needed at all. In that case he would have himself seen the next day plentiful shipments from foreign countries and the markets of this country over-flooded with foreign salt. He realises that position. That is why he has conceded

that protection is necessary. If so, I ask him why do you take any risks with regard to that? When you have given protection by imposing a duty of 2½ annas you have succeeded in excluding foreign salt. By reduction in duty now, there are two apprehensions to be considered. One is the impression upon the foreign people that the protection will be going off, and so they should get ready. After a year or two they will know the time has come to remove the duty altogether, because the practice is being followed to reduce the duty bit by bit. Thus, those people will be up again quite ready to send their salt to India and over-flood our markets. Therefore, it is necessary that the Finance Member should consider this question in all its aspects, and if he does so in a calm, and cool manner, he will find that sufficient protection shall have to be given until that time when we can compete with those foreign salt manufacturers. Now, at present, we have not come to that stage where we can compete with foreign interests even to an appreciable extent.

An Honourable Member: When will you be in that position?

Mr. Lalchand Navalrai: By and by, it is going to happen. I may say that Karachi has developed its manufacture of salt to the extent that they are at present sending to the markets at Calcutta about one-fourth of their demand. They produce and send 10,000 tons of salt to Calcutta every month. They supply one lakh and twenty-five thousand tons of salt every year to Calcutta market. I myself visited the salt lands in Karachi and I saw how they were working. They are working on modern lines, with electric power, etc. They have some difficulties about shipping and landing. Those difficulties are being removed by the local authorities, and then they will be able to produce and supply to Calcutta more than they are doing now. If the industries in India have developed to some extent, we should not object to Indians importing salt from Aden, but until self-sufficiency is established there must be sufficient protection. India is becoming, I hope, even without Aden, self-supporting and will be in a position to sell salt to the people of Calcutta and other places at a reasonable price. But, at the present juncture, I think it is too premature to consider the question of removing the protection to any extent whatsoever. As regards price, it is said that the price that the Government want to fix should be lowered. In regard to that the Finance Member states in the Statement of Objects and Reasons:

"It is not proposed that the buying-in price should be further reduced at present. There is reason to believe that the competition between Indian sources is now keen enough to provide reasonable security against the exaction of unduly high profits from the consumer particularly in view of the reduction of duty now proposed; while, on the other hand, recent experience has shown that there may be quite legitimate advances of price in Calcutta owing to changes in freight rates."

Look at the price list of salt that has been given to us in this pamphlet. We find that even though Government have from time to time fixed the price, they fixed it at Rs. 73-8-0 in 1980, reduced it to Rs. 62-11-0 in 1981. . . .

Mr. A. H. Lloyd: May I point out that no price was ever fixed by Government in 1980?

Mr. Lalchand Navalrai: It may be a mistake, in the pamphlet or whatever it is, I want it to be corrected.

Mr. A. H. Lloyd: This is merely a quotation of the market prices, not any prices fixed by the Government.

Mr. Lalchand Navalrai: It is published by the Government.

Mr. A. H. Lloyd: Market prices published by the Government.

Mr. Lalchand Navalrai: That is what is wanted to be reduced by the Honourable Member, Mr. Morgan, of the European Group. The market price in 1930 was Rs. 73, in 1931 it was Rs. 62-11-0, in 1932 it was Rs. 64-2-0, in 1933 Rs. 55-12-0, which continues to be even to this day.

Now, let us see at what rate the Calcutta consumer is as a matter of fact getting it and I find here there is a Calcutta market report which says that in 1934 it was Rs. 46-9-0 and in 1935, it was Rs. 48. Now, that is the ruling market price. The Government quoted price is higher, yet, in the market, the ruling price is this one and when they are selling at that lower price, what is the harm or the difficulty or the danger to the consumer. The consumer gets it all right. He was never getting it less than this except in one or two extraordinary years, for which the reasons have been given by my Honourable friend from this side. Therefore, I say, considering it from all points of view, the producers will be thankful to the Honourable the Finance Member for providing protection, but the point is that further consideration and further sympathy is absolutely necessary and from that point of view I would request the Honourable the Finance Member to consider the question whether it could not extend the period of protection for more than two years, so as to give them a breathing time, a time for further stability. Otherwise the sword of Damocles will be hanging over their head viz., that within a year or two the protection will be off and they may not put forth wholehearted effort to develop, so that this industry may be more efficient and to sell salt at a reasonable price and fear no outside competition. This is all I have to say.

Mr. B. Das (Orissa Division: Non-Muhammadan): The continuance of this salt protection, though on an attenuated scale, shows that the Government of India still adhere to their objective that India must be self-supporting as regards salt. When the Honourable the Finance Member came first, he repudiated a certain Assembly Committee on Salt that was assisting the Finance Member to examine the case of protection whether the duty can be reduced or enhanced or whether the stabilised price can be better controlled by other methods. The Honourable the Finance Member has not revived that Assembly Salt Committee. He has not consulted anybody and yet he, in consultation with his own department, has come forward this year and reduced the protective tariff from 2½ annas to 1½ annas and, at the same time, has changed the procedure and has asked that the protection should be extended to two years instead of one year. I thought when he rose to speak he would have taken this House into his confidence and explained why he adopted this procedure. Instead of that he adopted the unusual procedure of asking Honourable Members to make their observations first and then replying

to the debate later. That is not the proper procedure. The Honourable the Finance Member ought to have told us why he adopted this new procedure this year. The Honourable the Finance Member talked about the burden on the consumer and how this reduction of one anna will help the consumer. I cannot understand how one anna reduction per maund of salt will reach the consumer. It will be absorbed by the middleman or the manufacturer or by the Clive Street man whose interest Mr. George Morgan represents. . . .

