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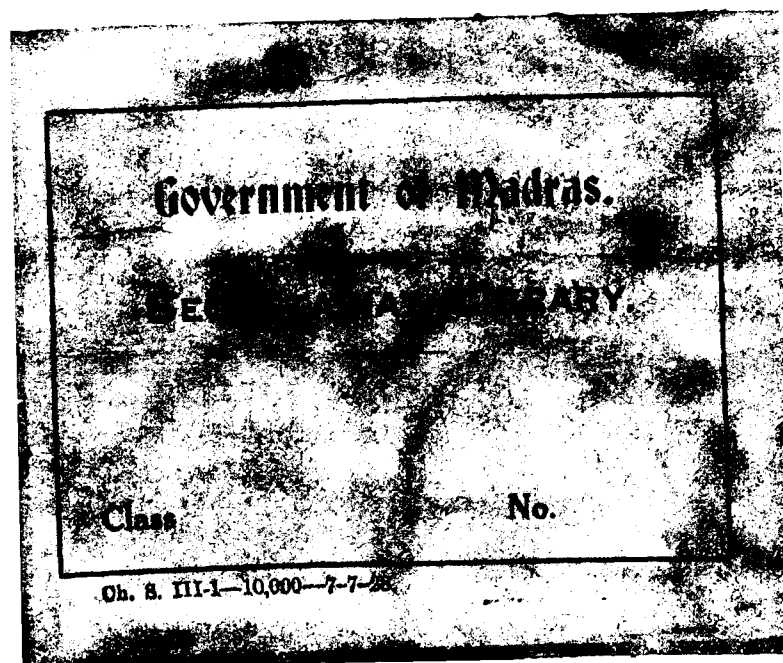
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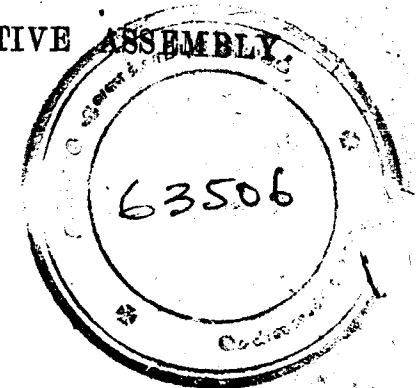
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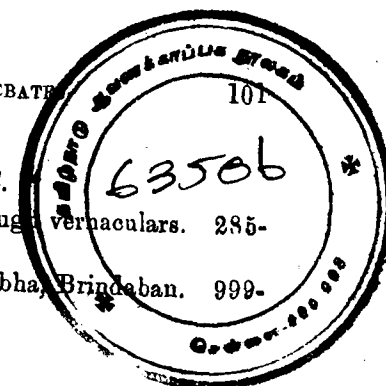
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THE

LEGISLATIVE ASSEMBLY DEBATES

(OFFICIAL REPORT OF THE SECOND SESSION)

VOLUME II.

SECOND SESSION, 1921.

LEGISLATIVE ASSEMBLY.

Thursday, 1st September, 1921.

The Assembly met in the Assembly Chamber at Twelve of the Clock, being the first day of the second Session of this Assembly, pursuant to S. 63D (2) of the Government of India Act, and the President (the Honourable Mr. ALEXANDER FREDERICK WHYTE) took the Chair.

MEMBERS SWORN:

The Honourable Sir William Vincent, K.C.S.I.; Mr. Geoffrey Rothe Clarke, C.S.I., O.B.E., M.L.A.; Mr. Harold Clayton, C.I.E., M.L.A.; Mr. Rustomji Faridoonji, M.L.A.; Sir Vithaldas Damodher Thackersey, Kt., M.L.A.; Mr. David Ranken Lyle, M.L.A.; Babu Ambica Prasad Sinha, M.L.A.; Mr. Campbell Ward Rhodes, C.B.E., M.L.A.; Mr. Atul Chandra Chatterjee, C.I.E., M.L.A.; Mr. Francis Bradley Bradley-Birt, M.L.A.; Mr. George Gall Sim, C.I.E., M.L.A.

PRESIDENT'S SPEECH.

THE NEW CHAMBER:

The Honourable the President: Before we proceed to the formal business set down for this sitting, the circumstances of our meeting in new surroundings call for some notice from the Chair.

This is the first occasion on which the Legislative Assembly meets in the new Council Chamber in Simla and I think the thanks of the Assembly are due to those whose devoted labours have enabled us to meet in what, considering the circumstances, are remarkably commodious surroundings. I wish, on behalf of the Legislative Assembly, to convey to the architect, to the engineer and to the contractor the appreciation of this House for the manner in which they have overcome the unquestionably vast difficulties of this undertaking. Whether we consider the vagaries of the Himalayan geology or the perplexing variety of the Himalayan climate or the not less serious vagaries of the different forms of transport leading to Simla! whichever way we look upon the task which these gentlemen have accomplished, I

[The President.]

think we must convey our congratulations to them on the way in which they have discharged it. (Hear, hear.) Had there been a less formal occasion on which these words might have been spoken and perhaps amplified, no doubt others as well as the President would have taken part in conveying the thanks and the appreciation of the Legislative Assembly to those who have co-operated in constructing this commodious Chamber. But seeing that that opportunity may perhaps not be given, I do not wish the occasion to pass without the due acknowledgment of all those concerned and to all those concerned. (Hear, hear.)

MESSAGE FROM THE GOVERNOR GENERAL :

I have a Message from His Excellency the Governor General :

'In pursuance of sub-section (3) of section 63B of the Government of India Act, I, Rufus Daniel, Earl of Reading, hereby require the attendance of Members of the Legislative Assembly in the Assembly Chamber at 11 O'Clock on the morning of Saturday, the 3rd September 1921.

(Sd.) READING,

Viceroy and Governor General.'

ALLOTTED DAYS : NON-OFFICIAL BUSINESS :

I announce, for the information of Members, that meetings for non-official business will be held on the 20th and 21st September. Ballot Lists for those days are now open. The Ballot itself will be held on Saturday, the 3rd September, after the conclusion of the formal meeting and the holding of the Council of State Ballot. Other days for the transaction of non-official business will, no doubt, be allotted by the Governor General in due course.

MR. SACHCHIDANANDA SINHA'S RESIGNATION :

Since the Assembly last met, one of our colleagues, Mr. Sachchidananda Sinha, has resigned his seat on his appointment to high office elsewhere. Mr. Sinha is now a Member of the Executive Council of His Excellency the Governor of Bihar and Orissa and has also been appointed to the position of President of the Legislative Council of that province. What this Assembly loses, Mr. Sachchidananda Sinha's native province gains. Few figures in contemporary constitutional and political movements in India are better known than that of the Honourable Mr. Sachchidananda Sinha. This Assembly has already signified its appreciation of his eminent qualities by electing him in Delhi to the post of Deputy President. It would be superfluous on my part to add anything indeed to that signal mark of the appreciation of his fellow countrymen, but, I think, I may now convey to him the congratulations and good wishes of those who were his colleagues in the public work of India in this Chamber. (Hear, hear.)

VACANCY IN DEPUTY PRESIDENCY :

Mr. Sinha's resignation creates a vacancy in the post of Deputy President of the Legislative Assembly. That position, therefore, must be filled in accordance with the provisions of our procedure. Nomination of candidates for the position of Deputy President will be received on the 19th September

and the election will be held on the 23rd. I may say that for the moment those are provisional dates which I have substituted at the last moment in order to meet the convenience of our Muhammadan colleagues in this Assembly.

THE FUNCTION OF THE DEPUTY PRESIDENT :

With regard to the announcement, which I have just made, I have received intimation from several quarters that the position of the Deputy President is not yet clearly defined. At the beginning of the first Session of the Assembly in Delhi, I received similar communications, chiefly in the form of requests for information regarding the freedom of this officer in debate. I declined at that time to give a peremptory ruling and to that decision I still adhere. But I may repeat here what I then said in private to several enquirers :

'That the Assembly must create its own precedents and traditions to establish and to protect the impartiality of the Chair and that pending the evolution of these traditions we can rely upon the individual discretion of the Deputy President himself.'

I am revealing no inviolable secret when I say that such was the unwritten understanding on which our first Deputy President acted. I take this opportunity, while regretting his absence from this Chamber and while congratulating him on his accession to high office, of bearing my witness to his unfailing observance of it.

I should not, however, do justice to the requests which I have received if I were to leave the matter there. It has been suggested to me, from more sources than one, that the analogy of the House of Commons—if properly followed—would compel the Assembly to forbid the Deputy President to take part in ordinary debate and thus preserve the impartiality of his official character.

In point of fact, the House of Commons has no Rule nor Standing Order which forbids the Deputy Speaker,—better known as the Chairman of Committees or the Chairman of Ways and Means,—to take part in debate ; but the conditions of his office and the established tradition of the House effectively preclude him from doing so.

This Assembly has hitherto shown a desire to create sound traditions of its own, to follow the House of Commons wherever possible and desirable, but to refuse slavishly to imitate British Parliamentary tradition where it does not conform to Indian needs. This is a wholesome *swadeshi* in Parliamentary procedure.

In the matter of the analogy between the Deputy Speaker and the Deputy President, I would suggest to the Assembly the desirability of following faithfully the *spirit* of Westminster but of modifying to its own needs the *letter* of House of Commons practice,

[The President.]

To illustrate the contrast between the two positions, I must enter upon a description of the office of the Deputy Speaker in the House of Commons which is somewhat long in form. For its length I apologise in advance.

At Westminster, the Chairman of Committees, that is to say, the Deputy Speaker, is selected by the Government: here he is the choice of the Chamber itself. At Westminster, he actually presides over the House, in a busy session, for at least as many hours as the Speaker himself: here he can never be called upon, except in very exceptional circumstances, to eclipse the President in the number of hours during which he occupies the Chair. At Westminster, when not presiding over the deliberations of the House (in Committee), he is fully engaged in supervising Private Bill Legislation, for which he is responsible as Chairman of the Committee on Unopposed Bills: here no such function can be assigned to the Deputy President, for the procedure known as Private Bill Legislation does not exist. At Westminster, finally, as Chairman of the Court of Referees, the Deputy Speaker discharges another important function for which there is no Indian parallel. The Assembly will thus realise that the position of the Deputy Speaker in England is very onerous. He, indeed, is the hardest-worked functionary in the House of Commons; and, even if he wished, and even if tradition permitted, he would be precluded from any active share in current controversy by the weight of his official duties.

The contrast between Westminster and Simla is now, I hope, clear.

It is for this Assembly to evolve its own practice, and to establish its own institutions for the discharge of its duties as a legislative body. Your Deputy President carries upon his shoulders the obligation to uphold the even-handed impartiality of the Chair even when he himself is not the occupant of it. That obligation is laid upon him by the will of his colleagues when they elect him; and it should ever be his first care to observe it. It must be obvious to those who survey his position that he does not, and cannot, enjoy perfect freedom to take part in debate, and in accepting election to the office, he also accepts the sacrifice of many otherwise tempting Parliamentary opportunities. The fact of his election singles him out from the ranks of the Assembly as one—one among many perhaps—whose qualities inevitably give him eminence. In some sense, therefore, he is to be regarded as a leading personality, whose voice the Assembly would not willingly silence. Hence my reluctance to shackle his discretion by any iron rule; and as I do not propose to anticipate the remote and improbable occasion of indiscreet action on his part, I will not even adumbrate the appropriate action of the Chair or of the Assembly in that event,

At the same time I will not conceal from this House the conviction which is growing in my mind, that in the not very distant future, it may be found desirable to augment the actual duties of the Deputy President, and to place in his charge some of the functions which naturally fall to officers directly responsible to a Legislative Chamber. By this means his office would grow in importance, and the Assembly will gain by securing greater control over the whole field of his work.

To those—and I have direct evidence that they are not a few—who are somewhat perplexed by the contrast between the intrinsic importance of the Deputy's office and of its present appearance as that of a sinecure, I would say that many great results have emerged from lesser origins, and that in any case, *Solvitur Ambulando*.

APPOINTMENTS TO THE PANEL OF CHAIRMEN:

In pursuance of the powers vested in the Chair by Rule Three, I appoint

Mr. T. V. Seshagiri Ayyar,

Mr. Frank McCarthy,

to the Panel of Chairmen for this Session.

Further appointments, if they be necessary, will be made after the result of the election to the office of Deputy President is made known.

MEETINGS OF THE ASSEMBLY:

The following dates have been provisionally fixed for the meetings of this Assembly, after the formal meeting on Saturday, September the 3rd:

September 5th, 15th, 19th, 22nd and 26th.

This programme, as Members will realise, is by no means exhaustive, and other dates will be included in it as time goes on. The gap between the dates, September 5th and 15th, is made, as Members will realise, to meet the convenience of our Muhammadan colleagues who wish to celebrate the Muhurram festival.

HOOR OF MEETING:

In view of the circumstances in Simla, I think it may perhaps meet the convenience of all concerned if we endeavour to have each daily meeting of the Assembly conducted as a whole without adjournment. As provisionally arranged and already announced, therefore, this Assembly will meet on the days on which business is fixed for it, at 10-30 in the morning.

ANNOUNCEMENT OF GOVERNMENT BUSINESS:

I wish to ask the Leader of the House whether he is in a position to state the programme of Government Business for the early meetings of this House.

The Honourable Sir William Vincent: In the course of this Session, Government hope to introduce in this Assembly Bills to amend the Income-tax and Super-tax Acts, the Negotiable Instruments Act, the Indian Carriers Act, the Indian Post Office Act, the Indian Marine Act, the Indian Works

[Sir William Vincent.]

of Defence Act, also Bills to constitute the Indian War Relief Trust, and to impose a Cess on the Export of Lac. We also hope to bring before the Assembly a Bill to give effect to the recommendations of the Committee on the Repeal of the Press Law, and should leave be given in another place to withdraw the Criminal Procedure Code Amendment Bill, it is hoped that that Bill will be introduced in this Assembly. Several Bills which are already before the Assembly will be carried to further stages, and it is hoped that several will be passed. Further, if the Report of the Committee appointed by Government to examine Repressive Legislation is received in time, and its recommendations are accepted in whole or part by Government, the necessary legislation to give effect to the decisions of Government on those recommendations may be introduced during the present Session.

On Monday, the 5th September, at the next business meeting, several small Bills will be introduced, and there will be motions for the re-constitution of the Joint Select Committees already nominated. It is hoped on that day also to refer to Select Committee the Bill to amend the Code of Civil Procedure in certain particulars.

The Honourable the President: This House now stands adjourned to 11 A.M. on Saturday, September the 3rd, and, thereafter, to 10-30 A.M. on Monday, September the 5th.

LEGISLATIVE ASSEMBLY.

Saturday, 3rd September, 1921.

INAUGURATION OF THE SECOND SESSION OF THE COUNCIL OF STATE AND LEGISLATIVE ASSEMBLY.

His Excellency the Viceroy with the Presidents of the Council of State and Legislative Assembly having arrived in procession, His Excellency took his seat on the dais.

H. E. the Viceroy: Gentlemen of the Indian Legislature, it is my privilege as Viceroy to welcome to-day the Members of both Houses of the Indian Legislature at the opening of the second Session. It is my first opportunity of taking part in this ceremony, and I am fully conscious of the importance of the occasion. One memorable Session has already been held when a standard of political wisdom and debating capacity was set that may well be a source of legitimate pride and satisfaction to those who contributed to the reputation thus attained. You, who stood for election and became the representatives of these new Councils, and in consequence were subjected to attack and criticism, have already by your actions justified the position you adopted. At this present juncture, my Government and you are faced with difficult problems, which demand all the political judgment and foresight we can contribute to their solution. I propose to-day to refer only to the more important and in their broadest aspect, and to survey with you the general conditions affecting India.

But, before I enter into the region of possible controversy, I must discharge the pleasing and privileged task of referring to the impending visit of His Royal Highness the Prince of Wales, the Son and Heir of our beloved King-Emperor. You will remember, that a little more than a year ago, His Majesty the King-Emperor by Royal Proclamation informed the Princes and people of India of his decision that the visit of the Prince of Wales to India must be deferred for a time in order that His Royal Highness might recover from the fatigue of his labours in other parts of the Empire. We have recently heard to our great joy that the health of His Royal Highness has been sufficiently restored to enable the visit to take place in November next. The ceremony of inaugurating the Reformed Legislatures, which was to have been his, has been performed by His Royal Highness the Duke of Connaught, and India will not readily forget the sympathy and love which inspired him, the devoted friend of India, in the discharge of his great mission. The Prince of Wales will come to India on this occasion as the Son of the King-Emperor and as the Heir to the Throne, not as the representative of any Government or to promote the interests of any political party, but in order to become personally

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acquainted with the Princes and the people of India, and to see as much as will be possible during his visit of this most interesting country. I know that I may safely count on those who belong to this great Indian Empire, and more particularly on the representatives of the Reformed Legislatures now gathered within these walls, to give to His Royal Highness, who has endeared himself to all who have been privileged to meet him, a warm welcome characteristic of the traditional loyalty of the Indian people and their devotion to the King-Emperor and his House.

You will already have learnt that the resignation tendered by Sir Thomas Holland has been accepted by His Majesty. In communicating to me the regret, with which he had reached his conclusion, the Secretary of State expresses his general sense of the importance of the contribution which Sir Thomas Holland had made to the Industrial development of India. The Secretary of State further records his appreciation of the high ability and strenuous labours which Sir Thomas Holland devoted during the war to the task of organising and increasing the supply of munitions. His services then rendered were of the highest value, not only to India but to the Empire, which the Secretary of State gratefully recognises. I associate myself with the tribute and add only that my regret is the greater because I lose a Colleague in the Council with whom I have been associated from the moment I became Viceroy. The facts and conclusions of my Government have already been placed before you in the official statement published by my Government, and I need not refer to them again. The public felt, and beyond all doubt rightly felt, that the proceedings in Court had shaken the very foundations of justice. Fundamental principles of administration and justice had been violated, and the acceptance of the resignation was therefore inevitable. Our conclusions were announced only in relation to the proceedings in Court and to the omission to refer to me as the head of the Government. Lest there should be any misapprehension, I must, however, add, on my own behalf and that of my Colleagues, that the existence of civil suits against the Government by the accused should be entirely disregarded in relation to the criminal case. Their unconditional withdrawal ought not to have any influence upon considerations of the withdrawal of the prosecution.

The lesson that we have learnt from these unfortunate events is, that it is very desirable that the direction and control of Government prosecutions should be in the hands of a trained lawyer. The matter will be considered by my Government. I cannot but think that the absence of this training contributed largely to the difficulties in which my late Colleague, Sir Thomas Holland, found himself involved.

Let me now turn to external affairs. You will naturally wish to know the result of our negotiations with the Afghan Government. I had hoped that I should be in a position to-day to make an announcement to you respecting them. But though it was so far back as January last, that at the invitation of the Afghan Government we despatched a Mission to Kabul for the negotiation of a Treaty of Friendship, its outcome is still uncertain. Negotiations of this character, especially when supervening on actual war, are often not brought to a speedy close and these negotiations have been protracted by developments beyond the limit of my Government's anticipations. But, despite all untoward

complications or unexpected difficulties, I hope that we may before long conclude a new and abiding Treaty of Friendship with Afghanistan which will ensure the continuance of our traditional relations with this nation.

The Frontier unhappily is still suffering from the unsettling influence of the Great War, and the other excitements and instigations of recent years; but, notwithstanding the drought and great scarcity of the present year which have done much to accentuate the economic difficulty that lies at the root of the Frontier problem, unrest in Baluchistan has almost wholly subsided. Even in the North-West Frontier Province, with its narrow belt of British districts between the Indus and the Frontier hills exposed at all times to the brunt of tribal lawlessness, there is comparative quietude save in Waziristan. Military operations have now been in progress in Waziristan for several months. They have been conducted by our troops in the face of many hardships and against an elusive enemy with a fortitude and gallantry worthy of all praise. I trust that these operations may not long have to be continued. They are slow and costly—the problem of the inhospitable Frontier does not lend itself to cheap or easy solution—but India's duty seems clear. And it must always be remembered that the expenditure on Frontier defence is incurred not merely for the defence of the sorely harassed inhabitants of our border districts against trans-frontier lawlessness and raids; it is incurred for the defence of India as a whole, and is an expenditure which India will assuredly not grudge.

Unhappily Greece and Turkey are still at war, notwithstanding the strenuous efforts of the Allies, and notably of His Majesty's Government, to effectuate a settlement of the grave disputes between these two countries. My distinguished predecessor, Lord Chelmsford, forcibly and persistently represented the views of the Indian Muslims to His Majesty's Government, and to the best of my capacity I have pursued and shall pursue the same course. It is also well known that the Secretary of State for India has laboured most loyally and strenuously to persuade the Allies to adopt a policy more in consonance with the opinions of India. I dare not at this moment when operations of war are proceeding hazard an opinion as to the future, but I may express my fervent hope that a Treaty of Peace may soon be concluded on terms which will be reasonably satisfactory to Turkey and also to Indian Muslim opinion.

May I also observe that differences between some portions of the Muslim population that hold extreme views and the rest of the Indian Muslim opinion do not strengthen the representations which I may make to His Majesty's Government in order that we may bring about a settlement satisfactory to Muslim opinion in India. (Applause.)

It is some consolation in these days to turn from the contemplation of warlike operations to the labours of the League of Nations. India took its stand from the first for the League which, in my judgment, gives the best hope of preventing future wars. The creation of a permanent International Court of Justice is one step, and not an unimportant step, in the settlement of disputes by the arbitrament of reason; and, in this connection, I am pleased to be able to inform you, that His Majesty has been graciously pleased on behalf of India to ratify the acceptance of the Statute for the constitution of a permanent Court of International Justice, which was accepted by the representatives of India on the Assembly of the League of Nations. The Judges of the Court will be elected by the Assembly of the League of Nations and

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by the Council from lists of persons nominated by national groups representing the various nations which have accepted and ratified this Statute. In appointing this national group for India, my Government have endeavoured to select persons of the highest reputation and competency, and I am confident, you will agree with me, that Mr. K. Srinivasa Iyengar, now a Member of the Executive Council at Madras, Mr. Justice Rankin, Judge of the High Court of Calcutta, Mr. S. Hassan Imam, Barrister-at-Law, Patna, and Sir Thomas Strangman, Advocate-General in Bombay, who have accepted the appointments as members of the national group, fulfil these conditions. Their duties will be to nominate persons from whom the Judges of the Court will subsequently be elected. The Court will have jurisdiction in cases of disputes between members of the League which the members agree to refer to it, and also in international disputes in labour cases and in transit and communications cases.

I have followed with the deepest interest the events at the Imperial Conference in London, where India had the good fortune of being represented by the Secretary of State, the Maharaja of Cutch, and the Right Honourable Srinivasa Sastri, one of His Majesty's Privy Councillors. Although they were not able to achieve all they wished, it cannot be doubted that they have secured a notable recognition of the status of Indians in the Empire. It may be a tardy recognition, but it establishes beyond all question, and authoritatively, by the conclusions of the Premiers assembled at the Imperial Conference, with one dissentient, the equal status of Indians in the Empire; secondly, the attitude of His Majesty's Government and their recognition of this principle will mean that it will be applied in other parts of the Empire which are not under Dominion Government, and notably in East Africa. In India, we cannot but rejoice at these conclusions, notwithstanding that we deeply regret that the representatives of South Africa felt themselves unable to accept them. We must not close our eyes to their difficulties, these are of a special character. But we must continue our efforts to bring about a recognition in South Africa. Assuredly we need not be discouraged by the result at the Imperial Conference: indeed, we should be stimulated to continue our labours, and I give you my assurance that I will strive to the full extent of the power and ability I may possess to obtain the recognition in South Africa and elsewhere of the principle accepted by the other Dominions and His Majesty's Government, and to secure that it shall be so interpreted as to satisfy Indian pride and patriotism. I cannot pass from this subject without expressing gratitude to the representatives of India who represented the interests of Indians so ably and eloquently. I have read with great pleasure the reports of the reception of the Maharaja of Cutch and Mr. Sastri. It is beyond doubt that they have raised the status of Indians in the Councils of the British Empire; they have contributed to the appreciation of the intellectual capacity, the graceful courtesy and the sensitive responsiveness of Indians, and have made a deep impression upon all with whom they have come into contact in England and elsewhere.

When I approach examination of the internal conditions of India, I find much that is hopeful for the future, and my belief in your capacity to assist me and my Government in promoting the general welfare of the country is a constant encouragement in the performance of our duties. But there is still unhappily unrest in some parts of the country which continues to receive the serious consideration of my Government. Its most recent manifestation is in

the district of Malabar, and thoughts naturally turn to the grave reports of crime and disorder which necessitated the issue by me of an Ordinance proclaiming Martial Law in certain parts of this district. I trust, I need not assure you, that having passed my life in the profession of the law and steeped as I am in the liberal traditions of England, I would never proclaim Martial Law unless I was convinced that it was absolutely necessary for the security of the country and for the safety of the population in the disturbed areas. In my judgment, I should have failed in my duty if I had not taken this step in the emergency that arose, and had not given to the Local Government all the assistance and support that could be rendered in quelling the uprising of the Moplahs and in protecting innocent citizens against the criminal acts of a violent mob. We must, however, be careful to view these disturbances in their proper setting. It would be rash and in my view wrong to assume that this rising is to be taken as symptomatic of the condition of the whole of India. It must be remembered that this district has always been a storm-centre, and serious disorders have occurred in the past. I shall not enter into a lengthy discussion of the events and conditions that led to this serious outbreak, which may be said, without exaggeration of the language, to have assumed the character of rebellion, because I am well aware that you will have opportunities of discussing these matters in the course of your debates. I shall only make some general observations for your consideration. It is obvious from the reports received that the ground had been carefully prepared for the purpose of creating an atmosphere favourable to violence, and no effort had been spared to rouse the passions and fury of the Moplahs. The spark which kindled the flame was the resistance by a large and hostile crowd of Moplahs, armed with swords and knives, to a lawful attempt by the police to effect certain arrests in connection with a case of house-breaking. The police were powerless to effect the capture of the criminals, and the significance of the incident is, that it was regarded as a defeat of the police and, therefore, of the Government. Additional troops and special police had to be drafted to Malabar in order to effect the arrests. The subsequent events are now fairly well known, although it is impossible at present to state the number of the innocent victims of the Moplahs. These events have been chronicled in the Press and I shall not recapitulate them. The situation is now, to all intents and purposes, in hand. It has been saved by the prompt and effective action of the military and naval assistance for which we are duly grateful, although some time must necessarily elapse before order can be completely restored and normal life under the Civil Government resumed. But consider the sacrifice of life and property! A few Europeans and many Hindus have been murdered, communications have been obstructed, Government offices burnt and looted, and records have been destroyed, Hindu temples sacked, houses of Europeans and Hindus burnt. According to reports, Hindus were forcibly converted to Islam, and one of the most fertile tracts of South India is threatened with famine. The result has been the temporary collapse of Civil Government, offices and courts have ceased to function, and ordinary business has been brought to a standstill. European and Hindu refugees of all classes are concentrated at Calicut, and it is satisfactory to know that they are safe there. One trembles to think of the consequences if the forces of order had not prevailed for the protection of Calicut. The Non-Muslim in these parts was fortunate indeed if either he or his family, or his house or property, came near the protection of the soldier and the police. Those who are responsible for causing this grave outbreak of violence and crime must be brought to

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justice and made to suffer the punishment of the guilty. But apart from direct responsibility, can it be doubted that when poor, unfortunate and deluded people are led to believe that they should disregard the law and defy authority, violence and crime must follow. This outbreak is but another instance on a much more serious scale and among a more turbulent and fanatical people of the conditions that have manifested themselves at times in various parts of the country. And Gentlemen, I ask myself, and you and the country generally, what else can result from instilling such doctrines into the minds of masses of the people? How can there be peace and tranquillity when ignorant people who have no means of testing the truth of the inflammatory and too often false statements made to them are thus misled by those whose design it is to provoke violence and disorder. Passions are thus easily excited to unreasoning fury. Although I freely acknowledge that the leader of the movement to paralyse authority persistently, and, as I believe, in all earnestness and sincerity, preaches the doctrine of non-violence and has reproved his followers for resorting to it, yet, again and again, it has been shown that his doctrine is completely forgotten and his exhortations absolutely disregarded when passions are excited as must inevitably be the consequence among emotional people. To us who are responsible for the peace and good government of this great Empire, and I trust to men of sanity and common-sense in all classes of society, it must be clear that defiance of the Government and constituted authority can only result in widespread disorder, in political chaos, in anarchy and in ruin. There are signs that the activity of the movement, or at least of one section of it, may take a form of even a more direct challenge to law and order. There has been wild talk of a general policy of disobedience to law, in some cases I regret to say accompanied by an open recognition that such a course must lead to disorder and bloodshed. Attempts have even been made by some fanatical followers of Islam to seduce His Majesty's soldiers and police from their allegiance—attempts that have, I am glad to say, met with no success. As head of the Government, however, I need not assure you that we shall not be deterred one hair's breadth from doing our duty. We shall continue to do all in our power to protect the lives and property of all law-abiding citizens, and to secure to them their right to pursue their lawful avocations and, above all, we shall continue to enforce the ordinary law and to take care that it is respected. It is the manifest duty of every loyal subject of the King-Emperor, just as it is the interest of all who wish to live peaceful lives with a security of protection against violence and crime, to oppose publicly a movement fraught with such dangerous possibilities and to help the officers of Government in their task of preventing and suppressing disorder. And all this time I and my Colleagues are ready and anxious to do all that is possible to allay legitimate discontent and to remedy the grievances of the people of India. I am free to admit that there are grievances to be remedied, and we are constantly directing our attention to devising the proper remedies for this purpose; and I am well aware that we can rely upon your assistance in this and future Sessions, for you sit here to mirror public opinion, and I and my Government will continue gladly to welcome the help you may give to us.

You, the first representatives of this Legislature, can already point to solid achievement as the result of your deliberations and activities. I shall not attempt to chronicle them, but I shall refer to some important instances. A

Committee was appointed to examine the laws dealing with the Press: its report is now before you. The personnel of the Committee, which included Members of both your Houses, was predominantly non-official, and its recommendations, which I am glad to say, were unanimous, may be accepted as reflecting the popular views of the laws in question. Legislation on the lines recommended by the Committee will shortly be laid before you. Its most important feature will be the proposal to repeal the Press Act of 1910. There is, however, one part of the Report upon which, I think, it is necessary to make some reservation, and that is in relation to the protection hitherto afforded since 1910 to Ruling Princes against seditious attacks upon them in newspapers published in British India. If the Press Act is repealed, it may become necessary to consider what form of protection shall be given to them in substitution. I will not pursue the subject now, but it will doubtless be discussed at a later stage.

The Repressive Laws Committee—another Committee of a very similar character—has recently made a careful examination of certain laws and regulations which confer extraordinary powers on the Executive Government. Their Report will shortly be published, and I trust that it will command your approval and that of the country at large. I cannot make an announcement regarding the legislative measures that will result from the Committee's labours as they have not yet been considered by my Government. But I think I may safely say that a number of laws, popularly regarded as infringements of the liberty of the subject, will, in all probability, be repealed.

The consideration of this subject brings me not unnaturally to the cases of the 86 men sentenced in connection with the Punjab Disturbances of 1919 who are still in jail. I wish it had been possible for me to-day to have announced my decision to you: but I am not yet quite ready to declare it. I confess that when I undertook myself to examine each of these 86 cases, I under-estimated the labour involved, and I did not sufficiently realise the constant demands upon my time consequent upon the responsibility of the position I occupy. Unexpected events happen and decisions must be made immediately, and I am sure that I need not remind you of the unexpected incidents that have happened during my short period of office.

You will remember that, as the result of discussion last Session, an important Committee under the Presidency of His Excellency the Commander-in-Chief has sat to consider the military requirements of India. The report of the Committee will be considered in London by a Sub-Committee of the Committee of Imperial Defence and we must await their decisions.

A Notification has been issued constituting seven Territorial Force Units in different parts of India and in Burma in addition to the University Corps. It is hoped that numbers of recruits will be forthcoming to take advantage of the opportunity thus afforded for acquiring military training, so as to fit them to take a share in the defence of their country. My Government will spare no pains to further the interests of the Territorial Force, and it now rests with the people of India to make the scheme a success.

A Resolution was passed by the Legislative Assembly last Session recommending the establishment of a College in India to train Indian lads who desired to enter the Indian Army through Sandhurst. A scheme on these lines has been forwarded for the approval of the Secretary of State, and as soon as that has been received, rapid progress will be made with the adaptation of the

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buildings formerly occupied by the Imperial Cadet Corps at Dehra Dun so as to fit them for a College of this nature. It is hoped that the Prince of Wales may be pleased to perform the opening ceremony, and that the preliminary work will be completed in time to enable the College to be in working order. The College will be large enough to accommodate 90 pupils in the first instance, and, if it proves a success, it will be possible to make expansion in the immediate vicinity of the College.

A subject which has occupied your attention and that of the Indian public, and roused great interest, is that relating to the free admission of Indians to all arms of His Majesty's military and naval forces in India. In accordance with the Resolution passed by the Legislative Assembly, my Government is now in communication with the Secretary of State with the object of enabling Indians to qualify for Commissions in the Artillery and Engineer Services in the country, and it is examining, in consultation with the Secretary of State, the question of the provision of facilities for Indians to be trained for Commissions in the Royal Air Force. A scheme is also under consideration for assisting Indian lads to qualify themselves by a period of training in England for a commissioned rank in the Royal Indian Marine.

Financial discussion occupied much time last Session, and you will not expect me to say anything fresh at this moment regarding the present trade and financial conditions. We are still awaiting that long expected revival in the demand abroad for India's products; this has been a very long time in coming, and, I am sure, the patience of many of us must have been sorely tried. Those who are in touch with our export markets tell me, however, that there are, at last, some faint, though unmistakable, glimmerings of revival, and that, if the monsoon continues good to the end, as we now have reason to hope it may, we shall before long see the beginning of a return to more normal conditions, and, perhaps, to something like our pre-war balance of trade. I mention this feeling of mild optimism, as it seems to be held in well-informed circles. For myself, I cannot attempt to prophesy. I would, however, invite your assent to two general observations. The first is, that India's own financial position is, as I believe, intrinsically sound. The State may have been occasionally forced during the war to do things which must have seemed to be a departure from the severe conservatism which had hitherto characterised the management of India's finances. But when we remember what most other belligerent countries were forced to do, and the enormous inflation of currency and credit, leading in many cases to something like national bankruptcy, which has followed elsewhere, we may, I think, at the risk of being considered Pharisaical, thank Heaven that we are not as other countries. A country that can put up nearly 40 crores of new money for a national loan need not entertain many qualms as to its financial future.

My second observation is merely a corollary from the first. Seeing that the existing difficulties of India's trade are due almost entirely to causes external to herself, it follows that when that revival of international trade comes, as come it must, then India will be one of the first countries to reap the benefit. The products which she has to offer to the rest of the world are not luxuries, the purchase of which other countries can defer until their finances are in better order, but are for the most part necessities, either as food-stuffs or as raw products for their manufactures. All these factors combined must

make India's position one of great advantage as soon as trade revives, and justify a refusal to be depressed by budget deficits, a low exchange, or other circumstances of the moment.

In considering the conditions of the people of India the greatest importance must always be attributed to the high prices now ruling for the necessities of life. This subject is constantly engaging the attention of my Government, and, in particular, it has been directed to the extraordinary recent rise in the price, particularly of wheat and of rice. You will have observed from a statement issued by my Government this morning that we shall continue the existing prohibition of the export of wheat, atta and flour until at least the end of March 1922. It is also proposed that so far as possible the requirements of wheat for the Army in India or based on India be for the present supplied by the purchase of Australian wheat. It is hoped that by these means relief will be given, and that the rise will be checked if not counteracted. My Government will not fail to watch events in this connection. Their importance on the political condition of India is perhaps greater than is usually recognised.

Our arrangements for the Fiscal Commission are well advanced, and I trust that the Commission will begin its important labours next month. In recognition of India's advance towards fiscal autonomy, the majority of the members of the Commission will be Indians and it is also intended that the Chairman shall be an Indian. I regret that at this moment arrangements are not sufficiently completed to enable me to give the names. The task before the Commission is one of enormous difficulty. Its duty will be to advise the Government of India, not only whether India should approve, in the interests of the solidarity of the Empire, the principle of Imperial Preference, but also whether we should abandon our time-honoured policy of a tariff raised primarily for revenue purposes in favour of a policy of protection. The task thus opens up questions of great difficulty and complexity, but I am confident that the Commission will approach them with a high sense of responsibility and that its Report will be of the greatest assistance and value to the Government of India.

The Government recognise that during the last few years there has been a great awakening on the part of Indian labour, and they are fully alive to the new conditions that such an awakening demands. The Bill to amend the Indian Factories Act, which is now under your consideration, has the two-fold object of increasing the efficiency of Indian labour and of bettering its conditions.

Another social measure, to which we attach great importance, is a Bill to regulate the grant of compensation to workmen for injuries received in the course of their employment, which we hope to introduce early in 1922. The recent industrial unrest has also been accompanied by a growth in the number of Trade Unions, and the question of giving adequate protection and legal status to those Unions which are genuine labour organisations is at present under consideration. The Government are also carefully studying the question of arbitration and conciliation. We are glad to observe that this matter of the settlement of labour disputes is receiving considerable attention from Provincial Governments and in Provincial Legislatures. I am full of hope that the various measures that are now being adopted or being recommended to employers as well as to employees will establish the peace and harmony that is absolutely necessary for the development of our industries.

[H. E. the Viceroy.]

The evidence of strong racial antagonism that, to some extent prevails, has caused me the greatest concern since my arrival in India. Regrettable incidents have come to my notice. At the same time I am far from asserting that the fault is all on one side. It seems to me that among the factors contributing to this unhappy racial tension, instances of violence and discourtesy by Europeans against Indians, which occur from time to time—although in truth I believe infrequently—cannot be overlooked. There is generally, I venture to assert, no ground of complaint to be made, but any instance of incivility attracts far more attention than the usual and infinitely more numerous instances of courtesy by Europeans to Indians. Neither can it be said that the results of the trials of Europeans concerned in criminal cases arising from acts of violence or from improper conduct have always given satisfaction to the public. I have been made aware of a very prevalent feeling amongst Indians that in such cases strict justice does not always result when a European is concerned, and it cannot be said that the result of such trials always satisfies the public conscience. In particular, my attention has been directed to the differences in the legal procedure applicable to Europeans and Indians. Local Governments have been consulted, and an opportunity will be taken during the course of the present Session to lay before you the proposals of my Government as to the steps which should be taken for further examination of this question, and I trust that in the result means will be found to satisfy public opinion that justice will be done both to Europeans and Indians.

There are many other subjects which will be considered by you during the course of this Session. There are questions of importance to which I have not even referred as I do not wish to detain you too long. In particular, I would mention the interest taken by Sir Thomas Holland in the industrial development of India. By his departure we lose the benefit of the services of one who has laboured faithfully and capably to this end. There are projects of irrigation which specially attract my attention. I wish I could have discussed them. There is again education which is dear to my heart and upon which I should like to have made some observations to you. But I must content myself with the knowledge that there will be other opportunities, and that all these subjects will come before you in the ordinary course of your deliberations and will receive careful attention.

During the time that I have been Viceroy I have been in constant intercourse with men of the Public Services of this country—both British and Indian—and I desire to take this opportunity of expressing publicly my grateful thanks to them for the assistance they have rendered to me and to Government, my appreciation of the services they are always ready to perform, my recognition of the inevitable promptness with which they have responded, to what I must confess to be the inordinate demands made by me upon their time and their labours.

Now, gentlemen, I shall not detain you longer. Sitting here in this Chamber, at the first meeting of this Session of the Reformed Legislature in Simla, I find my mind surging with imagination as to the future. I know that you are sitting here under a Constitution which has never been presented otherwise than for the purposes of the transitional stage. There are Resolutions that will come before you during the sittings of your Assembly urging your advance along the road of constitutional

progress. I am carefully watching and studying the working of this new machinery, and I am satisfied that in the short space of time, in which it has already existed, you have not yet sufficiently tested its perfections, if you are ready to admit that it has any, also its imperfections which no doubt you have already to some extent discovered. It is a human machine with human imperfections. It has never been presented otherwise than as a compromise, and it will take a little time before we can fully realise how it will work and how this machinery will fit in with the complex machinery of the Government of India. I will not at this moment hazard any observation as to the future. I am not so young as most of you who are present here. (Laughter.) I am prone to the caution of age and, therefore, will wait until I have had a little more opportunity of judging before I pronounce my conclusions. But these questions will be raised by you in this Legislature which has still some Sessions before it. There will be opportunities for full consideration and deliberation. I have already pointed out the results of the labours of this Assembly during the short period of its first Session. I have dilated briefly upon some of the results of the creation of this Reformed Legislature. You have gathered a good harvest, for, as a result of the Committees appointed and the legislation following upon your Resolutions, and the expression of your opinions duly recorded by Government, you are already able to point to a large volume of Government action taken to redress grievances. May I again taking advantage of my years as we elderly people so often do (Laughter)—add one word of warning? I do not think you can always expect at every Session to garner so rich a harvest. (Laughter.)