Mr. G. Morgan: This has nothing to do with Clive Street.

Mr. B. Das: . . . and who makes the notable admission that he is always opposed to the protection of salt manufactured in India. I have always advocated the protection of the salt industries of India from 1931. My Honourable friend, Sir, A. H. Ghuznavi, wanted to give the impression that whatever he spoke and whatever Mr. George Morgan spoke represented the voice of Bengal. I have got a telegram from Bengal. I believe they are all Bengalis. Here is what they say:

"We request you strongly to oppose this reduction and press for continuation of original 2½ annas for at least a further period of three years and save the national industry from ruination through dumping of salt by foreign concerns. Owing to protection, salt factories have come into existence in Bengal. We look forward to you to save this National industry from annihilation. Proposed reduction does not benefit consumers as price is fixed by Government."

Then, there are a few Bengali names and there are also a few Muhammadan names. I believe Sir A. H. Ghuznavi knows them.

Sir Abdul Halim Ghuznavi: They are all fictitious names.

Mr. B. Das: My friend thinks these are fictitious names, but the representatives from the Bengal Salt Producers' Association visited Simla and Delhi two or three years ago, and I know it for a fact that they were Bengali producers. I leave it to my Bengali friends to fight for Bengal, because I am not well acquainted with conditions in Bengal. I am more concerned with Orissa. I also want protection, because in that case Orissa will manufacture salt on the Orissa Sea Coasts. I welcome the speech of my Honourable friend, Mr. Husenbhai Laljee. He spoke as a member of the Indian Salt Association and with the knowledge of a salt producer in India and with much experience of the Bengal salt market. I agree with him that this protection, given to the salt industry, has not helped it so much as the decision of Sir George Schuster and the Central Board of Revenue simultaneously to fix the price level and to maintain that price level. If Government would not have maintained that price level, foreign salt would have come in in increasing quantities, killing the Indian salt industry and then raising the price to Rs. 100 per hundred maunds as they do today in Burma where there is no price control exercised by the Government of India. It is no use our moving amendments. . . I would suggest to the Honourable the Finance Member that he should give us a guarantee that he will raise the duty on salt by another one anna as under the Statute. This was promised in 1931 and it was not needed to be given effect to. We do not ask the Honourable the Finance Member to say that he will immediately apply it. Let him

[Mr. B. Das.]

give us and the salt manufacturers an assurance that when he finds unholy competition and dumping he will raise the duty to the level of 2½ annas and thereby control price levels, and I would suggest, if the Honourable the Finance Member will be fair enough to accept our very modest and very moderate suggestion, there will be no further speeches and there will be no further difference of opinion on this subject. Sir, I did not expect that we should discuss the subject of Aden. As the Honourable the Finance Member has got his Bill, the Italian Loans Sanctions Bill, through this House I want to ask him the question whether the Italian firm operating in Aden is dealing through the Banks, of course British and Indian Banks, in Aden, and whether the financing of that Italian concern has been stopped, and whether the Honourable the Finance Member will not see his way to prohibit those Italian salt works to send salt for sale in the Calcutta and Bombay markets, and, if India is going to retaliate against Italy, why not retaliate against these particular salt works which are destroying the productive capacity of the Indian salt industry? Sir, with these few observations I welcome the measure of protection but I do hope the Honourable the Finance Member will be good enough to give us a guarantee that it requires protection.

Mr. N. C. Chunder (Calcutta: Non-Muhammadian Urban): Mr. Deputy President, as the cry has been raised that the Bengal consumer has been hit, and especially as my Honourable friends, Sir Abdul Halim Ghuznavi and Mr. G. Morgan, have raised the cry that it is the Bengal consumer who has been suffering because of the levy of this protective duty, let us examine the facts as they appear here in the course of the debate. Sir, it seems that about 5,50,000 tons of salt are brought into the Port of Calcutta. Out of that, about 40,000 to 50,000 tons are, either Hamburg salt or Liverpool salt.

Sir Abdul Halim Ghuznavi: No, no.

Mr. N. C. Chunder: All Hamburg salt? Very well,—so that it is less than ten per cent. and if at all the consumer suffers, it is those who consume this ten per cent. salt; and I suppose that their backs will not be broken by the imposition of this duty of an anna or two annas or two annas and a half. Sir, it is a false cry and this cry has been raised so often since 1931, as Mr. Morgan and Sir Abdul Halim Ghuznavi have said, that it has become not a little frayed and worn-out. The fact is that Bengal does really expect that the time will come when she will be able to make her own salt, and it is necessary, therefore, that there should be some protection. Sir, the difficulty in Bengal has been, as you know, that the Bengali is not really given to industry, or he has not got the money. Bengal is very poor now, and it has not got money to invest in industrial concerns. The difficulty has been that the protection which has been given to salt has been so precarious that Bengal capital has fought shy, and that is why today you do not find Bengal doing what Karachi has achieved; and if the Honourable the Finance Member will listen to my friend, the Honourable Mr. Huseinbhai Laljee's appeal, I have no doubt, that, in course of time, Bengal will have its own salt works. And, Sir, it is very regrettable that from that corner the cry was raised, "How long do you want protection?" Well, Sir, everybody knows

that in India things move rather slowly. The people are ignorant. There is no help from Government; and the Government is not under the control of the people. Is it any wonder that, if in their own country a five years' protection is sufficient, India should require a longer protection?

An Honourable Member: For two hundred years!

Mr. N. C. Ohunder: Yes, for two hundred years if necessary. If India could manufacture its own salt, I would really give it protection for two hundred years, and, so long as the British Government lasts, probably you will have to have protection, because we cannot control our own trade and regulate our own industry, and there will be no men wanting in this country who, in order to serve the interests of other countries, would be perfectly willing to sell their own country to the foreigners. Whatever it be, Sir, the cry is a false cry, and, so far as the Bengal consumer is concerned, it is absolutely false. I am a Bengali, and I think I am one of those Bengalis who have the honour of dining out almost every day out of the 365 days in a year and I can say that there are very few Bengali households where foreign salt is being used. And, no wonder, Sir,—the total consumption will be about ten per cent. and it must be confined to people like my Honourable friend, Mr. George Morgan or my Honourable friend, Sir Darcy,—and what does it matter, Sir, if they pay a few annas per ton more or less?

The Honourable Sir James Grigg: Sir, in the old police-court reports in my own country there were frequent references to the fact that "the prisoner appeared to feel his position acutely". That is my position today because I have been attacked by people with whom I am normally in complete agreement and praised, rather mildly, rather grudgingly it is true, but praised,—by those with whom I am usually in complete disagreement: I certainly do feel my position acutely and I hope it won't happen too often; I do not think it will happen too often for I am bound to say that after having heard the speech of the last speaker I feel that I probably made a mistake in introducing this measure at all. I notice that if anybody else says that protection is against the interests of the people, then the Members of the Congress and the Congress Nationalist Party say that this is all humbug, and that is the measure, I think, of their real regard for the consumer and the people of the country. However, I do not want to strain unduly this new, this rather novel, and not particularly well-fitting bond of affection and so I will come to what seems to me to be the only real point of substance raised by this debate. Sir, I understand from my friend, Mr. Husenbhai Laljee, that he is quite satisfied that the present Bill adequately protects the interests of the salt producers so long as there is no foreign dumping; but he asks what will happen in the event of foreign dumping. Well, as he pointed out, there is in the Bill a provision enabling the Government to raise the duty by an extra anna, that is to put it back to two and a half annas. Quite obviously, I cannot give any pledge or assurance that that power will be used in any particular circumstances. But I do point out that the power is there. I will do a little arithmetical examination to see how far that power is likely to be effective. The present price of salt in Calcutta is somewhere about Rs. 45, as far as I remember, probably with the rebates which are given

[Sir James Grigg.]

by some producers a little lower, but let us take it at Rs. 45, and a duty of 2½ annas per maund is equivalent to Rs. 15-10-0 per hundred maunds, so that the foreign salt would have to be landed in Calcutta in order to compete with the indigenous producers at something just over Rs. 29, and excluding freight, I think that is F.O.B., Rs. 24. I personally think that there is very little danger of foreign producers dumping salt or putting salt on board the ship in the Red Sea ports at that figure even apart from the present prohibition of imports from Italian sources. I think one Honourable Member said—I think it was Mr. Morgan—that the lowest price at which salt has ever been landed in Calcutta, ex-duty was Rs. 32 and that only for a month or so and in effect the effective minimum has been Rs. 35 or Rs. 36. Quite obviously a two and half annas duty, which is the duty within the power of the Government to impose is much more than sufficient to keep out salt at that figure. But apart from that, we have often heard of stories of dumping, but they never materialise except for a very short period. Personally, I do not share the fears of Honourable Members Opposite, I do not think that any dumping that is within the power of the foreign Red Sea producers to put into operation, I do not fear that any dumping that is within their power is outside the power of the Government of India with the existing Bill to deal with. That being so, I hope that Honourable Members Opposite will feel sufficiently assured that the present Bill gives them quite sufficient safeguards against any organized hostility on the part of the foreign producers.

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

"That the Bill further to extend the operation of the Salt (Additional Import Duty) Act, 1931, be taken into consideration."

The motion was adopted.

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

"That clause 2 stand part of the Bill."

The motion was adopted.

Clause 2 was added to the Bill.

Clauses 1 and 3 were added to the Bill.

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

"That the Title and the Preamble stand part of the Bill."

The motion was adopted.

The Title and the Preamble were added to the Bill.