In conclusion, let me say to you, as a Member of this Legislature now present with you, addressing general observations upon present conditions, that we are all working together with one single purpose in view, the promotion of the welfare and happiness of India. (Applause.) We have no other object, we have no other desire except this which binds us all together, and which calls for the manifestation of that spirit of mutual good-will and forbearance, without which no deliberations can be effective and lead to lasting results.

In leaving you to your labours, I make an appeal to you, which I, am confident, I shall not make in vain: Do not content yourselves with merely doing your duty in this Legislature, although I know it makes a great demand upon your time. It needs patriotism to sacrifice leisure and sometimes remunerative occupation to take part in the deliberations of this Assembly. You may think—no, I will not say that—but some persons may think, that this is a sufficient demand to make upon you. It is not. No demand is too great when there is need for patriotism. It is essential that men like yourselves who are assisting Government by your advice, for Government is always seeking knowledge, should go forth among the people not only at time of election when constituents must always be remembered, but at other times. You must be conscious that you are taking part in important deliberations, and that you are thus assisting in moulding the destinies of this Great Empire. You are, permit me to say, inscribing your names on the golden roll of patriotic service, and are devoting yourselves to great work, and in this high purpose are true to your God, to yourselves and to your country. (Prolonged Applause.)

LEGISLATIVE ASSEMBLY.

Monday, 5th September, 1921.

The Assembly met in the Assembly Chamber at Half Past Ten of the Clock. The Honourable the President was in the Chair.

STATEMENTS LAID ON THE TABLE.

The Honourable Mr. W. M. Hailey : I lay on the table the information promised in reply to a Question by Mir Asad Ali, Khan Bahadur, on the 7th March, 1921, regarding the additional cost, charged to Central Revenues, of pensions, gratuities and allowances awarded to officers and men in the Civil Departments in India and in England.

Statement showing, for the last three years, the additional cost, charged to Central Revenues, of pensions, gratuities and allowances awarded to officers and men in the Civil Departments in India and in England.

	1918-19.	IN INDIA.		IN ENGLAND.
		1919-1920.	1920-1921.	The average additional cost * per annum on pensions disbursed in England has been reported by the Secretary of State to be as follows :—
	Rs.	Rs.	Rs.	£
1. Increases of pension sanctioned for gazetted officers of certain civil services (other than military officers or members of the Indian Civil Service) on the recommendations of the Public Services Commission.	Nil	17,400*	19,100*	13,200
2. Increase of invalid annuities of Indian Civil Service officers sanctioned on the recommendations of the Public Services Commission.	Nil	Nil	Nil	550
3. Relief to existing pensioners on account of the high cost of living.	Nil	Nil	20,000* (4 months only).	27,850 (Bonar Law scheme).
Total ...	Nil	17,400	39,100	41,600

* These figures are approximate.

Mr. H. Sharp : I lay on the table the information promised in reply to a Question by Mr. Eardley Norton on the 15th March 1921, during the discussion on demand for grant for the Indian Students' Department, regarding the actual and estimated expenditure on scholarships, etc., and the Indian Students' Department.

Statement showing Actual Expenditure for the year to 31st March 1921, and Estimated Expenditure for the year to 31st March 1922, on Scholarships, etc., and the Indian Students' Department.

SCHOLARSHIPS.	ACTUALS.		ESTIMATES.	
	1st April, 1920 to 31st March, 1921.	1st April, 1921 to 31st March, 1922.	1st April, 1920 to 31st March, 1921.	1st April, 1921 to 31st March, 1922.
Allowances of Government of India Scholars, other than Technical ...	£ s. d.	£ s. d.	£ s. d.	£ s. d.
Do. do Technical Scholars	9,314 0 0	9,314 0 0	9,530 0 0	9,530 0 0
(c) Special Grante-in-Aid ...	6,600 0 0	6,600 0 0	6,720 0 0	6,720 0 0
Passages ...	423 0 0	423 0 0	750 0 0	750 0 0
Travelling expenses ...	351 0 0	351 0 0	400 0 0	400 0 0
Premiums, fees, etc. ...	412 0 0	412 0 0	200 0 0	200 0 0
	1,755 0 0	1,755 0 0	900 0 0	900 0 0
TOTAL FOR SCHOLARSHIPS, etc.	18,555 0 0	18,555 0 0	18,500 0 0	18,500 0 0

LEGISLATIVE ASSEMBLY.

[5TH SEPT. 1921.]

INDIAN STUDENTS' DEPARTMENT.	ACTUALS.		ESTIMATES.	
	1st April, 1920 to 31st March, 1921.	1st April, 1921 to 31st March, 1922.	1st April, 1920 to 31st March, 1921.	1st April, 1921 to 31st March, 1922.
Salaries :-	£ s. d.	£ s. d.	£ s. d.	£ s. d.
Office Staff ...	5,157 16 10(c)	5,157 16 10(c)	5,300 0 0(d)	5,300 0 0(d)
Local Advisers at Manchester, Edinburgh and Glasgow ...	393 1 4	393 1 4	400 0 0	400 0 0
Engineering Adviser ...	172 18 3	172 18 3	250 0 0	250 0 0
Grant to Oxford University for expenses for Delegacy for Oriental Students	...	5,723 16 5	...	5,950 0 0
Grant to Cambridge University for expenses of Inter-Collegiate Indian Students' Committee.	...	325 0 0	...	400 0 0
	...	400 0 0	...	550 0 0

21, Cromwell Road—

Rent, Rates and Taxes ...	866 5 4	3,718 11 11	1,000 0 0	3,235 0 0
Repairs, renovations, etc. ...	1,405 18 6	...	700 0 0	...
Allowance for incidental expenses ...	35 0 0	...	35 0 0	...
Grant towards House expenses ...	1,411 8 1	...	1,500 0 0(f)	...
Miscellaneous—				
Travelling expenses ...	42 13 0	25 0 0	25 0 0	...
Postage ...	92 16 11	...	...	...
Telephone ...	5 6 3	15 0 0	15 0 0	...
Advance to Distressed Indian Students' Aid Committee ...	70 15 10	100 0 0	100 0 0	...
(b) Special cost of providing lodging accommodation for Indian Students at Cambridge.	147 0 9	...	...	...
Sundries ...	23 8 1	25 0 0	25 0 0	165 0 0
Less: Repaid by Distressed Indian Students' Aid Committee	382 0 10	302 0 10	...	...
TOTAL FOR INDIAN STUDENTS' DEPARTMENT	80 0 0	10,469 9 2	...	10,300 0 0

(a) These are to enable students of exceptional ability to complete a course of study which they cannot otherwise finish owing to lack of means.

(b) This was a special arrangement entered into by Sir Thomas Arnold and sanctioned by the India Office to meet an apprehended shortage of lodging accommodation for Indian students.

(c) Details of this amount are as follows:—
 2 Joint Secretaries £ s. d. 2,250 0 0
 3 Assistants to Joint Secretaries ... 2,030 0 0
 Clerical Staff ... 1,020 0 0

(d) Details of this amount are as follows:—
 2 Joint Secretaries £ s. d. 2,250 0 0
 3 Assistants to Joint Secretaries ... 2,030 0 0
 Clerical Staff ... 1,020 0 0

(e) These estimates were based on the actuals for 1919-20, those of 1920-21 not being at the time fully available. They will have to be considerably increased in the revised estimate. On the other hand, expenditure on allowances will be below the estimate if the war bonus on such allowances is reduced from 1st October, as is probable in view of the trend of prices.

(f) Details as to how this amount is arrived at will be found in separate statement overleaf.

Statement showing details of Budget of the House Managing Committee at 21, Cromwell Road, 1921-22.

RECEIPTS.

	£
Boarders	2,000
Meals	800
Northbrook Society—Rent...	270
National Indian Association—Rent ...	70
Grant for upkeep of the Law Library ...	20
Grant from Indian Revenues to meet difference between receipts and expenditure	1,500
	4,660

EXPENDITURE.

	£
Wages	780
Food	2,500
Heating and Lighting	500
Laundry	160
Maintenance	400
Law Library	20
Furnishing rooms vacated by Local Adviser, London ...	300
	4,660

OFFICE OF THE HIGH COMMISSIONER FOR INDIA,
42, Grosvenor Gardens,
London, S.W.-1.

May 1921.

Sir Godfrey Fell: I lay on the table the information promised in reply to a Question by Haji Wajih-ud-din on the 1st March 1921, regarding the receipts from house, water and conservancy taxes, and expenditure on sanitation, lighting and road watering, in the principal Cantonments in India.

Statement showing the Receipts from house, water and conservancy taxes, and Expenditure on sanitation, lighting and road watering, in the Principal Cantonments in India, promised in reply to a Question asked by Haji Wajih-ud-din on the 1st March 1921, No. 323.

Principal Cantonments by Districts.	Locality.	RECEIPTS FROM				EXPENDITURE ON				REMARKS.
		House tax.	Water tax.	Conservancy tax.	Total.	Sanitation.	Lighting.	Road Watering.	Total.	
NORTHERN COM- MAND. <i>Peshawar District.</i>	European Quarter	7,280	3,210	Nil	10,490	...	...	...	...	
	Indian Quarter	6,300	4,565	350	11,215	...	...	...	98,745	
	Outside Bazars	...	...	...	...	66,696	24,316	7,733	11,157	
	Within Bazars	...	...	...	...	8,947	2,210	Nil	...	
Nowshera ...	European Quarter	4,476	Nil	1,536	6,012	...	...	...	...	
	Indian Quarter	8,961	Nil	7,186	16,147	...	...	...	65,200	* Includes Rs. 25,000 for electrical installation.
	Outside Bazars	...	...	...	...	33,150	27,150	4,900	17,622	
	Within Bazars	...	...	...	...	13,200	3,450	972	...	
<i>Kohat District.</i>	European Quarter	Nil	1,225	838	2,063	...	...	...	...	
	Indian Quarter	2,479	Nil	693	3,172	...	...	...	25,094	No separate Bazar.
	Outside Bazars	...	...	...	...	...	6,245	962	...	
	Within Bazars	...	...	...	...	17,887	...	...	...	
<i>Rawalpindi District.</i>	European Quarter	21,895	5,500	7,255	34,650	...	...	...	...	
	Indian Quarter	21,004	4,187	Nil	25,191	...	...	...	90,544	
	Outside Bazars	...	...	...	...	75,531	10,500	4,513	570	
	Within Bazars	...	...	...	...	37,135	3,250	...	40,955	

Principal Cantonments by Districts.	Locality.	RECEIPTS FROM				EXPENDITURE ON				REMARKS.
		House tax.	Water tax.	Conser- vancy tax.	Total.	Sanita- tion.	Light- ing.	Road Water- ing.	Total.	
<i>Rawalpindi District—</i> contd.										
Abbottabad	European Quarter	1,097	875	1,013	2,985	...	...	...	...	...
	Indian Quarter	380	398	1,363	2,141	...	...	...	...	...
	Outside Bazar	...	...	...	...	5,000	945	151	6,096	...
	Within Bazar	...	...	...	...	4,000	Nil	Nil	4,000	...
Sialkot	European Quarter	3,000	Nil	Nil	3,000	...	...	...	...	...
	Indian Quarter	1,600	Nil	Nil	1,600	...	...	...	...	...
	Outside Bazar	...	...	...	...	34,000	3,000	3,200	40,200	...
	Within Bazar	...	...	...	...	14,000	1,400	1,200	16,600	...
Jhelum	European Quarter	2,050	Nil	425	2,475	...	...	...	...	...
	Indian Quarter	380	Nil	318	648	4,910	3,622	1,168	9,700	...
	Outside Bazar	...	...	...	...	982	725	234	1,941	...
	Within Bazar	...	...	...	...	...	...	...	...	...
<i>Lahore District.</i>										
Lahore	European Quarter	3,413	1,553	4,845	9,911	...	...	...	...	...
	Indian Quarter	7,207	501	8,486	16,194	...	...	...	...	...
	Outside Bazar	...	...	...	...	44,926	3,065	3,588	51,579	...
	Within Bazar	...	...	...	...	27,379	2,477	197	30,063	...
Ferozepore	European Quarter	4,900	Nil	3,300	8,200	...	...	...	...	...
	Indian Quarter	12,000	Nil	8,900	20,900	...	...	...	...	...
	Outside Bazar	...	...	...	...	26,880	11,200	10,580	48,660	...
	Within Bazar	...	...	...	...	40,573	2,400	9,852	52,825	...
Ambala	European Quarter	6,524	4,649	528	11,701	...	...	...	...	...
	Indian Quarter	18,742	12,043	6,238	37,023	20,608	4,452	3,588	28,648	...
	Outside Bazar	...	...	...	...	37,150	1,082	Nil	38,242	...
	Within Bazar	...	...	...	...	...	...	...	...	...

Jullundur	European Quarter	Nil	Nil	900	900	...	...	...	...	...	...
	Indian Quarter	Nil	Nil	4,310	4,310	18,254	2,355	1,826	22,405	...	...
	Outside Bazar	...	...	...	...	8,642	472	Nil	9,114	...	...
	Within Bazar	...	...	...	...	...	...	...	...	...	...
Multan	European Quarter	1,109	Nil	748	1,857	...	...	...	...	...	...
	Indian Quarter	6,442	Nil	7,356	13,798	...	...	...	...	...	...
	Outside Bazar	...	...	...	...	7,632	4,730	4,156	16,518	...	...
	Within Bazar	...	...	...	...	22,270	2,365	1,464	26,099	...	...
WESTERN COM- MAND.											
<i>Waziristan Force.</i>											
Dera Ismail Khan	European Quarter	1,200	300	800	2,300	...	...	...	...	...	...
	Indian Quarter	Nil	Nil	300	300	...	...	...	...	...	...
	Outside Bazar	...	...	...	...	...	...	...	...	...	...
	Within Bazar	...	...	...	...	23,866	920	714	25,500	No separate Bazar.	...
Banna	European Quarter	440	600	550	1,590	...	...	...	...	...	...
	Indian Quarter	Nil	Nil	Nil	Nil	...	...	...	...	...	...
	Outside Bazar	...	...	...	...	14,000	3,000	3,000	20,000	No separate Bazar.	...
	Within Bazar	...	...	...	...	...	...	...	...	...	...
<i>Baluchistan District.</i>											
Quetta	European Quarter	Nil	16,031	7,334	23,365	...	...	...	...	...	...
	Indian Quarter	Nil	2,600	7,520	10,120	...	...	...	...	...	...
	Outside Bazar	...	...	...	...	1,19,333	20,495	875	1,40,703	No regular Bazar in Quetta Cantonment and separate figures are not available.	...
	Within Bazar	...	...	...	...	...	...	...	...	...	...
Jubbulpore	European Quarter	Nil	2,455	2,450	4,905	...	...	...	...	...	...
	Indian Quarter	Nil	1,735	10,946	12,681	...	...	...	...	...	...
	Outside Bazar	...	...	...	...	41,598	3,617*	4,136	65,719	* For Europeans as well as Indians. † Streets narrow, road widening not possible.	...
	Within Bazar	...	...	...	...	16,368	Nil†	Nil†	Nil†	...	...

Principal Cantonments by Districts.	Locality.	RECEIPTS FROM				EXPENDITURE ON				REMARKS.
		House tax.	Water tax.	Conser- vancy tax.	Total.	Sanita- tion.	Light- ing.	Road Water- ing.	Total.	
<i>Baluchistan District— contd.</i>										
Jhansi ...	European Quarter	4,000	Nil	1,500	5,500	...	...	...	...	
	Indian Quarter	3,800	Nil	5,000	8,800	...	...	...	...	
	Outside Bazars	...	...	...	...	17,902	2,880	Nil	20,782	
	Within Bazars	...	...	...	...	15,602	960	Nil	16,562	
Nowgong ...	European Quarter	2,243	Nil	Nil	2,243	...	...	...	...	
	Indian Quarter	2,827	Nil	Nil	2,827	...	...	...	...	
	Outside Bazars	...	...	...	...	5,210	819	117	6,146	
	Within Bazars	...	...	...	...	6,181	1,289	117	7,587	
Neemuch ...	European Quarter	1,089	Nil	Nil	1,089	...	...	...	...	
	Indian Quarter	3,966	Nil	Nil	3,966	...	...	2,000*	11,090	
	Outside Bazars	...	...	...	...	6,690	2,400	1,000	13,252	
	Within Bazars	...	...	...	...	10,452	1,800	...	...	
Saugor ...	European Quarter	Nil	Nil	1,084	1,084	...	...	...	...	
	Indian Quarter	Nil	Nil	2,335	2,335	...	...	...	...	
	Outside Bazars	...	...	...	...	11,804	5,223	502	17,529	
	Within Bazars	...	...	...	...	12,200	1,741	Nil	13,941	
<i>Poona District.</i>										
Poona ...	European Quarter	18,143	Nil	10,645	28,788	...	...	...	...	
	Indian Quarter	22,096	Nil	14,725	36,821	...	...	...	...	
	Outside Bazars	...	...	...	...	30,815	†	Nil	30,815	
	Within Bazars	...	...	...	...	50,599	...	5,000	55,599	

Kirkee		European Quarter Indian Quarter Outside Bazars Within Bazars	2,110 2,980	Nil Nil	1,834 2,155	3,944 5,085	...	...	...	...	...	...
<i>Madras District.</i>												
St. Thomas' Mount	...	European Quarter Indian Quarter Outside Bazars Within Bazars	2,205 10,062	Nil Nil	535 53	2,740 10,115	...	...	...	...	...	...
Wellington	...	European Quarter Indian Quarter Outside Bazars Within Bazars	2,406 3,175	1,442 1,714	2,139 468	5,987 5,357	...	...	...	...	...	...
<i>Bombay District.</i>												
Deolali	...	European Quarter Indian Quarter Outside Bazars Within Bazars	Nil 11,652	Nil Nil	683 7,182	683 18,834	...	...	...	...	...	...
<i>Burma Independent District.</i>												
Maymyo	...	European Quarter Indian Quarter Outside Bazars Within Bazars	Nil 406	679 138	1,101 277	1,780 821	...	...	...	...	...	...
Bhamo	...	European Quarter Indian Quarter Outside Bazars Within Bazars	Nil 550	Nil Nil	180 60	180 610	...	...	...	...	...	...

Principal Cantonments by Districts.	Locality.	RECEIPTS FROM				EXPENDITURE ON				REMARKS.
		House tax.	Water tax.	Conser- vancy tax.	Total.	Sanita- tion.	Light- ing.	Road Water- ing.	Total.	
U. P. District.	Agra ...	European Quarter	2,125	9,365	2,400	13,890	...	...	...	...
		Indian Quarter	2,587	10,341	11,040	23,968	...	...	...	...
		Outside Bazars	...	...	...	...	35,000	5,326	6,000	46,326
		Within Bazars	...	...	...	...	17,422	5,234	1,200	23,856
Bareilly ...	European Quarter	Nil	1,676	Nil	1,676	...	...	...	...	
		Indian Quarter	Nil	1,234	913	2,147	...	...	...	...
		Outside Bazars	...	...	...	...	23,732	5,176	6,912	35,820
		Within Bazars	...	...	...	...	11,966	1,890	436	14,292
Meerut ...	European Quarter	6,024	5,961	4,980	16,965	...	...	...	...	
		Indian Quarter	8,008	7,997	26,785	42,790	...	...	...	...
		Outside Bazars	...	...	...	...	...	...	87,348	...
		Within Bazars	...	...	...	...	...	...	43,674	...
Dehra Dun	European Quarter	Nil	Nil	2,390	2,390	...	...	...	...	
		Indian Quarter	Nil	Nil	1,167	1,167	...	...	...	...
		Outside Bazars	...	...	...	...	21,544	1,943	1,219	24,706
		Within Bazars	...	...	...	...	1,434	548	Nil.	1,982

[illegible]

Colonel Sir S. D'A. Crookshank: I lay on the table the information promised in reply to a Question by Lala Girdharilal Agarwala on the 28th March 1921, regarding housing of clerical establishment in Delhi and Simla.

Categorical Answers to items (b) and (c) of the Question No. 645 asked by Lala Girdharilal Agarwala in the Legislative Assembly on the 28th March 1921.

- Questions.**—(b) (i) Accommodation provided in each class of quarter.
(ii) Furniture provided in each class of quarter.
(iii) Approximate cost of each class of quarter.

DELHI.

Answers.— (i) Timarpur (Old Delhi).

Europeans—

Married Superintendents	...	...	Semi detached quarters containing 1 living room, 1 pantry, 2 bedrooms and bathrooms.
Single Superintendents	...	...	Hostel with common drawing and dining room, and 12 suites of a bed and bath-room each.
Married Assistants	...	...	Semi detached quarter containing 1 living room, 1 bedroom and 1 bathroom.
Single Assistants	...	...	Hostel with common drawing and dining room and 12 suites of a bed and bath-room each.

Indians—

'A' Class (Type 'A')	...	...	Semi detached quarter containing sitting room, 3 bedrooms, godown, kitchen, servants' quarter, latrine and courtyard.
'B' Class (Type 'B')	...	...	Semi detached quarter containing sitting room, 2 bedrooms, godown, kitchen, servants' quarter, latrine and courtyard.

New Delhi.

Europeans—

Class I	...	...	Living room, dining room, pantry, 3 bedrooms, and 4 bathrooms.
Class II	...	...	Semi detached quarter containing drawing room, dining room, pantry, 2 bedrooms and 2 bathrooms. An alternative plan contains 3 bedrooms and no dining room.
Bachelors	...	...	Hostels with common dining and drawing room and 18 suites of a bed and bath-room each. (Two suites have dressing rooms as well.)

Indians—

Type 'B'	...	...	Semi detached quarter containing living room, 3 bedrooms, 3 bathrooms, lavatory, kitchen, 2 servants' quarters, latrine and courtyard.
Type 'C'	...	...	Semi detached quarter containing living room, 2 bedrooms, kitchen, stores, 2 bathrooms, 2 servants' quarters, latrine and courtyard.
Type 'D' (Independent)	...	...	Semi detached quarter containing living room, 2 bedrooms, bathroom, kitchen, servants' quarters, latrine and courtyard.
Type 'D' (with E.)	...	...	Sitting room, 2 bedrooms, servants' quarters, kitchen, bathroom, latrine and large courtyard.
Type 'E'	...	...	Sitting room, 2 bedrooms, servants' quarters, kitchen, bathroom, latrine and courtyard.

A complete set of the plans is attached.

(ii) Lists of furniture are attached.

(iii) Old Delhi

			Cost per unit of accommodation.	
			Rs.	Rs.
Europeans—				
Married Superintendents	...	...	3,335	say 3,350
Single Superintendents	...	...	1,567	„ 1,600
Married Assistants	...	...	2,931	„ 2,950
Single Assistants	...	...	1,563	„ 1,600
Indians—				
'A' Class	...	...	3,838	„ 3,850
'B' Class	...	...	3,185	„ 3,200

New Delhi.

			Rs.	
Europeans—				
Class I	...	...	9,800	
Class II	...	...	7,300	
Bachelors	...	...	3,000	
Indians—				
Type 'B'	...	...	8,200	
Type 'C'	...	...	5,100	
Type 'D' (Independent)	...	...	3,800	average.
Type 'D' with E.	...	...	2,400	
Type 'E'	...	...		

Scale of furniture for European Clerks' Quarters—Tiharpur.

Name of articles.	Nos. (For married Superintendents).	Nos. (For married Assistants).	Nos. (For single Superintendents and single Assistants).
Dining table	1	1	...
Chairs	8	6	2
Dresser	1	1	...
Side table	1	1	...
Dining Almirah	1	...	...
Easy Chairs	3	3	...
Writing Tables	2	1	1
Hanging hooks	1	1	1
Beds	4	3	1
Mattresses	4	3	1
Almirahs	2	2	1
Chest of drawers	1	1	1
Dressing Table	1	1	1
Mirror	1	1	...
Teapots	2	2	1
Washstands	2	1	1
Commodes	2	2	1
Tubs	2	2	1
Bath Boards	2	2	1
Towel Horses	2	2	1
Toilet sets	2	2	1
Hot Case	1	1	1
Kitchen Table	1	1	...
Pantry Table	1	1	...
Meatsafes	1	...	...
Kitchen Almirahs	2	2	...
Door Mat	1	1	...
Rubbish Bin	1	1	1
Table Lamp	1	1	...
Durrie	1	1	...
...	...	...	1

Scale of furniture for Indian Clerks' Quarters—Tiharpur.

Name of articles.	Nos. (For Type A.)	Nos. (For Type B.)
Chairs	8	6
Tables	4	3
Almirahs	3	2
Bath Tub	1	1
Bookshelf	1	1
Hanging hooks	1	1
Bath Board	4	4
Beds or	1	1
Takhtposh and	6	4
Beds ...	1	1
...	4	2

Scale of furniture in Class I, European Quarters—New Delhi.

Name of articles.	No. of articles issued.
Dining Table	1
Chairs	8
Dresser	1
Side Table	1
Dining Almirah	1
Easy Chairs	3
Writing Table	1
Book Case	1
Hat Pegs	1
Beds	3
Mattresses	3
Almirahs	2
Chest of drawers	1
Dressing Table	1
Mirror	1
Teapots	2
Wash-hand Stand	2
Commodes	2
Bath Tubs	2
Bath Boards	2
Towel Horse	2
Set of Crockery complete	2
Hot Case	1
Kitchen Table	1
Pantry Table	1
Meatsafes	2
Kitchen Almirah	1
Electric Switches	...
Electric Bulbs	...
Electric Shades	...
Electric Plugs	...
Durries	...

Or according to requirements.

List of furniture of Class II, European Quarters—New Delhi.

Dining Table	1
Chairs	7
Dresser	1
Side Table	1
Easy Chairs	3
Writing Table	1
Book Case	1
Hat Pegs	1
Beds	4
Mattresses	4
Almirahs	3
Chest of drawers	2
Dressing Tables	2
Mirror	1
Teapots	2
Wash stand	2
Commodes	2
Tubs	2
Towel rail	2
Set of Crockery	2

Or according to requirements.

Name of articles.	No. of articles issued.
Kitchen Table	1
Meatsafes	2
Kitchen Almirah	1
Durries	4
Pantry Table	1
Door mats	2
Bath Boards	3

Scale of furniture in all Raisina Quarters for Indians "C" "D" & "E."

Beds	4
Tables	3
Bookshelf	1
Tub	1
Chamber	1
Chairs	6
Almirahs	2
Hanging Hooks	4
Bath Board	1
Electric Switches	...
Electric Bulbs	...
Electric Shades	...
Electric Plugs	...

List of extra furniture supplied to the Indian Clerks of the Government of India and Army Headquarters from time to time, when required by them on payment of 1½ per cent per mensem on the capital cost of furniture.

Easy Chairs.	Commodors.
Chairs, Armed.	Towel Horses.
Writing Tables.	Bath Boards.
Dressing Tables.	Wash Stands.
Newar Beds.	Sets Crockery.
Almirahs, Shelf.	Mirrors.
Teapots.	Meatsafes.
Bookshelf.	Chest of Drawers.
Tubs.	Lounge Chairs.

- Question.*—(i) Number of quarters of each class built.
(ii) Are they more or less than the number required.

Delhi.

Answers.—(i) Timarpur (Old Delhi).

	No. built.	Total.
<i>Europeans.</i>		
Married Superintendents' Quarters	14	14
Single Superintendents' Quarters	12	12
Married Assistants' Quarters	32	32
Single Assistants' Quarters	60	60
<i>Indians.</i>		
'A' Class Quarters	10	10
'B' Class Quarters	156	156

New Delhi.

	No. already built.	No. to be built to complete the sanctioned scheme.	No. held in abeyance.	Total.
<i>Europeans.</i>				
Class I	44	...	3	47
Class II	46	1	5	52
Class III	Nil	65	7	72
Bachelors	72	5	23	100
<i>Indians.</i>				
Type 'B'	18	3	5	26
(European style)				
Type 'C'	34	{ 2 European style 1 Indian style }	11	48
Type 'D' (Independent)	102	...	50	152
Type 'D' (combined with E.)	512	...	52	564

(ii) The total number of Superintendents, Assistants and Clerks who will move down to Delhi during the ensuing cold season is about 1,359. The number of quarters (1,112) already built will, therefore, provide for about 82 per cent. of the staff.

Questions (b) and (c).—Simla.
Statement showing the number and estimated cost of and the accommodation provided in each class of quarter constructed at Simla for clerks of the Government of India Secretariat.

Class of quarters.	Number.	Accommodation.	Capital cost per quarter.	Remarks.
Europeans.				
Family quarters— Bangalows of various sizes at Katina.	17 divided into 44 units.	Varying from 2 to 5 main rooms in each unit.	3,08,855 = 7,020 each q.	Furniture.—No fixed scale is provided for family quarters, but articles ordinarily required are stocked for issue on hire to tenants requiring them.
Bangalows of various sizes at Tutundilli.	4 divided into 10 units.		1,02,856 = 10,285 each q.	
Bemloe 'C' type (for Superintendents).	12 units	Bedrooms 3, living rooms 2, kitchen 1, pantry 1, W.C. 1, bath room 1, store 1.	14,968 each	The bachelors' quarters are furnished with plain necessities, such as beds, tables, chairs and bathroom furniture. Note.—(i).—Sufficient experience has not yet been gained to say definitely which of the various types are most in demand, but the number of quarters as a whole is short of the number required. More quarters are in course of construction at Summer Hill in connection with the scheme sanctioned by the Secretary of State, and steps are being taken to prepare a supplementary scheme for building more quarters for Indian clerks.
Bemloe 'D' type (for Superintendents).	4 units	Bedrooms 3, living room 1, kitchen 1, pantry 1, W.C. and bath 1.	9,934 each	
Summer Hill—Class I (for clerks).	45 units	Bedrooms 2, remainder as for class I	6,556 each	Note (ii).—The cost of each quarter as shown in col. 4 is approximately correct. No comparison can be made owing to the different circumstances under which the various types of quarters have been constructed.
Class II (for clerks)	4 units	Bedroom 1, remainder as for class I	5,323 each	
Class III	None yet constructed		3,048 each	
Bachelors' quarters— Summer Hill barracks	105	Bedroom, living rooms, etc., are common.	7,179 each	
Indians.				
Family quarters— Dhar 'A' type	18 units	4 rooms, 1 servants' room, 1 kitchen, 1 store, 1 bath and W.C.	5,751 each	
" " 'B' "	54 units	3 rooms, remainder as in 'A' type	4,803 each	
" " 'C' "	81 units	2 rooms, remainder as in 'A' type	1,359 each	
Bachelors' quarters— Barracks on Cart Road	88 units	1 room, 1 bath and 1 latrine (45 kitchens for all).	2,778 each	
Dhar	12 units	1 room, 1 kitchen, and servants' quarters, 1 bath and 1 W.C.		

QUESTIONS AND ANSWERS.

CIVIL AND POSTAL ACCOUNTS OFFICES.

1. Mr. M. K. Reddi Garu: Will the Government be pleased to state—

- If it is a fact that the Secretary of State has sanctioned a time-scale for the clerical service of the Civil and Postal Accounts offices with a minimum of Rs. 40?
- If it is a fact that the minimum pay of the time-scale as introduced in the Accounts offices, located in Madras, has been reduced to Rs. 35 in the case of non-graduate clerks?
- If so, why has this discrimination been considered necessary in the case of Madras alone?
- Whether they propose to consider favourably the question of raising the minimum to Rs. 40 with retrospective effect from the date of introduction of the time-scale?
- If it is a fact that some 80 persons in the lower grades of the Postal Accounts office at Madras lost sums ranging from Rs. 5 to Rs. 15 as a result of the time-scale referred to above?
- If so, will the Government be pleased to state why the concession of percentage increases granted to the Civil Accounts offices to remedy this anomaly has not been extended to the Postal Accounts office?
- Whether they propose to consider favourably the extension of a similar concession with retrospective effect from the date of introduction of the time-scale?

The Honourable Mr. W. M. Hailey: (a) The minimum pay of the normal time-scale sanctioned by the Secretary of State for the clerical service is Rs. 40 per mensem for Civil Accounts offices as well as for the Upper Division clerks in the Post and Telegraphs Accounts offices; but for the Lower Division clerks in the latter offices the minimum is Rs. 30.

(b) Yes.

(c) In sanctioning the normal time-scale, the Secretary of State authorised the Government of India to settle the details of the scheme; and the minimum rates of pay in the case of the different offices were fixed with reference to the relative cost of living in the several provinces and also to the rates of pay prevailing in the local Secretariats at the time. A lower minimum rate of pay than that allowed elsewhere was considered sufficient for Madras where living was comparatively cheap. The rate of Rs. 35 for non-graduate clerks in Madras was fixed after considering the recommendations of the Salaries Committee which sat in 1919 for considering the general rates of pay of clerks employed under the Local Government.

(d) There is no intention of raising the minimum pay of Rs. 35 to Rs. 40 with retrospective effect from the date of introduction of the time-scale, but the question of revision of the scale of pay in all Accounts offices is now under the consideration of the Auditor General.

(e) There were some cases of loss. The losses were, in the majority of cases, due to the withdrawal of war allowances in consequence of the revision of pay sanctioned from the 4th November 1919. This has been remedied

by the recent decision of the Government of India that war allowances, wherever drawn immediately prior to revision, may also be taken into account in regulating the grant of personal allowances.

(f) Because the percentage increases were granted only for offices which, as a whole, had not adequately benefited by the revision.

(g) As stated above, the question of a revision of pay in Accounts offices is under consideration, but it is unlikely that any concessions will be given with retrospective effect from the date of introduction of the existing time-scale.

MESSRS. SYDENHAM AND SMITH, RAILWAY OFFICERS OF EGMORE.

2. **Mr. M. K. Reddi Garu:** Will the Government of India be pleased to state if the Railway Board has received numerous protests—

(a) against the transfer of Mr. Sydenham from Egmore on the ground that as Enquiry Officer he proved a success;

(b) against the retention of Mr. Smith as Station Master at such an important station as Egmore on the ground that he is rendering himself unacceptable to the travelling Indian public;

and if so, what action has been or is proposed to be taken thereon?

Colonel W. D. Waghorn: The replies to the Questions are—

(a) The Railway Board have received one letter on the subject and a reply was sent. The letter received covered copies of other letters said to have been addressed to the Government Inspector of Railways, Madras, and to the Agent, South Indian Railway.

(b) No representation has been received, but some of the other letters mentioned in (a) above referred to the Station Master.

As it appears that representations have been made to the Agent of the South Indian Railway who is the final authority in such matters, the Government do not propose to take any action.

SUPPLY OF SALT TO THE FRENCH GOVERNMENT AT PONDICHERRY.

3. **Mr. M. K. Reddi Garu:** Will the Government be pleased to state—

(a) the quantity of salt which is annually supplied to the French Government at Pondicherry;

(b) why it is that the salt is supplied to the Pondicherry Government by measure and not by weight;

(c) what (if any) is the amount of loss to the Government of India by supplying a heavy kind of salt to the French Government instead of light salt;

(d) if it is true that a maund of *light* salt has more of salt by measure than a maund of *heavy* salt;

(e) if it is a fact that what is known as 'black salt'—an inferior kind—is a very light salt and that it has a very large sale in the Madras markets;

(f) if it is not a fact that many of the factories which manufacture white salt in the Madras Presidency are being closed, since the heavy white salt cannot compete in the market with the light salt?

Mr. A. C. Chatterjee: (a) The average quantity is 50,000 mds.

(b) Salt is supplied to the French Government at Pondicherry by measure in accordance with a decision arrived at in 1873 which is described in paragraphs 310 and 311 of the Report of the Madras Salt Commission of 1876.

(c) The loss cannot be accurately ascertained as wastage has also to be taken into consideration. In the case of Karambalam salt sent to Pondicherry, the wastage during recent years has varied between 7.4 to 8.7 per cent.

(d) Obviously.

(e) Yes.

(f) So far as our information goes, no factory has been closed for this reason.

IMPORT OF SALT INTO INDIA.

4. **Mr. M. K. Reddi Garu:** Will the Government be pleased to state—

(a) what is the quantity of salt that is being imported from England, Aden and other foreign countries annually, for the last ten years;

(b) if it is a fact, that from some of the foreign countries, the salt is being carried to India, free of steamer freight;

(c) if so, why?

Mr. A. C. Chatterjee: (a) The Honourable Member's attention is invited to the Statement laid on the table in answer to Question No. 348 asked by Babu Braja Sundar Das on the 5th March 1921. The figures for 1920-21 are not yet available.

(b) and (c). The Honourable Member's attention is invited to the reply given to Question No. 523 asked by Mr. Manmohandas Ramji on the 21st March 1921.

SALE OF SALT MANUFACTURED IN BOMBAY.

5. **Mr. M. K. Reddi Garu:** (a) Is it a fact that a very large quantity of salt, manufactured in the southern parts of Bombay, finds a sale in the Madras Presidency, in preference to the salt manufactured locally?

(b) If so, will the Government be pleased to enlighten the Assembly on this question?

(c) Is it not a fact, that what is known as Gova black light salt finds a large market even in the city of Madras?

Mr. A. C. Chatterjee: (a) Bombay salt is consumed in the Madras Presidency chiefly in the districts of Salem, Coimbatore, South Kanara and Malabar. There has been no marked increase in the import of Bombay salt in recent years.

(b) The people in these localities have acquired a taste for Bombay salt and prefer it to the Madras salt.

(c) The answer is in the negative.

TUTICORIN SALT.

6. **Mr. M. K. Reddi Garu :** (a) Is it a fact that Tuticorin salt finds a sale in Salem and the South Arcot Districts in preference to the salt manufactured in Cheyyur, Chunampet and Merkanam factories, which are very near to Cuddalore? If so, what is the reason?

(b) Is it a fact that Tuticorin salt is given a concession in railway freight from Tuticorin to Cuddalore and other places where that salt finds a sale? If so, what is the kind of concession granted and why is it granted?

Mr. A. C. Chatterjee : (a) The cost of production at Tuticorin is lower than in the places mentioned as the soil and the climate at Tuticorin are more suitable for salt manufacture and the brine supply is better. Tuticorin salt is lighter than the salt manufactured under the accretion system in the Cheyyur, Chunampet and Merkanam factories.

(b) The answer is in the negative.

DIFFERENCE IN MADRAS MEASURES OF VARIOUS KINDS OF SALT.

7. **Mr. M. K. Reddi Garu :** (a) What is the difference, in Madras measures, with reference to a bag of salt weighing two maunds between the salts manufactured at Goa and the surrounding districts of Bombay, Tuticorin salt, Cheyyur, Chunampet salt, and Ennore salt which is manufactured by the Government itself?

(b) In view of the larger quantity contained in a bag of light salt, what is the extra price demanded of the consumers of this salt for a bag of two maunds as compared with a bag of heavier kind of salt?

(c) Is not the extra price charged to the consumers, in the nature of an additional tax on them, and do not the proceeds from it go to the Government?

(d) Do Government propose to legislate, in order to remove this irregularity in the sale of salt?

Mr. A. C. Chatterjee : (a) The average number of Madras measures in a two-maund bag is as below :

Bombay and Goa salt	...	...	60 measures.
Tuticorin salt	...	...	53 measures.
Cheyyur salt	...	...	47 measures.
Chunampet salt	...	...	46 measures.
Ennore salt	...	...	48 measures.

(b) and (c). It is difficult to frame an accurate estimate of the additional cost on the consumer. The question is discussed in para. 17, Chapter VII of the Report of the Indian Salt Committee of 1904.

(d) The objections to legislation, enforcing the retail sale of salt by weight were fully stated in the Report of the Indian Salt Committee of 1904. The Government of India have at present no reason to believe that the difficulties then pointed out have lost any of their force. The question is a local one and perhaps the inconveniences alleged to be suffered by consumers could best be ventilated in the Bombay and Madras Legislative Councils.

POLICY OF GOVERNMENT IN MAKING JUDICIAL APPOINTMENTS.

8. **Lala Girdharilal Agarwala :** (a) Are persons who are wanting in judicial patience or courtesy or both, ever entrusted with the duties of administering justice in any Court of Law?

(b) Before the appointment, confirmation or promotion of officers exercising judicial powers, is the question as to whether they have judicial patience or temper taken into consideration?

(c) What is the policy of the Government on the subject?

The Honourable Sir William Vincent : (a) Government are not aware of any instance of the appointment of such a person.

(b) Most judicial appointments in India are made by authorities other than the Government of India, and Government have no information as to the factors taken into consideration. They would not themselves appoint to a judicial post one who was known to them to be lacking in judicial patience and temper.

(c) The policy of Government in making judicial appointments is to appoint the best man available having regard to all the circumstances of the case.