The Honourable Sir James Grigg: Sir, I do not need to detain the House for more than one minute. I would like to say, however, that I

am grateful to the House for their recognition of the fact that in proposing this compromise, Government have attempted to steer the middle way between the conflicting interests and I am most grateful for their consideration and for the rapid way in which they have disposed of this Bill.

Sir, I move:

"That the Bill be passed."

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

"That the Bill be passed."

The motion was adopted.

THE INDIAN TARIFF (SECOND AMENDMENT) BILL.

The Honourable Sir Muhammad Zafrullah Khan (Member for Commerce and Railways): Sir, I beg to move:

"That the Bill further to amend the Indian Tariff Act, 1934, for certain purposes (Second Amendment) be taken into consideration."

Sir, it will be observed that the Bill deals with two matters. It proposes to continue the duty on the import of wheat for another year, but at the rate of one rupee per cwt. It also proposes to continue the duty on wheat flour, which is, if I might so describe it, consequential, at the same rate, that is to say, one rupee per cwt. The second commodity with which the Bill deals is broken rice. The Bill proposes to continue the duty of twelve annas per maund on broken rice up to the 31st March, 1937, that is, for another year. The import duty on wheat was imposed as a temporary measure in 1931 and has been continued from year to year at the rate of two rupees per cwt, and, since last year, at the rate of Rs. 1-8-0 per cwt. In a review of the necessity for the continuance of this duty, Government have taken into consideration two factors first, the volume of world stocks of wheat which might be available for export to India and, secondly, the relative levels of Indian and world prices of wheat. It is obvious that the existence of large stocks of exportable wheat would affect the level of prices in India and also the questions as to whether an import duty was or was not necessary and if it was necessary what should be the level of that duty. So far as the question of stocks is concerned, in 1926-27, before the downward trend in prices began, and, therefore, the year which might be treated for this purpose as a normal year, the stocks of wheat stood at 191 million bushels. Then, from year to year the position became steadily worse and in the year 1931, when the duty was imposed for the first time, the figure rose to 499 million bushels. The following year it rose to 579 million bushels and in 1932-33 it rose to 624 million bushels. That was the peak of the figure; that is to say, in that year the world had accumulated stocks at the highest level that has been reached during this period. From the following year a marked decline began, so that in 1934-35 the figure was 571 million bushels and in 1935-36 the latest estimate is that the stocks will be reduced to 220 million bushels,

[Sir Muhammed Zafrullah Khan.]

a figure which is comparable with the figure of 191 million bushels in 1926-27 which, as I have submitted, may be treated as the normal year for this purpose. It would, therefore, appear that so far as exportable stocks are concerned, the figures do not give much cause for anxiety.

Now, let us turn to the other factor, the factor of comparative price levels. On the side of price levels the tendency during the last two or three years has been for world prices more and more to level up to the Indian prices which, of course, have been subject to the import duty since 1930-31. Take for instance the price of Lyallpur wheat, delivered in Calcutta and the London quotation for Australian wheat, which represents very closely the price at which Australian wheat may be landed ex-duty at Calcutta. The average excess of price of Indian wheat over world parity, as expressed by the London quotation, has been as follows. In 1932 the average excess, was Rs. 0-9-11 per maund; in 1933, 13 as, and 10 pies per maund; in 1934, 5 annas 4 pies per maund; for the whole year 1935, 4 annas and 2 pies per maund; for the period September to December 1935, one anna and 2 pies per maund; January 1936, minus 8 pies; February 1936, minus 9 annas 1 pie. So that in these two months the world prices of wheat have been to that extent, that is to say, by 8 pies per maund and by 1 anna 1 pie per maund, higher than the Indian prices. Now, if that were the position all the year round and if that were a stabilised position, there would be a good case for the abolition of this duty altogether.

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

But, unfortunately, though the trend of price levels does show that there is not much apprehension of any large quantities of Australian or other wheat being imported into India there have been, on the other hand, certain factors in the situation which do not completely reassure one that the tendency under certain circumstances may not reappear. For instance, to some extent world prices have been influenced by crops in Argentina and Canada having last year suffered from a certain kind of disease. Again, the United States crop had been affected by drought and dust-storms. Therefore, though Government are of the view that recent tendencies in world prices show that in future it is very likely that world prices will continue to approximate to Indian prices of wheat and that, therefore, there is no serious apprehension of import of wheat into India, there are certain factors in the situation which lead Government to imagine that the position may not have stabilised itself, and that, in certain periods of the year, there might be an apprehension of imports into India, and that, therefore, the time has not yet come to abolish the duty altogether. The second question, therefore, is, what is the level at which the duty should be fixed. As I have said, last year the duty was reduced from Rs. 2 per cwt. to Rs. 1-8-0 per cwt. This year, having regard to the trend of prices to which I have referred, Government propose to continue the duty at the rate of Rs. 1 per cwt. Now, the effect of the reduction of the duty last year was not in any way either to reduce the

price level inside India or to upset the market, both of which are considerations which must be borne in mind. Because, if there was any danger either that price levels in India would be affected in the downward direction by any manipulation of this duty or that the market would be disturbed these would both be arguments in support of the position that there should be no change in the duty. What actually happened is that the price of Indian wheat in Calcutta, after the reduction of duty in April, 1935, ruled fairly steady between Rs. 8-4-0 and Rs. 8-8-0 per maund with a temporary rise to Rs. 8-10-6 per maund, as compared with, in the previous year, fluctuations between Rs. 2-14-0 and Rs. 3-11-0. Therefore, my submission is, that the level at which the duty has been fixed is the level at which it might reasonably be expected would ensure that there would neither be fluctuations in prices as a result of this reduction of the duty nor would it lead to any reduction in the general price level of Indian wheat. I have already endeavoured to show that the level again is such that it is not likely to permit of import of wheat into India for the purpose of internal consumption. There is a certain amount of import, as it is, for the purpose of milling. It is milled and re-exported. The figures show that the amount of Australian and other wheat that is taken in at Calcutta is taken in for the purpose of milling and re-export as flour. There is a certain amount of rebate on the quantity of flour that is exported from India, and the figures show that the wheat that is imported is for the purpose of milling and that the wheat flour is again exported. As I have said in the beginning, the reduction in the amount of duty on wheat is accompanied by a corresponding reduction in the duty on wheat flour.

The second subject with which this Bill deals is the duty on broken rice. Last year, when this duty was imposed, my predecessor, Sir Joseph Bhore, put before the House a detailed explanation of the circumstances in which the Government of India had decided to impose this duty. The volume of imports of rice and rice products had reached a very high level and there had been a dislocation of price levels which, in the opinion of the officer appointed by the Government of Madras to investigate the problem, was attributable to the increasing uncontrolled import of cheap inferior rice from overseas, in particular, the rapid increase in the imports of broken rice from Siam. It is unnecessary for me to undertake any new justification for the continuation of the duty, though I am bound to point out that the imposition of this duty has had a very salutary effect in checking to a very large extent the imports of broken rice into India, and it has also had the effect of bringing down appreciably the amount of import of whole rice and paddy. I might give the House some figures in this connection. So far as the figures for broken rice are concerned, this is what has happened. In the eleven months April, 1934 to February, 1935, the imports of foreign broken rice amounted to 208,880 tons. In the corresponding period ending with February of the present year, these imports have shrunk to 58,206 tons, a reduction of no less than 145,614 tons, that is to say, 71 per cent. of the total quantity. In the case of rice, the corresponding figures for the same period of eleven months are 44,778 tons for 1934-35 and 24,482 tons for 1935-36, that is a reduction of 45 per cent.

Pandit Nilakantha Das (Orissa Division: Non-Muhammadan): Whole rice?

The Honourable Sir Muhammad Zafrullah Khan: Yes, I have already given the figures for broken rice. In the case of paddy, there has been a fall, for the same period, from 111,628 tons to 98,796 tons, or a fall of 11 per cent. Now, from these figures, it will be apparent, first, that there has been an effective check upon the imports of broken rice into India by the imposition of this duty which the present Bill seeks to continue for another year, though the figures of imports are still considerable. That is Government's justification for the proposal that the duty should be continued for another year; Government, of course, will continue to watch the effect of it and see what steps may become necessary at the end of the year. On the other hand, the figures also show that though the duty was imposed actually only upon broken rice, it has had the effect of bringing down the imports into India from foreign countries of whole rice by 45 per cent., and of paddy by 11 per cent. Government do not propose to impose any import duty upon whole rice or upon paddy. Government are aware that there is a certain amount of feeling over the matter, and as Honourable Members are aware this matter is under discussion now on a part-heard Resolution which was discussed on the last non-official day for Resolutions and the discussion of which will be continued on Thursday. But, I am hoping that Honourable Members will agree that upon such an essential food-stuff as rice, it would not be justifiable to impose a duty unless conditions indicate that an emergency has arisen and that unless some step is taken in that direction, irreparable damage is likely to result. Take Madras, for instance, which is the province most affected. So far as the production of rice is concerned, Madras is a deficit province. That is to say, even if there were no imports whatsoever from foreign countries of paddy and whole rice, Madras would still to a very large extent have to depend upon its supply of rice from other areas. Under those circumstances, I venture to submit that having regard to the figures, the House will agree that it would have been unwise, at this stage, to propose any import duty upon whole rice or upon paddy. I, therefore, hope that there would not be much difficulty in persuading the House on both sides—I know there are differences of opinion—that it is necessary to continue this duty, that Government have taken every possible precaution in fixing the level of the import duty on wheat, that the reduction should not give rise to any apprehension that imports of wheat are likely to be stimulated or that the level of prices would be lowered or that market conditions would be disturbed: and that, with regard to rice, the House would be able to agree that Government are justified in continuing the duty on broken rice for another year and that it is not necessary—at any rate it has not become necessary so far and I hope it will not become necessary—to impose any duty upon whole rice or upon paddy. Sir, I move.

Dr. Ziauddin Ahmad (United Provinces: Southern Divisions: Muhammadan Rural): May I ask three questions? The Honourable Member has not discussed them in his speech. One is whether the present prices of wheat at Lyallpur and elsewhere are economic or not. The second is, if the price level of wheat at present is much less than that in 1914-15. The third point is, whether the reduction in duty will lower or raise the price level of wheat. I should like to have an answer on these three points.