PERSONS AWAITING TRIAL.

9. **Lala Girdharilal Agarwala :** (a) Are persons who are under investigation, inquiry or trial for any criminal offence, inconvenienced, ill-treated or disgraced in any way before decision as to their guilt or innocence?

(b) Is it a fact that under-trial Europeans even when in custody are provided with a chair in Court, but Indians under similar circumstances have to stand or sit on the bare ground?

(c) Do the Government propose to make it clear that no person before he or she is found guilty of any offence, be inconvenienced, ill-treated or in any way disgraced during investigation, inquiry or trial?

The Honourable Sir William Vincent : (a) and (c). It is inevitable that persons accused of criminal offences should suffer a certain amount of inconvenience. Elaborate rules are, however, in force, the object of which is to protect such persons from ill-treatment and any unnecessary harassment both during investigation and when under trial, and the Government do not consider that any further instructions are necessary.

(b) Government have no information on this point.

INDIAN PRIVY COUNCIL.

10. **Dr. H. S. Gour :** (1) Is it a fact that both the Government of India as well as the Secretary of State have recommended the creation of an Indian Privy Council as an item of Constitutional Reform in India?

(2) If so, why has not such Privy Council been yet created?

(3) Do the Government intend to give effect to its own recommendations? If so, when?

(4) If the answer to part (3) be in the affirmative, do the Government intend to take the Assembly into their confidence with a view to securing it sufficient representation?

The Honourable Sir William Vincent: In paragraph 287 of the Montagu-Chelmsford Report, the institution of a Privy Council for India was recommended. Official opinion upon the proposal was lukewarm and non-official opinion mostly adverse. The proposal was, however, supported to the Secretary of State, somewhat hesitatingly, by the Government of India in paragraph 119 of their first despatch on Indian Constitutional Reforms. The recommendation is not embodied in the Government of India Act, as it would have been if the proposal was to be carried into effect, and no further action in this matter is now proposed.

As the Honourable Member is interested in this matter, he may perhaps like to refer to section 11 of the British North America Act, 1867, which provided for the establishment of His Majesty's Privy Council in Canada. Similar provisions have not been included in recent Acts governing the administration of other British Dominions, and Privy Councils have not been established therein.

Mr. N. M. Samarth: May I know if it is not a fact that the Joint Parliamentary Committee on the Government of India Bill rejected that proposal?

The Honourable Sir William Vincent: From the fact that no provisions on this point have been included in the Act, I should be inclined to think that the Honourable Member is correct.

COUNCIL SECRETARIES.

11. **Dr. H. S. Gour:** (a) Is the Government aware of the recommendation of the Joint Parliamentary Committee embodied in S. 43A of the Government of India Act favouring the appointment of Council Secretaries?

(b) Is it the intention of Government to recommend to the Governor General to appoint such Secretaries?

(c) If so, how many and when?

(d) Before doing so, do the Government propose to take the Assembly into its confidence?

The Honourable Sir William Vincent: (a) Yes.

(b) (c) and (d). The intention of the Joint Select Committee as regards this provision in the Act is indicated by its remarks on clause 29 in its Report on the Government of India Bill. The provision is entirely a permissive one, and the matter is left entirely to the discretion of His Excellency the Governor General. The Government of India have deferred making any recommendation to His Excellency on this question until further experience has been gained of the working of the new constitution.

KING'S COUNSEL IN INDIA.

12. **Dr. H. S. Gour:** (a) Is the Government aware of any proposal to create King's Counsel in India?

(b) If so, will the Government be pleased to state when such Counsel are to be created and how are members of the Bar to be selected for that purpose?

The Honourable Sir William Vincent: The question of appointing King's Counsel in India is under the consideration of Government.

The subject is, however, affected by the work which the proposed King's Counsel will be able to undertake, and as this question is raised by the proposal to constitute an Indian Bar upon which Local Governments and legal bodies have been consulted, the decision of the question of appointing King's Counsel has been postponed, pending the consideration of the replies in that case.

ANSWERS TO QUESTIONS OF NON-OFFICIAL MEMBERS.

13. **Mr. K. Ahmed:** (i) Are the Government aware that Members in charge of the Government Departments reading Answers to Questions put by the Non-official Members of the House do not always give straightforward and accurate information?

(ii) Is it a fact that sometimes Members put Supplementary Questions and the Official Members in order to avoid properly answering them ask for notice of them?

(iii) Do Government propose to observe a popular principle of answering Questions giving straightforward and accurate information in the public interest?

(iv) Will the Official Member of each and every Department give complete and satisfactory Answers instead of asking for notice of Supplementary Questions put to them by the Non-official Members?

The Honourable Sir William Vincent: I am in some difficulty about this Question. I have received no information yet from the Secretary of the Assembly if it has been admitted by the President. At the same time, it is included in the Agenda Paper, and I can only presume that it has not been disallowed. In the circumstances, I am not quite clear what my position is with regard to the Question, and I shall be glad if the President will be good enough to explain it to me.

The Honourable the President: The Question has not been disallowed, and though, as Members will see, it might be the subject of disallowance, I have not disallowed it on the ground, that I thought that it dealt with matter on which decisions had better be taken from the Chair in public rather than by disallowance *sub silentio*. I, therefore, propose to say something regarding Question No. 13 at the end of the question hour.

NEW DELHI (COST OF AND DISPOSAL OF BUILDINGS).

14. **Mr. M. K. Reddi Garu:** (a) What is the total amount spent on the construction of the part of Delhi where the present Viceregal Lodge and the present Secretariat offices are located?

(b) In how many years was this part of Delhi completed?

(c) What is the cost of the present Secretariat office buildings?

(d) By whom were they designed and constructed, i.e., whether by the Public Works Department or by any established private firm of Engineers?

(e) In how many months were they completed?

(f) Will the Government be pleased to state how these buildings in this part of Delhi are to be utilized when all the Government of India offices are removed to Raisina or the Imperial City?

Colonel Sir S. D'A. Crookshank : (a) I am afraid the Question is not sufficiently precise to enable me to answer it exactly. The initial expenditure incurred up to the end of the year 1912-13 in connection with the provision of temporary accommodation for the Government of India at Delhi, pending the construction of the New Capital, was Rs. 54.33 lakhs. Since then, and up to 1920-21 inclusive, the total expenditure on Civil Works in the Delhi Province, excluding the Viceregal Estates on which a total of Rs. 14.83 lakhs has been spent since 1911, is approximately Rs. 153 lakhs which, however, includes the cost of maintenance and repairs and any additional works undertaken during that period.

(b) As indicated above, the main construction work was commenced and completed in 1912-13.

(c) The total cost of the temporary buildings now used as the Secretariat was about Rs. 14,75,000.

(d) They were designed and constructed by the Public Works Department.

(e) The original portion which contained less than half the present accommodation cost about Rs. 7,74,000 and took seven months to construct.

(f) No final decision has been arrived at yet, but it has been suggested that after making such portions of the buildings, as it is worth while, suitable for occupation throughout the year, the Postal Audit Staff, which numbers 500 and is now located in rented premises, should be accommodated in the buildings. It is also contemplated that the District and Sessions Court, now in a residential bungalow, and other local offices now housed in temporary structures should also be accommodated on the premises. Those portions of the buildings which are worth making suitable for use in the hot weather would be fully required in this manner and, one way and another, all portions will be utilized.

NEW DELHI (METHOD OF CONSTRUCTION).

15. Mr. M. K. Reddi Garu : (a) How is the construction of New Delhi carried on at present, i.e., is the construction carried on by the Government departmentally or by any private firm of contractors?

(b) If it is done by any private firm of contractors, are the works given to them by open tender or by any other procedure?

(c) How many contractors are there at present working at Raisina?

(d) If the construction were carried out by the Government itself departmentally, what would be the saving effected in the estimate, and if not, what would be the excess charged over the estimate?

(e) Is it not a fact, that the carrying on of works departmentally by the Public Works Department generally ends in excess over the estimate?

(f) Has this not been generally the rule even in the pre-war days?

Colonel Sir S. D'A. Crookshank : (a) The construction is almost entirely carried out by contractors under the supervision of the Public Works Department. The only exception in the case of a large work was in respect to

the Members' hostels at Raisina which were started departmentally and completed by contract when a suitable contractor was found to take up the work. Some petty works have also been carried out departmentally, but this method of executing work is not favoured and has seldom been adopted.

(b) It is the universal practice to call for open tenders for a work of any magnitude and the very few exceptions where this method has not been followed have been due to special circumstances which had arisen.

(c) From the commencement up to the present time, 260 contractors' names have been recorded. By no means all have been successful tenderers. Ignoring petty contractors, there are about 30 contractors carrying out works. The number varies from time to time.

(d) Owing to the ever changing conditions, it is not possible to give any precise figures of cost by adopting different methods of execution of work, but past experience goes to show, that no savings would be effected on the estimates if Government were to carry out the work departmentally, and, on the contrary, it is more than possible that considerable excesses would be incurred on account of departmental agency. The Government of India are fully assured that the arrangements in force are economical and satisfactory.

(e) and (f). It is presumed, that by carrying out works departmentally, the Honourable Member means the direct employment of labour by the Public Works Department. This method is seldom used in most provinces, except where reliable contractors are not forthcoming or are unwilling to undertake the work. The execution of works by contractors, working under the supervision of the Public Works Department, is a method almost exclusively employed. It cannot be said that either system definitely leads or has led to excesses over estimates since an excess would be due to a number of causes, such, for example, as alterations or fluctuations, delayed grants and other adverse circumstances, but departmental agency is troublesome and expensive, and is, therefore, not favoured.

CONSTRUCTION PRACTICE IN ENGLAND.

16. Mr. M. K. Reddi Garu : (a) What is the practice in England, as regards the construction of Government buildings?

(b) Is it true, that the construction of Government buildings is invariably entrusted to some established Firm of Contractors who employ certified Engineers and other subordinate staff for supervision?

(c) Is it true, that as a result of this practice, the Government in England does not run such a large costly staff of officers as we do here?

Colonel Sir S. D'A. Crookshank : (a) The construction of Government buildings in England, i.e., those constructed for, and belonging to, the Crown, in contra-distinction to those carried out by, and belonging to, local authorities, is undertaken under the direction of His Majesty's Office of Works.

(b) Such Government buildings are generally provided, in accordance with plans prepared by the Office of Works, by contractors for a lump sum or in certain cases on a schedule of prices or both. In some cases, the works are carried out by direct administration, but this is usually when the work is a small one.

(c) The Office of Works itself employs a costly staff of architects, surveyors and experts who supervise the execution of the work as well as prepare the plans. Owing to the diversity of authorities who undertake works, which in India would be classed as Government works and executed by the Public Works Department, it is impossible to compare either the size or the cost of the staff employed in the two countries.

CONSTRUCTION AND SUPERVISION OF WORKS.

17. **Mr. M. K. Reddi Garu :** (a) Has there not been a move in India in the direction of placing all construction and supervision in the hands of established and recognised firms of Engineers, and thus of effecting retrenchment in the Public Works Department?

(b) Is it not true, that in connection with this scheme, it has been suggested, if possible, to remove the long chain of staff from the Executive Engineer downwards?

(c) If so, would not such a procedure effect a great saving in the construction of New Delhi?

Colonel Sir S. D'A. Crookshank : (a) The method of carrying out public works is mainly a matter for determination by Local Governments. In addressing Local Governments on the subject matter of the Public Works Department Re-organization Committee's Report, the Government of India concurred in the findings of this Committee for the further encouragement of private enterprise in respect to the construction of public works by established Engineering Firms, by a more extensive adoption of the system of lump sum contracts for complete works. The findings of the Committee, however, showed that the number of reliable contractors employing a qualified staff was extremely limited, and even when such contractors are available and willing to undertake work, it is by no means certain that savings would result, as higher rates than at present obtain would be demanded by firms to cover their own charges for establishment and tools and plant. The Committee did not contemplate any immediate retrenchment in the cost of the Public Works Department by the adoption of the proposal.

(b) One of the intentions of the Committee's recommendations was to relieve, as far as possible, the Government staff of certain executive duties in connection with the construction of buildings, but not of its essential duties of design and supervision for which, even under the methods proposed, it would be necessary to maintain a permanent staff of technical advisers and supervising engineers or surveyors corresponding to the executive officers of the Public Works Department—moreover, a large permanent staff of subordinates will always be required for the execution of small works, repairs and maintenance of roads and buildings which cannot satisfactorily be carried out by the methods contemplated.

(c) Far from any saving being effected in the construction of New Delhi by the adoption of the procedure suggested by the Honourable Member, even if it were possible of introduction, it is roughly computed, that the extra cost would have amounted to about 100 lakhs of rupees and the Government of India are satisfied that the most economical method of carrying out the work has been adopted.

STERLING LOAN.

18. **Mr. E. L. Price :** Will Government be pleased to state—

- (a) why the Secretary of State issued in April, 7½ millions sterling loan instead of the 5 millions proposed and approved in March in this Assembly;
- (b) whether the terms of that loan were fixed in consultation with the Government of India or without such consultation;
- (c) whether the Government of India approved the terms before the loan was announced;
- (d) whether the rapidity with which the loan was over-applied for does not seem to indicate that the terms were more generous to the investing public in London and more costly to the taxpayer of India than the necessities of the situation require?

The Honourable Mr. W. M. Hailey : (a) Under the powers given to the Legislative Assembly under the Government of India Act, expenditure from loan funds, like other expenditure, is (unless specially excepted) subject to the vote of the Assembly, but the actual raising of the capital resources required to meet the wants and means liabilities of the year is a matter for the discretion of the Executive Government. Having regard to the level of exchange prevailing at the time the loan was floated, it was considered desirable that as much as possible should be borrowed in sterling to meet the capital liabilities of the year falling due abroad for railway purposes, which amount to about £14 million in the current year.

(b) No. The circumstances in which the Government of India could not be consulted before hand about the terms of the loan is stated in the Finance Department letter No. 1529-F., dated 17th May 1921, to the Bombay Chamber of Commerce, a copy of which is laid on the table.

(c) This does not arise.

(d) That is a matter of opinion.

Letter to the Secretary, Bombay Chamber of Commerce, Bombay, No. 1592-F., dated the 17th May 1921.

I am directed to reply to your letter No. 926-159, dated the 5th May 1921, in which your Committee inquire whether the Government of India were consulted by the Secretary of State regarding the amount, date of issue and other details of the recent sterling loan. The answer to your Committee's question is in the negative. I am to enclose a copy of a letter, dated the 17th May, which has been addressed to the Indian Merchants' Chamber and Bureau, Bombay, in reply to a lengthy representation from that body regarding the sterling loan. Your Committee will obtain from that letter a general idea of the conditions which have existed recently in the London money market. Those conditions did not, on this occasion, admit of previous consultation with the Government of India, as the precise moment of issue and the final settlement of the terms had to be deferred until the exact moment

arrived when conditions appeared to make flotation possible, and it would have been very undesirable to let that favourable moment pass by, as might have been the case if the matter were delayed in order to make a reference to India. It is, however, the intention of the Secretary of State to consult the Government of India, so far as is practicable, before taking any final decision in such a matter; but similar obstacles to effective consultation are always liable to recur.

STATEMENTS OF REVENUE AND EXPENDITURE.

19. **Mr. E. L. Price:** Do Government propose to consider the advisability of issuing monthly or quarterly statements of Revenue and Expenditure, such returns being made on a basis comparative with the Budget Estimates?

The Honourable Mr. W. M. Hailey: A Statement showing the civil revenue and expenditure as well as the receipts and disbursements of the Central Government in India during and up to the end of the month is published in the *Gazette of India* about the third week of the following month. The Statement shows the budget estimate of the current year and compares the monthly and progressive figures with the corresponding actuals of the previous year. A copy of the Statement last published is being sent to the Honourable Member; it probably contains most of the information which he has in mind.

(Question No. 20 was withdrawn.)

DEBT OF HOME GOVERNMENT TO THE UNITED STATES OF AMERICA.

21. **Mr. E. L. Price:** Will Government be pleased to state whether the sum of 122,000,000 dollars referred to in the House of Commons on 29th April 1921, is a debt due to the Government of the United States of America for which the Government of India is directly or indirectly responsible?

The Honourable Mr. W. M. Hailey: I lay on the table the full text of Commander Hilton-Young's reply, to which the Honourable Member refers. He will see therefrom that the debt is one owed to the United States by the Home Government, India having already paid the latter in sterling.

HOUSE OF COMMONS.

Thursday, 28th April 1921.

SILVER DOLLARS (PURCHASE).

Mr. Gwynne asked the Secretary of State for India whether, under the terms of the sale of \$122,000,000 of silver by the United States Government, under the Pittman Act, the British Government have, in addition to paying interest on the value at 5 per cent. until repayment, to grant the Federal Banks an annual rupee credit not exceeding £7,000,000 at 48½ cents per rupee; whether the British or Indian Treasury is responsible for these repayments; and whether the loan was negotiated by Lord Reading, and if not, by whom?

Mr. Young: Payment for silver dollars, purchased from the United States Government by the British Government during the War for shipment to India, was made by the British Government out of the British Treasury Account in New York, the Indian Government repaying the British Treasury in sterling. To the extent of, approximately \$122,000,000, the money

required to effect the purchase was provided out of the proceeds of loans from the United States Government. Arrangements were made by the British Treasury in 1920 for repaying this sum of \$122,000,000 in instalments, terminating in 1924, together with 5 per cent. interest as part of the arrangement for repayment, and, pending complete repayment, the United States Government has been given, by arrangement with the Indian Government, an option, to be exercised through the Federal Reserve Bank of New York, to purchase rupee credits at 48½ cents per rupee, to amounts not exceeding 7 crores a year. The dollars received in payment for such rupee credits would be applied to reduction of the outstanding balance of the \$122,000,000. The British Treasury is responsible for the dollar payments and for repaying to the Indian Government the sterling equivalent of any dollars that may be received in payment for rupee credits.

Mr. E. L. Price: Can the Honourable Member say, why the name of India was introduced in this connection?

The Honourable Mr. W. M. Hailey: No, Sir, I have no information on that point.

EXPORT DUTIES ON HIDES AND SKINS.

22. **Mr. E. L. Price:** Will the Government be pleased to state, with reference to the Preferential Export Duties on Hides and Skins, and Notifications Nos. 3084 and 3086 of 16th April, 1921:

- whether it is realised that the amount of the export duties payable depends wholly on the schedule values declared by Government from time to time;
- whether Government will undertake not arbitrarily to increase the amounts payable by raising the schedules without notice?
- whether in the case of schedules being raised, Government will give shippers a period of grace for the shipment of outstanding contracts made and calculated on the basis of the then existing schedules?

Mr. C. A. Innes: (a) and (b). The answer is in the affirmative.

(c) It has been decided, that in future, the procedure that at present governs re-valuations for import duty will be followed in re-valuations of hides and skins. That is to say, the existing valuations will be re-examined by the Director-General of Commercial Intelligence in October each year and discussed with Customs authorities and Chambers of Commerce. The new valuations will be notified on the 1st of January and will hold good for twelve months from that date. This procedure will give practically the two months' notice asked for by the trade.

PAY OF THE LASCARS OF THE ORDNANCE DEPARTMENT.

23. **Mr. Harchandrai Vishindas:** (a) Has the attention of Government been directed to the inadequacy of the present pay of the Lascars of the Ordnance Department with reference to the present high prices of living, and the consequent discontent among them?

(b) Has the notice of Government been attracted to the fact that whilst in British services this class (falling within the category of storemen)

The Honourable Mr. W. M. Hailey: I understand that the salary of the Managing Governors has been fixed for the present at Rs. 8,000 per mensem free of income-tax, but that Sir Norcot Warren and Sir Robert Aitken have been given a personal allowance of Rs. 2,000, in addition. The Managing Governors are provided with a furnished house in Bombay and Calcutta, respectively, and are entitled to a house allowance of Rs. 1,000 per mensem when absent from the place in which they are given a house. I am not aware that they are drawing any other allowances.

INDIAN GOVERNORS OF THE IMPERIAL BANK OF INDIA.

Mr. M. K. Reddi Garu: Will the Government be pleased to state—

- (a) the object with which they have nominated Indians as Governors of the Imperial Bank;
- (b) whether it is not their duty to look after the welfare of the Indian Mercantile Community;
- (c) and if so, how far have they discharged their duties at present?

The Honourable Mr. W. M. Hailey: (a) and (b). Those Governors of the Imperial Bank who are nominated by the Governor General in Council may be either European or Indian. The object of having nominated Governors is in order that they may safeguard the interests of the general taxpayer as a whole, and not those of any particular section of the community; the Governor General in Council nominated those persons whom he thought most suitable to perform that duty.

- (c) Does not arise.

CHANGE OF PROVINCIAL CAPITAL.

29. **Lala Girdharilal Agarwala:** (a) With reference to the Reply* given on 28th March 1921, to my Question No. 630, will the Government state whether there is any precedent for the Provincial Government and Provincial Council to give up the Capital City to all intents and purposes without the approval of the Imperial Government?

(b) Have the Government of India any control over the Provincial Government if the Provincial Government want to change or abandon the Capital City of the Province to all intents and purposes?

(c) Will the Government kindly lay on the table the correspondence referred to in the Answer to my said Question No. 630 and the decision of the Government of India that though the Capital of the United Provinces should remain at Allahabad, the Local Government should reside in Lucknow for some portion of each year?

The Honourable Sir William Vincent: (a) There is no precedent, so far as I am aware, for any change of the capital of a Province being made without a reference to the Government of India.

(b) The question has not yet definitely arisen. If it becomes necessary to decide it, the orders of the Governor General in Council will be taken under Devolution Rule 4.

(c) The correspondence dealt largely with questions not now in issue. So far as the present question is concerned, the point of the correspondence was sufficiently indicated in Mr. O'Donnell's Answer to which the Honourable Member refers. The correspondence is further confidential and I am unable to lay it on the table.

RAILWAY CONNECTION AT ETAH CITY.

30. **Lala Girdharilal Agarwala:** Are Jalesar Town and Etah City connected by rail? If not, do the Government propose to have them so connected by a State Railway or to encourage private enterprise for the purpose?

Colonel W. D. Waghorn: Jalesar Town and Etah City are not connected by rail. The scheme for such a connection has not been so far considered except as a part of the Kasganj Agra Railway project, and until the financial prospects of the portion between Jalesar Town and Etah City have been separately examined, Government are not in a position to decide on the question of its construction.

JUDGESHIPS AND OTHER JUDICIAL APPOINTMENTS.

31. **Lala Girdharilal Agarwala:** Will the Government be pleased to lay on the table a Statement showing, Province by Province, the number of Indians and Europeans filling the following posts permanently or temporarily :

- (a) Chief Justices of High Courts, Chief Judges of Chief Courts and Judicial Commissioners;
- (b) High Court Judges and Judges of the other highest Courts in India other than Chief Justices and Chief Judges;
- (c) District Judges;
- (d) Registrars of High Courts, or other highest Courts in India?

The Honourable Sir William Vincent: A Statement, compiled from the civil lists dated the 1st April 1921, is laid on the table; I would point out, that the information was all available in the civil lists and could have been readily compiled by the Honourable Member himself.

ARREARS OF WORK IN HIGH COURTS, ETC.

32. **Lala Girdharilal Agarwala:** (a) Will the Government be pleased to lay on the table a Statement showing the arrears of judicial work in the High Courts and other highest courts in India?

(b) Do the Government propose to employ additional Judges and staff to deal with the arrears?

(c) Do the Government propose to take early steps to equalize the number of Indians and Europeans holding the posts of (a) Chief Justices, Chief Judges, Judicial Commissioners, (b) Judges of the High Courts and other highest Courts, (c) District Judges, (d) Registrars of High Courts and other highest Courts?

The Honourable Sir William Vincent: (a) A Statement, showing the number of the pending cases on the 1st January 1921 in the Calcutta High Court, is laid on the table. As regards the other High Courts, the Government

of India are not primarily concerned, and information regarding them should be sought in the Legislative Council concerned.

(b) The Government of India have under consideration certain proposals for the appointment of additional Judges to deal with the arrears in the Calcutta and Punjab High Courts.

(c) The Governor General in Council is primarily concerned only with the appointment of acting and additional Judges of the Calcutta High Court, additional Judges of other High Courts, and Judges of the Chief Court of Lower Burma. For by far the greater number of the appointments referred to the policy as regards future appointments will be determined by Local Governments. It appears, however, from the Statement furnished in reply to Question No. 31 answered to-day that on the 1st April 1921 the number of Europeans actually on duty in high judicial appointments of the rank of District and Sessions Judge and above was as to the number of Indians as 154 : 106. The authorities responsible accordingly appear to be sufficiently determined to extend the employment of Indians in these posts.

Statement showing the number of the pending cases on the 1st January 1921 in the High Court, Calcutta, under certain heads.

APPELLATE SIDE.						ORIGINAL SIDE.			REMARKS.
CIVIL.			CRIMINAL.			—			
First appeals.	Second appeals.	Miscellaneous.	Appeals.	References.	Revision.	Original suits.	Insolvent cases.	Miscellaneous.	
523	4,050	1,204	62	9	118	4,530	1,046	220	

Rao Bahadur T. Rangachariar : May I draw your attention to the latter portion of the first Answer saying that information should be sought for from the Provincial Governments? That is a matter for the President, I thought.

The Honourable the President : If an Honourable Member points out that the Question refers to a matter which is not directly the concern of the Governor General in Council, it is the business of the President to rule it out of order. But, in this case, I understood from the Honourable the Home Member, that only one part, and that a comparatively small part, was not within the province of the Government of India and, therefore, the Government of India was called upon to answer the Question.

LANGUAGE EMPLOYED IN COURTS.

33. Lala Girdharilal Agarwala : (a) In how many High Courts and other highest Courts in India is court business transacted in the language of the people?

(b) How much money was spent throughout India in the various High Courts and other highest Courts in translation and printing during the last five years?

(c) What is the average duration of a first appeal in which papers are translated and printed in each Court?

(d) How many Chief Justices, Chief Judges, and other Judges of the highest courts in India in each Province are able to understand the language of the people?

(e) Is it not possible to constitute Benches in High Courts and other highest courts with at least one Indian in every court?

The Honourable Sir William Vincent : (a) The Government of India believe that English is the court language of all the High Courts, the Lower Burma Chief Court and the Judicial Commissioners' Courts.

As regards parts (b) to (e) of the Question, the Government of India are only directly concerned with the Calcutta High Court, information in regard to which, so far as available, is given below.

(b) The exact figures for the years in question cannot be given without unreasonable expenditure and delay. The figures given below are based on averages and relate to all classes of Civil Suits in, and Appeals to, the Calcutta High Court during the last five years without reference to individual cases and must be regarded as approximate amounts.

The approximate amounts spent during the last five years on account of translation and printing are as follows :

	Appellate Side.		Original Side.
	Rs.		Rs.
Translation and Interpretation ...	2,44,000	...	2,15,000
Printing ...	3,92,000	...	1,88,000

No figures are available as regards criminal cases.

(c) The average duration (*i.e.*, from filing until disposal) of First Appeals on the Appellate Side in 1920, was 656 days in the case of First Appeals from Decrees and 260 days in the case of First Appeals from Orders. As regards appeals from a Judge on the Original Side for the same period, the average duration was 174 days.

(d) Nine Judges of the Calcutta High Court are able to understand some of the languages of the people.

(e) The constitution of the various Benches in the Calcutta High Court is entirely within the discretion of the Honourable the Chief Justice, who has to take into consideration the state of the Lists and the requirements of the Court.

BOARDS OF REVENUE.

34. Lala Girdharilal Agarwala : (a) Do the Government propose to abolish the Boards of Revenue at an early date and transfer the executive functions of the Boards to Provincial Governments and its judicial functions to the High Courts or other highest civil courts?

(b) Will the Government be pleased to lay on the table the correspondence and opinions on the subject referred to in the Answer* given to my Question No. 629 on 28th March 1921, with further correspondence and the decision of the Government of India, if any?

* Vide Legislative Assembly Debates, Volume I, page 1653.

The Honourable Sir William Vincent: (a) It is assumed that the Honourable Member refers to the Board of Revenue in the United Provinces.

The question of transferring the Board's executive functions is the subject of correspondence with the Secretary of State, and Government are not in a position to make a statement on the subject.

The question of transferring its judicial functions is not at the moment before the Government of India. It is understood that the Government of the United Provinces is consulting representative opinion in those provinces on the matter.

(b) The correspondence referred to in Mr. O'Donnell's Answer of the 28th March was the letter from the Government of the United Provinces recommending the transfer of the Board's executive functions. As the matter is under the consideration of the Secretary of State, it is not now possible to publish it or the despatch of the Government of India on the subject, or to state the decision of the Government of India.

The opinions on the transfer of the Board's judicial functions have not been received by the Government of India.

MILITARY TRAINING OF INDIANS.

35. Lala Girdharilal Agarwala: What practical steps have been taken in India for giving military training to Indian subjects as is given to Europeans in Self-governing countries as promised by the Government on 17th February 1921, in answer to my Question No. 125?

Sir Godfrey Fell: As the Honourable Member is aware, the object of the Indian Territorial Force Act, which was passed in September 1920, is to provide an organisation in which persons, other than European British subjects, can be enrolled and can undergo periodical military training. The draft rules framed under this Act were published for criticism in March last. They have now been revised in the light of the criticisms and suggestions received, and were published in the Gazette of India, dated the 5th August 1921. Notifications have been issued constituting the following units:

University Training Corps.

- 1st (Bombay) Battalion.
- 2nd (Calcutta) Battalion.
- 3rd (Allahabad) Battalion.
- 4th (Lahore) Company.
- 5th (Madras) Company.
- 6th (Burma) Battalion.

Indian Territorial Force Infantry.

One Territorial Battalion in each of the following provinces:—United Provinces, Madras, Bengal, Bombay and Burma and two Territorial Battalions in the Punjab.

The creation of this Force affords opportunities to Indians, other than those who wish to enlist in the regular army, to receive military training which will fit them to share in the military burden of the Empire and in particular, the defence of India.

GRAZING FEE IN CANTONMENTS.

36. Lala Girdharilal Agarwala: Will the Government please lay on the table a Statement showing:

- (i) (a) The grazing fee per cattle fixed by every Cantonment in the beginning, and
 - (b) In what year in each Cantonment was it first imposed?
 - (c) What was the number of cattle *then* in every Cantonment?
 - (d) What was the area of land in acres, reserved for grazing purposes in each Cantonment *then*?
 - (e) How much total fees were *then* realised?
 - (f) What was the civil population of every Cantonment in the year the fee was first imposed?
- (ii) (a) How much total fees are realised *now* in each Cantonment?
 - (b) What is the area of land in acres reserved for grazing *now* in every Cantonment?
 - (c) What is the number of cattle *now* in every Cantonment?
 - (d) What is the civil population of every Cantonment *now*?
 - (e) Is the grazing fee per cattle the same as originally fixed or has it been lowered or enhanced in different Cantonments since its introduction?

Sir Godfrey Fell: Sir, I find myself in the same difficulty with regard to this Question as the Honourable Home Member found with regard to Question No. 13. I have received no intimation yet from the Secretary of the Assembly that this Question has been admitted by the President. At the same time, it is included in the Question Paper, and I can only presume that it has not been disallowed. I should be glad if you, Sir, could afford me some guidance as to what I should do.

The Honourable the President: The Question has not been disallowed. I will deal with the matter at the end of the question hour.

TRANSPORT CHARGES OF SALT.

37. Mr. M. K. Reddi Garu: Will the Government be pleased to lay on the table the correspondence (if any) between the Government of India and the Board of Revenue, Madras, on the question of reducing the transport charges of salt from one part of the country to another?

Mr. A. C. Chatterjee: There has been no correspondence between the Government of India and the Board of Revenue, Madras, on the question of reducing the transport charges of salt from one part of the country to another. In November 1919, the Government of Madras raised the question of a reduction of the railway freight of salt with a view to facilitate the transport of salt from Madras to Calcutta. In view of the large difference that then existed between the prices of Madras salt and foreign imported salt, the Madras Government agreed to drop the question until a more opportune moment.

PRODUCTION AND ISSUE OF SALT.

38. Mr. M. K. Reddi Garu: Will the Government be pleased to state the declared object of the Government, when they started (i) the Monopoly System of producing salt along with the Excise System of manufacture, and (ii) the credit system of issuing salt from the factories to the traders?

Mr. A. C. Chatterjee : (i) The excise system of manufacturing salt in Madras was introduced as a result of the findings of the Madras Salt Commission of 1876. In 1888, the manufacture of salt was controlled by a combination of capitalists with the result that the price of salt was forced up. It was accordingly decided to establish factories for the direct manufacture of salt by Government along with the excise system of manufacture in order that prices might be controlled.

(ii) The object of issuing salt from factories to traders on a credit system is to facilitate the distribution of salt and reduce the price to the consumer owing to the fact that the trader can turn over his capital several times within the period of credit. The Honourable Member is referred to paragraph 112 of the Madras Salt Manual.

CONSUMPTION AND PRICE OF SALT.

39. Mr. M. K. Reddi Garu : Will the Government kindly state, if the statement 'that the consumption of salt varies inversely with the price of salt' is true to experience and facts?

Mr. A. C. Chatterjee : A Statement is laid on the table showing the consumption of salt and the average price for the years 1914 to 1920 in the main consuming areas in India. It would be apparent from the figures that during these years the consumption did not vary inversely with the price. On the other hand, the price in Northern India rose from Rs. 2.05 per maund in 1914-15 to Rs. 3.43 per maund in 1918-19, but the consumption rose, though very slightly. Similarly, in the other principal areas also, the price rose between those years, but the consumption also increased.

Statement showing the consumption and average annual price of salt in certain provinces in India for the years 1914-15 to 1919-20.

(The consumption figures represent the balance of issues and import over exports.)

Year.	NORTHERN INDIA.		MADRAS AND MYSORE.		BOMBAY.		BENGAL AND ASSAM.	
	Con- sumption in thous- ands of maunds.	Price per maund.	Con- sumption in thous- ands of maunds.	Price per maund.	Con- sumption in thous- ands of maunds.	Price per maund.	Con- sumption in thous- ands of maunds.	Price per maund.
		Rs.		Rs.		Rs.		Rs.
1914-15 ...	20,343	2.05	12,125	2.20	3,793	1.92	6,710	2.35
1915-16 ...	18,424	2.33	11,400	2.16	3,635	1.90	10,545	2.93
1916-17 ...	21,568	2.90	12,307	2.47	3,613	2.20	7,872	3.21
1917-18 ...	18,754	3.41	11,201	2.96	3,889	2.72	8,270	4.45
1918-19 ...	20,585	3.43	12,746	3.74	4,729	3.61	9,464	4.62
1919-20 ...	19,671	3.28	12,430	3.23	4,037	2.87	9,114	3.85

N. B.—The price figures are for calendar years.

EMPLOYMENT OF MR. SASTRI ON COMMITTEES.

40. Mr. M. K. Reddi Garu : Will the Government be pleased to lay on the table a Statement showing :

- the names of the different Committees appointed by the Government or the Secretary of State to which the Right Honourable Mr. V. S. Srinivasa Sastri was nominated during the last four years, and
- the total amount of allowances, if any, drawn by the Honourable Member for his services in each one of those Committees and as a representative in the late Imperial Legislative Council and in the Council of State from the time he was sworn in as a Member of the late Legislative Council up-to-date?

The Honourable Sir William Vincent : I lay on the table a Statement giving such information as is available. It is not possible, for reasons which are explained in the Statement, to give a definite reply to part (ii) of the Question. The Statement includes a reference to Mr. Sastri's emoluments as a member of the Central Advisory Education Board and as a representative of India at the meeting of the Imperial Cabinet this year, though these items do not, strictly speaking, refer to Committees.

Statement.

A. Franchise Committee.—The allowances drawn by Mr. Sastri for the period of his employment (7th November 1918 to 22nd February 1919) aggregated Rs. 5,747-7-2, viz., honoraria at the rate of Rs. 1,500 a month and travelling allowance amounting to Rs. 368-14-0.

B. Indian Railway Committee.—The terms of Mr. Sastri's employment were :

(a) In India, an honorarium of Rs. 50 a day ; for railway journeys, a first class compartment *plus* one first class fare, or travelling allowance under ordinary rules ; and daily allowance of Rs. 10 for days of halt only.

(b) In England, an honorarium of £100 a month and subsistence allowance at the rate of £100 a month from the date of departure for England until return ; free first class passage to England and back. The subsistence allowance is not payable for the period during which he was, as a Member of the Imperial Cabinet, a guest of His Majesty's Government.

The total allowances drawn by Mr. Sastri as a Member of this Committee cannot be calculated as the date of dissolution of the Committee is not known.

C. Central Advisory Education Board (which meets once in three months).—The tenure of Mr. Sastri's office on this Board is three years. He attended the first meetings held on the 17th and 18th February 1921, but has not yet applied for the remuneration due to him, viz., daily allowance of Rs. 10 for two days and travelling allowance at double first class rates.

D. Imperial Cabinet meeting held in London during the current year.—The terms are :

- Outfit allowance of Rs. 2,000,
- Actual travelling expenses by rail and steamer.

- (iii) An honorarium at the rate of Rs. 2,000 a month from the date (on or about the 5th April 1921) on which he took up his duties at Delhi to the day preceding his embarkation at Bombay.
- (iv) An allowance of £100 a month outside India. This allowance will not be admissible for the period during which he receives the same allowance as a Member of the Railway Committee.

No information is available at present as to the total amount drawn by Mr. Sastri up to date on this account.

2. As a Member of the late Imperial Legislative Council since 1917, and of the Council of State, Mr. Sastri received Rs. 10,288-9-0 in all, representing daily and travelling allowances. This figure does not include his emoluments as a Member of the Imperial Legislative Council in 1916 as the bills for that year have been destroyed.

SELECTION OF DEWAN BAHADUR M. RAMACHANDRA RAO TO THE STUDENTS' ADVISORY COMMITTEE.

41. **Mr. M. K. Reddi Garu:** (a) Will the Government be pleased to state what were the qualifications which led to the selection of Dewan Bahadur M. Ramachandra Rao to the Students' Advisory Committee in England?

(b) Are the Government aware that Mr. Rao has never studied at any of the English Universities nor served in the Local Students' Advisory Committee?

(c) Will the Government be pleased to state whether they were guided by any principle in rejecting the names of such well-known Non-Brahmin Educationists with experience of Western Universities as Professor Raman Menon, M.A. (Cantab.), Professor Paul Appalaswami, M.A., LL.B., Bar-at-Law (Cantab.), Professor C. R. Reddy, M.A. (Cantab.) and Dr. K. Pandalai, M.A., LL.D., (Bar-at-Law), and Professor Madhava Nair, M.A., Bar-at-Law, every one of whom has been associated with the Local Students' Advisory Committee for years?

Mr. H. Sharp: (a) Certain names of possible Members of the Committee including one name suggested by the Secretary of State for India, were placed before the Government of Madras, who replied that Dewan Bahadur M. Ramachandra Rao Pantulu Garu, who was one of those mentioned, was willing to serve on the Committee.

(b) The Government of India have not inquired whether Mr. Rao has studied at an English University or served on the Local Students' Advisory Committee, as they do not consider such qualifications indispensable in the case of a Member of Lord Lytton's Committee.

(c) The Government of India, in suggesting names to the Government of Madras, were in no way actuated by any considerations of race or caste. Their selection of certain persons for mention was actuated solely by the consideration whether they would form useful Members of this Committee.

Mr. M. K. Reddi Garu: Who would take up the duties of a member of the Students' Committee?

Mr. H. Sharp: I must have notice of that question.

PAY OF PERMANENT AND TEMPORARY LIEUTENANTS AND CAPTAINS IN THE INDIAN MEDICAL SERVICE.

42. **Mr. S. C. Shahani:** (a) Is it a fact that permanent Lieutenants and Captains of the Indian Medical Service draw pay at the following rates from 1st January 1920:

				Rs.
Lieutenant	...	...	...	650 per mensem.
				800 per mensem for 3 years.
				950 per mensem for 3 years.
Captain	...	...	...	1,050 per mensem for 3 years?

(b) Is it a fact that temporary officers of the Indian Medical Service who were recruited under the Military Service Acts of the United Kingdom receive pay at the rates admissible to permanent officers of the Indian Medical Service, if promoted to higher rank than that of Lieutenant together with gratuity under the terms applicable to officers of the Indian Army Reserve of Officers?

(c) Is it a fact that temporary officers of the Indian Medical Service other than those referred to in part (b) receive pay as under:

				Rs.
General Service officers	...	...	...	550 per mensem.
Local Service officers	...	...	...	450 per mensem?

(d) If the answers to parts (a), (b) and (c) are in the affirmative, will Government be pleased to state why this distinction is made between permanent officers of the Indian Medical Service and temporary officers of the Indian Medical Service referred to in part (b) on the one hand and the temporary Indian Medical Service officers referred to in part (c) on the other?

Sir Godfrey Fell: (a) Yes, but these rates are inclusive of overseas allowance, as shown below:

	Pay.	Overseas allowance.	Total.
	Rs.	Rs.	Rs.
Lieutenant	500	150	650
	650	150	800
Captain	750	200	950
	850	200	1,050

(b) Yes.

(c) These were the rates in force until the 1st September 1921, but those who were engaged for general service were also given a gratuity of £60 per annum or Rs. 75 per mensem on completion of each term of 12 months' service or portion thereof.

(d) As it was found impossible to obtain in England candidates for permanent commissions in the Indian Medical Service and as officers were urgently needed to meet military requirements, temporary officers of the class referred to in part (b) of this Question, were engaged by the Right Honourable the Secretary of State for India on such terms as the circumstances required. Only two

officers were engaged in this manner, and both were Indians. No difficulty, however, was experienced in securing officers in India on the terms offered by the Government of India, as many of these officers were newly qualified graduates or civil assistant surgeons in receipt of lower rates of pay than those they afterwards received in service. The terms offered were, therefore, considered adequate.

PAY OF TEMPORARY OFFICERS OF THE ROYAL ARMY MEDICAL CORPS.

43. **Mr. S. C. Shahani:** (a) Is it a fact that temporary officers of the Royal Army Medical Corps serving under the Government of India receive pay as under:

	Rs.
Lieutenants	650 per mensem.
Captains	750 per mensem.
Captains re-engaging for one year	800 per mensem ?

(b) Is it a fact that temporary officers of the Indian Medical Service start with Rs. 450 or 550 per mensem (as the case may be) and receive no increment whatever afterwards though some of them have seven years' service to their credit?

(c) If the answers to parts (a) and (b) be in the affirmative, will Government be pleased to state why this distinction is made between temporary Royal Army Medical Corps and temporary Indian Medical Service officers?

Sir Godfrey Fell: (a) The terms applicable are correctly stated in the Question, but there are no temporary officers of the Royal Army Medical Corps now serving in India.

(b) Yes. These were the conditions in force until the 1st September 1921.

(c) Temporary officers of the Royal Army Medical Corps were originally engaged on sterling rates of pay. Owing to the fall in the value of sterling currency, their incomes declined considerably and they were unwilling to renew their contracts. As the retention of their services was essential in order to meet requirements on the North-West Frontier in 1919, revised rates of pay were sanctioned. No army-of-occupation bonus or gratuity was admissible in addition to those rates of pay.

ALLOWANCES IN STATION HOSPITALS.

44. **Mr. S. C. Shahani:** Is it a fact that command and second-in-command allowances of Station Hospitals are admissible to permanent officers of the Indian Medical Service and temporary officers of the Indian Medical Service recruited under Military Service Acts of the United Kingdom and all Royal Army Medical Corps officers, whether permanent or temporary, but are not admissible to the ordinary temporary Indian Medical Service officers? If so, why?

Sir Godfrey Fell: Command and second-in-command allowances for Indian Station Hospitals are admissible to permanent officers of the Indian Medical Service. Permanent officers of the Royal Army Medical Corps when

appointed to command, or to act as second-in-command, of Indian station hospitals, receive the charge or second-in-command allowances authorised for permanent officers of the Indian Medical Service.

Temporary officers of the Royal Army Medical Corps were, in similar circumstances, allowed the charge or second-in-command allowance admissible to a permanent Lieutenant of the Indian Medical Service, or 24 shillings a day, whichever was greater.

Temporary officers of the Indian Medical Service have hitherto been ineligible for charge or second-in-command allowance, as they were engaged, from the beginning, on contract rates of pay, on terms which were considered suitable, irrespective of the duties on which they were employed. The grant of these allowances has since been sanctioned.

EMOLUMENTS OF OFFICERS OF THE INDIAN MEDICAL SERVICE.

45. **Mr. S. C. Shahani:** Is it a fact that as far back as August 1920, while announcing increased rates of pay for permanent officers of the Indian Medical Service, Government notified that special orders regarding the emoluments of officers of the Indian Medical Service holding temporary commissions would be issued separately and that nothing has been done up to now? If so, when do Government propose to issue such orders?

Sir Godfrey Fell: The scale of pay for temporary officers of the Indian Medical Service has recently been revised. A press communiqué has been issued on the subject.

CIVIL SUB-ASSISTANT SURGEONS IN THE MILITARY DEPARTMENT.

46. **Mr. S. C. Shahani:** (a) Is it a fact that the service in the Military Department of Civil Sub-Assistant Surgeons who volunteered for general service is being counted as double for purposes of pension, promotion and increment of pay?

(b) Is it a fact that the temporary service of temporary Indian Medical Service officers counts towards pension and promotion in the permanent cadre when they are given permanent commissions either by examination or selection?

(c) If answers to parts (a) and (b) are in the affirmative, will Government be pleased to state whether it is intended to count the military service put in as temporary Indian Medical Service officers by temporary Civil Assistant Surgeons towards increment of pay and also promotion and pension on confirmation in their own cadre? If not, will Government be pleased to state why this distinction is being made in the case of this particular class of medical men who volunteered for military service?

Sir Godfrey Fell: (a) Every year of approved service in military employment rendered by civil sub-assistant surgeons who undertook liability for general service counts as two for the purpose of grade promotion, but not for pension.

(b) Yes.

(c) This is a matter for Provincial Governments.

CHIEF JUSTICES AND JUDGES OF HIGH COURTS.

47. **Lala Girdharilal Agarwala :** (a) How many Chief Justices or Judges for the High Courts (or other high officers) in India have been appointed within the last 20 years in England who were not at the time of their appointment acquainted and familiar with the language, laws and customs of Indians ?

(b) Did such persons receive any training in Indian languages, laws and customs before taking charge of their duties ?

(c) Are any of them still in India ? If so, who are they and have they by this time removed all their deficiencies in this respect fully ?

(d) Will Government state the total expenditure of translation and printing throughout India including the pay of translators in Judge's Courts, High Courts and other courts and offices giving such details as are possible ?

The Honourable Sir William Vincent : (a) Under Section 101, sub-section (2) of the Government of India Act all permanent Chief Justices and Puisne Judges of High Courts in India are appointed in England, as they are appointed by His Majesty. It is presumed, therefore, that the Honourable Member is referring to the appointment of Chief Justices and Judges of High Courts who were not resident in India at the time of their appointment. So far as the Calcutta High Court is concerned, the number of such Chief Justices and Judges who have been appointed since the 1st January 1901 is 7. Government has no information as to the extent of the acquaintance of these officers, when appointed, with the languages, laws and customs of India.

For information regarding other High Courts, the Honourable Member should approach the Local Governments concerned.

(b) No.

(c) Of the officers referred to in the answer to clause (a), the following are still in service in India :

- (1) Sanderson, C. J.
- (2) Greaves, J.
- (3) Rankin, J.

(d) If the Honourable Member will indicate the period for which the information asked for is required, Government will obtain the necessary statistics so far as the Calcutta High Court is concerned from the High Court, if available. As regards the other Courts referred to, the Honourable Member should address the Local Governments concerned.

DUTIES, EMOLUMENTS AND PERSONNEL OF THE GOVERNMENT OF INDIA AND PROVINCIAL GOVERNMENTS.

48. **Lala Girdharilal Agarwala :** (a) Will the Government be pleased to lay on the table a comparative Statement showing the personnel, duties and the emoluments of the Government of India and the Provincial Governments with details of departments including Secretaries, Under-Secretaries, etc., before 1918 and at present, showing clearly any increase or decrease as the case may be in the personnel, duties and emoluments with brief reasons for such variations ?

(b) How far have reductions been made on account of the appointment of Ministers and entrusting them with the transferred subjects and also on account of the creation of Executive Councils where none existed before ?

The Honourable Sir William Vincent : The information has been obtained and will be supplied to the Honourable Member in the course of the present Session. The Statement will be a bulky one and has not yet been completely prepared. I can assure the Honourable Member, however, that he shall have it before the end of the current Session.

INDIA AND THE COVENANT OF THE LEAGUE OF NATIONS.

49. **Mr. E. L. Price :** Will Government be pleased to state :

- (a) to what extent India is limited in her right to make or accept a Declaration of War by the Covenant of the League of Nations ;
- (b) to what extent her methods of warfare are limited by the said Covenant, particularly as to the use of poison-gas ;
- (c) whether such limitations (a) and (b), if any, apply to India only in relation with a co-Member of the League of Nations, or generally ?

The Honourable Dr. T. B. Saprú : A Statement is laid on the table which gives the replies to the Honourable Member's Questions.

Statement.

(a) India is a part of the British Empire and regarding the whole Empire the right to declare war is vested in the Crown except in the limited circumstances referred to in Section 44 of the Government of India Act.

The Crown is bound by the following general principles of the Covenant of the League of Nations concerning the avoidance of war :

- (1) According to Article 11, any war or threat of war, whether immediately affecting any of the Members of the League or not, is a matter of concern to the whole League, and the League is to take any action that may be deemed wise and effectual to safeguard the peace of nations. It is also declared to be the friendly right of each Member of the League to bring to the attention of the Assembly or of the Council any circumstance whatever affecting international relations which threatens to disturb international peace or the good understanding between nations upon which peace depends.
- (2) According to Article 12, a Member of the League must submit any dispute likely to lead to a rupture either to arbitration or to inquiry by the Council and must in no case resort to war until three months after the award by the arbitrators or the report by the Council.
- (3) According to paragraph 4 of Article 13 and paragraph 6 of Article 15, a Member may not resort to war against such other Member as complies with the award of the arbitrators or with the unanimous recommendations of all Members of the Council other than those representing one or more parties to the dispute.

(4) If the Council does not come to a unanimous decision, it may, according to paragraph 4 of Article 15, by a majority vote, make and publish a report containing the statement of facts of the dispute and the recommendations which are deemed just and proper. Likewise, any Member represented on the Council may make public a statement of the facts of the dispute and of its conclusions according to paragraph 5 of Article 15. And, in this case of failure to arrive at a unanimous decision, the Members of the League reserve to themselves by paragraph 7 of Article 15 the right to take such action as they shall consider necessary for the maintenance of right and justice. The Council may in any case refer the dispute to the Assembly. If reference is thus made, all the provisions of Articles 12 and 15 relating to the action and powers of the Council shall apply to the action and powers of the Assembly, provided that a report made by the Assembly, if concurred in by the representatives of those Members of the League represented on the Council and of a majority of the other Members of the League, exclusive in each case of the representatives of the parties of dispute, shall have the same force as a report by the Council concurred in by all the members thereof other than the representatives of one or more of the parties to the dispute.

(5) By Article 16 penalties of an economic and commercial nature are provided in the event of any Member of the League resorting to war in disregard of its covenants.

(6) According to Article 17, in the event of a dispute between a Member of the League and a State which is not a Member of the League or between States not Members of the League, the State or States not Members of the League shall be invited to accept the obligations of Membership in the League for the purposes of such dispute. If such invitation is accepted, the provisions of Articles 12 to 16 inclusive shall be applied with such modifications as may be deemed necessary by the Council. If a State, so invited, shall refuse to accept the obligations of Membership in the League for the purposes of such dispute, and shall resort to war against a Member of the League, the provisions of Article 16 shall be applicable as against the State taking such action. If both parties to the dispute when so invited refuse to accept the obligations of Membership in the League for the purposes of such dispute, the Council may take such measures and make such recommendations as will prevent hostilities and will result in the settlement of the dispute.

(b) The Covenant gives no other power to the League of Nations to limit methods of warfare than that of advice. The firm establishment of the understandings of international law (i.e., existing international law) is referred to in the preamble as one of the subsidiary objects of the Covenant and both the Council (if unanimous) and the Assembly (if unanimous) may deal with any matter affecting this. The only Article bearing upon changes in International Law is 19 in which it is laid down that the Assembly may from time to time advise the reconsideration by Members of the League of treaties which have become inapplicable. But for this purpose also the Assembly must be

unanimous and thus India which is represented on it can prevent the advice being given. The British Empire is already restricted in its methods of warfare by the Hague Conventions of 1899 and 1907 (Laws and Customs of War on Land) and the three Hague Declarations of 1899 and 1907. Article 22 of the Laws and Customs of War on land declares 'The right of belligerents to adopt means of injuring the enemy is not unlimited.' Article 23 says 'Besides the prohibitions provided by special conventions it is especially forbidden :—

(a) to employ poison or poisoned arms.

(e) to employ arms, projectiles or material of a nature to cause superfluous injury.'

Article 171 of the Treaty of Versailles binds the British Empire to the view that 'the use of asphyxiating, poisonous or other gases and all analogous liquids, materials or devices' is prohibited and the Council of the League of Nations has recognised by a unanimous Resolution that this prohibition is part of international law and has decided to propose to Government the consideration of the penalties to be imposed, if necessity arises, upon nations who take the first step in infringing in this respect the rules of humanity. The Council thus recognizes that the prohibitions only bind reciprocally.

(c) The Reply has been given in the replies to (a) and (b).

AFGHANISTAN AND THE LEAGUE OF NATIONS.

50. **Mr. E. L. Price:** Will Government be pleased to state whether any information is available to show that Afghanistan intends, or does not intend, to seek admission to the League of Nations?

The Honourable Dr. T. B. Sapru (on behalf of the Honourable Mr. Denys Bray): As far as the Government of India are aware, Afghanistan has no present intention of seeking admission to the League of Nations.

RS. 50 AND RS. 10 CURRENCY NOTES.

51. **Dr. H. S. Gour:** (a) Is the Government aware that there is no difference in the colour and design of the Rs. 50 and Rs. 10 currency notes and that one is apt to be mistaken for the other?

(b) Do the Government propose to alter the colour and design of either of the two notes so as to make the one clearly distinguishable from the other?

The Honourable Mr. W. M. Hailey: (a) Yes.

(b) As I informed the House last Session, it has been decided to improve the form of our currency notes. The new designs will ensure that currency notes of different denominations will be more easily distinguished from one another than at present. The new ten-rupee note will, I hope, be in circulation (early) next year.

ARTICLES IN THE 'PIONEER.'

52. **Dr. H. S. Gour:** (i) Has the attention of Government been drawn to a series of articles appearing in the *Pioneer* (the second one appearing in its issue dated 25th May 1921) under the heading 'The Reforms and Defence'

in which the writer, a military correspondent, points out that the North-Western Frontier comprises a rectangular area between the Indus and the Durand line (*i.e.*, the Afghan frontier) measuring only 100 x 350 miles of utterly desolate and unproductive hilly tract?

(ii) Is it a fact as therein pointed out that:

- (a) its civil administration costs over three times the revenue that it yields and perhaps more;
- (b) its military cost is enormous;
- (c) it engages the services of about 27 per cent. of the soldiers of the Indian Army;
- (d) its cost to date in active operations alone cannot be much below 100 crores and may exceed that figure;
- (e) its wastage in military casualties per annum exceeds that of any one of the large Commands, and may equal that of any two Commands?

(iii) What is its real military cost including pensions and non-effective charges?

(iv) What is the cost of tribal allowances paid, the pay of the militia, trading with friendlies and other secret service and political disbursements?

Sir Godfrey Fell: (i) Yes—The writer of the articles in question is, however, incorrect in thinking that the frontier which has to be protected comprises merely a rectangular area measuring 100 x 250 miles of desolate and unproductive hilly tract. From the point of view of defence, the North-West Frontier extends from Chitral in the north to the Persian border in the south, a distance of over 1,000 miles. Portions of British India lying along this border line are by no means unproductive.

(ii) (a). The civil administration does cost nearly three times the revenue.

(b) and (iii). The cost of that portion of the Army which is usually maintained on the whole of the North-West Frontier of India is approximately 10 crores a year. This cannot be said to be excessive, having regard to the length of the frontier which has to be safeguarded, and the fact that behind the border are many turbulent and predatory tribes, who make a practice of raiding the rich districts on our side of the border. The Honourable Member will doubtless bear in mind that the money is spent not only on the defence of the North-West Frontier Province but on the defence of India. Pensions and other non-effective charges in connection with this portion of the Army are estimated to amount to approximately 39 lakhs a year. The figure 10 crores just given excludes abnormal expenditure resulting from active operations such as are at present being conducted in Waziristan.

(c) It is contrary to the public interest to disclose what percentage of the Army in India is allocated to any particular duty.

(d) The answer is in the negative. The Honourable Member is referred to the Statement laid on the table in reply to Rai Bahadur J. N. Majumdar's Question No. 34 on the 15th February 1921.

(e) The Question is not understood. It would be useless to compare the wastage in military casualties per annum on the North-West Frontier with that in any one of the large Commands where peace conditions prevail. The number of casualties depends upon whether active operations are or are not

being undertaken. If active operations are not in progress, there is no reason why the wastage should be any higher amongst the troops on the North-West Frontier than it is in other portions of India.

(iv) The cost of tribal allowances last year was Rs. 4,31,000; the pay of militias was rather less than 20 lakhs; other political disbursements, about 10 lakhs. It is not understood what is meant by the term 'trading with friendlies.' It is not in the public interest to disclose how much money is spent on secret service.

Sir Jamsetjee Jejeebhoy: Is it a fact that the writer of these articles is an officer who was compelled to retire from the service, and are his opinions on Frontier questions considered by Government to be those of an expert whose advice should be taken in preference to that of distinguished soldiers like His Excellency Lord Rawlinson, the Commander-in-Chief?

Sir Godfrey Fell: Government have no information as to the identity of the military correspondent who contributed these articles to the *Pioneer*. Government must leave it to Honourable Members after studying the articles in question, to form their own conclusions as to the importance to be attached to them and as to the mental capacity of the writer.

I think that the House will hardly consider it necessary for me to answer the last part of the Honourable Member's Question, as to the relative value which the Government of India place on the opinions of this anonymous correspondent and on those of His Excellency the Commander-in-Chief.

ARTICLE IN THE 'VAKIL.'

53. **Mr. M. Faiyaz Khan:** (a) Has the attention of the Government been drawn to the statement headed 'Adalat aliya ka aik faisla Lord Reading kay liay' published in the *Vakil* of Amritsar, dated 7th May 1921, page 4, column 2, in which it is stated that two European accused were sentenced to three years' imprisonment for having murdered an Indian at Camalpure?

(b) Will the Government be pleased to state:

- (i) the number of Europeans and Anglo-Indians hanged for murdering Indians in India during the last 150 years of the British Raj in India;
- (ii) the number of Europeans and Anglo-Indians imprisoned for murdering Indians in India during the last 150 years of the British Raj in India;
- (iii) the number of Indians hanged for murdering Europeans and Anglo-Indians in India during the last 150 years of the British Raj in India;
- (iv) the number of Indians imprisoned for murdering Europeans and Anglo-Indians in India during the last 150 years of the British Raj in India?

The Honourable Sir William Vincent: (a) Government have seen the statement. It is obviously incorrect on the face of it, inasmuch as the minimum penalty prescribed by the Indian Penal Code for murder is transportation for life. Actually the men in question were convicted under Section

304, Indian Penal Code, of the offence of culpable homicide not amounting to murder.

(b) The figures asked for by the Honourable Member are not available, nor is there material from which to obtain them.

STATEMENT IN THE 'ZAMINDAR.'

54. **Mr. M. Faiyaz Khan:** (a) With reference to Question No. 680* put by Mr. Syed Nabi Hadi in the Legislative Assembly on March 28th, has the attention of the Government been drawn to the statement headed 'Wakai hails Najaf ki tasdiq' published in the *Zamindar* of 22nd May 1921, front page?

(b) Are the statements of Hujatul Islam Hazrat Aqaush Shariat Asphani published in paper mentioned above, correct, that for 40 days Najaf Ashraf was bombarded and shells and bullets were freely used in killing women and children and wrecking the mosques by the British troops?

The Honourable Dr. T. B. Sapru (on behalf of the Honourable Mr. Denys Bray): (a) Yes.

(b) No. The statements are utterly false. There has been no bombardment of Najaf-i-Ashraf.

STATEMENT IN THE 'FATEH OF DELHI.'

55. **Mr. M. Faiyaz Khan:** Has the attention of the Government been drawn to the statement headed 'Imtiyaz' published in the *Fateh of Delhi*, dated 12th May 1921, page 2, in which it is stated that an Indian ayah was convicted for having stolen Rs. 21 belonging to her European master and was sentenced to one year's rigorous imprisonment, while a European was convicted for having stolen Government currency notes of the value of Rs. 65 and was fined Rs. 250 and sentenced to one day's simple imprisonment?

The Honourable Sir William Vincent: Government have seen the statement in the issue of the *Fateh* referred to by the Honourable Member. It purports to reproduce information called from the *Bombay Chronicle* and Government have also traced the reference in the latter paper. The statements made by the Honourable Member as to the punishments inflicted are incorrect. According to these newspaper reports, the ayah in question was sentenced to one month's rigorous imprisonment and not to one year's rigorous imprisonment as stated by the Honourable Member. The fine inflicted on the European also was Rs. 125 and not Rs. 250. The sentence on the Indian ayah was imposed by an Indian Magistrate and that on the European by a European Magistrate.

ISSUE OF LICENCES UNDER THE ARMS ACT.

56. **Mr. M. Faiyaz Khan:** (a) Will the Government be pleased to state if it is true that some District Magistrates refused to renew or issue licences under the present Arms Act to those people who confessed to be non-co-operationists?

* *Vide* Legislative Assembly Debates, Volume I, page 1675.

(b) If it is true, will the Government be pleased to state under what section of the Arms Act a District Magistrate has power to refuse to renew or issue a licence to such people?

The Honourable Sir William Vincent: Government have no information regarding any such refusal.

UNLICENSED POSSESSION OF REVOLVER AND SWORD.

57. **Mr. M. Faiyaz Khan:** Will the Government be pleased to state if it is true that one H. J. Greenfield, an Anglo-Indian at Calcutta, charged with being in unlawful possession of a 5-chambered revolver and some cartridges without a licence was fined Rs. 20 and the revolver and cartridges were ordered to be confiscated (*vide Statesman* of 23rd January 1921, page 5, column 4, paragraph 5) and that one Bachittar Singh at Amritsar was charged with being in unlawful possession of a sword without a licence and was sentenced to six months' imprisonment (*vide Independent* of 19th May 1921, page 4, column 3, headed 'Bachittar Singh's Case')?

The Honourable Sir William Vincent: Government have seen the newspaper reports referred to and have no reason to doubt their accuracy. They understand, however, that the circumstances of the two cases were entirely different.

STATEMENTS IN THE 'BANDAY MATARAM.'

58. **Mr. M. Faiyaz Khan:** (i) Will the Government be pleased to state if the following statements as contained in the news published in the *Banday Mataram*, dated the 19th May 1921, page 3, column 3, are true:

- (a) that an English Military Officer, a Major, along with his wife entered a railway compartment at midnight at Sialkot and expelled four respectable Indian passengers from the compartment who were already occupying their seats, one of the four Indian passengers being an Indian lady;
- (b) that three berths in the compartment were already reserved by those Indian passengers;
- (c) that the luggage belonging to those Indian passengers was thrown out of the compartment by the said officer;
- (d) that on protest by the Indian passengers the officer used abusive language;
- (e) that at Wazirabad railway station, three of the Indian passengers went and reported the matter to the Station Master, and the Anglo-Indian police sergeant, who instead of helping those Indian passengers only recorded their statements, and took the name of the said officer?

(ii) If the above statements are true, what punishment legally and departmentally does the Government contemplate to mete out to this English Military Officer?

Sir Godfrey Fell: (i) (a) The officer in question was charged before the District Magistrate of Sialkot with an offence under the Railway Act. From the record of the case, it appears that the officer intimidated four Indian passengers into leaving the compartment.

(b) Yes.

(c) and (d). No. The evidence shows that the luggage was handed out through the window of the carriage and that the officer did not use abusive language.

(e) The matter was reported to the Assistant Station Master at Wazirabad, who referred the complainants to a sergeant of the Railway Police. This officer took down their statements and, after ascertaining the name of the officer concerned, forwarded the complaint to his superior officer.

(ii) As the Honourable Member is probably aware, the District Magistrate, who tried the case, fined the officer Rs. 30. The officer has since been severely censured by His Excellency the Commander-in-Chief. He has been reverted to regimental employ; he has been debarred from holding any officiating appointment in his unit for 12 months, and his leave has been stopped for the same period except on medical certificate.

STATEMENT PUBLISHED IN THE 'INDEPENDENT.'

59. **Mr. M. Faiyaz Khan:** (i) Will the Government be pleased to state if the following statements as contained in a letter headed 'Significant Railway Incident' published in the *Independent*, dated 17th May 1921, page 2, column 2, are true that:

(a) An English Military Officer (Lieutenant) asked the railway guard in the train to shift two Indian passengers from the 1st class compartment where he was sitting, because he did not like to sit in a compartment where there are Indians;

(b) the said officer pushed one of the Indian passengers on to the platform when the train was just in motion;

(c) at the next stopping station, Raja-ki-mandi, the said officer drew out his revolver and threatened to shoot both those two Indian passengers if they did not vacate that compartment;

(d) both those Indian passengers went and reported to the guard and the station master, and when they came back along with the guard and the station master near their compartment they saw their luggage thrown on the platform by the said officer;

(e) in spite of protest and remonstrance, the officer remained obdurate and insolent as before and refused to give his name even?

(ii) What punishment have the Government proposed legally and departmentally to mete out to this officer?

Sir Godfrey Fell: (i) The incident in question has since formed the subject of a criminal case. The facts, as they appear in the District Magistrate's judgment, are as follows: A British officer who was travelling from Bombay to Delhi got down at Agra for dinner. On his return, he found two Indian passengers in his compartment. They had not 1st class tickets, but, with the permission of the guard of the train, had put their luggage into the 1st class compartment in which this officer was travelling. Just as the train was about to start, the officer protested to the guard, apparently with no effect. After a slight scuffle, all three got into the compartment. The officer asked the two Indian passengers if they had first class tickets and, on discovering that they had not, the officer requested them to leave the compartment at

the next station. Though he took an unloaded revolver out of his portmanteau, he did not threaten to shoot them if they did not leave the compartment, nor did he point it at them. There is no allegation that the officer used insulting language to the two Indian gentlemen.

At the next station the Indian passengers alighted, and thinking that they had decided to leave the compartment, the officer had their luggage taken out and placed on the platform. The luggage was removed carefully and not thrown out.

(ii) The District Magistrate, who tried the case, fined the officer in question Rs. 400. In his opinion, the officer was not guilty of any actual violence. The Government of India do not propose to take any further action in the matter.

Mr. J. Chaudhuri: May I ask Questions (Nos. 60 and 61), Sir, on behalf of the Honourable Member who is not present?

The Honourable the President: Has the Honourable Member the authority of the other Honourable Member to ask it?

Mr. J. Chaudhuri: No express authority.

RAILWAY WAGONS MANUFACTURED IN INDIA.

60. **Mr. K. C. Neogy:** Will Government be pleased to state the number of Railway wagons manufactured in India, since 1919, in the different Railway workshops and by different private firms, and place on the table a copy of the usual terms of contract with private firms in this behalf?

Colonel W. D. Waghorn: Railway workshops usually undertake the erection of wagons received by sea and repairs and alterations, but do not manufacture wagons. Orders have been placed since 1919 with private firms in India for 2,272 wagons and, as a special case, for the erection including alterations of 5,000 wagons received from America. Of these latter, about 30 per cent. have been delivered. Further orders may have been placed by lines not under Government control, but such orders, if any, would be of comparatively very small value.

The contract terms vary with conditions. A copy of the tender form with contract conditions and specifications used in connection with the Railway Board's call for tenders for this year is placed on the table.

PURCHASE OF AMERICAN RAILWAY WAGONS.

61. **Mr. K. C. Neogy:** (i) Is it a fact:

(a) that about 5,000 Railway wagons originally manufactured in America for the Russian Government, were purchased by the Secretary of State for India in 1919; and

(b) that since their delivery in India, these wagons have been entrusted to Messrs. Burn & Co., of Calcutta, for being fitted up and so altered as to suit the Indian gauge?

(ii) If the Answer to the preceding Question be in the affirmative, will Government make a detailed statement in regard to this transaction with particular reference to the following points:

(a) whether the Secretary of State gave any directions as to where and on what terms the wagons were to be fitted up;

- (b) the date on which the Railway Board was first apprised of the said purchase, and whether the Board made sufficient inquiries thereafter as to the capacity of the different Railway workshops for fitting up the wagons, and if so, what reports were received on such inquiries ;
- (c) the date on which the Railway Board first communicated with Messrs. Burn & Co. on the subject, and whether and when the Board made similar communications with any other private firm in India ;
- (d) the terms on which Messrs. Burn & Co. agreed to execute the work, and how these compare with the terms which may have been quoted by any other firm ;
- (e) the total payment to be made to Messrs. Burn & Co. as actual costs and profits, respectively ; and the probable total cost of carrying out the work, if it could be undertaken by the Railway workshops ;
- (f) whether Messrs. Burn & Co. include in the costs charged, the cost of installing additional machinery for carrying out the work ;
- (g) whether the original terms of contract have been varied in any way at any time ; and
- (h) what materials are supplied by the Railway authorities, and what fittings, etc., are supplied by Messrs. Burn & Co. ?

Colonel W. D. Waghorn : (i) (a). 5,000 wagons manufactured in America were ordered by the Secretary of State in 1918 before the Armistice, and

(b) their erection including certain alterations necessary to fit them for the traffic for which they are required has been entrusted to Messrs. Burn and Company. They were altered to the 5' 6" gauge in America.

(ii) (a). The Secretary of State gave no directions as to where or on what terms the wagons were to be fitted up.

(b) The Railway Board was advised of the purchase in November 1918 ; they considered the possibility of erecting these wagons in railway workshops, but the heavy arrears in wagon repair work and the deficiency in repair facilities made it impossible for this work to be undertaken in the railway workshops.

(c) After receiving details of the wagons, the Railway Board in September 1919 referred the matter of the distribution of the wagons, alterations necessary and agency of the work of erection and alteration, to a committee of the leading Railway authorities in Calcutta and, on the recommendation of this Committee, entrusted the work of erection and alteration to Messrs. Burn and Company, the only firm that was considered capable of dealing with it adequately.

(d) The general terms of the Contract were that Messrs. Burn and Company should receive the actual cost *plus* 10 per cent. ; no other firm was in a position to undertake a work of such magnitude.

(e) The total payment to Messrs. Burn and Company is estimated at Rs. 100 lakhs including Rs. 9 lakhs as profit. As already stated, the work could not be undertaken in railway workshops ; but if it had been possible, the total cost would not have been less than the cost of construction by Messrs. Burn and Company ; to this would have to be added the overhead charges which would hardly have been less than the 10 per cent. allowed to Messrs. Burn and Company as profit.

(f) Messrs. Burn and Company are allowed only the actual cost plus the 10 per cent ; the cost of installing additional machinery would not be admitted.

(g) The terms of contract have not been altered.

(h) Government supplied the whole of the material covered by the order on America. Messrs. Burn and Company supplied any additional material required to effect the alterations required.

RAILWAY BOARD.

Notice.

WAGONS FOR INDIAN RAILWAYS.

Tenders are invited for the construction in India and delivery during the year ending 31st March 1922 of the wagons detailed below :

5' 6" gauge—covered goods.	Metre gauge—covered goods.
1,200 of type A ¹ length 21' 0".	100 of type MA ¹ length 18' 0".
800 " A ² " 21' 6".	100 " MA ² " 20' 0".
200 " A ³ " 27' 7".	100 " MA ³ " 21' 6".
5' 6" gauge—open.	Metre gauge—open.
50 of type C ¹ length 19' 6".	50 of type MC ¹ length 18' 0".
200 " C ² " 23' 0".	50 " MC ² " 20' 0".
50 " C ³ " 26' 0".	50 " MC ³ " 18' 0".
	50 " MC ⁴ " 20' 0".

The types quoted are those of the I. R. C. A. standard designs.

Copies of the form of tender and specification can be obtained on application to the Secretary, Railway Board, Simla ; also copies of the drawings on payment of Re. one per sheet which will not be refunded whether the tenderer is successful or not.

Tenders must be enclosed in sealed covers superscribed—'Tender for wagons' and should reach the Secretary, Railway Board, Delhi, on or before the 7th December 1920.

The Railway Board do not bind themselves to accept the lowest or any tender or to assign any reason for non-acceptance of any tender.

FORM OF TENDER.

From

To

THE SECRETARY,
RAILWAY BOARD,
SIMLA.

DEAR SIR,

With reference to your advertisement calling for tenders from firms in India for wagons for Indian Railways, we beg to submit our quotations below in accordance with the instruction to Tenderers and subject to the Conditions of Tender attached hereto.

INSTRUCTIONS TO TENDERERS.

1. Tenders should be for wagons complete in every respect as described in the attached specification including the fitting of the wheels and axles but excluding the supply of the wheels and axles which the Buyer will deliver to the Seller.
2. Tenders should quote separately for each type of wagon giving the price per completed unit delivered free on rail, and the place, time and rate of delivery.
3. Tenderers should specify in detail the materials they propose to import and, for the purpose of the variation of price clause, the price of each item and the total price for the imported materials converted into rupees at two shillings to the rupee.

CONDITIONS OF TENDERS.

1. The goods agreed to be supplied shall in all respects comply with the annexed Specification as regards materials used and workmanship.
2. In case of strikes, accidents, or other causes affecting production or delivery, the Contract may be suspended during their continuance, but such suspension shall not invalidate the completion of the Contract. Buyers and Sellers both to be entitled to the benefit of this clause.
3. The goods agreed to be supplied shall be inspected at Sellers' Works during manufacture by Inspecting Officers approved by the Buyers and before delivery thereof.
4. In case such goods are faulty on delivery through causes not discoverable on inspection, provided complaints be made in writing to Sellers within 5 days from receipt of goods they will at their option repair same at their expense or supply others of a like description, but no allowance will be made to Buyers for any work put upon them or for any consequential damages.
5. If between the date of tender and the date of receipt in India of the imported material the actual cost to the Seller of such imported material be increased in respect to a certified increase in the cost *f. o. b.*, sea freight and rate of exchange above the prices quoted in the tender, the Seller shall be entitled on completion of the contract to claim an additional sum equal to the actual extra cost incurred by him, provided that,
 - (a) No such sum shall be paid in respect of any item of the contract delivered to the Buyer after the date fixed in the contract for delivery to the Buyer, or if no date has been named in the contract for delivery, unless the Seller shall prove to the satisfaction of the Buyer that the delay was due to causes not within the Sellers' control.
 - (b) That the amount claimed shall be in respect to the actual increase in cost incurred by the Seller on the Imported material only and shall not include any additional sum for profit.

If on the other hand a decrease should occur during the same period in the cost *f. o. b.* sea freight and rate of exchange below the prices fixed in the tender a corresponding reduction shall be made in the contract price but the amount allowed for profit in the accepted tender shall not be reduced in consequence thereof.

In any case, whether the contract price be varied or not, the Contractor's claims for payment must be supported by a certificate from a Chartered or Incorporated Accountant, to be named by the Contractor and approved by the Buyer, stating that the amount claimed is correct in accordance with the provision of this clause. The Contractor shall also, if required to do so, furnish in support of his claim any further information which the Buyer may require.

RAILWAY.

CARRIAGE AND WAGON DEPARTMENT.

SPECIFICATION.

For Standard four-wheeler $\frac{\text{covered}}{\text{open}}$ Goods Wagons _____ type (except wheels and axles).

5 feet 6 inches
Gauge.

1. Drawings for $\frac{\text{covered}}{\text{open}}$ Goods wagons _____ type. A complete set of drawings as noted below will be supplied by the Company, these drawings shall be the contract drawings and shall be accurately worked to, except where modified in red when the modifications shall be worked to :—

5 feet 6 inches Gauge.

Four-wheelers.

Type.	Length.	Code.	Drawing Numbers.
Covered Goods ...	... 21'-0"	A. 1	S. 1-19.
" " ...	... 24'-6"	A. 2	S. 2-4, S. 7-19, S. 23-25.
" " ...	... 27'-7"	A. 3	S. 2-4, S. 9-19, S. 28-32.
Open " ...	... 19'-6"	C. 1	S. 2, S. 4, S. 7-22.
" " ...	... 23'-0"	C. 2	S. 2, S. 4, S. 7-19, S. 21, S. 26-27.
" " ...	... 26'-0"	C. 3	S. 2, S. 4, S. 9-19, S. 31-36.

Metre Gauge.

Four-wheelers.

Type.	Length.	Code.	Drawing Numbers.
Covered Wagon ...	... 18'-0"	M. A. 1	S. 2, S. 3, M. 1-14.
" " ...	... 20'-0"	M. A. 2	S. 2-3, M. 3, M. 6-18.
" " ...	... 21'-6"	M. A. 3	S. 2-3, M. 3, M. 6-14, M. 19-22.
High-sided Open Wagon ...	... 18'-0"	M. C. 1	S. 2, M. 3, M. 6-14, M. 23-26.
" " ...	... 20'-0"	M. C. 2	S. 2, M. 3, M. 29-31, M. 6-14, M. 26.
Low-sided Open Wagon ...	... 18'-0"	M. C. 3	S. 2, M. 3, M. 6-14, M. 24, M. 26-28.
" " ...	... 20'-0"	M. C. 4	S. 2, M. 3, M. 6-14, M. 26, M. 30, M. 32-33.

NOTE.—All types other than the one required to be penned through.

Detailed List of Drawings.

Standard Gauge.	Metre Gauge.	Title.
S. 1	M. 1	General arrangement.
S. 23	M. 15	
S. 28	M. 19	
S. 20	M. 23	
S. 26	M. 29	
S. 33	M. 27	
	M. 32	
S. 2	S. 2	Door Fasteners, etc.
S. 3	S. 3	Door and details.
S. 21	M. 26	
S. 34		
		End door and details.
S. 35		
	M. 6	Door Arrester.
S. 4		
	M. 4	Roof and Body plates.
S. 5	M. 17	
S. 24	M. 21	
S. 29		
		Body Ironwork and floor plates.
S. 6		
S. 25		
S. 30		Body Ironwork and plates.
S. 22		
S. 27		
S. 36	M. 5	Body Ironwork.
	M. 18	
	M. 22	
	M. 25	Body Ironwork and body plates.
	M. 31	
	M. 28	
	M. 33	
	M. 3	Solebars and headstocks.
S. 7		Details of 19'-6" and 23'-0" under frame.
S. 31		
		Detail of 26'-0" underframe.
S. 8		
	M. 2	Underframe details and floor plates.
	M. 16	
S. 32	M. 20	
	M. 24	
	M. 30	
		Axleguard, Scroll irons, etc.
	M. 10	Bearing Spring, Axleguard, Scroll iron, etc.
S. 9		Drawgear and details.
		Screw Coupling and Safety Chains.
S. 10		

Detailed List of Drawings—contd.

Standard Gauge.	Metre Gauge.	Title.
S. 12	M. 14	Buffers.
S. 13		Springs.
S. 14	M. 7	Wheels and axles.
S. 15	M. 8	Axle box.
S. 16	M. 9	Axle box Details.
S. 17	M. 11	Arrangement of Brakework.
S. 18	M. 12	Details of Brakework.
S. 19	M. 13	Details of Brakework.

NOTE:—All Drawing numbers other than those for the type chosen, to be penned through.

PARTICULAR SPECIFICATION.

2. The work required under this specification consists of the construction, supply and delivery on rail at..... station in perfect running order of.....

Iron ^{Covered}Open Goods wagons type, comprising steel and ironwork and fittings complete with Vacuum Brakework in accordance with the schedule of quantities given in the drawings supplied, with all fastenings, bolts and nuts, washers, rivets split pins and wooden packings which are required for securing all the iron work and fittings to the bodies and underframes.

3. The wheels and axles will not form part of the contract, and will be supplied to the Contractors at their works by the Railway Company.

Exceptions.

4. The General dimensions of the ^{Covered}Open wagon are as follows:—

Dimensions.				
Length of underframe	...	...	...	...
Length of body, inside	...	...	...	...
Width of underframe	...	...	...	...
" of body, inside	...	...	...	...
Height of side, above floor	...	...	...	...
" of centre "	...	...	...	...
Length over buffers	...	...	...	...
Diameter of wheels on tread	...	...	...	...
Size of axle journal	...	...	...	...
Wheel base	...	...	...	...

5. (a) The wagons are to be made as shown on general arrangement drawing No..... except where modified in red on it and the particular drawings of the details.

(Any special modifications required, to be noted below):—

6. Besides the modifications noted above, should any further modification be subsequently desired by the Carriage and Wagon Superintendent or his Deputy, such modification must be made by the Contractors without claim for extension of time or increase in price, except as hereinafter set forth. Whenever the specification differs from the drawings, the specification is to be followed, unless the Carriage and Wagon Superintendent or his Deputy shall otherwise direct.

GENERAL SPECIFICATION.