The Honourable Sir Muhammad Zafrullah Khan: I trust the Honourable Member will raise these points himself, and if he places the data on which they are based before the House, Government will give a reply.

Dr. Ziauddin Ahmad: I thought that the Government ought to have considered these questions before laying the proposal before the House.

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

"That the Bill further to amend the Indian Tariff Act, 1934, for certain purposes (Second Amendment) be taken into consideration."

Mr. G. Morgan (Bengal: European): Sir, I rise to support the Bill, this Bill as a matter of fact, seeks to do what I have been trying to do for the last three years by amendments. The reduction of the duty to one rupee per hundredweight is what I have been aiming at as the proper rate of duty on foreign wheat. Now, I should like, with your permission, to set out, as briefly as I can, some of the considerations which occur to me in connection with the duty on wheat. I am merely dealing with wheat: the motion moved by my Honourable friend, the Commerce Member, included broken rice—I am not going to deal with broken rice.

As the House knows, the duty on imported wheat was first imposed in 1931. It was then fixed at the rate of Rs. 2 per cwt. Last year it was fixed at Rs. 1-8-0. The Bill now before the House is an extending measure which fixes the duty at Re. 1, per cwt. The duty of Rs. 2 per cwt., which was imposed in 1931, was imposed because surplus stocks of wheat had accumulated which were depressing prices to such an extent that the crop was in danger of becoming unremunerative to the cultivator. In considering the factors leading up to this situation, I think it is essential to bear in mind that imports can only directly influence domestic prices if they represent a substantial portion of the total supplies available for consumption. Clearly this condition is not satisfied in respect of the wheat supplies of India since internal production is estimated at 9,762,000 tons, while imports in 1934-35, amounted to the negligible quantity of 7,433 tons. I may point out here that this small importation of 7,433 tons was only made possible because of the drawback on the re-export overseas of finished products. The wheat came in, was processed in the mills and re-exported overseas, so that there was no actual addition to India's wheat supplies. I may further add on this point, that the millers could not have bought Indian wheat for the export of finished products overseas owing to the fact that the price of Indian wheat was above world parity, a circumstance which makes the cost of flour milled in this country higher than competitive prices in other countries. It is true, that at the time of the imposition of the duty, imports were in the neighbourhood of 50,000 tons, but even that figure may be regarded as far too small to exercise even the remotest influence on wheat prices in India. In 1928-29 and 1929-30, imports were in the neighbourhood of 500,000 and 350,000 tons respectively, but in both these years India's wheat crop fell short of her total internal requirements and these figures cannot, therefore, be regarded as average or as a justification for the imposition of a duty. In times when India's crop fails and production falls short of the total consumptive capacity, it is obviously essential that she should be able to make up the deficiency from overseas supplies.

[Mr. G. Morgan.]

The reason for the fall in Indian wheat prices cannot, therefore, be attributed to the effect of imports, and there is little doubt that the record wheat crop of 1930, contributed to the large surplus stocks of wheat in Northern India, and that the existence of these surplus stocks was the prime cause of the price collapse. This was recognised at the time of the imposition of the duty in 1931. What then was the reason for placing a duty on wheat imports at all? The reason was simply, that until these surplus stocks in Northern India had been disposed of, either by export or by internal consumption, prices could not be expected to revive, and in an effort to achieve this and what amounted to a prohibitive duty was placed on imports in order that even that fraction of the market supplied by such imports should, if possible, be supplied from indigenous sources. There can be no other justification of the duty. The important fact to be borne in mind is that the cultivator's price could not be expected to improve until surplus indigenous stocks had been exhausted, and the imposition of the duty contributed nothing towards the improvement in the cultivator's price apart from the fact that in so far as the duty excluded the small quantity of overseas wheat from the Indian market, it may possibly have increased the consumption of indigenous wheat and so enabled surplus stocks to be reduced to some extent.

Have I got a time limit, Sir?

Mr. President (The Honourable Sir Abdur Rahim): No: the Honourable Member can go on: the Chair is prepared to sit a little late if this motion can be finished today.

Mr. G. Morgan: If this statement of fact is accepted, as I venture to think it must be, then it follows that the customary arguments in defence of the duty, namely, to raise prices for the benefit of the cultivator or to place him on a more competitive footing, do not exist so far as the wheat duty is concerned. The removal or reduction of the duty can, therefore, have no effect on cultivators' prices, except in so far as the quantity of imported wheat contributes towards the accumulation of surplus stocks of indigenous wheat. Having regard, however, to the fact that the quantity of wheat imported into this country, in *abnormal* times, is of the negligible order of five per cent. of the total supply and at the present moment amounts to only 8,000 tons—a quantity which can have little or no effect upon surplus stocks—it is fair, reasonable and probably correct, to argue that at this precise moment, the duty is of no importance or value to the cultivator, and that its extension for another year can only be of importance or value to him if it is assumed that its removal would cause a substantial expansion of wheat imports concurrent with a high crop yield in India.