7. The following General Specification covers the construction, supply and delivery at..... of the Goods vehicles specified in the foregoing Particulars Specification.

8. (a) Wheels and Axles. The Contract does not include wheels and axles, these will be supplied to the Contractors,

(b) The words 'Carriage and Wagon Superintendent' or his 'Deputy' refer to the persons who will take over the work in India from the Contractors. The word 'Contractors' refers to the person, firm or Company with whom the contract for the supply of the work, etc., may be placed. The word 'Sub-Contractor' denotes any person, firm, or company from whom the Contractors may obtain any materials or fittings to be used in the construction and manufacture of the wagons.

(c) The cost of all painting, marking and lettering, and delivery, must be included in the Contract price. The cost of all tests and analysis of materials of any kind must be borne by the Contractors, who must also bear costs of all Royalties and Rights.

9. No additional sum for extras of any nature whatever will be admitted unless submitted to, and approved by, the Carriage and Wagon Superintendent, in writing before the execution of such extra work.

10. (a) The Drawings supplied and any other drawings which may subsequently be supplied to the Contractors, are not guaranteed to be free from inaccuracies. They must be modified where necessary in order to suit the requirements of this specification, or as may subsequently be desired by the Carriage and Wagon Superintendent without claim by the Contractors for extension of time or increase of price. When the drawings differ from this Specification, the specification is to be followed unless the Carriage and Wagon Superintendent shall otherwise direct.

(b) The wagons must conform strictly to the rules of the Government of India, as regards moving dimensions, weight, wheel-base, buffer height, and every other particular, and if they do not conform to these rules they will be liable to be rejected.

(c) The Contractors must make, free of any charge, any modifications which may be found necessary to attain this result, and these modifications must be approved by the Carriage and Wagon Superintendent.

(d) A diagram of the moving dimensions may be obtained by the Contractors on application to the Carriage and Wagon Superintendent.

ORDERING AND TESTING OF MATERIAL.

11. (a) The whole of the materials required for the construction of the wagons shall be of British or Indian manufacture, and must be subject to the approval of the Carriage and Wagon Superintendent or the Superintendent of Local Manufactures and must comply with British Standard requirements and to satisfy himself on this point the Carriage and Wagon Superintendent will submit samples cut from same to such chemical and mechanical tests as the British Standard Specifications require. If any sample fails to meet the required tests, the whole of the material represented by such sample will be rejected.

(b) Names of Makers to be submitted and approved.—Before any material is ordered from Britain, it is specially required that the names of the makers from whom it is proposed to obtain any kind of material, or any of the fittings for the work under the contracts shall be submitted to the Carriage and Wagon Superintendent and the Superintendent of Local Manufactures, and that the names shall be approved by them before the orders for such materials or fittings are arranged. After approval, two copies of all orders to Sub-Contractors are to be sent to the Carriage and Wagon Superintendent and the Superintendent of Local Manufactures. These are also required in the case of replacement orders.

(c) All orders to Sub-Contractors for steel plates which required to be flanged or worked locally are to be ordered of best 'flanging quality.'

(d) Should the Contractors proceed with any part of the work before receiving from the Carriage and Wagon Superintendent and the Superintendent of Local Manufactures the approval of the names of the makers, and the class and quality of the material proposed to be used for the execution of the Contract, and should the material be subsequently found, in the opinion of the Carriage and Wagon Superintendent or the Superintendent of Local Manufactures, to fall short of the tests or other requirements of this specification, or to have been obtained from other than the approved makers, the whole of the work thus manufactured will be rejected.

(e) The test of the materials will, as far as possible, be carried out at the works of the maker of the materials in order to facilitate the progress of the Contract, but notwithstanding that the Contractors shall have

obtained the materials from makers approved by the Carriage and Wagon Superintendent and the Superintendent of Local Manufactures and that such materials shall have complied with the specified chemical and mechanical test to the satisfaction of the Carriage and Wagon Superintendent or the Superintendent of Local Manufactures, the Contractors' responsibility for their efficiency in every way shall remain the same as if the materials had been manufactured and tested by themselves, the intention of the contract being that all materials used shall be of the highest quality, and the Carriage and Wagon Superintendent or the Superintendent of Local Manufactures shall have power to adopt any means they may think advisable in order to satisfy themselves that the kinds of materials specified are actually used throughout the contract.

(f) The test of finished fittings, such as axle boxes, springs, buffers, etc., will be made and carried out at the works of the maker of such fittings by the Carriage and Wagon Superintendent or the Superintendent of Local Manufactures and only such finished fittings as have been approved by them must be used in the construction of the wagons.

(g) Should any of the materials or articles be found defective or fail to comply with the tests, analysis or other requirements of this specification, they will be rejected.

(h) The Contractors must provide, without extra charge, all tools and labour required by the Carriage and Wagon Superintendent or the Superintendent of Local Manufactures for the inspection and testing of all Tools and Labour to be provided, etc. the work under the Contract and they must make provision in their orders to their Sub-Contractors for the inspecting and testing of articles at their works when required by the Carriage and Wagon Superintendent or the Superintendent of Local Manufactures.

(i) The materials of which any part of the wagon is to be made are stated in the particular clause in the specification dealing with any such part, but for convenience of reference the main requirements are also here given below in tabular form.

NOTE.—Generally steel is to be used in the construction of details, unless Yorkshire iron selected scrap iron, or other materials, are specified for certain parts, but parts which require to be welded must only be made of steel with the express permission of the Carriage and Wagon Superintendent in writing, otherwise the parts which are to be welded must be of Yorkshire iron or other wrought iron as may be specified.

(j) Materials for which British Standard specifications are to be used.

Name of Details.	Class letter named in British Standard specification showing class of material required.	Number of British Standard specification.	Form of British Standard Test piece to be used.
STEEL.			
Laminated springs	...	Report No. 24, 1911. Specification No. 6	...
Volute and Helical springs	...	No. 7	...
Ordinary forgings	B	No. 8	D
Suspension eyebolts, nuts and washers	C	No. 8	D
Specially important parts, such as screw couplings, nuts, shackle pins, spring shackle pins.	D	No. 8	D
Brake Gear pins	D	No. 8	D
Castings	According to classification.	No. 10	C or D
Plates, sections, bars and rivet bars used in the construction of the wagon.	...	No. 18	A and B
WROUGHT IRON.			
Best Yorkshire iron for drawbars, shackles, screw couplings, side chains and other details where specified.	Best Yorkshire	Report No. 51	A and B
Brake rigging, and any other parts where wrought iron is specified, except plates.	Grade A	Report No. 51	A and B
Plates, other than Yorkshire iron plates.	Grade C	Report No. 51	A and B

(b) Materials for which no British Standard specification is yet available :—

Gun-metal.

Name of Detail.	Copper.	Tin.	Zinc.	Lead.
	Per cent.	Per cent.	Per cent.	Per cent.
Axle-box bearings, lined with white-metal ...	77.0	8.0	Nil.	15.0

White-metal.

Name of detail.	Copper.	Tin.	Antimony.	Lead.
	Per cent.	Per cent.	Per cent.	Per cent.
Axle-box bearings	5.5	81.5	10.5	2.5

For axle-boxes and any other parts, the materials for which are not mentioned in the above tables, see the special clauses dealing with these parts in this specification.

(l) The whole of the materials must comply, except where modified by this Additional requirements and specification, with the tests and other requirements of the British Standard specifications named above for the class of material concerned, and they must fulfil such further requirements as are stated in the specification.

(m) With regard to the analyses which the Contractors are liable to be called upon to supply under the terms of the several British Standard specifications abovenamed, together with other analyses which may be required by the Carriage and Wagon Superintendent or the Superintendent of Local Manufactures, of other materials or articles not covered by such specifications, it is to be understood that, should the Carriage and Wagon Superintendent or the Superintendent of Local Manufactures so decide, any or all of the analyses must be made by a metallurgist selected by themselves, and from these analyses there will be no appeal.

(n) In addition to the tensile and bending tests, etc., required by the British Standard specifications named above, for the materials to which they relate, the Carriage and Wagon Superintendent or the Superintendent of Local Manufactures will take mechanical tests from wrought and cast-iron articles, etc., and such other materials as are not provided for in the British Standard specifications, in such number as they may consider to fairly represent the lot of articles from which the test samples are taken.

(o) The Contractors or a representative nominated by the Contractors, must arrange with the Inspector, before the work is commenced, for the provision of such additional articles as may be required to enable a selection to be made by the Inspector from the bulk for testing purposes, or failing that for extra piece to be left on each forging and casting, if required, which will be broken off or cut off in the presence of the Inspector for testing purposes.

(p) Should any of the materials or articles be found to be defective or fail to comply with the tests, analyses, or other requirements of this specification, they will be rejected.

(q) No electric or oxy-acetylene welding is to be done on any of the work unless the part for which this process is proposed has been shewn to the Carriage and Wagon Superintendent and his permission for welding obtained in writing. The welding must only be done under his supervision.

(r) The Contractors will not be paid for any excess of weight due to the iron or steel having been rolled or forged thicker than specified or shown on the drawings, but should the weights supplied fall below an estimate made from the contract dimensions, the iron or steel will be accepted or rejected at the option of the Carriage and Wagon Superintendent.

(s) The Contractors are to be entirely responsible for the efficiency of the wagons in all respects, notwithstanding any approval which the Carriage and Wagon Superintendent or the Superintendent of Local Manufactures may have given of the detail drawings supplied to the Contractors, or of the manufacturers of the materials or parts employed by the Contractors, or of the tests carried out either by themselves or by the Contractors.

CONSTRUCTION AND MANUFACTURE OF THE VEHICLES.

Underframes.

12. (a) The whole of the plates, channels, angles, bars and rivets, bolts, pins, etc., used in the construction of the underframe are to be made of steel, in accordance with British Standard Specification No. 18, Report 24, 1911, except such parts as may require to be welded, which must be made of wrought iron. The wrought iron is to be made in accordance with British Standard Specification No. 51, bars to grade A, plates to grade C, and must comply with the tests given in that Specification.

(b) Steel forgings of all kinds must comply with British Standard Specification No. 8. For class, see table of materials, Clause 11 (j).
Steel Forgings.

(c) The steel castings are to be made in accordance with British Standard Specification No. 10, Report No. 24, 1911, and must comply with the tests and requirements of that Specification. In addition, the Superintendent of Local Manufactures has power to select castings at his discretion for destruction tests.
Steel Castings.

(d) All channel and angle bars must be made perfectly straight and square over the flanges by pressure, and not by hammering before being used for the underframes. The ends of all channel bars must be finished by machinery and not by punching or shearing, to the exact shape and dimensions shown on the drawings. The ends of all channel bars must be carefully fitted, care being taken to ensure that the web of the one bar fits against and into the flanges of the bar it meets. The plates forming the end frame covering-plates, all cover and gusset plates of all underframes must be perfectly flat and free from buckles.
Channel and Angle Bars, Girders and Plates.

(e) All holes in the pieces of iron and steel which form the underframes must be drilled, except those in the cover gusset and headstock plates of all underframes, which may be punched, provided that all the holes in each plate are punched simultaneously, or through a metal template clamped and fixed to the plate which contains all the holes required in the plate; if one or other of these systems of punching be not adopted, all holes must be drilled.
Punching and Drilling.

(f) The knees for connecting the channel bars, forming the underframe must be made out of steel angle bars but the edges of the angles must be neatly dressed off and the holes through them drilled. Great care must be taken that these knees are so fitted that the whole breadth of each side will bear against the parts which they connect.
Knees.

(g) All rivets must be made to the correct length before rivetting, so as not to require cutting afterwards, and the ends must be perfectly square. Every rivet must properly fill the holes, which must be perfectly fair with each other, and in no case must the diameter of the rivet under the head be more than $\frac{1}{32}$ inch smaller than the diameter of the hole it is intended to fill. Great care must be taken that the rivets are not overheated, that they are thoroughly cleaned, and that the edges of the plates are brought well together before the rivets are put in. Machine rivetting is to be employed wherever practicable, and care must be taken that the cup does not injure the plates. All rivets rivetted by hand must be made of the best Yorkshire iron. All rivets that are loose, having cracked or ill-shaped heads, or that are in any other way defective, must be cut out and replaced by sound rivets.
Rivets and Rivetting.

(h) Whitworth's standard gauges must be used in forging or finishing all bolt-heads and nuts and all bolts and nuts must be screwed to Whitworth's standard pitch, the bolts to a length of three diameters, unless otherwise shewn on the drawings. All heads of bolts and nuts must be hexagonal.
Bolts and Nuts.

- (i) All surfaces of adjoining parts must, while thoroughly dry and clean, and just before being finally put together for rivetting, receive one good coat of paint made of freshly ground pure red lead and pure raw linseed oil. All burrs must be removed before the parts are put together and the surface must be brought into close contact while still wet.

FITTINGS AND DETAILS FOR THE UNDERFRAME.

13. (a) The axle-guards must be of wrought iron, in accordance with British Standard Specification No. 51, Grade A. They must be of the strongest and most suitable design for their purpose, and are to be firmly secured to the underframe in an approved manner and fitted with bridles. Care must be taken that sufficient clearance is left both above and below the axle-boxes. The guards are fitted with a special Tee steel section check block made of B class steel in accordance with British Standard Specification No. 8, Report No. 24, 1911.

- (b) Scroll irons may be forged out of the solid of wrought iron, British Standard Specification No. 51, Grade A.

Pins for scroll irons and shackle plates are to be made of D class steel, British Standard Specification No. 8. All pins are to be turned and the holes for them in the scroll irons and shackle plates drilled.

- (c) The hook for hanging couplings, draw-bar plates, and other small forgings not otherwise specified, are to be made of wrought iron or mild steel as specified above for the axle-guards; they must be forged out of the solid and all the holes in them are to be drilled and the pins turned.

- (d) The hand brake gear is to be made of wrought iron of mild steel of the quality specified above for the axle-guards, except the pins, which are to be made of D class steel as specified for the spring pins. The brake spindle, brake spindle hangers, brackets for brake blocks, suspending links, brake block suspending links, brake thrust rod ends and brake lever ends, are to be forged out of the solid and all holes in them are to be drilled and the pins turned.

- (e) The vacuum brake is to be fitted to the underframe and is to comprise a vacuum cylinder complete with ball valve, reducing tee, dummies and carriers, hose and coupling, cylinder hose pipes and train piping, with all clips, bolts and nuts, fittings, connections, and brake rigging complete. The cylinder is to be 18 inches for Standard Gauge diameter, is to be galvanized and is to be fitted with the internal ball valve. The piston rod is to be satisfactorily rustproofed.

- (f) The brake rigging is to be made of wrought iron or steel as specified above for the hand brake gear.

- (g) The brake shafts, ends of brake block thrust rods, ends of pull and connecting rods and vacuum cylinder brackets must be forged out of the solid, all holes are to be drilled and the pins turned. The bearings of the brake beams are to be forged out of the solid, and the bearing part turned. The brake block suspending links are to be of wrought iron and eyes case hardened at both ends. The holes in the vertical lever brackets and vertical levers are to be bushed with hard steel bushes. The India-rubber pipes for the vacuum brake are to be of very best quality and suitable for use in tropical climates. The vacuum train pipe is to be fixed 8 inches out of the centre line of the wagon for 5 feet 6 inches and metre gauge on the left hand side of a person looking at the headstock of the wagon.

- (h) The brake rigging is to be so arranged that there shall be an equal pressure on each block, and that the total pressure shall be 90 per cent. of the tare weight of the vehicle, with a vacuum of 20 inches in brake cylinder.

- (i) The pins of all brake work, whether hand or vacuum, are to be of D class steel. The suspending link brackets are to be made of wrought iron or cast steel as may be decided by the Carriage and Wagon Superintendent, and are to be forged or cast in one piece. The brake rigging is to be so arranged, and the necessary parts are to be provided, for working the brake blocks by hand, as well as by the automatic vacuum system. The castings for the brake gear are to sound sharp, perfectly

clean on the surface, and free from honeycomb. All the working parts of the brake gear must be planed, bored, or turned so as to make good machine-work.

DRAW GEAR AND BUFFERS.

(For 5'-6" Gauge Wagons only.)

14. (a) The draw-bar hooks, spindles for draw springs, shackles, and side chains and hooks (if required) are to be made of nickel chrome or steel having an ultimate tensile strength of 65-75 tons per square inch, with an elongation of 15 per cent. on 2' and Yield Point 80 per cent.; the nuts and cotters, wearing angles, and trimmers, and knees, are to be made of mild steel, British Standard Specification C class; the hooks must be made to the dimensions shown on the drawings, and must be forged by drawing the steel down at one end, then bending round, so that the grain of the iron may be in the same direction as the curves of the hook; the other end of the draw hook must be drawn down square so as to form the shank. The draw hooks, side chain hooks, and eye-bolts are to be drop stamped and then properly annealed, special care must be taken that the forgings are not overheated before they are drop stamped. The holes in the side chain hooks for the chains, and in the draw hooks for the shackle pin, are to be drilled and not punched. The spindles of draw springs when they pass through the springs must be turned.

- (b) Each side chain complete with hooks, links, nuts and eye-bolts must be fixed as nearly as possible as if in actual practice, and the nuts screwed up to their proper place. After this has been done every side chain must be so arranged that a load of 20 tons may be applied throughout the chains, hooks, links and eye-bolts, and any part showing damage under this test will be rejected. Also one side chain in 100 must be tested to destruction, and must not break with less than a dead load of 12 tons; should any part of the side chain, hook or eye-bolts selected break with less than a dead load of 12 tons the whole of the work thus represented will be rejected.

(N.B.—If side chains are not required the above paragraph to be penned through.)

- (c) The buffers are to be made of wrought iron or mild steel. The wrought iron for the washers is to be in accordance with British Standard Specification No. 51, grade A, and the steel for buffers is to be British Standard Specification No. 8, Report No. 24 of 1911, B class. The buffer heads must be forged solid on the rods, and not welded on to them. The buffer faces must be turned to a perfectly spherical surface, as shown on the drawings and the edges, and backs of the flanges on the plungers must be faced up true. The buffer head is to be secured to the buffer plunger by counter-sunk rivets as shown. The buffer rods must be drawn down under a steam hammer true to the form shown, and turned. The buffer plungers must be turned, and the inside of the plunger bored out if necessary, to ensure the plunger clearing the base of the springs when the buffer is driven right home. The buffer cases are to be bored out so as to be a proper sliding fit. The buffer washers must be dressed perfectly true to the form shown. The parts of the buffer rods which pass through the springs must be turned.

- (d) The screw, trunnion nuts, links, shackles, and pins of the screw couplings are to be made of nickel chrome steel, properly heat treated, having an ultimate tensile strength of 65-75 tons per square inch, with an elastic limit of 55 tons per square inch and an elongation of 15 per cent. on 2 inches; Yield Point 80 per cent. The weight lever rivets and washers for the couplings are to be of mild steel, having a tensile strength of 27 to 32 tons per square inch with an elongation of 28 to 32 per cent. The draw-bar shackles, the screw couplings, shackle weight lever for screw couplings, and screw coupling nuts, are to be forged out of the solid, and all holes in them must be drilled. The coupling nuts are to be turned and faced up at the ends, sufficient metal being left on the ends of the pins of the nuts for cold rivetting; the washers which are attached to the nuts are to be counter-sunk on the outer side. The lug on the screw for attaching the weight lever to the screw must be forged solid with the screw and not welded on. The bottom end of the lever must be flattened out or split, to prevent the cast-iron weight from working loose or dropping off. Great care is to be taken to cut the threads of screw couplings accurately to the dimensions given on the drawing and generally to finish them in the best and most accurate manner.

- (e) Each of the screw couplings must be fixed as nearly as possible as if in actual practice and screwed both in and out to the full length of the travel. After this has been done, every coupling must be so arranged that a load of 40 tons may be applied throughout the coupling, and any coupling,

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showing damage under this test will be rejected. In addition to the above one per cent. of the couplings are to be subjected to a direct pull through the shackles, and the couplings must show no sign of distortion with a load of 80 tons, the breaking load thus applied to be not less than 100 tons. Should the coupling selection for test fail to withstand the specified test, the entire batch represented by the test will be liable to rejection.

(For Metre Gauge Wagons only.)

14-A. (a) The hook and coupling buffers are to be made of cast steel as specified in Hook and Coupling Buffers and British Standard Specification No. 10, Report No. 24 of 1911. Hooks. The coupling hooks to be steel forgings made of D class steel. The hooks are to be forged out of the solid; the hooks must be made to the dimensions shown on the drawing, and must be forged by drawing the steel down at one end and then bending round, so that the grain may be in the same direction as the curves of the hook. The hooks are to be drop stamped and thus annealed, special care being taken that the forgings are not overheated before they are drop stamped.

The holes in the hooks, for the pin, are to be drilled and not punched.

(b) The hook—and coupling—buffer spindles are to be turned throughout their length. The buffers are to be machined perfectly flat on the face, and at right angles with the spindles.

(c) The coupling screw, connecting link, yoke and lever are to be forged from the solid of D class steel and must be made to the dimensions shown on the drawing and all holes in them must be drilled, and all the pins and joints must be an easy and good fit.

Great care must be taken to cut the threads of the screws accurately to the dimensions given on the drawing, and generally to finish them in the best and most accurate manner.

(d) The trunnion nuts, spindle nut, and all pins must be of D class steel, special care being taken to accurately machine the threads in the nuts.

(e) The sleeve washer, spring sleeve, outside and inside spring cups are to be made of cast steel according to British Standard Specification No. 10, Report No. 24 of 1911. They must be accurately machined where required to the dimensions shown on the drawing.

(f) Each buffer must be fixed as nearly as possible as in actual practice and the screw must be screwed both in and out to the full length of its travel. After this has been done, every buffer must be so arranged that a load of 15 tons may be applied throughout the buffers, and any buffer showing damage under this test will be rejected.

Axle-Boxes.

15. (a) The axle-box castings may be of either (a) malleable cast-iron, i.e., castings made from iron and rendered malleable by annealing in hæmatite ore or other similar process, or (b) cast steel, i.e., castings made direct from Siemens, Martin or Bessemer steel, or other approved process.

The malleable iron and steel castings are to be of the best quality and thoroughly well annealed. One box out of every 100 cast will be selected for testing in the following manner:—

The box selected will be placed on its side on a solid metal foundation, and a weight of 2 cwt. will be allowed to fall freely on it, at least twice, from a height of 12 feet, after which the box must be broken for the examination of the material, and the thickness of the metal. Should the box selected, fail under the drop test, or the material appear unduly reduced, the boxes represented by the tested sample will be rejected.

(b) The axle-box covers must be made of the same material as the boxes as approved by the Carriage and Wagon Superintendent.

(c) The gun metal bearings are to be lined with white metal. The gun metal is to be composed of 77 per cent. of copper, 8 per cent. of tin, and 15 per cent. of lead. It must be cast into ingots of about 80 lbs. weight, and re-melted before being run into the moulds. White metal for use as lining for

the bearings is to be composed of 5.5 per cent. of copper, 81.5 per cent. of tin, 2.5 per cent. of lead, and 10.5 per cent. of antimony. The Superintendent of Local Manufactures or the Carriage and Wagon Superintendent will have one bearing out of each one thousand of the total number required under this contract tested by a metallurgist selected by themselves.

If the gun metal or white metal be found to differ from this Specification, or to show the presence of more than one per cent. in all other metals or impurities, the bearings will be rejected.

The slipper or slide must be of cast iron with two W. I. projections at one end for drawing it out, it must be perfectly flat and even so as to bed accurately between the top of the bearing and the box.

(d) The wooden dust shields must be lined with thoroughly good tanned leather, well cured and kept in place by the dust shield cover plate of mild steel. The shields and cover plates must be made to the dimensions shown on the drawing.

(e) The whole of the fitting is to be carried out in the best possible manner.

The spring seat and the top and side seats for the gun metal bearing must be carefully cleaned out and made perfectly flat and true. The axle-guard guides must be made accurately to the size shown, clean and smooth on back and sides, and must be at right angles to the spring seat. The axle-guard guides must be made as hard as possible to resist wear, and of the exact size shown on the drawing. Great care must be taken that the thickness of the metal in the working parts of the box is not reduced. The cover and face for the cover must be machined perfectly true. The holes in each cover and box must be drilled out of the solid, and through templates made to the satisfaction of the Carriage and Wagon Superintendent or the Superintendent of Local Manufactures, so that any part of one axle-box will fit accurately in any other axle-box.

(f) The bearings must be bored $\frac{1}{16}$ inch larger in diameter of the journal to which they are to be fitted, the bored surface being finished up bright. They must also be machined up true on top and sides and well fitted into the axle-boxes, so that when in place they have no shake, and are perfectly square with the spring seat and axle-guard guides.

(g) The contractors must arrange with their Sub-Contractors to provide an axle-journal to the size shown on the drawing, finished bright and fitted into a cast iron box frame of suitable construction, to gauge all parts of the axle-boxes and bearings as a whole. Other gauges suitable to test the work in detail are to be made of steel. These gauges are to be made in accordance with the drawings and must be approved by the Carriage and Wagon Superintendent or the Superintendent of Local Manufactures before the work is commenced. The whole of the gauges are to be the property of the Railway Company, and are to be in the custody of the Carriage and Wagon Superintendent or the Superintendent of Local Manufactures, during the execution of the contract.

All gauges or parts of gauges must be renewed at the Contractors' expense as often as the Carriage and Wagon Superintendent or the Superintendent of Local Manufactures may think necessary. Any of the axle-boxes which are not made to fit the gauges accurately will be rejected.

(h) One axle-box complete with gun metal bearing, slipper, dust shield and cover plate must be finished and fitted complete, and approved by the Carriage and Wagon Superintendent, before the remainder of the work is proceeded with. This axle-box will be kept as a sample, and the whole of the work must be fully equal to the approved sample in quality and finish. Should the Carriage and Wagon Superintendent wish to make any alterations in the sample submitted, these alterations must be made without extra charge.

(i) The initials of the Railway, the maker's name, the Contractors' name and the year of manufacture, are to be cast or stamped on every cover and cast on each bearing, also on each side or top of every axle-box, and in addition the size of the journals must be cast on the box and cast or stamped on the cover, and each box and bearing must be stamped by the Inspector with his stamp.

LAMINATED SPRINGS.

16. (a) The springs are to be made in accordance with the British Standard Specification No. 6 (with analysis), Report No. 24 of 1911, for laminated bearing springs and spring steel, subject to the following requirements:

Acid steel is to be used as specified, but with the written permission of the Carriage and Wagon Superintendent the steel may be made in a basic lined furnace, on condition that during the process no carbon except that in the ferro-manganese is added to the steel.

Sample of the spring steel will be selected from one top plate, and one of the other plates out of each kind of springs under the contract after tempering out of each batch of springs, if the batch be less than 800, or one sample piece in every 300 springs if there be more than that number. These samples will be subjected to a complete analysis by a metallurgist selected by the Carriage and Wagon Superintendent. Should the analysis prove unsatisfactory, the springs will be rejected.

The carrying power of the spring is to be equal to that given on the drawing.

The Superintendent of Local Manufactures shall have power to mark in some easily distinguishable manner every rejected spring, but not in such a manner as to render them unsaleable to other parties.

(b) The ends of the top plate must be bent round to the correct radius as shown on the drawing to engage with the shackle pin.

Every plate must be properly fitted, nibbed and tempered. The nibbing of the top plate is to be done while it is red hot. Great care must be taken that the nibs and the slots are exactly in the position shown on the drawings.

Each plate must be completely coated with red lead paint before being put into a spring.

Buckles are to be forged out of one piece of iron the full width of the buckle. The two ends are to be drawn down, lapped well over one another, and soundly welded at the top or bottom as the case may be. The angles of the buckles both inside and outside must be perfectly square and solid, and the whole buckle to gauge and square to the exact form and dimensions shown on the drawing. The underside of the seating must be dressed perfectly flat and true to the plans of the spring. The buckle must be tightly shrunk on to the plates, the plates being further secured in place by means of a washer plate and set screw.

The whole of the inside of the spring buckle must be slotted out exactly to gauge and the width of the steel used for the springs must be uniform and correspond exactly with this gauge. Great care must be taken to bed the plates thoroughly well together. The buckle must be made a dark red heat, and the plates pressed tightly home so as to ensure a thoroughly good tight fit.

(c) Every plate of each laminated spring must be legibly stamped with the initials of the Railway, the Contractors' name, the maker's name, and the year of manufacture. The top plate must be stamped on one eye at the extreme end, all other plates on the underside at one end.

HELICAL AND VOLUTE SPRINGS.

17. The springs are to be made in accordance with the British Standard Specification for Volute and Helical Springs, No. 7 (with analysis) Report No. 24, 1911, except as modified by the following additional requirements which are also to be observed:

(a) Acid steel is to be used as specified, but with the written permission of the Carriage and Wagon Superintendent or the Superintendent of Local Manufactures the steel may be made in a basic lined furnace, on condition that during the process no carbon except that in the ferro-manganese is added to the steel.

(b) The material required for analysis will be taken in the following manner:—

The Carriage and Wagon Superintendent or the Superintendent of Local Manufactures will take a sample piece of steel, after tempering, from each kind of springs under the contract. The sample piece will then be subjected to complete analysis by a metallurgist selected by the Carriage and Wagon Superintendent. Should this analysis prove unsatisfactory, the springs represented by the sample will be rejected.

The carrying power of the spring should be equal to that given on the drawing.

Each end of every spring must be ground exactly at right angles to the centre line of the spring, and the coils of all springs must be true and square with the base.

(c) Every spring must be legibly stamped when hot with the initial letters of the Railway, the Contractors' name, the maker's name, and the year of manufacture.

WAGON BODY IRON-WORK, ROOFING AND FITTINGS.

18. (a) The standard roof sheets weigh 2.5 lbs. per square foot. The roofing sheets to be curved accurately to the radius given in the list of parts or shown on the drawings. They are to be delivered with the adjoining edges of each sheet perfectly square to each other, and exactly true to the dimensions given. The end of each sheet must be perfectly square with the sides. It is to be in the power of the Carriage and Wagon Superintendent or the Superintendent of Local Manufactures to adopt such means as they may think necessary to test whether any of these sheets fall short of the requirements of this Specification.

(b) The sheets, bars and angles for the wagon bodies are to be made of steel, in accordance with British Standard Specification No. 18, Report No. 24, 1911, except such parts as may require to be welded, which should be made of wrought iron in accordance with British Standard Specification No. 51, grade A, and must comply with the tests given in that Specification.

(c) The side, end, shutter, door and floor sheets for the wagons may be punched, provided that all the holes in each plate are punched simultaneously, or through a metal template clamped and fixed to the sheet which contains all the holes required in the sheet. The bars and angles connected with the sheets, which are not part of the underframes and the door frames may be punched provided that the holes in each piece are punched simultaneously, or through a template as above described, or they may be punched in the usual manner, provided every piece is gauged, at the Contractors' expense, with the metal stud template made to the satisfaction of the Carriage and Wagon Superintendent and is correct when so gauged; if one or other of these systems of punching and gauging the holes in the sheets, bars and angles be not adopted, all holes must be drilled. Any sheet, bar or angle in which the holes are not accurately in their proper position will be rejected. The sheets must be rolled carefully to the weights and thickness given. The side, end, and door sheets must be carefully flattened by planishing under the hammer or stretched in a machine so as to be without buckle or wave. The edges of the floor plates may be sheared if the work is so done as to make a close joint when they are rivetted to the underframe.

(d) The door and door top frames are to be made as shown on the drawing; they are to be neatly welded up at the corner. All holes for rivets and bolts are to be made in the frames after they are welded up.

The hinges for the doors are to be carried across them, so as to be rivetted to the frames, as shown in the drawings. Great care must be taken to make a perfect fit between the door frames and the bars against which they are shut. The special sections of iron and steel must be supplied to the exact sections shown on the drawing.

(e) The door of the wagons, and the parts at the top of the doors are to be rivetted up and finished complete in every respect, and these, as well as every detail, must be tested by metal gauges at each stage of their manufacture, and be to the satisfaction of the Carriage and Wagon Superintendent.

(f) The edges of the side sheets at the doors of the wagon and the closing bar at the top of the doors are to be pressed to the form shown on the drawing so as to prevent water getting into the wagon through the doors. The edges of the door plates, and the centre cover strips are to be carefully pressed to the form and dimensions shown on the drawings. The bent edges of all plates are to be perfectly true and square with each other and with the body of the plate. Any plate showing cracks, laminations, or any other defects, will be rejected. All holes in the pressed plates are to be drilled in them after they are pressed. The plates and doors when finished must be perfectly flat and free from all buckle and wave.

(g) Door brackets, door stays, eye-bolts, door fastenings, bolts guides, pins for door fastenings, division hinges, staples, and hinge feet are to be forged out of the solid and all holes in them are to be drilled. The eyes of all iron hinges are to be forged out of the solid and welded on to the arms not less than 6 inches from the centre of the eye, and the eyes of the hinges and hinge feet must be faced on both sides in a machine. All holes of every kind in them are to be drilled, and the pins turned and when finished must be perfectly flat and free from all buckle and wave.

GENERAL.

19. (a) All parts where thought necessary by the Carriage and Wagon Superintendent or his Deputy are to be bored, turned, or planed, and finished up smooth and bright whether

mentioned in this Specification or not, and all pieces of iron or steel not so bored, turned, or planed must be thoroughly cleaned and dressed up and finished off in the best style of wagon work. All nuts are to be hexagonal and must fit so tightly on their bolts that they cannot easily be turned by hand. Whitworth's standard gauges must be used in forging or finishing all bolt heads and nuts, all bolts and nuts must be screwed to his standard pitch, and the bolts to a length to three diameters. All rivetting is to be done in the best possible manner. All rivets that are rivetted up which are found to be loose, or have cracked heads, or to be in any other way defective, must be cut out and replaced by others. All workmanship and material must be of the very best of their respective kinds.

(b) A pattern of every article required under this Specification which will be made in India must be made and finished complete, and approved by the Carriage and Wagon Superintendent or his Deputy before any similar part of the rest of the work under this contract is proceeded with. Should an examination of any of these patterns lead the Carriage and Wagon Superintendent or his Deputy to order any alteration in the designs of any of the parts they are to be at liberty to do, without claim on the part of the Contractors for loss on any of the parts which they may have made prior to the approval to the patterns, or for any extra payment, except in regard to weight, at such prices as may be approved by the Carriage and Wagon Superintendent or his Deputy.

(c) The intention of this Contract is that every piece of steel or iron shall be manufactured with such accuracy that any piece may be used, without dressing of any kind, in the place for which it is designed in any of the vehicles. To ensure this, every piece must be made from a carefully prepared metal template or gauge, and all holes in it, except where specially mentioned to the contrary, must be drilled through the holes in the template, so that the corresponding parts in the different vehicles may, without doubt, be exact duplicates of each other. All templates and gauges must be provided by the Contractors at their own expense. The template must be steel bushed, of such material, made in such a manner and be renewed as often as the Superintendent of Local Manufactures or the Carriage and Wagon Superintendent shall desire. All dimensions for template and gauges to be taken from the upper side of channels, angles, etc.

(d) The various fittings will be checked and gauged by the Superintendent of Local Manufactures, the Carriage and Wagon Superintendent or his Deputy in such convenient places as may be arranged, and it is desired, that every facility shall be made for this purpose by laying out the pieces which go to make up a definite number of vehicles at one time, which number shall be agreed upon from time to time, during the Contract.

ERECTION.

20. (a) One wagon is to be erected, the underframe and body to be rivetted up complete. Pattern Wagons. The wagon is to be fitted with bearing spring, buffers, brake gear, etc., all steel and iron work complete and erected on its wheels and axles as a pattern and approved and passed by the Carriage and Wagon Superintendent or his Deputy before the rest of the work is proceeded with.

(b) The pattern wagon and pattern of every article having been approved, the remaining wagons are to be erected complete and delivered in perfect running order. The whole of the work must be equal in every respect to the approved patterns. Every detail must be tested by metal gauges at each stage of its manufacture. Care must be taken that the underframe templates are all worked off the top and ends of channel bars, and that the width and depth of the underframe sections are checked from time to time as received from the rolling mills, as inaccuracy of rolling may lead to difficulty in securing exact duplication.

(c) The pattern wagon after examination and inspection by the Superintendent of Local Manufactures, the Carriage and Wagon Superintendent or his Deputy shall be tested in the following manner :—

Loading Test.

After taking the deflection of bearing springs, the floor and buffer heights, the wagon will be gradually loaded with ballast or pig iron until the load of the wagon is..... tons per axle, and a record taken of the deflection of the springs, solebars and sides. For the latter purpose loaded wire shall be strung on pulleys and run the length of the underframe and side. The wagon shall then be unloaded and readings taken again and the result recorded by the Carriage and Wagon Superintendent.

INSPECTION.

21. (a) No article is to be painted before it has been inspected and approved by the Superintendent of Local Manufactures or the Carriage and Wagon Superintendent. Any

article which is found to be in any way defective or which is not in accordance with the tests or other requirements of this Specification, will be rejected. The Contractors must provide, free of charge, all tools, labour, and gauges required by the Superintendent of Local Manufactures or Carriage and Wagon Superintendent for the inspection, and for such testing of the work as may be carried out on the Contractors' premises, or at their Sub-Contractors' works as stated in Clause 11 (A) of this Specification.

(b) It is to be clearly understood that a sample of every kind of fitting which is sublet is to be submitted to the Inspector at the Sub-Contractors' Samples of Fittings. works, and checked over by him and compared with the drawing before the bulk of the fittings are proceeded with and arrangements should be made for marking and keeping them for ready reference during the Contract.

MARKING AND PAINTING.

Painting and marking Finished Wagons. 22. Every completely erected wagon is to be finished off in the following manner :—

The body sides and ends (outside) are to be painted with two coats of standard colour to the approval of the Carriage and Wagon Superintendent. Sufficient time must be allowed to let the first coat thoroughly dry before applying the second coat.

The Works Company paint is to be obtained from an approved Paint and Varnish Railway standard quality and shade.

The underframe, underframe iron work, buffer cases, brake rigging, and axles are to be painted.....

The underframe members, cross and longitudinal bars and floor of the wagon underneath are to be painted with two coats of red oxide.

The axle-guards, axle-boxes, bearing springs and wheels are to be painted black.

The inside of the wagon and the floor is to be painted with two coats of red-oxide, and the marking for the inside is to be done carefully in white paint as shown on drawing No.....

The outside of the wagon is then to be carefully lettered and marked as shown on drawing No.....

TRACINGS AND PHOTOGRAPHS.

23. (a) The Contractors must furnish tracings and photographs as follows :—

Two complete sets of tracings showing the wagons and brake gear (general arrangements and details).

Six photographs of the pattern wagon taken from two points of view.

(b) The tracings are to be made on tracing cloth; they are to be well executed, hand-made, general and detail tracings of the general arrangements of the bodies and underframes, and of the underframed body steel and iron work, wheels and axles, axle-boxes and springs of the vehicles exactly as made. The Contractors are to show the wheels and axles, axle-boxes, springs and other fittings in detail and in position on the general tracings of the vehicles, the numbers of the drawings which refer to these fittings are to be given on the general tracings of the vehicles, the particulars of the weight of the vehicles, and the weights and dimensions mentioned in Clause 20 of this Specification should be given on these general tracings.

(c) These tracings must be made to a scale approved by the Carriage and Wagon Superintendent. It is the intention of this Contract that the General drawings of the vehicles should be complete in every respect. A diagram sketch (scale $\frac{1}{4}$ inch to the foot) of the vehicles is to be given showing the principal dimensions. This tracing is to be cut the same size as the other tracings in the set, and is to bear the first serial number of the set. Each tracing must be marked with the words '..... Railway Covered Open Goods Wagons, $\frac{5}{8}$ 6" gauge, metre gauge'..... type, the No. of the Contract and the Contractors' name. The tracings are all to be made of the same size, double elephant, 40 inches long by 27 inches wide, and they are to be delivered rolled up on a wooden roller, and

not folded in any way. The contract is to include in the set of 'As made' tracings a sheet giving lists of all details, bolts, nuts, rivets, and all fittings, with the quantities. Before the tracings are sent to the Carriage and Wagon Superintendent each tracing must be signed by the Inspector, who has charge of the contract at the works.

(d) Six photographs, three showing the side view and three showing the end view of the pattern wagon completely erected, are to be supplied. One pair of photographs (one of each view) for each set of tracings are to be mounted on one sheet of drawing paper backed with cloth, which should be cut the same size as the tracings. This sheet is to bear the last serial number of the set. The remaining pair of photographs are to be supplied unmounted.

PAY AND EMOLUMENTS OF ASSISTANT SUPERINTENDENTS OF THE RAILWAY MAIL SERVICE.

62. **Rai Bahadur Bakshi Sohan Lal:** (i) Will Government be pleased to state whether it is a fact or not :

- (a) that since the creation of the appointment of Assistant Superintendent, Railway Mail Service, some forty years ago, no increase in their pay and emoluments has been made;
- (b) that the Postal Committee which sat at Simla in 1920, to raise the scales of the pay of Post Office and Railway Mail Service Officials has ignored altogether the case of the Assistant Superintendents, Railway Mail Service, and instead of bettering their prospects has degraded them to the subordinate posts of Inspector and that this action of the Committee has had the effect of making, in some cases, the superior officer, that is Assistant Superintendent, Railway Mail Service, draw less salary than his subordinate Inspector;
- (c) that all the European and Anglo-Indian Assistant Superintendents, who were on the list of Assistant Superintendents, were provided with higher appointments in the Department without passing the Departmental examination, while all the Indian Assistant Superintendents, some of whom were senior to the European and Anglo-Indian Assistant Superintendents, were degraded to the subordinate rank of Inspector and the post of Assistant Superintendent was thus abolished altogether;
- (d) that representations were made by the Indian Assistant Superintendents, Railway Mail Service, to the Director-General, Posts and Telegraphs, and to other authorities for redressing their grievances and for improving their prospects of future advancement?

(ii) If so, will Government be pleased to state what steps, if any, they have taken or intend to take to redress the grievances of Assistant Superintendents, Railway Mail Service?

(This Answer was, by leave of the Chair, placed on the table.)

Colonel Sir S. D'A. Crookshank: (i) (a) It is necessary to explain at some length why there has seemingly been no increase of pay in the appointment of Assistant Superintendent. The position is as follows: An appointment of Assistant Superintendent on Rs. 200 was first created in 1878. After that and until 1882, the sanctioned grades of Assistant Superintendents were Rs. 200 (one), Rs. 150, Rs. 125, Rs. 120 and Rs. 110. In 1883 the designation of ten Inspectors on Rs. 100 was changed to Assistant Superintendent. In

1891, the one appointment on Rs. 200 was absorbed in the next lower grade and three grades of pay were sanctioned, *viz.*, Rs. 150, Rs. 125 and Rs. 100. With effect from the 1st December 1919, the appointments of Assistant Superintendents were merged in those of Inspectors of Sorting on a time-scale of Rs. 100—5—175. The maximum of the new time-scale is Rs. 175 against Rs. 150, the maximum of the previous graded scale.

(b) These appointments were abolished on the recommendation of the Postal Enquiry Committee, 1920, and merged in those of Inspectors of Sorting corresponding to Inspectors of Post Offices. The reasons are stated in the report of the Postal Enquiry Committee, 1920. In a number of cases, the revision has, no doubt, affected the *ex-Assistant* Superintendents adversely and in some instances they are drawing less pay than the former Inspectors of Sorting, but such cases are receiving the special consideration of the Director-General.

(c) On the 1st December 1919, the date on which the changes had effect, there were altogether 42 officials holding substantive appointments in the three grades of Assistant Superintendents, Railway Mail Service, as shown below :

1st grade pay Rs. 150 (15).

13—Indians.

2—Non-Indians.

2nd grade pay Rs. 125 (8).

8—Indians.

3rd grade pay Rs. 100 (19).

17—Indians.

2—Non-Indians.

The two Non-Indians in the 1st grade, one of whom headed the list, had already been officiating as Superintendents, Railway Mail Service, on Rs. 200 in acting vacancies in their own Circles as they were recommended for these appointments by the head of the Circle. The senior man while so officiating retired in May 1920 and the other man was confirmed as a Superintendent on the minimum pay (Rs. 250) of the time-scale about the same time, as he had rendered a continuous acting service for over 2 years and was also specially qualified on account of his experience of Railway Mail Service work in the Bombay Presidency. He was 49 years of age at the time of his confirmation and had accordingly to be exempted from passing the departmental test, which is intended for departmental subordinates not exceeding 31 years of age. The other two Non-Indians in the 3rd grade became Inspectors along with the others.

Of the 13 Indians in the 1st grade, 1 has retired, 9 have already been promoted to appointments in the selection grade of Rs. 175—225 from the 1st December 1919 or subsequent dates, according as vacancies were available, and one among them who had passed the Superintendents' test is acting as Superintendent of Post Offices on Rs. 250; 6 out of 8 Indians in the 2nd grade and 4 out of 17 Indians in the 3rd grade have similarly been given promotion to the selection grade posts on Rs. 175—225 or Rs. 145—170; 3 other qualified passed Indians—1 of the 1st grade and 2 of the 3rd grade—are already

acting as Superintendents on Rs. 250. Thus only 4 Indians—2 of the 1st grade and 2 of the 2nd grade who are now Inspectors on Rs. 100—5—175 and who are not qualified for a Superintendentship are adversely affected by the change but they are eligible for promotion to the selection posts on Rs. 175—225. 11 Indians and 2 Non-Indians in the 3rd grade who became Inspectors cannot be said to be adversely affected, as their pay was changed from Rs. 100 to Rs. 100—5—175, with the prospect of promotion to the newly-created selection posts on Rs. 175—225 or Rs. 145—170. Moreover, the question of regulating the pay on the time-scale on its introduction on the 1st December 1919 by a special concession in respect of the Assistant Superintendents adversely affected, who are either at present in the cadre of Inspectors, Railway Mail Service, or who received promotion to other posts from a date subsequent to the 1st December 1919, is already under consideration. It will thus be seen that no preferential treatment has been or is being accorded to Non-Indian Assistant Superintendents.

(d) Representations have been received and they are being considered as stated above.

(ii) With the exception of the 4 cases referred to in (i) (c), Government do not consider that the former Assistant Superintendents have any legitimate grievance.

VACANCIES AMONG FOREST RESEARCH OFFICERS AT DEHRA DUN.

63. **Mr. Pyari Lal:** (a) Will the Government be pleased to place on the table a statement showing how temporary vacancies occasioned by the absence on leave or otherwise of Research Officers at the Forest Research Institute, Dehra Dun, have been filled during the last five years, stating the qualifications for special research work of the temporary incumbents?

(b) Is it a fact that in the past these vacancies have been filled by officers without any regard to their technical qualifications for the special branch of research of which they were placed in charge, e.g., an officer whose duties are more or less clerical being made to officiate as Forest Zoologist and also officers holding no special qualifications for chemical research being made to officiate as Forest Chemist, in preference to the respective qualified assistants?

(c) Is there any reason why the procedure obtaining at Pusa and other Research Institutes under the Government of India of allowing assistants to officiate and thus increasing their efficiency should not be followed at the Forest Research Institute?

1. **Mr. J. Hullah:** (a) The statement asked for is placed on the table.

(b) The Research officers at the Forest Research Institute are selected officers with special qualifications in their own subjects and in most cases it has been impossible to replace them by officers of similar qualifications when they have proceeded on leave. Special research work has therefore had to be suspended during their absence and all that it has been possible to do has been to keep the administrative work of the branch running as efficiently as possible. In only two cases were the Assistants considered capable of carrying on the work.

(c) At the Agricultural Research Institute at Pusa second or supernumerary officers are ordinarily available and, when they are not, officers can be obtained from the provinces to officiate in the leave vacancy of the head of a section. Only short leave vacancies, and those also in sections where there are no second or supernumerary officers, are filled by the appointment of Assistants to hold

charge of the current duties of the section. This procedure is not ordinarily practicable at Dehra Dun.

In the beginning of this year one of the Assistants to the Forest Chemist was allowed to officiate for part of the time during which the head of this branch was on leave but the period was too short to form a definite conclusion as to his fitness. Whenever an Assistant is considered fit to do so he will be allowed to carry on the duties of the head of his branch in the latter's absence provided a fully qualified officer is not forthcoming.

Statement showing how temporary vacancies occasioned by absence on leave or otherwise of Research Institute officers have been filled during the last 5 years.

Serial No.	Name of Research Officer who proceeded on leave.	Name of officer who held charge of the duties of the officer on leave.	Periods.
1	Mr. C. F. C. Beeson, Forest Zoologist.	Mr. N. C. Chatterji, Assit. F. Zoologist O/C in addition. Mr. B. B. Osmaston, President O/C in addition. Mr. J. E. Macpherson, P. A. to President F. R. I. and College O/C in addition. Mr. F. M. Howlett, Impl. Pathological Entomologist of Pusa O/C in addition.	5-5-1916 to 18-5-1916. 19-5-1916 to 2-7-1917. 26-11-1919 to 6-2-1920. 7-2-1920 to 8-7-1920.
2	Mr. Puran Singh, Chemical Adviser.	Mr. C. E. C. Cox, Asstt. F. Economist O/C in addition.	4-4-1918 to 1-6-1919.
3	Dr. J. L. Simonsen, Forest Chemist.	Mr. A. J. Gibson, F. Economist O/C in addition. Mr. C. F. C. Beeson, F. Zoologist O/C in addition. Mr. Gopal Rao, Asstt. to F. Chemist, Offg. F. Chemist.	15-11-1919 to 7-3-1920. 19-9-1920 to 24-1-1921. 25-1-1921 to 20-3-1921.
4	Mr. R. S. Pearson, Forest Economist.	Mr. C. E. C. Cox, Asstt. F. Economist Mr. A. J. Gibson, D.C.F. Mr. C. E. C. Cox, Asstt. F. Economist Mr. R. C. Milward, President O/C in addition.	27-8-1919 to 6-11-1919. 7-11-1919 to 11-3-1920. 12-3-1920 to 3-7-1920. 4-7-1920 to 26-8-1920.
5	Mr. R. E. Marsden, Sylviculturist.	Mr. R. S. Troup, D.C.F., and previously Sylviculturist. Mr. W. F. Perree, President O/C in addition.	2-2-1919 to 5-4-1919. 6-4-1919 to 20-10-1919.
6	Mr. R. S. Hole, Forest Botanist.	Mr. W. F. Perree, President O/C in addition. Mr. C. F. C. Beeson, Forest Zoologist O/C in addition. Mr. S. H. Howard, Sylviculturist O/C in addition.	5-5-1919 to 25-6-1919. 26-6-1919 to 25-11-1919. 26-11-1919 to 28-12-1920.

PROCEDURE IN REGARD TO QUESTION AND ANSWER.

The Honourable the President: Before the Assembly proceeds to business, I have a statement to make regarding the procedure of Question and Answer. The right of questioning Government is one of the most valuable rights which parliaments possess. The practice of it varies in different countries and, in the evolution of Indian procedure, we have not yet reached finality. Nor would it appear, that apart from the form of procedure, the true scope of the parliamentary question is fully understood.

A question is a demand for information. It may sometimes be used for a purpose beyond that simple request; but, if it is so used, it must be with care: for, it is obvious that a point soon arrives where the cross-examination of a Minister becomes debate and thus passes beyond the bounds of order.

The line which divides cross-examination from debate has been crossed several times by questions of which notice has been given for the present Session of the Assembly. I will give but one instance.

A Member asked:

'Will the Government be pleased to state the exact present position and policy of the Government with regard to the following matters:

- (a) Afghanistan;
- (b) Khilafat;
- (c) Punjab wrongs;
- (d) Non-co-operation in its double aspect of:
 - (1) violent;
 - (2) non-violent;
- (e) Attainment of Swaraj within the year;
- (f) Amendment of the Reform Act;
- (g) Dissolution of the present Council.

This is not a 'question,' in the sense in which the word is used in the Rules and Standing Orders. It asks, not for information in the strict sense of the word, but for a speech which could not have been made without violating the principles of our procedure. It was, therefore, disallowed, as contravening most, if not all, of the Rules and Standing Orders relating to Questions. The proper form in which to put comprehensive requests of that kind is a Resolution, or even a series of Resolutions: the proper occasion for their expression is in debate.

A second class of question, of which I hope the united common-sense of the House will permit only the most sparing use, is that which asks for the collection of great quantities of facts and statistics, entailing prolonged labour for the Department concerned which nothing but important public interest can justify. It is not always easy to decide whether questions of this kind are an abuse of the right of questioning; and, therefore, I hope that Members, before giving notice of them, will consult the Department informally, as to

how far it is possible to meet the request. Much time and labour will thus be saved.

Analogous to this type of question is one which asks Government to make a collection of statistics and other information which is already published and, therefore, available to any Member who will take the trouble of seeking it himself. An instance of this type, which I will quote, runs as follows:

'(a) Will the Government be pleased to lay on the table a comparative statement showing the prices of Milk, Ghee, Sugar, various food grains, oils and oil-seeds, cotton and ordinary cloth from the time of the Mutiny of 1857 up to the present day in India so far as records are available?

(b) What were the prices during the Hindu and Muhammadan reigns in India respectively?

(c) What are the causes of high prices at the present day, and what steps do the Government propose to take to alleviate the discontentment caused thereby?

This is obviously a matter of historical research: and I am not aware that the Government of India contains a Department of History.

A third and graver issue is raised by a question which insinuates that Members of Government often act in bad faith in the answers which they give. Here we pass out of the region of the written rule into that of the unwritten conventions which govern parliamentary life. The Chair is not concerned with the private opinion which one Member holds regarding the good faith of another; but when private opinion finds public expression in the suggestion that officials mislead the Assembly by not being straightforward, we are perilously near the point where reasoned discussion becomes impossible owing to the intrusion of personal feeling and personal charges that are not easily proved or disproved. To this the Chair cannot turn a deaf ear. To pass in silence expressions of that kind would create a precedent which would open the straight road to recrimination and consequently to disorder. Hence the rigour with which expressions, commonly called *unparliamentary* must be scrutinized by the President.

As regards the request for notice of a Supplementary Question, referred to in No. 13, this is a proper and recognised way of meeting any unexpected question and is usually regarded, not as a means of avoiding a proper answer, but as ensuring time and consideration in order that a proper answer may be given.

A fourth point is raised by the fact that out of 700 questions that have passed through my hands in preparation for this Session, no less than 82 have been disallowed under Rule 7, which figures as paragraph 28 in the Manual. This number, representing more than 11 per cent of the total, is much too large. When I add that these 82 questions were asked by 31 different Members, the Assembly will realise that at least one-third of the non-official Members are unaware of one of the fundamental conditions of the new Constitution, namely, the scope of the authority of the Government of India and the enlarged autonomy of the provinces. Hitherto a certain leniency has been exercised in the interpretation of Rule 7 and of other provisions, in view of the difficulties inherent in the new system. I must ask Members, henceforth, to

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acquaint themselves fully with the restrictions laid down in such important regulations as Rule 7. I should not be discharging my duty to the Assembly if I extended any further leniency in this matter.

Finally, Rule 8 prescribes the condition that the subject matter of a question shall be 'a matter of public concern.' It is to be hoped that this condition, which is rather a matter of judgment than of rigid interpretation, will be more carefully observed in future.

In exercise of the powers vested in me by Standing Order 17, I have decided to modify the procedure followed last Session by the introduction of the 'Star' system which has been in force for some years in the House of Commons.

In future, any Member who desires an oral answer will place a star—thus *—against his question when he gives notice of it. Any question which is not marked with a star will not be answered orally, but will be printed, with its answer, in the official report of the business of the day. Supplementary Questions, therefore, cannot arise out of the answers to unstarred questions.

It is hoped that Members will utilise this system in such a manner as to reduce materially the number of questions to be answered orally, and that considerable time will thereby be saved for the disposal of other business. I may also express the hope that Members will exercise a due sense of responsibility in all the questions of which they give notice.

The system will not apply to questions of which notice has already been given, but it will apply to all questions of which notice is given after to-day.

I desire, at the same time, to remind Members of certain decisions which were reached last Session in regard to the treatment of questions in the special circumstances to which I will allude.

I ruled last Session that when a Member in whose name a question stood was absent, then, unless the Member of the Government to whom the question was addressed elected, under Standing Order 19, to answer it on grounds of public interest, the answer would be sent to the Member in whose name the question stood, and would be printed in the proceedings of the day. This ruling will continue to apply in the case of questions starred for oral answer. In the case of questions not so starred, the absence of the Member in whose name the question stands will have no effect on the procedure to be followed.

In connection with questions standing in the name of absent Members, I desire further to explain that when a Member, from whom notice of a question has been received, subsequently decides to absent himself

for the whole Session, his questions will not be entered in the list under Standing Order 17; while, if a Member intimates that he will not be in attendance till a particular date, his questions will not be entered in the list until that date is reached.

My ruling of last Session that when a question requires a long answer, a brief resumé only should be read to the Assembly, and the full answer printed in the proceedings, will also continue to apply to questions which are starred for oral answer.

Further, when information is supplied to an individual member in connection with a question asked by him, it is for the Member of Government concerned to decide whether the information in question is likely to be of general public interest, and that when he so decides, the information will be laid on the table and printed in the proceedings. When the Member of Government decides not to lay the information on the table, it will be open to any Member, desiring to obtain the same, to apply for a copy of the information supplied to the Member asking the original question. This ruling will continue to apply to all questions whether answered orally or not.

I may add for the information of the Assembly that I shall take steps to see that the general announcements made to-day will be placed at an early moment in the hands of every Member.

MOTION FOR ADJOURNMENT TO CONSIDER MOPLAH OUTBREAKS.

Rao Pahadur T. Rangachariar: Sir, I beg to ask for leave under Rule 41 for making a motion for an adjournment of the business of the Assembly for the purpose of discussing the Moplah outbreak in Malabar.

The Honourable the President: The Honourable Member asks for leave to move the adjournment of the business of this House to discuss a definite matter of urgent public importance, namely, the Moplah outbreak in the Malabar district. Is there any objection?

There being no objection, the motion is set down for 4 p.m. this afternoon.

ARRANGEMENT OF BUSINESS OF THE ASSEMBLY.

Mr. P. P. Ginwala: Sir, before you proceed with the business of the House, may I ask for your directions upon a question of procedure on another point, that is, as regards the arrangement of the business of the House during the Session? Would it be possible for the House to have any opportunity of expressing its opinion, in some form or other on the arrangement of the business for the Session before or after the arrangement is made?

The Honourable the President: Does the Honourable Member wish to inquire whether an opportunity will be given before this House assembles at the beginning of the Session? Such opportunity can only be given by a postal communication asking me to consider any proposal which Honourable Members singly or collectively have to make.

Mr. P. P. Ginwal: Perhaps I have not made my point quite clear. My point is this, that when Government makes an announcement as to the arrangement of its own business or allocates certain days for non-official business or proposes an adjournment of the House for a long period during the

[Mr. P. P. Ginwala.]

Session, will the House have any opportunity of expressing its opinion on Government's announcement?

The Honourable the President: I think I could take into consideration whether the matter raised by the Honourable Member is the matter of urgent public importance, on which he might have an opportunity at some future date of moving an adjournment of this House. Under our procedure, I do not think any other formal means exists by which he could ventilate his opinion or that of his fellow Members on the matter he has raised; but effective representations can be made without a debate on the floor of the House. I have already received intimations of the kind to which he refers and I shall have at an early date to make some statement regarding that subject.

As the Honourable Member, however, has raised it, I may point out that in arranging the business we were hedged about with a good many difficulties. In the first place, though it was originally our intention to advise His Excellency to set down certain dates much earlier than those which we have fixed for the meetings of this Assembly, it was eventually found impossible to do so owing to the fact that this building could not be completed before the 1st of September. Therefore, the completion of this building was the turning point of our arrangement. The Honourable Member will realise that, once we were compelled to decide that the Assembly could not meet before the 1st of September, the date on which the Muharram falls this year was the second difficulty which we had to meet and which, as far as I was able to gather from the general sense of the Assembly, the Assembly has not yet found means of overcoming. I am not sure that we shall be able to meet the general desire for the transaction of business between the 5th and 15th of September and yet, at the same time, satisfy the legitimate and honourable attachment to their faith of our Honourable Muhammadan colleagues. If my Honourable colleague has anything further to put before the Assembly, I hope, he will do it in the considered form of a document.

Mr. P. P. Ginwala: Would it be impossible for the Government to ask for the adjournment of the House on a motion moved by the Government that the House adjourn, say for 10 days, so that the House has an opportunity of expressing its opinion? Would it be contrary to Parliamentary procedure?

The Honourable the President: No, but when the motion—not under Rule 11—is made, that this House do now adjourn, then a Member is entitled to bring up any subject; but if the Honourable Member will consult the rules—there are several rules governing that issue—he will find, that it is not on every occasion that debate can arise.

ADDRESS OF WELCOME TO HIS ROYAL HIGHNESS THE PRINCE OF WALES.

Dr. H. S. Gour: Sir, I regard it as a proud privilege, that I am called upon to move the Resolution which stands in my name and which reads thus:

This Assembly recommends to the Governor General in Council that he may be pleased to convey to His Royal Highness the Prince of Wales its humble request that he may be graciously pleased to accept a loyal and dutiful Address of Welcome from the Indian Legislature; and further recommends that the co-operation of the Council of State be invited

therefor and that a Committee of both Chambers to which the following Members of this Assembly shall be nominated be appointed to draft an Address in consonance with the national aspirations of the people of India as voiced by their representatives in the Indian Legislature:

- (1) Sir P. S. Sivaswamy Aiyer,
- (2) Mr. T. V. Seshagiri Ayyar,
- (3) Prof. S. C. Shahani,
- (4) Mr. Harchandrai Vishindas,
- (5) Chandhri Sahab-ud-Din,
- (6) Lala Girdharilal Agarwala,
- (7) Mr. J. Chaudhuri,
- (8) Babu Kishitish Chandra Neogy,
- (9) Sir Frank Carter,
- (10) Lieutenant-Colonel H. A. J. Gidney, and
- (11) The Mover.

In ordinary circumstances it might be supererogatory on my part to say many words to commend this Resolution to the acceptance of this House; but I feel, that I shall not be discharging my duty to this House and the country if I do not state in clear terms the reasons and the sentiments which inspire me in tabling this Resolution and moving it here to-day. We cannot ignore the fact that outside this House a clamorous party is waging a sort of civil war against the reception of His Royal Highness the Prince of Wales, and I think, Sir, that as the Premier Legislative Assembly of this country we should join our voices in condemning this movement which is detrimental to the best interests of this country. I feel, Sir, and I feel strongly, that those who are responsible for this disloyal movement have not adverted to the simple fact of constitutional law. We all know that the King and the Heir Apparent to the British Throne are both personages out of party politics. It is an established rule of English democracy, that they should on no account be brought into the vortex of party politics. I feel, Sir, that the movement that has been set on foot for the purpose of boycotting His Royal Highness is a movement which is calculated to do infinite mischief, and I feel that it is a movement which can never receive any encouragement or support from the intelligentsia of this country. I rise here to voice the unanimous sentiments of the assembled Members of the Indian Legislature when I say, that whatever may be our differences on the question of party politics, or whatever may be our differences with the existing form of the Government of India, we are all unanimous in according to His Royal Highness the heartiest welcome. His Royal Highness may be sure, that so far as it lies in our power he will receive from the responsible heads of Indian society that great and oriental welcome which is the tradition of this land. I feel, Sir, that those who advocate the doctrine of non-co-operation and boycott are doing infinite harm to the best interests of this country. His Royal Highness the Prince of Wales is coming here, and by coming to this country at an infinite sacrifice of his time and labour, is placing us, the people of this country, under a deep debt of obligation. It is a matter of pride, that the Heir Apparent to the British Throne is going to honour this country by a Royal visit, and be it remembered, by a visit which he is prepared to make in spite of the fatigue, the trouble and loss of time which it involves. In the Colonial tours, which His Royal Highness made last year, he signally endeared himself to the people of the Colonial Dominions, and if these Colonials hear that the people of this country have

[Dr. H. S. Gour.]

set on foot a movement to boycott their dear friend, what would be the feeling of those Colonials towards the people of this country? We, the people of this country, are striving for equality of treatment in all parts of the British Commonwealth. In the Imperial Conference, all except one have accorded to us a position of equality. What would be their sentiments if they hear that the Heir Apparent to the British Crown on his visit to this country has been boycotted by the people of this country? I further venture to ask these people if they have for a moment thought within themselves what it means and what it implies. It has been said by one of the protagonists of this campaign, that so far as the Prince of Wales is concerned, he has no grievance against him, he is above party politics. But it has been said that because he has been invited by the Indian Bureaucracy and because he has received that invitation and is coming out to this country, therefore he shall be boycotted. Now, Sir, I place before you a very simple fact. If you have a dear old friend with whom you have no quarrel, the fact that he has been invited by your next door neighbour with whom you have a quarrel,—is that any reason at all why if he comes to call upon you, you should shut your doors against him? The fact, that he has been called by the Indian Bureaucracy, is a matter of no importance. The fact, that he is coming to this country to see for himself the Princes and people of India, is all that matters to us, the representatives of this country, and the fact, that he is a friend and an old friend of the people of this country, should be the sole reason for according him a hearty welcome. Now, Sir, we have been told, that we shall be paralysing the Government if we boycott the Prince. I have seen many empty threats of this character hurled in the face of the people of this country. Were we not told, Oh, not many months ago, that if you brought your children away from the schools and colleges, and the Barristers and Advocates gave up their practice in Court and boycotted the Courts, there shall be Swaraj within a year, and that Swaraj was promised to us by the leader of this movement in this very month. Now, we have been told that if we make pyramids of foreign cloth and set them on fire, and if we dance round about them with tom-toms beating in unison and crying, 'Swaraj is coming, Swaraj has come', then we shall get Swaraj on the first of next month. Now, let me assure you, Sir, that whenever Swaraj comes, and we shall all welcome it, it shall not be on account of this movement but in spite of it. Swaraj will come because the Members of this Assembly and of the other House have shown their capacity to bear greater responsibilities. It shall come, not because we have danced about the bonfires of foreign cloth, or we have put our children away from the schools and colleges, not because we have put on a khaddi cap and khaddi coat, but it shall come because we have put before the country substantial work and because we have contributed to the labours of reform in a substantial manner. Sir, I speak these words in connection with my Resolution, because I think, that this House must, in an unmistakable manner, declare what it thinks of this mischievous movement which is directed against the person of the Heir Apparent to the British Crown.

I think that we should all unanimously vote not only an Address of Welcome, but an address of hearty and humble welcome to His Royal Highness when he comes to this country. I have, since giving notice of this Resolution, been approached by my friends, those who favour an address and those who would like to qualify it, and I have had frequent talks with these people, and I should very briefly state to you, Sir, what has been the result of these interviews.

I fear that the last sentence of my Resolution, namely, that the Address should be in consonance with the national aspirations of the people of India as voiced by their representatives in the Indian legislature, has given rise to a certain ambiguity and misunderstanding. There have been those who think that this is a splendid opportunity which should be seized for expressing the accumulation of grievances of the people of this country, but that, Sir, was never my intention. My intention was, that instead of uttering empty words and platitudes, let us go forth before the Heir-Apparent to the British Crown and tell him, that we, the united people of this country, welcome him as the Successor to a Great Throne, and that we are proud to belong to the great British Commonwealth of which we are, and desire to continue to be, members. If the British Government gave us a choice and said, 'Will you be independent, or will you remain with us,' I should unquestionably say, 'We shall decide to remain with the British Government and a part of that British Commonwealth.'

I, Sir, feel, and I have no doubt all Members of this House must feel equally with me, that suppose we had taken the other choice and chose to have an Indian republic or independence, we should be like a planet hurled away into space, separated from the planetary system, and reduced to infinite atoms. The position of India, separated from the British Empire as a member of the British Commonwealth, will probably not last six months; it will be a prey to the neighbouring forces, and it will go back perhaps 200 years in ordinary civilization. We have often been told by the protagonists of this new cult, that this Western civilization is an evil, that we must shun English education, we must abhor English machinery, and must inscribe upon our national flag the *charka*.

(At this stage, Mr. McCarthy, a Chairman, took the Chair.)

Mr. N. M. Samarth: Dr. Gour is out of order in referring to non-cooperation and boycott of the Prince.

The Chairman: I think Dr. Gour is perhaps wandering a little from the original Resolution.

Dr. H. S. Gour: I am afraid, Sir, that the Chair has ruled that I am wandering a little from the subject. These remarks, however, that I make are intended to bring out what should be the cardinal doctrine underlying the Address,—that it should be an address of unqualified and unconditional welcome, and that it should not contain any matters of a controversial character. I further wanted, Sir, to take exception to the view not only of my friends here but to that of those who are outside, as to what is the position of the elected representatives of the people of this country in regard to the welcome to His Royal Highness and how they should regard a movement which has for its purpose the boycotting of his visit. But whether I am in order or out of order, I have achieved my purpose, and I think I have therefore succeeded in pointing out that the last sentence of the Address must not be misunderstood, but be regarded as an integral and cardinal portion of my Resolution. Members must understand that that is only to be regarded as voicing the general aspirations and sentiments of the people of this country, and not to trench upon anything which would trespass upon the written and unwritten law of the English constitution, in other words, to introduce no question of a controversial character. Now, Sir, as regards the personnel, when I gave notice of this Resolution, I did not know

[Dr. H. S. Gour.]

that many Members in this House were anxious to serve upon this Committee and I myself had not the advantage of personally consulting them whether they would like to serve on this Committee. On further consideration I thought that this Committee might not merely be a Drafting Committee but a Reception Committee, a general Reception Committee of both Houses, and I hope, Sir, that with the leave of the House I shall be permitted to call it the General Reception Committee and with that object in view, I hope, I shall be permitted to propose to increase its personnel. I have given notice of certain names, to which I should like to add the names of the following gentlemen :

Rai Bahadur Debi Charan Barua,

Mr. Jannadas Dwarkadas,

Bhai Man Singh,

Shaikh Rajan Baksh Shah,

Mr. Cotelingam.

Mr. K. Ahmed: Sir, I think my learned friend is out of order. Therefore, I rise, on a point of order, to say that we cannot give leave for introduction of this Resolution because there is a condition laid down in it.

The Chairman: I think it would be more convenient if Dr. Gour put his Resolution as two Resolutions, one of welcome and the other with the names of the Committee.

Dr. H. S. Gour: Sir, I beg to move the first part of my Resolution dealing with the Address.

Mr. N. M. Joshi: The Honourable Mover has changed the wording of the Resolution and, I believe, it can go as an Amendment with the permission of this House.

Rao Bahadur T. Rangachariar: Sir, I beg to move :

'That the words after the word 'Address'—in consonance with the national aspirations of the people of India as voiced by their representatives in the Indian Legislature' be omitted';

and if you will permit me, Sir—it is only a verbal amendment,—I would substitute the word 'the' for the word 'an' Address.

For the very excellent reason given by the Honourable Mover, that His Royal Highness the Prince of Wales is above any politics, I think, Sir, that our address of welcome should convey entirely a pure, disinterested and hearty welcome.

(At this point, the President resumed the Chair.)

Rao Bahadur T. Rangachariar: I do not think it is right that we should trouble His Royal Highness with an enumeration of the national aspirations of the people of this land. The national aspirations of the land, how they are to be enumerated, by whom they are to be enumerated, whether all of us are agreed as to what they should be, are all matters on which there is great divergence of opinion; and to say here 'as voiced by their representatives in the Indian Legislature' assumes a state of affairs which does not exist. The Indian Legislatures have not had an opportunity of voicing their aspirations for the nation. When they have done so,

perhaps it will be right to refer to these national aspirations. I quite agree with the Honourable Mover of this Resolution, that this welcome is not only a duty on our part, but it is a religious duty enjoined on all in this land; and, therefore, I would ask him to accept this amendment so as to avoid all appearance of any division on a matter like this in this Assembly. I should like the united voice of this Assembly to go forth extending the right hand of welcome to His Royal Highness and I quite agree with the Honourable Mover in all the sentiments which he has expressed as regards the duty which lies on us of extending a hearty welcome, although I do not venture to follow him in all the dissertation which he embarked upon. I, therefore, Sir, move this amendment.

The Honourable the President: The original question was that :

'This Assembly recommends to the Governor General in Council that he may be pleased to convey to His Royal Highness the Prince of Wales its humble request that he may be graciously pleased to accept a loyal and dutiful Address of Welcome from the Indian Legislature; and further recommends that the co-operation of the Council of State be invited therefor and that a Committee of both Chambers to which the following Members* of this Assembly shall be nominated be appointed to draft an Address in consonance with the national aspirations of the people of India as voiced by their representatives in the Indian Legislature.'

Since which an amendment has been moved :

'That the words after the word 'Address' where it occurs for the second time, down to the end be omitted.'

The question I have to put is, that that amendment be made. Perhaps the Mover of the Resolution accepts it.

Dr. H. S. Gour: That is exactly why I stood up just now—to announce to the House that I accept the amendment.

The Honourable Sir William Vincent: Sir, may I inquire whether the Resolution is to be put in two parts, as was suggested in your absence, or whether it is to be taken as a whole.

The Honourable the President: I understood that the first part, containing the substantive part of the Resolution, down to the word 'Legislature,' was to be put as a separate Resolution, and that the question of the addition of names to the Resolution would be put as a separate question from the Chair.

The Honourable Sir William Vincent: Sir, the first part of the Resolution has not so far definitely been put to the Council, and this Assembly have therefore not had an opportunity of commenting on it, though I am quite certain that Members will accept it with acclamation. The Government view is, that it is most proper that advantage should be taken of such an auspicious occasion as the visit of His Royal Highness the Prince of Wales to present to him an Address from the Indian Legislature expressing a cordial welcome and indicative of, what I believe to be a very genuine feeling, the great loyalty of India to the Royal Family. (Loud Applause.) It would indeed be lamentable if an occasion of this kind were missed by the Legislature. I am quite sure for myself—and I believe every one here will concur with me—that the people of India will accord to His Royal Highness this year, as has been the case in the past when a member of the Royal family has visited India, the most cordial of welcomes. I know, there are persons in this country who profess to be opposed to the visit, but I hope and have every reason to hope,

[Sir William Vincent.]

that the good sense and the traditional courtesy of the people will override all such considerations when His Royal Highness comes.

I was going to advert at greater length to a point which has now been settled by the motion of the Honourable Member opposite, and that is, that the Government, while welcoming this Resolution, could only accept it on one clear understanding—that no political topic of a controversial character was introduced in the Address. Fortunately, in view of my Honourable friend, Mr. Rangachariar's amendment—which, I understand, has been accepted by the Honourable Mover,—no necessity arises for me to press this point on the Assembly.

There is only one other matter which I need mention and that is the number of the members of the Committee to be appointed. This is not a matter with which the Government is really concerned, but is a matter of some practical importance. It does seem to me, that the Assembly would do well to consider whether it is not possible to limit the number to what may be called a useful drafting body. I must remind the Council, that in addition to the Members of this Assembly who will serve on the Committee, the Council of State will undoubtedly require possibly an equal number, or at any rate something approaching an equal number of representatives on that body. I, therefore, suggest to the House a Committee of less unwieldy proportions than that proposed, but this is only a suggestion. The question of numbers is not one of any consequence to us. The Government accept this Resolution as it stands, and I have only to add, that the Government are glad that the first opportunity has been utilised for the purpose of bringing it forward.

The Honourable the President : As the Mover of the Resolution has professed his readiness to accept the amendment moved by Mr. Rangachariar, and if it is the general sense of the Assembly, I think, I had better put the Resolution in its amended form. The question is, that the Resolution be so amended.

The motion was adopted.

The Honourable the President : The question is that :

'This Assembly recommends to the Governor General in Council that he may be pleased to convey to His Royal Highness the Prince of Wales its humble request that he may be graciously pleased to accept a loyal and dutiful Address of Welcome from the Indian Legislature; and further recommends that the co-operation of the Council of State be invited therefor and that a Committee of both Chambers to which the following Members of this Assembly shall be nominated be appointed to draft an Address.'

Sir Jamsetjee Jejeebhoy : In rising to give my cordial support to this Resolution, I may be permitted to express a hope which, I believe, this Assembly will fully endorse, that His Royal Highness the Prince of Wales' visit being now finally settled, nothing will happen to prevent its complete success and the fullest realization of the expectations of the general public. It will now only rest with us to make his visit conspicuously complete and successful, and, I am sure the task before us will be successfully carried out, provided we give the occasion a right impetus and immediately adopt necessary and effective measures. I feel confident, that all the races and creeds in India will make this great occasion one of general rejoicing and entertainment and of extending the happiness and prosperity of the people and of ensuring perfect

peace and goodwill all over the land. His Royal Highness comes to us as one who has already won his spurs by general acclamation and who is a high principled, generously minded, genial, gallant and accomplished prince and gentleman, well worthy of his exalted birth and high estate, who is heir to a mighty throne and who, in God's good time, will be the ruler over the British Empire. His Royal Highness comes out to India full of sympathy and goodwill for the people of this country, ever anxious and willing to promote their utmost advancement and happiness and as such His Royal Highness who will be our august guest is eminently worthy of the respect, esteem, regard and admiration of all true and faithful subjects of His Majesty the King-Emperor.

Mr. Jamnadas Dwarkadas : Sir, I consider it a privilege to support the Resolution moved by my Honourable friend, Dr. Gour, and amended as suggested by my Honourable friend, Mr. Rangachariar. It will be remembered, Sir, that this is not the first occasion on which the Prince of Wales is coming to India. The late grandfather of His Royal Highness the Prince of Wales, King Edward VII, was the first Prince of Wales to come to India. Then, in the year 1904, King George V, the present Emperor of India, with Her Royal Highness, the Princess of Wales, visited the country over which he was to rule in the future. On those two occasions, when the father and mother and the grandfather of the present Prince of Wales came to India, it will be remembered that from one end of the country to the other there was a unique outburst of loyalty and Their Royal Highnesses were accorded a most cordial welcome by the princes and people of India. I want to point out, Sir, that in those days when Their Royal Highnesses came to this country, the Indians were a subject nation under by no means the rule of a representative Government, but of a Government which was made up mostly of Englishmen. I submit, Sir, that if in those days India stood like one man to accord a most cordial welcome to Their Royal Highnesses, there is the greater reason to-day for India, which is almost recognised as an equal partner in the British Commonwealth, which is on the pathway of achieving responsible Government, and which has achieved partial responsible Government at the present moment, to accord a most cordial welcome to His Royal Highness the Prince of Wales who is coming to gain first hand experience and to have direct touch with the princes and people of this country, so that when the duty of ruling this country as the future monarch of this empire devolves on him, he may be able to fulfil it in a better manner. I hope, Sir, that India will rise to the occasion and will accord a most cordial and affectionate welcome to His Royal Highness.

It is a matter of gratification, Sir, if I may be permitted to refer to it, that in the announcement made by the Government of India regarding the Committee appointed for the purpose of according a welcome to His Royal Highness, they have included the name of one of the most veteran leaders of India, who has done more than any other leader, to further the interests of this country in all directions,—I mean Pandit Madan Mohan Malaviya, and it is a matter of further gratification, that in spite of the opinion expressed by a mischievous band of people, Pandit Malaviya has come forward to do his duty in his old age and to guide India in the right direction of according a suitable welcome to His Royal Highness. With these few words, Sir, I support the Resolution.

Mr. B. S. Kamat : I move, Sir, that the question be now put with reference to this part of the Resolution.

Mr. K. B. L. Agnihotri: Sir, it is with the profoundest regret, that I have to rise to oppose the Resolution moved by my Honourable friend, Dr. Gour. I am fully conscious of the fact, that courtesy and hospitality are the virtues engrained in Orientals. I am conscious of the fact, that the loyalty of the Indians to the Throne and Person of the King is traditional; I am further conscious of the fact, that Loyalty is also exploited and taken advantage of, as an effective balm to soothe the excited feelings of the Indians resulting from the outrages and blunders deliberately committed by the bureaucracy in this country.

Our hospitality to guests is one of the primary duties that are enjoined by the Hindu Shastras, and I come from the part of the country which was once governed by one Raja Mauradhvaj of the Pauranic Fame, who, in response to his duties of a host, went to the length of even sawing his only son and heir into two, to feed the lion with the body of the prince and to satisfy the curious whim and desire of his guest, Bhagwan Shrikrishna and Arjun. This high sense of courtesy and hospitality was not the monopoly of the Raja alone, but had permeated Indians of all classes, rich and poor, high and low, from time immemorial and continues up to the present day. Who amongst us in this august Assembly is not aware of the hospitality of the Indians, extended to outsiders even at the cost of their liberty, life blood, industries and the very bread necessary to keep body and soul together and in preference to starvation, slavery, and honor, to keep their guests in luxury? Have not the Indians extended the same hospitality even to undesirable guests from other parts of the Empire, in spite of inhuman treatment meted out to the Indians by the kith and kin of such guests. The touring officers of the Government can well testify to the hospitality they received from the poor peasantry, so much so, that long use of it, is begun to be described as customary and demanded as a matter of right in the form of Rasad and Begar or impressed labour and dereliction from that hospitality, is now even punished by fines.

Sir, when this was the courtesy and hospitality extended to an ordinary common guest, more or less of equal status to the host, then it is needless for me to describe that which was extended towards the sovereign or his heir. The Indians always associated the King with Divinity and their relations with the ruling House of England has always been of the best and the pleasantest. The present ruling house of England has always taken a very keen interest in the welfare and happiness of the people of India and His Majesty in particular, has always had a particular desire to see the policy of righteousness, pursued towards this country and has exercised his vast influence, in shaping of a policy of justice and sympathy towards Indians, and of setting up of the new constitution in India. His Majesty.....