Now, Sir, I observe that only the other day the President of the Northern India Chamber of Commerce, in a speech at Lahore, expressed the view that the 5,000 tons of Australian wheat landed in Bombay last year had a serious effect upon Punjab wheat and he went on to say that mere threat of importation caused wheat prices to fall in the Punjab from two to four annas per maund. Well, Sir, I am anxious, if possible, not to do the President of the Northern India Chamber of Commerce an injustice, and it may well be that in the course of his speech he adduced arguments in support of his assertions. I can only say, however, that in the report which I saw, these arguments were conspicuous by their absence,

Let us see what the assertion amounts to. The total annual wheat production of the Punjab is in the neighbourhood of 3,000,000 tons, and it seems to me to require more than the usual amount of economic guile to argue that a quantity of imported wheat coming on to the market and representing only '016 per cent. of the output of the Punjab can influence the price of that output to the extent of four annas per maund. If this extraordinary state of affairs does exist then it seems to me that the remedy does not lie in a tariff, or indeed, in an embargo on imported wheat, but in a reorganisation of the marketing system in the Punjab. There must be something radically wrong with the market intelligence in that province if the landing of a negligible quantity of wheat in Bombay can dislocate a large and important wheat market like the Punjab to such an alarming extent, and I feel it is contrary to all that is sound in the economy of a country if this House were to allow a state of affairs, which, if these figures are to be believed, is so obviously in need of thorough overhaul, to continue to exist, or to be obscured behind the protective shelter of the tariff. I have always understood that one of the fundamental conditions on which an industry is granted protection is that the industry should put its own house in order, and I cannot believe that this condition can be anything like satisfied so far as the Punjab wheat market is concerned if, as I say, it is true that a mere 5,000 tons of Australian wheat can depress prices in a market handling 3,000,000 tons.

Now, Sir, what has been the effect of the duty on overseas trade?

5 P. M.

The trade and navigation Accounts show that Indian wheat exports have risen from 2,194 tons in 1932-33 to 10,962 tons in 1934-35, and to 9,051 tons in the first ten months of 1935-36. Wheat flour exports have shown an opposite tendency, having fallen from 20,790 tons in 1932-33 to 11,763 tons in 1934-35, but some recovery was experienced in the first ten months of 1935-36, when the exports amounted to 15,159 tons. As far as wheat imports are concerned, these have fallen from 33,482 tons in 1932-33 to 7,433 tons in 1934-35, and to 6,553 tons in the first ten months of 1935-36. Flour imports on the other hand have risen from 61 tons in 1932-33 to 168 tons in 1934-35 and 340 tons in the first ten months of 1935-36. The broad story of these figures is that wheat exports have risen and wheat imports have fallen, while flour exports have fallen and flour imports have risen. It is, therefore, clear that in so far as these figures indicate, in any way, the effect of the duty, it has been advantageous to wheat, but *disadvantageous to flour*. If I may state the same fact in a slightly different way, may I say that while the duty has reduced the output of our own flour mills at the ports it has not reduced the importation of foreign milled flour which, comparing the first ten months of 1935-36—not even a full year—with the twelve months 1932-33, shows an increase of well over 500 per cent. In the face of these figures I do not think the fact that the flour millers at the ports have suffered as a result of the duty can be seriously challenged.

I have already stated that it seems clear that the duty itself can have no direct effect upon prices of wheat in India, and it can only have an indirect effect upon prices in so far as it excludes imports and by so doing either prevents or reduces the accumulation of surpluses. It must be assumed from the published quotations of wheat prices in the Punjab that the effect of the duty in assisting the reduction of surplus stocks has been more than successful as at June, 1931, the price of wheat f.o.r. Lyallpur

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was in the neighbourhood of Rs. 1-10-0 a maund whereas in February, this year, it was 2-6-0 a maund. If we take the average price of Punjab wheat between the months of April, 1935 and January, 1936, at between Rs. 3-6-6 and Rs. 3-7-0 per maund landed at Calcutta and the average price of Australian wheat *ex-duty* landed Calcutta at Rs. 3-4-9 per maund, it will be seen that the price of Indian wheat is still slightly in excess of imported wheat and, from that point of view a small measure of protection may still be justified. When, however, the duty of Rs. 1-2-0 per maund (Rs. 1-8-0 a cwt.) is added, it means that Australian wheat cannot be landed at under Rs. 4-6-9 per maund, which represents a margin of Rs. 0-15-9 per maund in favour of Indian wheat on the basis of the present scale of duty.

Before I come to the reasons on which I shall endeavour to justify the reduction of the duty may I again venture to remove from the minds of Honourable Members any impression they may have that the cultivators secure any direct benefit as a result of the duty. When this matter was before the House last year and the duty was reduced by 8 annas, my Honourable friend, Mr. Gauba, tried to prove that we were taking 8 annas a cwt. out of the pockets of the cultivators. I think the outcome of the Debate last year showed that that was an argument which could not be sustained and I hope I have said sufficient today to lay that ghost for, at any rate, some time to come. If my Honourable friend, Mr. Gauba, is still in any doubt about the point may I recommend him to read the chapters on wheat prices which appear in Volume V, Part III of "Agriculture and Livestock in India" published by the Imperial Council of Agricultural Research last May. He will find there all the relevant factors affecting wheat cultivator's prices very carefully analysed and set out, and he will find no reference to the duty. I am prepared to admit that the cultivator does not always get a fair price, but the price he gets has no connection whatsoever with the wheat duty, it is bound up with his debts, the activities of speculators and matters of a similar nature none of which is remedied in any way by the imposition of a duty.