The Honourable the President: Order, Order. The Honourable Member is a little late with his remarks. The Assembly has just decided to cut out the only part of the original Resolution to which these remarks could have been addressed. We are now discussing solely the question of presenting an Address to His Royal Highness. No question of policy, nor any of those controversial issues referred to by the Home Member, can be raised in this debate.

Mr. K. B. L. Agnihotri: I bow to your ruling, Sir. Now I come to the question of the visit. Taking the cause of the visit to be as stated by His

Excellency, the people in the country still regard the visit as most in-opportunity. The economic and political situation in the country is such that the visit should not have even been thought of. There has been a heavy deficit in the country's finances last year which had to be met by raising of the new taxes and it is feared that at the end of the year, we will still have a huge deficit to meet. Industries, education, public health, law, justice, communications and other departments are eminently needed for the welfare of the country, and these will have to be further postponed and the expenditure on the visit will further adversely affect it for some time to come.

The prevalence of famine conditions in almost all the parts of the country was a sufficient cause for the postponement of the visit for the present. The political situation and feelings of the people are not to be taken lightly. It was, I think, due to these reasons that many papers including the 'Times of India' and the 'Pioneer' suggested the postponement of the visit. I will not waste the time of the House by reading out what they have said. But what I have to say is, that the replies that have been given to all the suggestions for postponement have not appreciated the facts. Famine conditions are not local but widespread.

As for the feelings of the public, they are neither superficial nor the result of the preachings of the agitators only. The Punjab and Khilafat wrongs, in addition to the repressive and oppressive acts of officials and others, have likewise caused a deep injury which cannot lightly be healed. They could not be healed even after the sage, sound and experienced advice of His Royal Highness the Duke. They are not limited to a few as the demonstrations all over the country go to show. Sermons on loyalty could not, now, be of much effect, with the consciousness of the rights and privileges of a constitutional monarchy; and, bearing in mind, the awakening to a sense of a desire for responsible Self-Government, and that suspicions still exist in certain minds against the ways and the acts of the Governments. The public in general have become more cautious in taking things from the Government. The people have learnt from the English people to realise the duties to the sovereign and the loyalty that they have to offer.

It is conceded that the Royalties are above party politics and controversies, but it is believed by the public, that it is more so as a convenience for the state and the fact is taken advantage of by those in power, and whenever they think it necessary.

The fact of the visit having been decided against the wishes of the people and without consulting them, even at a period when they are said to have been enfranchised, and when the expenditure of the visit will have to be borne by them and will have to be put to the vote of their representatives who even had not been consulted before the visit has been decided upon, is regarded as adding insult to injury and it has given rise to resentment which will be hard to subside. While discussing the Resolution, it is no use thinking as to what should be or what ought to be the attitude of the public, but we should look to what it is, and what that attitude will be, at the time of the visit. Abstract philosophy will not have much effect on the excited and injured feelings of the public in general. They do not now place much faith in empty shows and make-beliefs, but prize frankness and truth in all the spheres of life.

[Mr. K. B. L. Agnihotri.]

Apart from all this, consider what would be the feelings of the Prince to find that he has been brought in a place where the people in general by their attitude show, that he is not wanted. Pray, imagine the feelings of the guest who, on entering the house, finds the people of the household turn their backs and give him the cold shoulder, and over and above, that if one of the household were to say 'that the guest was right welcome.'

It is true, that the head of the house welcomes him, but it is against the wishes of the others in it. Will such a thing be pleasant to the host and the guest alike? I think not.

The effect of the welcome and the Address proposed, I am afraid, will be something like the one described. From the attitude of the people, as is apparent from the demonstrations all over the country, it is clear, that the visit will be boycotted by the public, whose representatives we claim to be. It is true, that having the means and the power, this House can make the visit successful in some ways, but will that be regarded as having been done in the representative character of or will that be pleasant to do against wishes of people. The people are not in a mood to welcome the visit and the passing of this Resolution by this House, I respectfully beg to submit, will have the effect of further exasperating Indian public opinion which would be far from desirable.

I wish the visit had been postponed, and that Indians in general had wholeheartedly and unitedly given the welcome befitting of the great Nation.

Therefore, in the best interests of the country, the Government and their relations with the Sovereign, I appeal to the Honourable the Mover to withdraw his Resolutions and not to press it further and also to the Government to have the visit postponed till happier times.

Raja S. P. Singh : Sir, I rise to support this loyal Resolution to welcome His Royal Highness the Prince of Wales. I consider this a great privilege and honour. India is waiting with a palpitating heart to welcome the future heir of this vast empire. His Royal Highness is coming to us as our well wisher and our friend. No question of invitation comes and a false issue has been raised in certain quarters to support an arbitrary dictum blindly followed in a noisy atmosphere of blind passions. Loyalty and Hospitality are ingrained in the Indian people. They are a part of our religion. Any one who raises a dissentient note is false to the country and false to her most cherished traditions. I do not call him an Indian who lightly talks of giving no reception to the Prince. It is therefore our bounden duty to offer him a right royal welcome. The fame of our young Prince has been ringing not only through the length and breadth of the empire, but in every corner and nook of the civilised world. The great part played by our brave and gallant Prince needs no recapitulation on my part. He shared the dangers of the war with his soldiers, and endeared himself to every one of them. This was followed by his famous tour in America and the Dominions where His Royal Highness was enthusiastically received and golden link of friendship forged between the motherland and the Colonies.

Last year, when the Empire was getting ready to put on its gala dress to welcome the Prince, it was told that the Prince, for reasons of health,

could not come to inaugurate the reform scheme. India was deeply disappointed. Now the news of the Prince's coming has been received with rejoicing not only in India, but all over the east.

In offering His Royal Highness our hearty welcome, we need not be selfish and expect boons. We want no boons—we want His Royal Highness' right hand of fellowship. We want His Royal Highness to see India and Indians first hand. We want His Royal Highness to realise that India is a great Empire, with a glorious past—that India is virile and longing to take its rightful place in the councils of the Empire. We want His Royal Highness to say 'India, you must regain your past glories'—'India, you must be happy and contented,' 'India, the bright jewel within the British Empire, you will be a partner within the Empire, an equal partner, enjoying the equal rights to which every partner is entitled,' 'India, I have come to forge golden links of friendship.'

We are longing to see the great Prince, to hear his voice, and treasure his sayings.

May His Royal Highness' stay with us be a happy one, and may the fruit of His Royal Highness' visit be contentment, peace and prosperity, is my humble prayer.

Rai J. N. Majumdar Bahadur : Sir, I did not anticipate that a discordant voice would be raised in this House as regards the reception and welcome to be accorded to His Royal Highness. Discordant voices have no doubt been raised outside the House, but it was quite a surprise to all of us, and I think I voice the sentiment of the entire House when I say, that it was a surprise to us, that one who has taken his Oath of Allegiance to the Crown should rise in this House to protest against the welcome that is to be given to His Royal Highness. The head of the Royal House, I mean the head of the British Commonwealth, is not an autocrat, but all the same under the constitution we know what the Royal House is capable of doing. I remember the day to which my Honourable friend, Mr. Jamnadas referred—I remember the day—perhaps he was not born then—when the King-Emperor Edward came here in the year 1875. We were in college then and we gave him a hearty welcome. Then, when I was a grown-up man in 1905, we took part in the reception of his son, the then Prince of Wales, our present King-Emperor. It is our duty and privilege to accord to the King's son and heir a hearty welcome when he comes here to acquaint himself with the wishes and aspirations of the people of this country. Our loyalty should not be like that of a trader expecting benefits in return. The King of England represents in him the symbol of the unity and equality of this empire of divergent races and creeds, and the very fact that the King's son is coming here ought to be sufficient for us to join together with one purpose to accord him the best reception that this country can give. A discordant note has been raised outside the House, but, I think, that it is time for them to reconsider their position, because I am told, as one of their spokesmen has said, that they are also loyal to the King, as well as to the Prince of Wales; and I ask how far it would be consistent with their loyalty to withhold welcome to the Prince of Wales? If they withhold welcome, it will rather tend to create more friction. Therefore, I appeal to their best instincts, that on this occasion at least they should suspend their policy of non-co-operation and join with us in according the heartiest reception to the Prince of Wales.

Mr. S. C. Shahani: In rising to support the amended Resolution of Dr. Gour, I rise to express the hope that the Address of Welcome, that is to be presented to His Royal Highness the Prince of Wales, will be presented by the Indian Legislature in the Assembly Chamber at Delhi. It will not be in keeping with the dignity of the Indian Legislature to present this Address anywhere else. The words used by Dr. Gour to the effect that arrangements might be made for presenting this Address suggest that possibly some other place was contemplated,—a joint Address from the Princes or, for instance, other representative bodies of the Indian people and that will not be desirable.

Just a word, Sir, with regard to the discordant note of opposition that has been sounded by my friend, Mr. Agnihotri. In my opinion, it is unbecoming that we who have consented to come here to represent the people in the Indian Legislative Assembly should rise to oppose the presentation of such an Address. I think it would have been desirable on the part of my friend not to have consented to come to this Assembly. We have to carry on the Government of India, and is it possible to conceive that this Government can be carried on without due loyalty to the head of the Government, namely, the Emperor of India? It is said, that the country is poor, a statement, of course, which is to be doubted. The industrial resources of India are unlimited and even admitting for argument's sake that the country is poor, the expenditure that may be incurred in making appropriate arrangements for a visit from His Royal Highness the Prince of Wales would be well incurred. It has been stated, that the people outside are opposed to an Address of Welcome. My own idea is, that the people have not had an opportunity of understanding the two sides of the question. The masses are being misled, because they have been hard hit by the high prices that have ruled in the country and they have not had adequate means of judging on their own account. If some of them are being misled, there is no reason why we, who can think on our own account, should agree with what is being most unwittingly stated in the country. If anybody thought of sounding a discordant note, he should have, in my opinion, taken counsel with some of his friends. I am really very sorry that this note has been sounded. We should be unanimous on occasions such as this. I request Mr. Agnihotri to think over what he has stated and withdraw the opposition of which he has been guilty.

The Honourable Dr. T. F. Sapru: Sir, I did not intend in the slightest degree to take part in the discussion which has so suddenly sprung out of the Resolution moved by my friend, Dr. Gour, and, if I venture to address a few remarks, it is only because of the discordant note that has been struck this morning. After all, if one comes to coolly think of the incident, it seems to me that it is really a distinct service to this Assembly which has been rendered by my friend, Mr. Agnihotri. It will enable you to demonstrate beyond all doubt the strength of the feeling which lies behind the Resolution of my friend, Dr. Gour. I was hesitating to speak to you this morning, particularly because I occupy an official position, but I hope my claim as an Indian will not be denied by any one amongst you, European or Indian. Those of you who have decided to come into this Assembly, those of us who are prepared to stand by the reforms, be they good or be they bad, have no reason at all to sympathise with or in the slightest degree to favour the attitude which has been taken by my friend, Mr. Agnihotri. If you believe in the short-lived politics of the day, if you deny to yourselves the privilege of looking into the future, you will certainly be justified in welcoming the opposition which has come from

that bench. But if you for a moment analyse and visualise to yourselves the position to which you have been driven by that opposition, I have not the smallest possible doubt that there will be one answer and only one answer to that attitude, and that is, that you are determined to carry that Resolution in spite of opposition. You may have your quarrels with the Bureaucracy, with white bureaucrats, or brown bureaucrat like myself, I do not care. You may say that the Bureaucracy does not deserve to live more than the remaining days of this month when Swaraj must be established. But, may I ask you in all sincerity, what is it after all that you mean by the Swaraj for, which you are striving? Do you mean by Swaraj that you want Self-Government under the aegis of the British Crown? Or, do you mean frankly that you do not care to be under the British Crown? We are, if I may say so, at the parting of ways. We must search our hearts, and be true to our convictions. If there are men amongst us who are determined, who have made up their minds that they will have nothing to do with the British Crown, they are certainly justified in honestly, boldly and courageously saying that they have nothing to do with the King of this Empire or the Heir Apparent. But so long as you recognise your duty as a British subject, I say, it is your duty also at the same time to offer your unqualified loyal reception to the Prince of Wales. Let us not tinker with that position. Let us be clear in our minds.

Those of us who have taken the Oath of Allegiance must be true to that Oath. I take it, that it is an essential part of that Oath of Allegiance that you should show due loyalty and respect to the King and his son. I do not approach this question in an angry or light-hearted spirit. It raises, to my mind, the most vital question, which goes to the very root of politics at the present moment. We have each one of us to decide what is going to be our attitude in future with regard to the British connection in this country. I say, we must be quite clear in our minds before we vote, and if we are true to our conviction, and if we believe in the continuance of the British connection, and if we want Swaraj, as I do as much as any of you under the British Crown, then we must condemn this opposition which has been shown by the Member from the Central Provinces.

Mr. K. P. L. Agnihotri: My attitude on this Resolution has nothing to do with disloyalty and has been taken with due regard to the Oath of Allegiance and loyalty to the Sovereign and in the faithful discharge of duty imposed thereby. I am as loyal to His Royal Highness and to the Throne as any of the Honourable Members present here. My object was simply to represent the point of view and feelings of the majority of the masses in the country, and I am actuated with motive of strengthening the bonds between the subjects and the Crown. If I were a non-co-operator, I would certainly not have been in this House.

The Honourable the President: The question is, that the following Resolution be adopted:

‘This Assembly recommends to the Governor General in Council that he may be pleased to convey to His Royal Highness the Prince of Wales its humble request that he may be graciously pleased to accept a loyal and dutiful Address of Welcome from the Indian Legislature; and further recommends that the co-operation of the Council of State be invited therefor and that a Committee of both Chambers to which the following Members of this Assembly shall be nominated be appointed to draft the Address.

The motion was adopted.

[Dr. H. S. Gour.]

Dr. H. S. Gour: The second Resolution is purely consequential. I recommend to this House the words of the Honourable Sir William Vincent:

'That this Committee should be manageable in proportions and in numbers.'

I have given the list of 11 names. I believe, the Council of State would be equally entitled to have, say, 11 persons. The result would be that the number from both Houses will be 22.

The Bombay Presidency has not been represented, and I wish therefore to add the name of Mr. Jamnadas Dwarkadas. A Muhammadan gentleman complained that there was no Muhammadan representative and I should be glad to add one more name to the list of Members of this committee. Well, Sir, I may point out, if you will permit me, that I have been told that we must have here representatives of all the provinces, and we have been also told we must have representatives of all the races, and, then, of all the professions. Sir William Vincent has pointed out, that a small drafting committee comprising, say, 12 or 15 people would be as much as would be required in the circumstances of the case, and I hope the House will agree with me in confining the committee to 15 and not more. I have already given notice of 11 names. I wish to add three more, Mr. Jamnadas Dwarkadas, Shaikh Rajan Baksh Shah and Mr. Cotelingam. That would make, Sir, 14 names.

I move, Sir, the following motion:

'That the following Members do constitute the drafting committee: Sir Sivaswamy Aiyer, Mr. Seshagiri Ayyar, Prof. Shahani, Mr. Harchandrai Vishindas, Chaudhri Shahab-ud-Din, Lala Girdharilal Agarwala, Mr. J. Chaudhuri, Babu Khitish Chandra Neogy, Sir Frank Carter, Lieutenant-Colonel Gidney, Mr. Jamnadas Dwarkadas, Shaikh Rajan Baksh Shah, Mr. Cotelingam, and the Mover.'

The Honourable the President: Before I put the motion from the Chair, I must inquire from the Mover whether he has the authority of these gentlemen for putting their names on this committee.

Dr. H. S. Gour: I have the authority of all except Mr. Neogy, and Sir Frank Carter.

The Honourable the President: Then the names of Sir Frank Carter and Mr. Neogy fall out.

Dr. H. S. Gour: I therefore wish to substitute Mr. Rhodes for Sir Frank Carter. I have the authority of Mr. Rhodes. In place of Mr. Neogy, I propose Rai Bahadur Debi Charan Barua.

Rao Bahadur T. Rangachariar: As Madras does not want to be represented by more than one Member, and with the permission of Sir Sivaswamy Aiyer, I propose the omission of his name.

The Honourable the President: The question is:

'That the drafting committee referred to in part 1 of the Resolution should be composed of the following Members:

- (1) Sir P. S. Sivaswamy Aiyer,
- (2) Mr. Seshagiri Ayyar,
- (3) Prof. Shahani,
- (4) Chaudhri Shahab-ud-Din,

- (5) Lala Girdharilal Agarwala,
- (6) Mr. J. Chaudhuri,
- (7) H. Vishindas,
- (8) Mr. C. W. Rhodes,
- (9) Babu Debi Charan Barua,
- (10) Mr. Cotelingam,
- (11) Syed Rajan Baksh Shah,
- (12) Lieut.-Colonel Gidney,
- (13) Mr. Jamnadas Dwarkadas,
- (14) The Mover.

That is the motion as moved. The question is, that the motion be adopted.

Rao Bahadur T. Rangachariar: I move that Sir Sivaswamy Aiyer's name be omitted. I do so at his own request.

The Honourable the President: The Honourable Member has taken a somewhat unusual course in withdrawing his own name. I presume it is all right. The question is, that the name of Sir Sivaswamy Aiyer be expunged.

(Cries of 'No! No!')

The Honourable the President: If I say, the 'Noes' have it, the Honourable Member simply withdraws his name. The House cannot compel him. The 'Noes' have it.

The following names were then put and accepted:

- Sir Sivaswamy Aiyer.
Mr. T. V. Seshagiri Ayyar.
Professor S. C. Shahani.
Mr. Harchandrai Vishindas.
Chaudhri Shahab-ud-Din.
Lala Girdharilal Agarwala.
Mr. J. Chaudhuri.
Mr. C. W. Rhodes.
Rai Bahadur Debi Charan Barua.
Mr. J. P. Cotelingam.
Syed Rajan Baksh Shah.
Mr. Jamnadas Dwarkadas.
Lieut.-Colonel H. A. J. Gidney, and
Dr. H. S. Gour.

The motion was adopted.

Bhai Man Singh: Sir, there are certain amendments.....

The Honourable the President: Order, Order. There is no amendment standing in the name of Bhai Man Singh.

Rai Sahib Lakshmi Narayan Lal: Sir, there is one amendment standing in my name as to the personnel of the committee. I do not know what the position now is.

The Honourable the President: It is a comparative formality as to what names should appear in the list. It apparently satisfies the House that the Resolution with the addition of the names proposed by Dr. Gour should be accepted by the House.

Rai Sahib Lakshmi Narayan Lal: Then I withdraw my amendment.

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

The Honourable Sir William Vincent: There is another Resolution set down in the Honourable Member's name.

The Honourable the President: Was the Honourable Member referring to the second Resolution standing in his name?

Rai Sahib Lakshmi Narayan Lal: There are three amendments standing in my name.

The Honourable the President: I call upon Rai Sahib Lakshmi Narayan Lal to move Resolution No. 2 on the list.

WELCOME TO H. E. LORD READING.

Rai Sahib Lakshmi Narayan Lal: Sir, the Resolution which I have the honour to move is that:

'This Assembly recommends to the Governor General in Council to convey to His Excellency Lord Reading a warm and hearty welcome on his appointment as Viceroy and Governor General of India.'

His Excellency Lord Reading took over the charge of Viceroy and Governor General of India after the first Session of this Assembly was over and, therefore, though many of us had the honour of receiving and welcoming His Excellency at the Viceregal Lodge, Delhi, at the time of His Excellency's arrival there, this Assembly got no opportunity before of according its warm and hearty welcome to His Excellency which we are going to do to-day on the opening of this new Session.

In moving this Resolution, I am sure, I am echoing the wishes of all the Honourable Members of this House; we are indeed very grateful to His Majesty the King-Emperor for granting us the advantage of having as our Viceroy and Governor General the Lord Chief Justice of England who is distinguished for his remarkable true statesmanship, vast experience and many other eminent qualities of head and heart. His Excellency, before coming to India, was pleased to observe that it was not he but the Lord Chief Justice of England who was going to India to administer justice and declared it to be his determination that justice shall prevail during his administration of the country. His Excellency has already begun in right earnest to translate into action the aims and objects of his grand mission of Liberty, Equality and Justice for India and we fully trust that His Excellency will be pleased further to direct his acute imagination and insight into the present political problems of the country, take timely and steady steps to

remove the root causes of the public unrest and to satisfy the national aspirations of the people and that His Excellency's esteemed name shall be written in golden letters in the future history of India as the Viceroy and Governor General during whose illustrious regime India got full recognition of her legitimate claim to equal partnership in the British Commonwealth. I heartily move this Resolution.

The Resolution was adopted.

DEMAND FOR SUPPLEMENTARY GRANT.

The Honourable Sir William Vincent: Sir, under Rule 50 of the Indian Legislative Rules, I submit to the vote of the Assembly, a Demand for a Supplementary Grant of rupees one lakh towards the cost of the proposed delegation of the Empire Parliamentary Association to India during 1921-22.

The Empire Parliamentary Association includes amongst its Members, Members of Parliament of the United Kingdom and all the Self-governing Dominions, and it is the practice of that Association to send delegates to visit various parts of the Empire from time to time. For some years this Association has desired to send a delegation to India. Originally the arrangements were proposed for such a visit in 1919-20 and again in 1920-1921. In 1920, the proposal was to send 30 Members from different Parliaments, including the Parliaments of the United Kingdom, Canada, Australia, South Africa, New Zealand and Newfoundland for the study of political and industrial conditions here.

It was impossible, however, owing to various circumstances to give effect to those arrangements last year. And it has therefore been suggested that the delegation should visit India during the present year. The custom, when this delegation visits any dominion, according to our information, is that the cost is met partly by subscription and partly by grant from the revenues of the country visited, the delegation ordinarily being regarded as the guests of the country so honoured. In 1920-21, we proposed a grant of Rs. one lakh for this purpose. This was not intended in any way to cover the cost of the journey to India but merely the cost of transport in India itself and incidental expenses, and we propose to offer a similar grant this year, if the demand is voted. We have not as yet issued any formal invitation to the delegation to come here, because we could not do so in anticipation of the grant from this House, but Government do regard it as important that the invitation should issue as early as possible, and that is my excuse for putting forward the demand for this grant at the present moment. I understand other demands will be put forward by the Honourable the Finance Member at a later stage, but we have been pressed to come to an early decision on this question in order that an early decision may be reached as to whether the invitation should be issued or not; this really entirely depends upon this Assembly and on the decision whether they will give this grant of money or not. We put up the proposal before the Standing Finance Committee, and they supported it, but expressed a desire that the Indian Legislature should be included in the Association. We referred that matter to the Secretary of State for his observations. He has replied, that this is a matter which will have to be decided by the Association itself according to its constitution. I understand that the Association at present includes only the Self-governing Dominions, but we hope that when the members of this delegation come to this country, if they do so, they will be able to

[Sir William Vincent.]

arrive at a perfectly reasonable understanding on this point with the Members of this House and the Council of State.

It is customary in these matters to afford some facilities to, and to incur expenditure in, the entertainment of distinguished guests, and, we believe, that India has much to gain from the visit of such an influential Association as this. We think that it is possible that mistaken views of the political situation in India would be dispelled and that it is important, that Members of the different Parliaments, and particularly those for the Self-governing Dominions with whom we have, from time to time, differences should have first hand evidence on the effect of the Reforms, the capacity, industry and sense of responsibility, if I may say so, of the new Chambers. I believe myself that nothing will more tend to political progress in this country than the acquisition and dissemination of such knowledge. I may say, therefore, that in the opinion of Government this money will be well spent, but it rests entirely with this Assembly to vote it or not. We do not seek to force the hands of the Assembly in any way. I may repeat, that the grant, even if it is made, will only cover a portion of the expenses, and I may add, that we should not like India to appear less generous in this respect than other Self-governing Dominions, particularly when, as I believe, the expenditure will tend to the great political advantage of this country. Finally, I may say, that I believe that informal discussions between the members of the delegation and the Members of this Assembly will be of the utmost benefit. For all these reasons, I commend the demand to the considerations of the House.

Rao Bahadur T. Rangachariar : Sir, I heartily support this motion. When this matter came up before the Standing Finance Committee, the question arose as to whether we should make it a condition precedent that our Legislature should also be recognised for membership in this Association or whether we should merely throw a hint asking them to make the Indian Legislature also eligible for membership: I was glad to hear, that the matter had been communicated to the Secretary of State, and that it has been finally decided that it should not be made a condition precedent to making the grant, but only to convey an expression of our wish that we also would like to be considered as a Self-governing country, although we are not. But as we hope and expect that even within the period of ten years which are provided for us, we will become a Self-governing country, we wish to extend our hand of hospitality to this Association. One lakh of rupees is a mere drop in the ocean of crores which we are spending, and I therefore urge upon the Assembly to vote for this grant.

Mr. Harchandrai Vishindas : Sir, while heartily supporting this demand for a supplementary grant of one lakh of rupees towards the cost of the proposed delegation of the Empire Parliamentary Association to India, I think it is due to the Assembly that some information should be vouchsafed to them, that is to say, what the programme of this delegation is, when the question as to whether this Legislature should also be associated with this delegation is to be discussed, whether it will be during the sittings of the Assembly that this delegation will be visiting this country, and what means have been provided for affording opportunity for discussion between the Members of the Assembly and those of the delegation.

The Honourable Sir William Vincent : I hope the Honourable Member will excuse me for suggesting that it would be a little premature for the Government to enter into a discussion with the members of this delegation as to what places they will visit, whom they will meet and so on, until we are assured that this Assembly will grant the money for the purpose. The Government of India, owing to this grant not having been allowed up to now, have up to the present not issued even a formal invitation to the delegation. I shall be very glad to give the Honourable Member all the information he seeks later, but I think he is asking too much at present.

Mr. Harchandrai Vishindas : I am quite content.

Mr. N. M. Joshi : Sir, as a Member of the Standing Finance Committee, I had also an opportunity of considering this question very carefully, and after having done that, I rise to support the motion put forward before this Assembly by the Honourable the Home Member. Sir, we in this Assembly call ourselves the Parliament of India, and as the Parliament of India, it is our privilege to welcome the Members of the Parliaments of the different nations in the British Empire. I therefore feel that it is right that we should welcome them and offer our hearty hospitality in a manner which befits our country. Sir, I frankly admit that there was a time when the word 'Empire' had some horror for me, because it connoted the subjection of our country by another, but now the time has come when the statesmen of the Empire call this Empire a Commonwealth of free nations and as such they admit that India also is an equally free member of that Commonwealth, and, therefore, the connotation of that word has now changed and we can now feel pride in being a part of the British Empire.

Then, Sir, it naturally occurs to us that this British Empire delegation is to include delegates from all Colonies of the British Empire, including even South Africa. It is a matter for serious consideration for us if the Members of the Parliament of South Africa are included in this delegation, whether we can give them the welcome which we shall very heartily give to the representatives of other Members of the British Empire.

Sir, it is natural that we should feel some indignation when the mention of the Parliament of South Africa is made. I would, therefore, like to press on this Assembly to consider this question very seriously but coolly.

Sir, the Members of the Parliament of South Africa do not certainly deserve a welcome, at least a hearty welcome, from the Members of this Assembly.

At the same time, we learn from the Resolution passed at the Imperial Conference that the Government of India is going to negotiate with the Government of South Africa on this question.

The Honourable the President : Order, Order. The Honourable Member will realise that if I allow him to embark on a controversial issue between a Dominion Government and the Government of India, I must allow others to apply the same precedent in other directions. I hope he will draw his remarks on this particular aspect to a conclusion.

Mr. N. M. Joshi : Sir, I submit to your decision. I only wish to say to this Assembly, that although we may not oppose the inclusion of the delegates from South Africa in this delegation, still the welcome which we may give to them will not be as hearty as it will be in the case of others.

[5TH SEPT. 1921.]

[Mr. N. M. Joshi.]

Sir, I support this Resolution moved by the Honourable the Home Member.

Mr. R. A. Spence : Mr. President, with reference to the remarks made by my Honourable friend, Mr. Joshi, I think that the reasons he has stated in regard to South Africa are reasons for according a very hearty welcome to South Africa. We want the representatives of the South African Parliament to come to India because we feel, that if they do, there will be a better chance of a true realisation on their part of what India is and that there will be more friendship with and better knowledge of India in South Africa.

The motion for the demand for a supplementary grant of one lakh of rupees towards the cost of the proposed delegation of the Empire Parliamentary Association to India during 1921-22 was put to the vote of the Assembly and carried.

THE INDIAN FACTORIES (AMENDMENT) BILL.

Mr. A. C. Chatterjee : Sir, I rise to move :

‘That Sir Vithaldas Thackersey and myself be nominated to serve on the Joint Committee to consider and report on the Bill further to amend the Indian Factories Act, 1911.’

The name of Sir Vithaldas Thackersey is being proposed to replace the late Mr. Rahimtoola Currimbhoy, whose premature death we all deeply deplore. I have obtained the consent of Sir Vithaldas Thackersey to serve on the Committee.

The motion was adopted.

THE INDIAN ELECTRICITY (AMENDMENT) BILL.

Mr. A. C. Chatterjee : Sir, I rise to move :

‘That Munshi Mahadeo Prasad, Sir Vithaldas Thackersey and myself be nominated to serve on the Joint Committee to consider and report on the Bill further to amend the Indian Electricity Act, 1910.’

Sir Vithaldas Thackersey will replace the late Mr. Rahimtoola Currimbhoy and Munshi Mahadeo Prasad, it is suggested, will replace Mr. Sachchidananda Sinha who has now left this Assembly for office in his own province. I have obtained the consent of both these gentlemen to serve.

The motion was adopted.

THE INDIAN PENAL CODE (AMENDMENT) BILL.

The Honourable Sir William Vincent : Sir, I move :

‘That the Honourable Mr. Clayton, the Honourable Mr. Lyle and myself be nominated to serve on the Select Committee to consider and report on the Bill further to amend the Indian Penal Code, 1860.’

Honourable Members will remember that this Bill was referred to a Select Committee on the 17th of March. Two of the Members of the Committee, then appointed, namely, Mr. Keith and Mr. O'Donnell, have ceased to be Members of the Assembly. I hope therefore that this Honourable Assembly will agree to substitute Mr. Lyle and Mr. Clayton and myself for those

gentlemen who have now ceased to be available for service on the Committee. I must, under the rule, having now become a Member of this Assembly, also be a Member of this Committee.

The motion was adopted.

THE MAINTENANCE ORDERS ENFORCEMENT BILL.

The Honourable Sir William Vincent : Sir, I move :

‘That I myself be nominated to serve on the Select Committee to consider and report on the Bill to facilitate the Enforcement in British India of Maintenance Orders made in other parts of His Majesty's Dominions and Protectorates and *vice versa*.’

The Member formerly nominated to this Committee has ceased to be a Member of this Assembly and under the rules that the Member in charge of the particular branch of the Department is required to be a Member of the Select Committee on a Bill affecting that Department.

The motion was adopted.

CODE OF CIVIL PROCEDURE (AMENDMENT) BILL.

The Honourable Sir William Vincent : Sir, I ask for leave to defer the next motion* that stands in my name and make a short statement of my reasons for doing so. This Bill, which was circulated for information last Session, is a Bill for the protection of persons against false civil suits. I think there will be no denial that the evil against which the Bill is directed is prevalent in certain parts of the country. The Bill has now been circulated and we have received the opinions of most of the Local Governments, some however have been received so late that the Government have not had time to examine them and I am quite certain that Members of this Assembly have not been able to do so. Two important Local Governments have also not submitted any opinions up to now. In the circumstances, it is, I think, incumbent on Government to defer consideration of the Bill and, to give the Assembly an opportunity and the Government itself an opportunity of examining these opinions. I ought also to say that the opinions which have been received are not unanimous in accepting the principle of the Bill; in these circumstances, I ask for leave to defer the motion, and I may mention that I am not at all sure that it will not be necessary to appoint a small committee further to examine the essential principles upon which this Bill is based. I am quite certain, that in this action of mine, I shall have the support of those who have made any study of the subject under discussion.

The motion on the paper was, by leave of the Assembly, withdrawn.

THE INDIAN EMIGRATION (AMENDMENT) BILL.

Mr. J. Hullah : I have to move, Sir :

‘That the Bill to amend the law relating to emigration be referred to a Select Committee consisting of the Honourable Dr. Sapru, Mr. Innes, Mr. N. M. Joshi, Mr. C. W. Rhodes, Rai Sahib Lakshmi Narayan Lal, Mr. Bhupatiraju Venkatapatiraju, Mr. Salebhoy Karimji Barodawalla, Haji Wajih-ud-din, Sardar Gulab Singh, Babu K. C. Neogy, Rao Bahadur T. Rangachariar and the Mover.’

* ‘That the Bill further to amend the Code of Civil Procedure, 1908, be referred to a Select Committee consisting of the Honourable Dr. Sapru, Mr. Percival, Mr. Lyle, Sir Sivaswamy Aiyer, Mr. Samarth, Munshi Lawar Singh, Babu Satish Chander Ghosh, Chaudhri Shahab-ud-Din and the Mover.’

[Mr. J. Hullah.]

I have not been able, Sir, to obtain the assent of two of these gentlemen. The rest have assented. I have, however, obtained the assent of two other gentlemen whose names I should like to substitute. May I do so? Then, in place of Mr. Barodawalla and Mr. Neogy, I propose the names of Mr. Jannadas Dwarkadas and Mr. J. Chaudhuri.

The motion with the list of names, as amended, was adopted.

THE NEGOTIABLE INSTRUMENTS (AMENDMENT) BILL.

Mr. C. A. Innes : I move for leave to introduce :

'A Bill further to amend the Negotiable Instruments Act, 1881.'

Last year the Government of India amended this Act by the insertion of a Section, Section 75A, which excuses the delay in the presentment of a bill for payment if that delay is caused by circumstances beyond the control of the holder. When we were consulting commercial opinion at the time with regard to that amendment, two other amendments of the Act were suggested for the consideration of the Government of India one by the Bengal Chamber of Commerce and the other by the late Bank of Madras. These two suggestions were referred in due course to Local Governments, and through them to the Chambers of Commerce, European and Indian, and other commercial associations in the country, and I think I may say that the Bill, which I ask leave to introduce, has the unanimous support of commercial opinion behind. It is first proposed to extend, by an amendment of Sections 63 and 83 of the Act, the limit of time now imposed by the Act for obtaining the acceptance of a bill of exchange. That limit of time, as the Act stands at present, is twenty-four hours, and in this respect our Act follows the English law and English practice. Section 42 of the Bills of Exchange Act prescribes that a bill of exchange must be accepted within the customary time, and in so far as trade bills at any rate are concerned, the effect of this provision of the law is that a bill left for acceptance within the business hours of one day and not accepted before the close of the business hours on the following day must be noted for non-acceptance or otherwise treated as dishonoured. That period of twenty-four hours worked well enough in a small country like England, but it has been represented to us that the time is inconveniently short in the circumstances of India. An undue extension of the time is, of course, out of the question and having regard to the intervening rights of third parties would be contrary to the whole principle of the Act. But it has been suggested to us that a reasonable extension of this period of 24 hours might be allowed, and the proposal has been made that the period of 24 hours should be extended to forty-eight hours. As I have stated, we referred this proposal to all Chambers of Commerce and other commercial associations in India through Local Governments. All these Chambers of Commerce are unanimous that some extension of the time is necessary, and accepting this opinion we are proposing an amendment of these two Sections of the Act which will extend the limit of time of 24 hours to 48 hours.

The second amendment does not require much explanation. As I have already mentioned, last year we amended the Act by the insertion of a clause which now appears as Section 75A and which excuses delay in the presentment

of a bill for payment if the delay is caused by circumstances beyond the control of the holder and is not due to his misconduct or negligence. It has been suggested to us that delays in presentment for acceptance might similarly be excused on the same conditions. Here, again, the commercial opinion of the country is unanimously in favour of the change, and, therefore, we are submitting it for the consideration of this House. I move for leave to introduce the Bill.

The motion was adopted.

Mr. C. A. Innes : I now introduce the Bill :

THE CARRIERS (AMENDMENT) BILL.

Mr. C. A. Innes : Sir, I move for leave to introduce :

'A Bill further to amend the Carriers Act, 1865, in order to empower the Governor General in Council to make by notification additions to the Schedule to that Act, and to free a common carrier from liability under that Act for loss or damage, arising from the negligence of himself or of any of his agents or servants, in respect of any property, which, being of the value of over one hundred rupees and of the description contained in the Schedule to that Act, has not been declared in accordance with the provisions of Section 3.'

Though the title is a long one, the Bill raises only a small point. The main object of the Bill is to remove a certain inconsistency in the provisions of the Act which has been just brought to our notice by a decision in the Calcutta High Court. Section 3 of the Act prescribes :

'No common carrier shall be liable for the loss or damage to property delivered to him to be carried exceeding in value one hundred rupees and of the description contained in the Schedule to this Act, unless the person delivering such property to be carried or some person duly authorised in that behalf, shall have expressly declared to such carrier or his agent the value and description thereof.'

I may mention that the articles included in the Schedule are mostly articles of high value but small bulk, such as gold and silver coins, gold and silver manufactures, precious stones and pearls, jewellery, time-pieces of any description, trinkets, bills and hundis, currency notes and the like. Section 4 of the Act enables a carrier under certain conditions to make an increased charge on such articles in view of the extra risk undertaken by him. The declaration under Section 3 is required in order that the carrier may know that he is being asked to carry property of specially high value or specially frail character and that he may take due precautions in the carriage of such articles. Now, Sir, I turn to Section 8 of the Act. This Section runs as follows :

'Notwithstanding anything hereinbefore contained, every common carrier shall be liable to the owner for loss of or damage to any property delivered to such carrier to be carried where such loss or damage shall have arisen from the negligence or criminal act of the carrier or any of his agents or servants.'

It will be observed that this Section, as it is worded, and as it is now interpreted by the courts, renders nugatory the protection which Section 3 was intended to afford to the carrier. This point has recently been brought out in a decision of the Appellate Bench of the Calcutta High Court and I shall give a very short description of that case. In this case, a passenger on a steamer took with him six packages of silk thread. Silk thread is one of the articles scheduled under the Act, and the packages being over Rs. 100 in value, he should have declared the silk thread

[Mr. C. A. Innes.]

under Section 3 of the Act. He did not do so. He booked them as ordinary luggage with the result that the company was not able to take any special precautions for the safety of the packages. The steamers caught fire, and the packages were destroyed. The passenger filed a suit against the company. Under Section 9 of the Act, the passenger had merely to prove that the packages had been destroyed. He had not to prove that there had been negligence or a criminal act. It was for the company to prove that there had been no negligence and no criminal act, and since the cause of the fire was unknown, the company was unable to discharge that obligation. Therefore the High Court held that the steamer had caught fire owing to the negligence of the company and they held that the company was liable for the full value of the packages. Their Lordships remarked :

'Reading Sections 3 and 4 with Section 8, it appears that although a common carrier is not liable for the loss or damage of property of a certain description above Rs. 100 in value, unless the value and description thereof are expressly declared by the person delivering them to be carried, and although the carriers are entitled to charge a higher rate for such properties, he is liable for the loss or damage to such properties, if such loss or damage arises from the negligence or criminal act of the carrier, or, any of his servants or agents.'

It is noteworthy, however, that the High Court did not allow the plaintiff his costs in any of the three courts in which his suit had been heard, although these costs probably exceeded the value of the claim. The effect of the ruling is, that though a carrier may be given no chance to take any special precautions against negligence in respect of scheduled articles, he is liable for negligence. The matter is, therefore, a very serious one for carriers, since some of the scheduled articles may be of high value. Thus carriers in India are exposed to great risks, and it is thought that the law in India in this matter should be assimilated to the law in England. In England, the law is that if goods corresponding to the articles scheduled in our Act are sent by a carrier for conveyance without a declaration of their net value and without any payment of, or an engagement to pay, an increased charge, the carrier is not liable for loss, even though such loss may be caused by the negligence of himself or his servants or agents. It is for the consideration of this House whether we should not amend our Carriers Act so as to bring our law in India into consonance with the law in England in this matter. The effect of the amendment proposed in Section 8 of the Act is, that if articles of the description contained in the schedule are not declared as they should be declared under Section 3, then the carrier will not be held responsible for negligence on the ground that he had no opportunity for taking special precautions. If the articles are declared, then the carrier will remain responsible for negligence and his liability in respect of criminal act on the part of himself or his servants remains in either case. Local Governments have been consulted on the amendment we propose in the Act, and we are informed that commercial opinion in the country is in favour of the change in the law, which we propose. There is only one exception mentioned in the correspondence, and that is a single Trades Association.