Now, Sir, it would appear that there are three grounds upon which a reduction of the duty may be justified. The first is the fear that if the present rate of duty of Rs. 1-8-0 per cwt. is continued for another year, the wide margin, between the prices of Punjab wheat and Australian wheat landed with duty, will afford the operator too great scope for speculative activities. Secondly, *at the present time*, the position is that the cost of importing Australian wheat is Rs. 3-10-6 per maund *ex-duty* landed Calcutta. The duty of Rs. 1-2-0 per maund and the charges to place the wheat in the Calcutta mill come to Rs. 0-2-0 a maund—thus the *mill cost* of Australian wheat amounts to Rs. 4-14-6 a maund. Against this the Calcutta mill price of Punjab wheat is between Rs. 3-8-0 and Rs. 3-9-0 per maund which shows a substantial margin of Rs. 1-5-6 to Rs. 1-6-6 in favour of Indian wheat, and a lower rate of duty can therefore be fixed and still provide an adequate safeguard against importation of foreign wheat into India. The third reason justifying a reduction of the duty is the state of the world wheat market itself. It must be assumed from the improvement which has taken place in the price of Punjab wheat that the alleged surplus of 1931 has now disappeared, and since this was the principal justification of the duty, a reduction of the duty ought on these grounds alone to be no further delayed. The point which then has to be

considered is whether if the duty were reduced or removed there would be a substantial expansion of wheat imports. It is clear from the figures which were published in the *Indian Trade Journal* of the 12th December, 1935, that the world's exportable wheat stocks at the end of the 1935 season were 36 per cent. less than at the end of 1934 season. The wheat demand by world importers estimated by the wheat authority Broomhall is 540 million bushels. Having regard to the restriction on production in America it is estimated that her 1935-36 crop will fall short of her domestic consumption by some 40 million bushels against which she has a reserve of 152 million bushels. The United States is not, therefore, expected to figure as an exporter of wheat. Argentine, Russia, Australia, Danubia and other countries are expected to have a total exportable surplus of 215 million bushels. This leaves a deficiency between the world demand and the current supply of 325 million bushels. To meet this deficiency, the Canadian wheat carry-over is available, which, according to the estimates appearing in the Bulletin of the Commodity Research Bureau, might be able to contribute 383 million bushels, and if to this figure the possible U. S. A. margin of 112 million bushels is added, it would appear that to meet a world deficiency of 325 million bushels, there is an estimated visible supply of 495 million bushels, or in the aggregate a small surplus of 170 million bushels. It is clear, therefore, that from the point of view of imports into India, there need be no great anxiety that any alarming expansion would take place if the duty were reduced. On the other hand, the present state of the world's wheat supplies shows that there is a very distinct possibility that if the price of Indian wheat can be brought down to world parity India stands a fair chance of re-entering the export market later on.

There is one final point to which reference might be made in connection with the revival of the export of Indian wheat. In his speech introducing the Railway Budget for 1936-37, the Honourable Sir Muhammad Zafrullah Khan pointed out that since 1935, India's export traffic in wheat had been practically dead, and that this had caused a loss in Railway earnings of something in the neighbourhood of Rs. 2 crores. He went on to say that no doubt part of that loss would be met by the increasing industrialisation of India, but a very considerable period of time would have to elapse before this could be achieved, with the increase in wheat production which is expected to take place in Sind and the necessity for a serious effort to recapture export markets it is worth considering whether judicious railway freight concessions on wheat and its equivalent in wheat flour destined for export from India might not contribute substantially to a revival of India's export trade in wheat.

Sir, I beg to support the Bill.

The Honourable Sir Nripendra Sircar (Leader of the House): With your permission, Sir, may I request you not to take questions tomorrow under these circumstances? There is a long list of questions, about 100, but they are fixed for the 17th. For the 15th and 16th, both days, the available questions are just over 40. As I may have to request you tomorrow to rise a little earlier, I would ask you not to take questions tomorrow. There are not many available for tomorrow or the day after.

Mr. President (The Honourable Sir Abdur Rahim): The Chair has looked at the number of questions remaining to be answered. For tomorrow there is a list of only about 40 questions, and for day after tomorrow there is nothing. In the circumstances, it will perhaps suit the convenience of the House if the Chair dispenses with questions tomorrow. Those questions that are down for tomorrow will be taken up day after tomorrow.

The Chair ought also to state that, as mentioned by the Leader of the House, the House will have to adjourn by, say, quarter past one or half past one, owing to the public departure of His Excellency the Viceroy, and there will be no sitting of the House in the afternoon after the luncheon adjournment.

The Assembly then adjourned till Eleven of the Clock on Wednesday, the 15th April, 1936.