The second point in which we propose to amend the Act is of much less importance. It is proposed, if the House has no objection, to take the opportunity of making another small change. At present no addition may be made to the schedule of articles appended to the Act without an amendment of the

Act in each case. The procedure is cumbrous. The Railway Act empowers Government to add to the schedule merely by a notification in the Gazette, and it is thought that in the case of this Act also, similar confidence might be placed in the Executive Government.

The motion was adopted.

Mr. C. A. Innes : I introduce the Bill, further to amend the Carriers Act, 1865.

THE INDIAN POST OFFICE (AMENDMENT) BILL.

Mr. C. A. Innes : Sir, I move for leave to introduce :

'A Bill further to amend the Indian Post Office Act, 1898.'

A brief statement of the reasons which have induced Government to submit this Bill for the consideration of this House has been circulated to Members. But I fear that my business friends in the House will be apt to look askance at a Bill which might be held in some way to infringe the sanctity of His Majesty's mails, and, therefore, if the House will permit me, I propose to enter into the matter a little more in detail.

It is a settled principle of postal practice throughout the civilised world, that articles liable to customs duty should not be sent by letter mail. The practice has been forbidden by the Principal Convention of Rome; the prohibition was confirmed by the Principal Convention of Madrid, which was signed only last year; and it has long been notified to the public by being included as a Post Office rule in the Indian Postal Guide.

We have known for many years, however, that the prohibition has been systematically and steadily evaded. Diamonds, precious stones, jewellery, silk handkerchiefs, silk ties and similar articles of high value and small bulk are still regularly sent by the letter mail, and since 1917 three successive Collectors of Customs at Bombay have drawn our attention to the increasing loss of revenue, which increased resort to this forbidden practice is causing Government. Finally, last year, Mr. Hardy, then Collector of Customs at Bombay, adduced facts and figures which left no doubt in the mind of the Government of India that the loss of revenue was assuming serious proportions. He estimated the loss at Rs. 10 lakhs per annum. If his estimate was correct, then the loss must now be much greater. For in the interval two new factors have come into play. In the first place, our import duties have been heavily increased and the temptation to try to smuggle in valuable goods by the letter post is even greater than it was before. Secondly, there has recently been a very large increase in the rates of parcel post from the United Kingdom as compared with letter rates, so that more and more use will inevitably be made of the letter post for articles which can be sent by letter. If, therefore, Mr. Hardy was correct last year in his estimate, that we were losing Rs. 10 lakhs a year by evasion of the prohibition of sending dutiable articles by letter, the loss must now be approaching something like Rs. 20 lakhs a year, and it is believed to be increasing.

Now the present method of assessing to duty articles liable to duty contained in the foreign letter mail is prescribed by Section 24 of the Post Office Act. We have power to detain parcels received by post from any place beyond the limits of British India, at the Customs port or other place at which they are received, and the Customs officers can and do open parcels

[Mr. C. A. Innes.]

for the purpose of levying duties. But when letters received by the Foreign letter mail are suspected to contain anything liable to duty, the procedure prescribed by the Act is as follows :

The officer in charge of the Post Office sends a notice in writing to the addressee inviting him to attend in person or by agent at the Post Office. The packet is then opened in the presence of the addressee or his agent. If a dutiable article is found in the packet, it is assessed to duty either by the officer in charge of the Post Office or in more serious cases at the port of entry, where it is sent back for assessment. This procedure works well enough in Bombay itself, for there in practice the Customs authorities are associated with the postal officials in opening and examining letters and in assessing to duty the articles found therein. But, in the mofussil, the practice does not work well. It is inconvenient to the public, and uncongenial to postal officials. It imposes on them duties for which they are not fitted and which they do not regard as being within the sphere of their legitimate functions. These duties, moreover, bring them into unpleasant relations with the public, and there is reason to fear that they are often scamped and neglected to the detriment of the Government revenue. In this connection, I can give the House some interesting figures. In 1919-20, Rs. 16,06,803 were credited to Bombay Customs revenue from collections on letter packets. Of this sum, Rs. 3,803 were recovered in the mofussil on 1,792 packets. The balance, amounting to Rs. 16 lakhs odd, being recovered on 8,153 packets addressed to people resident in Bombay.

We have considered numerous suggestions for remedy in consultation with the Director-General of the Post Office and Telegraph Department. We have considered whether we should not make it worth the while of Postmasters properly to discharge their functions under Section 24 of the Act by offering them a commission on the customs duty they are instrumental in collecting. But as the House will readily realise this expedient was promptly negatived as bad in principle, demoralising in practice and unfair generally to the public. Other suggestions have similarly been considered and rejected, and finally we have arrived at the conclusion, that either we must leave things as they are and let the loss of revenue continue, or we must amend Section 24 of the Post Office Act. As this House knows, our finances are not exactly in a prosperous condition. We are not prepared ourselves therefore to take the responsibility of winking at a loss of revenue, which, as I have already said, we believe to be assuming serious proportions. We have decided, therefore, to ask the Legislature to consider whether it will agree to an amendment of Section 24 of the Post Office Act. That is, we propose to omit the third proviso to Section 24 of the Act and to insert a new Section 24-A which will enable any Postal official empowered in this behalf to deliver any postal article in the foreign letter or parcel mail which is suspected to contain anything dutiable to a specially empowered Customs officer to be dealt with under the Sea Customs Act. Section 194 of that Act, it may be noticed, empowers a Customs officer to open and examine any package brought to a Customs port and he can of course assess to duty any dutiable articles found therein.

Now I hope that no one in this House will think that we have any intention of holding up at Bombay the whole of the foreign mail in order that we may go through it with a microscope and pick out any letters which we may suspect to contain dutiable goods. We have no intention of delaying

the ordinary foreign mail for one moment. But a certain amount of sorting is done at Bombay and if in the course of that sorting letters are found which obviously contain articles of jewellery, silk handkerchiefs and other dutiable goods, these letters will be detained and examined under the powers we ask for.

The registered foreign mail, however, is of more importance in this connection for the dutiable goods we have in mind are mainly sent in registered letters. Mr. Clarke originally informed us that he could easily arrange for the General Post Office in London and for Continental Sorting Offices to sort the registered mail for India in separate bags for Bombay, Calcutta, Madras, Karachi and Rangoon. He reported, that if this were done, the bags could be examined with a minimum of delay. The contents would be spread out on tables and it would then be an easy matter for an expert Postal or Customs official to pick out letters which contained not merely letters and documents but goods. He suggested that these special bags should be separated and detained. The rest of the registered mail would be put back in their bags and sent on their way. Mr. Clarke reported that the whole process would not take long, especially if Banks and business firms instructed their English and Foreign correspondents clearly to mark genuine registered letters 'containing letters and documents only.' At the very worst Mr. Clarke thought that we might hold up genuine registered letters in the foreign mail by twenty-four hours.

Mr. Clarke, however, has since informed me that he thinks that he will be able to make an even better arrangement. He anticipates no difficulty in arranging with the General Post Office of London and with the Continental and Colonial Sorting Offices, when sorting the registered mail for India, to pick out and put in separate bags letters which are so bulky as obviously to be parcels rather than letters. If this arrangement can be made, then the registered mail will not be held up at all. It will only be the separate bags in which these bulky articles are contained which will be detained at Bombay and other ports for examination and for assessment of any dutiable goods which may be found therein.

That, Sir, is our position. On the one hand, I have pointed out, that under the present system, we are losing revenue which we can ill spare. On the other hand, I have suggested a remedy which will not in any way delay the foreign letter mail. It is for the House to decide whether the evil which I have brought to their notice is serious enough to require the remedy which the Government suggest. The only alternative is, as far as I can see, to leave things as they are and to continue to sacrifice revenue. I move, Sir, for leave to introduce the Bill.

The motion was adopted.

Mr. C. A. Innes : I now introduce the Bill.

THE INDIAN MARINE (AMENDMENT) BILL.

Sir Godfrey Fell : Sir, I move for leave to introduce :

'A Bill further to amend the Indian Marine Act, 1887.'

The Bill is a very small one. The object underlying it is to remove the inconvenience which results from sanction having to be given by the Governor

[Sir Godfrey Fell.]

General in Council before a gazetted officer of the Royal Indian Marine can be tried by an Indian Marine Court. This often leads to the trial being postponed, sometimes for several weeks at a time, before an opportunity of convening a court arises. We desire to remedy this by empowering the Director, Royal Indian Marine, to convene such courts. Similar powers are enjoyed by military officers of no higher status than the Director, Royal Indian Marine.

The motion was adopted.

Sir Godfrey Fell : I now introduce the Bill.

THE INDIAN WORKS OF DEFENCE (AMENDMENT) BILL.

Sir Godfrey Fell : I move for leave to introduce :

'A Bill further to amend the Indian Works of Defence Act, 1903.'

As Honourable Members will see from the Statement of Objects and Reasons, the amendments are of a purely formal character, consequential upon the recent change in the organisation of the Army in India.

The motion was adopted.

Sir Godfrey Fell : I now introduce the Bill.

THE INDIAN WAR RELIEF TRUST BILL.

The Honourable Mr. W. M. Hailey : Sir, I beg to move for leave to introduce :

'A Bill to constitute a War Relief Trust for India.'

It will, I am sure, Sir, be a matter of relief to this House to know that in introducing this Bill I shall not have to refer either to excesses of expenditure or deficits of revenue, nor to make any appeal to this House to dive deeper into the pockets of the taxpayer. The measure is to all intents and purposes of the nature of a private Bill, and I move it, because I am connected with one of the Funds to which the Bill relates.

Its purport is to provide for the appointment of trustees to deal with the balance of the fund known as the Imperial Indian Relief Fund. Very briefly, that fund was raised as the result of an appeal made by Lord Hardinge at the beginning of the war. It is important that I should point out to the House the exact terms of that appeal. He appealed to all classes of the Indian people for subscriptions 'to alleviate distress of all kinds due to the war, and especially the distress and suffering that war must necessarily entail upon the families and dependants of those who were braving death and enduring hardships for the safety and common interests of the Empire.' Sir, the appeal met, as appeals issued during the war to India have always met, with a magnificent response, and the liberality of India contributed first and last no less than 253 lakhs. I propose to give this House very briefly a description of the manner in which this money has been spent. For, Sir, we do not belong to that growing class of

ardent collectors which intimidates the public to subscribe to objects in which they are interested, but positively cuts its throat if it asks for an account of the manner in which the money has been spent.

The first object,—I leave out minor matters connected with this expenditure—the first object on which money was expended was to relieve the widows and orphans of all those classes of Indian ranks who died in action, and to place in funds those who had returned to India wounded. The intention was to give a sum of money to meet their immediate necessities, thus relieving them of the anxiety due to any delay which might occur in the distribution by the State of family or wound pensions. On that object, Sir, the fund expended about 85½ lakhs.

Then, Sir, the second object on which a considerable sum of money was expended was for the grant of what is called *post bellum* needs; that is to say, the fund made arrangements to pay to the families of deceased men of the Indian ranks and also to the injured, a sum of money, some after the receipt of the first sum, by which time it was assumed that the need for fresh help would have arisen. That distribution accounted altogether for about 90 lakhs.

Then, Sir, the third object of expenditure was to assist first of all the convalescent British officers serving with the Indian Expeditionary Forces, who returned to India for medical treatment, and further to give relief to the families of British officers of the Indian Army and of men of British other ranks who had fallen in the war. Altogether about Rs. 38 lakhs were set aside for that object. We have of course published month by month communiqués which give further details of the total expenditure, and with your permission, Sir, I would place on the table of the House a copy of our last communiqué; a reference to that communiqué will show that up to date out of 253 lakhs we have expended 228 lakhs, leaving a surplus of 25 lakhs. We believe that we have satisfied all claims that have arisen within the terms which we laid ourselves out in the first instance to meet. I may say, that the actual distribution of this money has been primarily in the hands of the organization known as the Indian Soldiers Board, assisted by a large number of Provincial Soldiers Boards.

The question now arises as to how we are to dispose of the remaining 25 lakhs. It is for this reason, Sir, that legislation is necessary, because the proposal which I now place before the House constitutes not a departure from the original purpose of the fund, but a further extension of the use of the subscribed money which was not actually contemplated when the original appeal was made by Lord Hardinge. It is proposed that this sum remaining in the hands of the management should be funded in order to afford relief not only to persons who are in distress arising out of the great war itself, but also for the relief of cases of distress arising out of subsequent military operations. It is further proposed that out of the capital of 25 lakhs which I have mentioned, a sum of Rs. 11 lakhs should be spent in educational projects connected with the army, that is to say, it is proposed that a sum of Rs. 5½ lakhs should be given as a grant in aid for the establishments known as the King George's Schools for the education of the children of the rank and file of the Indian Army, and a further grant of Rs. 5½ lakhs as a grant in aid towards the foundation of a College known as the Kitchener College for the education of the sons of Indian officers of commissioned ranks. This is a capital grant;

[Mr. W. M. Hailey.]

the college and schools will be maintained by the State and no further expenditure will fall on the fund. There is one further point. We propose to take authority to hand over to the trustees who will be constituted under the provisions of this Bill, the small fund called the Patriotic and Indian Heroes Fund which was raised in 1880 in England and in India for the relief of distress of disabled soldiers and among the families of those who lost their lives in the Afghan War of 1879-80. This has been subsequently used for relief arising out of other operations such as the Tirah Campaign; the present balance of the fund is just under 3 lakhs, and it is proposed to transfer this balance to the War Relief Trust, which we now propose to constitute.

That, Sir, is the Bill which I shortly place before the House. I am well aware that I am placing before the House a proposal to utilise these funds in a sense which might be described as not fully intended by the original appeal for subscriptions to the fund, but it will be seen that the interest of the funds will still be spent primarily for the relief of the families of persons who have lost their lives in the great war, and of those who have been wounded in it. Some portion of the capital will be spent for the education of the sons of Indian soldiers and officers; this will include many who lost their lives or who were disabled in the war. I do not feel myself that this creates any considerable departure from the original proposal for which the fund was intended, and it is for that reason that I put forward this Bill. We did not, I may say, think it regular to undertake expenditure of this nature without bringing the matter before the public by way of legislature. I now beg leave, Sir, to introduce the Bill.

Mr. E. L. Price: Sir, I regret to have to oppose the introduction even of this Bill. I must apologise to the House for unpreparedness when I say that from the memorandum of proceedings I could not gather what the nature of this Bill was. It was not until just before the House sat that I had the Bill in my hands, and when I glanced at it, I realised at once, it meant a course to which all my life I have been opposed, and that is, money collected for one purpose diverted to another. If you will read the objects and reasons of the Bill, you will see, as the Honourable Mr. Hailey has admitted, that this money was contributed for certain Indian purposes. It was to relieve the wants and necessities of those who suffered in the world-wide war, not in any war, not in any future war, but in one definite, Great War, *the War*. In the Viceroy's noble appeal for raising this money, stress is laid on that same point, that is to say, 'to alleviate distress of all kinds due to the war,' the Great War. This money belongs to those who suffered from the Great War and to nobody else. It is a Trust. Now that trust may fail if you tell me that there is nobody left in India who suffered in the war and whose distress still needs assistance. But in that case, what right has the Government of India to inaugurate an *ex-services* Association? What right has the Government of India to call on our people, as they call in Karachi, to subscribe to a new fund to alleviate the distress of those who served in the Great War, and whose needs are still not met? At the very time that you are collecting new funds to relieve the distress arising out of the Great War, at the same time you are diverting the 25 lakhs that you have in your hands to another purpose which was not the original intention. That, Sir, is nothing more or less than the misapplication of funds. I am not jesting, Sir. I have known cases in other countries, and in England, of similar misapplication of funds, the diversion of

funds from one object for which they were raised to another to which it was never intended to subscribe, and this has been done without legislation. But at all events the Government of India has sufficient conscience, I am glad to say, to ask for the gloss of a legislative enactment to cover this diversion. Now look at the first paragraph of the Bill. They refer to the Imperial Indian Relief Fund. It says 'And whereas the objects of the said Fund were first to provide ...' and so forth. There it stops! Then we come to the Patriotic and Indian Heroes Fund, and the Bill says 'And whereas the balance of this fund, on the completion of the relief of distress arising out of the Afghan War' and so forth; but mark you in the case of the Great War Government does not even claim that the distress and all the needs arising out of the Great War have been met. They only claim it in the case of the Afghan War. It is not enough. According to the objects of the Bill, the proviso in the last paragraph in the Statement of Objects and Reasons says, that 'a first claim upon the Trust shall be retained in favour of the sufferers from the Great War of 1914-18.' A first claim is not enough. It is the one and only claim on that Fund, and I, therefore, ask the House to refuse on conscientious grounds to permit the diversion of these funds which are intended to relieve the distress of the families and dependents of those who suffered or died in *the war*, the Great War, to an entirely different object, which the donors never had in their minds when they subscribed.

The motion was negatived.

Secretary of the Assembly: Sir, I have received a Message from the Council of State through the Secretary of that Council.

The Honourable the President: Secretary will read the Message received from the Secretary of the Council of State.

Secretary of the Assembly: Message from the Secretary, Council of State, to the Secretary, Legislative Assembly, dated the 5th September 1921.

'I am directed to inform you that the following Resolution was passed in the Council of State at their meeting of the 5th September':

This Council recommends to the Governor General in Council that he may be pleased to convey to His Royal Highness the Prince of Wales its humble request that he may be graciously pleased to accept a loyal Address of Welcome from the Indian Legislature, and invites the co-operation of the Legislative Assembly in constituting a committee of the Indian Legislature to draft a suitable address for the purpose. The Council of State desires the concurrence of the Assembly in the Resolution.'

The Assembly then adjourned till Four of the Clock.

The Assembly re-assembled after Lunch at Four of the Clock to discuss the Moplah Outbreaks. The Honourable the President was in the Chair.

MOPLAH OUTBREAKS.

Rao Bahadur T. Rangachariar: Sir, in the first place, with your permission, I beg to apologise to the Assembly for having called them again this afternoon as otherwise they would have been enjoying Simla without any work. When I gave notice of this motion, it was with some hesitation, that I

[Rao Bahadur T. Rangachariar.]

ventured to bring up this subject for discussion at the Assembly. My hesitation was due to the fact or rather the feeling that I did not want to even make it appear that we, the Assembly, do not share the feeling of anxiety which the Government have in the very serious situation which has arisen in Malabar. And that feeling got intensified somewhat when I got a telegram from our Colleague, the Honourable Mr. Muppil Nair, who wired to me from Shoranon not to unnerve the authorities by raising this discussion. And thereupon I consulted the Government Member responsible for the situation and he assured me that he would rather welcome the discussion, and therefore I was emboldened to raise this question now, although in my own view the time is somewhat premature to discuss the very important and serious questions which arise out of the situation in Malabar. The Moplahs have earned an unfortunately bad name for nearly over a century and I do not know if they had ever a good name. The term 'Moplah,' as perhaps you may permit me to explain, merely means 'the mother's child.' 'Ma' is 'mother' and 'pillah' is 'child.' That is to say, their mothers are known, the father's side is unknown. I have Wilson's authority for this statement. Anyway, they are the descendants of Arab settlers in the west coast of the Madras Presidency, Arabs who fled from their country in about the third century. They have ever been a source of trouble to their neighbours, the Hindu population in Malabar. They number about a million in the district, they are good agriculturists, they are good traders—those of you in Bombay might have seen them on the railway platform wending walking sticks and such other wares. There are also very nice people amongst them. There are big Jennies amongst the Moplahs, but all the same, they are big fanatics. All their folk-lore consists in praising the people who die for their religion. Houris will be waiting for those people who die. They are told, that Houris are waiting in heaven to kiss and embrace the Moplahs who die fighting against the kaffirs. I will mention one of the ditties which is very often sung there. 'Father fights against son for the bond of faith is stronger than the bond of blood.' From their youth upwards they are taught that you must carry the Muhammadan religion and they believe, that there is great merit in converting people forcibly to Muhammadanism. Now, they live peacefully with their neighbours, but oftentimes they break out. Even in the last thirty or forty years, they have broken out, I think, nearly half a dozen times. My Honourable friend, Mr. Innes, knows to his cost what the Moplahs are. He has had, as Collector of Malabar, personal experience of their dealings and I am glad to say, that he escaped from a very nearly tragic event with which he was faced. Now Ernad is one of the taluks which is famous for the Moplahs—and it is a proverbial expression with us in South India if you want to mention a man who merely provokes a quarrel unnecessarily, you have to mention a Kundote Moplah or an Ayyampet Mussalman. That is the way in which persons merely for the sake of quarrelling will provoke a quarrel without any cause whatsoever. That is the way in which we characterise such persons. Now, Sir, they are an inflammable lot. And I am sure, that the Khilafat agitation for the last two or three years has been the main cause of the present condition of things in Malabar. And I am not sure, that the Government of India and the Home Government are not in a measure responsible for the encouragement, the hope and expectations aroused in the minds of these people by shilly-shallying and dilly-dallying with the agitation. Sir, now we come to the present day

events. You will find that the District Magistrate of Malabar took steps against four people under Sections 107 and 144 of the Criminal Procedure Code. One of the leaders was released on his undertaking that he would not go to Malabar, in July last. The other three people who were incarcerated were released about the middle of August. There was a great demonstration when these were released and everything passed off quietly and there was no trouble whatever in consequence of their release or in consequence of the demonstrations held in their honour. There was a dacoity or robbery in a Hindu landlord's house. I should have mentioned, Sir, earlier that there are also agrarian troubles in Malabar. Most of these Moplahs are tenants under Hindu landlords, and as often happens, there are disputes between the landlords and tenants, and of course when this fanaticism breaks out, the Hindu landlords become the first objects of attack at the hands of these people. In consequence of the complaint made by that Hindu landlord, one of the Moplahs' houses was searched by the police. It does not appear whether it was a successful or an unsuccessful search. Anyway, it was resented. The Moplahs made a big demonstration early in August, and it ended merely in demonstration without leading to any lawlessness or violence. There was another event which happened in August which again did not end in any acts of violence. But apparently, the District Magistrate had information that these people had manufactured war knives in large numbers and they were being secreted, and he therefore proceeded to take steps under the special Act applicable to Moplahs, an Act which was passed in 1859 as the ordinary law was not sufficient to deal with these people. The main features of that Act are these. The Moplahs are believed to indulge in murderous outrages and as they are people who believe in sacrificing themselves the Act was passed in order to incur mainly forfeiture of property on conviction for an offence or attempt to commit an offence, such as murder, and special power was given to the District Magistrate under the Act to take precautionary measures by arresting beforehand before the Governor in Council proceeds to take steps under that Act. Under that Section, the District Magistrate having information proceeded to a place called Tirurangudi within about 20 miles from Calicut and four miles from the nearest railway station, Parapanangudi. Apparently he had anticipated trouble and he had armed himself by taking a small military force with him along with special reserve police. He had either correct or incorrect information. The communiqué of the Madras Government communicating the results of that event says, he left Calicut on the mid-night of the 19th August and arrived at Tirurangadu at 3 A.M., posted military force round a mosque and certain houses and after daybreak, he had a search made of the mosque and certain houses and also the Khilafat office. But apparently he had been misinformed as to the quantity of the weapons, because he got only one knife out of the search, and it seems to have been, in his own words, the signal for this outbreak. The District Magistrate issued a communiqué on the 26th in which he says, that this event has acted as a signal and roused the whole population twenty miles around. The people gathered in large numbers and they began to attack. The first fury of these people was directed against the Government and Government offices. The District Magistrate, I am sorry to say, had not taken adequate precautions to protect the population when he took such a serious step as this. He should have armed himself with more force before he took the serious step of going and surrounding a mosque and arresting or attempting to arrest a man who was held in great esteem by the Moplah

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community, one Ali Musaliar, who is a religious preacher among them, an old man of 60 or 70, as I am informed, along with other people. By this he has exposed the population, the Hindu population, which is by far the largest section there, to great risks. As events have now shown, temples are desecrated, their houses are plundered, their property is not secure. The Hindus, Christians and other non-Moplahs excepting the Muhammadans suffer at the hands of this curious mob. One would have expected the District Magistrate when he took such a serious step to have armed himself with more force and posted them all round. In fact, as he himself confesses, he left Calicut in a helpless condition. He went without sufficient provisions even when he went to Tirurangudi and he had to retreat to Malabar or Calicut leaving Tirurangudi and its neighbourhood entirely in the hands of this lawless mob. It is no wonder therefore that the first fruits of success which they had on the 20th and 21st encouraged these people to go about. It is only on or after the 23rd that sufficient force was available in order to deal with the situation, and I am glad to see from the reports, which I have received and from those which are published, that the situation is now well in hand. Still the situation created is terrible. Innocent people have to suffer very largely. One satisfactory feature about this which I wish to emphasise is this, that notwithstanding the fact that the first attack was against Government buildings and Government officers for the first two days, not a single Hindu, be he a non-co-operator or a co-operator, joined these Moplahs. It is only after the first two days that the Moplahs turned their hands against their neighbours, the Hindu landlords, Hindu neighbours all about. But when they were solely occupied with attacking Government, post offices, telegraph offices, sub-magistrates' courts, munsiff's courts, and even railway people, not a single Hindu, I am glad to say, took part, not a single non-Moplah, I would say, took part in any of these outrages. Well, as I have said already, the temperament of these people has been described as follows :

'They are constitutionally liable to run amok, their favourite pastime in the name of religion is murder of Hindu landlord, to loot Hindu houses, to defile Hindu temples..... to run riot among the country. The fanatic mob gains in number and in temporary religious insanity till the highest pitch of excitement is attained.....determined to live as victors or die as claimants of paradise.'

That is the nature of these people. Therefore the situation is really very grave. My main point in bringing forward this discussion—I can only speak for fifteen minutes—is to give expression to the feeling that the Government of India have acted wisely in introducing martial law to protect the people there. Otherwise the situation would have been very serious indeed. Whether the District Magistrate acted within his powers and the Madras Government acted within their powers in handing over the administration to military authorities before the martial law declaration of the 26th August is a point which need not be discussed now. I do not think the District Magistrate acted rightly on the night of the 20th and again on the 21st. When he handed over the station to the military, I do not think he had a right to do that, but it is unnecessary to enter into a discussion of that question. But, at the same time, Sir, while I do not express any disapproval of the measure taken by the Government of India, I wish to warn them against a repetition of any mistakes or errors or excesses which the Government of India permitted themselves to make in 1919. Sir, at moments like these, most of us would lose our heads, and the Government

of India, even Sir William Vincent, is not immune from this human failing of losing one's head at critical times like these. But, Sir, I have to give a word of warning that too much reliance should not be placed on local authorities. The Madras Government, for instance, at present has an abhorrent conception of what a Government should be. I think it believes still in autocratic methods, although Lord Chelmsford told us that autocracy had come to an end. I believe, Sir, they still believe in the Rowlatt Acts, and I do not think it is right that the Government of India, which is mainly responsible for administering martial law and for meeting the situation in Malabar, should leave it an entirely free hand, as I am told it has left to the Madras Government. They will regret afterwards. Sir, it is better to leave it to Lord Reading's Government and for them to keep the strictest control over the operations there, and I would also suggest, that in dealing with the situation there most excellent men are available in Malabar whose advice can be taken in dealing with the situation, men like the *ex-Diwan* of Travancore, Mr. Nayar, and I am sure, the Local Government should be advised to consult such people when taking measures for administering martial law. I know, there are people who advise the Government of India to use aeroplanes. Unfortunately, Madras has now got an organ which would welcome the use of aeroplanes and such other effective weapons, as they would call it. I am glad, Government have resisted the temptation to do so, although I was told that some aeroplanes were requisitioned, but I am glad to see, that that information is not correct. And, again, Sir, I wish to give a word of warning about mistakes. For instance, there is one incident which I cannot understand, and the Honourable Member has no information about it, about the sub-divisional magistrate meeting a crowd on a railway line. It is not known whether he approached the men sufficiently near to make them understand, and it is said, they directly made a rush, and then the machine gun was turned on them and numerous casualties were caused. Again, we find, that the official communiqués are rather discreetly silent about the casualties, the extent and number of the casualties. I think the public should be taken into full confidence at once, and every time a machine gun is used, the exact number of casualties should be reported, and again I would also insist upon Government insisting upon the local authorities to see what is done with the wounded people on the spot, whether they are left to take care of themselves, or whether the authorities, whenever they inflict injuries, are taking steps to provide medical aid to these wounded people, and again I should like to give a warning as to how and what precautionary measures are taken that the bulk of the innocent population in the land is not subjected to unnecessary hardship on account of the administration of martial law, because after all the revolt is confined to a particular section of the people, but whether the military officers there will be able to distinguish between a Moplah and a Nayar, I do not know, and that would be a difficult matter indeed, and I, therefore, would ask the Government to see that precautionary measures are taken.

The Honourable the President : The Honourable Member has considerably exceeded the time-limit and must bring his remarks to a close.

Rao Bahadur T. Rangachariar : Therefore, Sir, while I cordially approve of the measures taken by the Government of India, I ask that the Government of India should realise their own responsibilities, and not leave too much in the hands of the Local Government.

Lieutenant-Colonel H. A. J. Gidney: Sir, when I first gave notice of an adjournment of this House, I was not aware of the fact, that my Honourable friend, Mr. Rangachariar, had already submitted a similar application. Sir, the political tide of India has been flowing at such a rate, that very few of us, whether actors or spectators, have had time even to ask ourselves whither it is flowing and with what object, nor have many of us had time to inquire whether the force and power it is developing in its onward rush is for the good or evil of India. Recent events have forced most of us to realise, that India is to-day on the crest of a political wave with such turbulent undercurrents that serious thinkers are asking themselves what are we going to witness, the ebb or the flood tide of India's progress. The causes which have led to this state of affairs would be too tedious to dilate on in detail, suffice to say that its development has been so insidious that to-day we find ourselves face to face with such a position that we are lost not only in utter wonderment and amazement but are asking ourselves the question 'how has it been possible?' And our lament to-day is our inability to adequately explain or stem it. The battle-cry to-day amongst all classes and thinkers in India is 'Liberty,' or as some would call it 'Swaraj.' We all want this, but in our quest how many of us have paused to ask ourselves what liberty is this we are seeking? Is it Constitutional Liberty, such as the Anglo-Saxon nation enjoys to-day or is it Revolutionary Liberty, such as France at such great cost obtained some years ago and which Russia and Ireland are to-day striving to obtain at a cost yet to be estimated. In India we seem to be divided into two parties—the Moderates or Co-operators and the Extremists or Non-Co-operators. The former, who are striving for constitutional liberty, consist of the educated better class well-wishers of India who desire to obtain their liberty in accordance with the laws and ordinances of this country. The latter, led by Mahatma Gandhi and his followers, consists of a body of cranks, fanatics, immature school-boys, disappointed men, ex-convicts and unbalanced idealists. These people are bent on obtaining liberty by the shortest cut, in the quickest possible time, and at any price, even if it ends in revolution. The liberty they are seeking is revolutionary liberty, one divorced from all laws and order. These two parties are to-day deciding the future fate of India. On the one hand we have the Extremists, who not only malign the Government but strenuously refuse to co-operate with it in any effort and have elected to take the law into their own hands under a leader who has promised *Swaraj* to India this month but whose repeated failures in this respect leads one to say that in his year there are more than twelve calendar months. On the other hand, we have the Moderates, who, whilst complaining of the slow speed with which *Swaraj* is being doled out by the Government, yet inasmuch as they remain more or less inarticulate regarding the anarchical activities of non-co-operationists are the selves merely passive spectators. Between these two parties is the Government of India, a mere handful of Britishers (now admixed with leading Indian Members) who are determined to lead India along the path of constitutional liberty, advising her, protecting her, in other words giving of her best for India's good till the time comes when India will be told: 'You are now fit to govern yourself. We feel we have done our duty; you do yours, and show the world and the mother-country of which you now form a part, how you have not only merited, but can administer *Swaraj*.'

Mr. Gandhi is the self-created apostle of soul-force. What soul-force, I ask, has been manifested in recent happenings, the direct outcome of his

activities. Is there any soul-force in the rowdyism, insults, etc., exhibited at the recent public meetings at Calcutta and Lahore? No. It was sheer mob force or bravards. Has any soul-force been evidenced in the riots at Malegaon, Aligarh, Munshiganj, Giridhi, Assam, and to-day in the Moplah country? Is there even the vestige of soul-force in the desecration of Hindu temples, the forcible conversion of Hindus, the looting, the bloodshed, the murder and anarchy which prevail in the Moplah country this very day. If by soul-force Mr. Gandhi means the exhibition of passion, intolerance, murder, anarchy, hate, revolution, then why camouflage it with the word 'non-co-operation' (with 'non-violence') or even use it as a cloak to cover his true feelings and objects. No, Sir. A crusade that has recourse to such degrading tactics, such Bolshevik methods, must surely be on its last legs, for it is only the frenzy of despair that can incite movements of this nature. Are we Indians now going to deviate from our characteristic and national principles of toleration and charity. Are we prepared to allow Mr. Gandhi and his followers, under the cloak of his so-called doctrine of soul-force, with weapons of spinning wheels and ploughs, commit these outrages, and to deceive us any longer? The creation of the present political miasma is Mr. Gandhi's work. Call it the triumph of non-co-operation, if you like. Camouflage it how you like. You come down at last to the fundamental fact, that whatever other achievements may be placed to the credit of non-co-operation (and these are mighty few), the greatest disservice it has done is, that it has stained the fair name of India by the creation of a heritage of cowardice, irritation, conflict, strife and murder, which will long endure after Gandhism or non-co-operation has been relegated to the archives of the past. And believe me, our future historians will not only give it a different name, namely Rebellion, Anarchy, Insurrection or Mutiny, but will pass on it a well-merited and deserved condemnation. The sooner this is done the sooner will India be relieved of a colossal nightmare. Non-co-operation which to my mind spells open rebellion is, not only a degrading cult but a murderous form of insurrection and I challenge Mr. Gandhi and his co-workers in the light of present day events to deny that Non-co-operation, Insurrection, Rebellion, and Anarchy are but synonymous terms and that this doctrine of soul-force has done nothing less than relax the bonds of discipline and respect for authority and stirred up hatred and strife between the different communities in India. The spirit of charity in India has, thanks to non-co-operation, been replaced by the self-assertion of a growing class of people who refuse to accept any opinions but their own, who howl at any opposition and look upon their opponents as traitors to the country, and, believe me, it will take many years before this position can be retrieved. There will be no peace in India until non-co-operation has been killed. It is this that is eating into and ruining India. It is, I opine, the duty of this Honourable House to root out this disease. The good and the true patriots of India must be arrayed against it, for do not they determine the public opinion of the country? Or are we going to sit down with arms folded and silent tongues and allow Mr. Gandhi and his followers to be the dictators of the future India? Are we, the well-wishers of India, prepared to allow Mr. Gandhi and his followers to continue strewing lighted matches amongst gunpowder and to trade on the well-known religious fanaticism of the ignorant people of India? Our duty is clearly defined if we are to save India from the peril into which she is racing headlong. But how can we do this? Let me remind this Honourable House as well as the Government of India of certain facts with which we are closely associated and for which we are singly and duly responsible. The

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activities of Gandhi and his followers have been in evidence for many years. Both the Government of India and every reputable politician in the country must have realised the dangers ahead. The hands of Government were tied during the past great war. A time then came when the Government of India had to act, which they did. With what result? A huge outcry, which is even heard to-day, from all and sundry places and people. The Government was denounced as brutal, as barbaric, as ultra-bureaucratic, as oppressive, as Satanic. Government found themselves as a consequence in an unenviable position and were more or less compelled to modify their policy. I would here remind this Honourable House of what the Honourable Home Member, Sir William Vincent said at the last Session of the Council of State when he himself admitted that he would not be surprised if within the next few months we had outbreaks or words to this effect. The Government of India met the opposition half-way because they felt that to continue in their then policy would not be in consonance with the Reforms. But, by so doing, they merely played into the hands of the non-co-operationists. The Local Governments were ordered not to proceed against non-co-operationists so long as they did not actually break the law, holding that such interference with political agitation was antithetical to the very nucleus of the Reforms. Government surely foresaw the dangers ahead but evidently deterred from taking effected and timely action by the apparent want of public supply. And I believe that they feel their hands were more or less tied because most of India seemed to be passive spectators in this political drama. This vacillation has its sequel in the present Moplah tragedy of to-day, and the people are to-day blaming the Government. But the Government are fully entitled to tell this Honourable House that the responsibility is shared by this Assembly also because we resolved to deprive the Government of certain necessary protective measures. It matters not who is responsible for the present unsettled condition. I ask, are the Government of India and the Provincial Governments acting under its orders still determined to look upon Mr. Gandhi as so superhuman, so innocent, so infallible, as to consider him a person who lives beyond good and evil and as one so inamenable to the law and ordinances as to enjoy a complete immunity from being brought to book for the terrible results of his anarchical propaganda? Has he, I ask, any protection, official or spiritual, or any claim to be hallowed with the glory of freedom which is denied to any other citizen of this Empire? Follow his tours. I ask each one of you in this House, to show me. I ask the Government of India to show me, any action taken, suggested, or even hinted to prevent the racial hatred and animus with which Mr. Gandhi has strewn his path throughout India. You cannot: what conclusion is one entitled to draw from this? To my mind, it is this; 'that Mr. Gandhi is allowed to continue his political education and propaganda unmolested at the expense of those who are compelled to suffer vicariously on his behalf'. But what has this political freedom which Mr. Gandhi enjoys and which we have for so long not only silently countenanced but indirectly encouraged cost India? I leave it to the future historian to sum up its effects on the Indian that-is-to-be. The long bill up to date includes, besides the hundreds of Moplahs and their European and Indian victims of the past 14 days, the hundreds of tea garden coolies who perished at Chandpur, the dead in the riots at Aligarh-Malegaon—and the hundreds of misguided unfortunate people who in the Bombay Presidency, Frontier Province, Punjab and elsewhere, have blindly tried to follow their emancipator without in the

least knowing the inner mystery of his doctrine and philosophy. With what result? The creation of storm centres, offices and courts ceasing to function political unrest, murder, or in one word 'Revolution.' As we see to-day, his activities and intentions have paved a very good imitation of Hell in Malabar. And the effect of his influence is to be found in the way in which the Khilafat agitation, with which he is allied, has been turned into a battle-cry for murdering Hindus by the score, for desecrating temples, pillaging homes, the forcible conversion of Hindus, and last, but not least, paralysing the position of Government.

Bhai Man Singh: Sir, I cannot understand what is the connection between this lecture on non-co-operation and co-operation with the Moplah rising. I do not think we are here to discuss the situation in Malabar.

The Honourable the President: The point taken up by the Honourable Member from the Punjab is perfectly legitimate; but it is not for the Chair to say what is the connection between the non-co-operation movement and the outbreak on the Malabar Coast. If the Honourable Member (Colonel Gidney) chooses to occupy most of his 15 minutes in discussing an abstract question, I don't think the Chair need rule him out of order.

Lieutenant-Colonel H. A. J. Gidney: Now, Sir, one comes to the more important aspect of this matter, and that is, what is the remedy? Mr. Gandhi and his followers have been given enough rope. But we see no evidence of their having hanged themselves as yet. The Government of India, as well as the Moderates, have toyed with the situation quite long enough and the result, as none will deny, has been anarchy in many parts of India. The Government of India have no doubt decided on a definite policy. But I feel sure this House will agree with me that the carrying out of this policy will be more complete and greatly facilitated, and expedited, were the Government to feel that they had the whole-hearted support, good-will and co-operation of this Honourable House. I make bold to say, and I hope I am not wrong, that there is not a single Member of this Honourable House who is not fully alive to the dangers that are ahead of us. I opine, therefore, that it is the bounden duty of the Government of India to immediately take drastic and effective measures to quell the state of rebellion that exists in certain parts of India to-day. I go further and say, with all the emphasis at my command, that it is the bounden duty of this Honourable House to support the Government and so restore order from chaos and peace from rebellion. We, who are well-wishers of India, must not sit on the fence and remain silent any longer. We must not be afraid to speak out our minds boldly and fearlessly, for events are coming very rapidly. The seeds of anarchy have been and are being spread broadcast in the trail of Gandhi and his co-workers. It is our duty, though late in the day, to kill these seeds, for, I ask you, is there yet any place where the non-co-operators have spread their propaganda without including in it the vilification of all who will not walk with them, and can anyone tell me how many explosions like that of the Moplahs the non-co-operationists have in preparation? We cannot answer this. But we can stop the mischief spreading. We look to the Government for help. The Government looks to us to help them to stop it.

India looks to us to stop it and the great British Empire, of which we form one of the fairest jewels, demands this of us. Surely, we will not fail in

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our duty. And even as we ask the Government to suppress at all costs this growing state of rebellion in India, we must in return be prepared to give the Government our whole-hearted and unstinted support. We must not be led away with such excuses, as the non-co-operators are to-day indulging in, namely, that the Moplah and other disturbances are reminiscent of the Punjab, Dyer, O'Dwyer and others. On the contrary, we must bestir ourselves and give that bold strong lead which is India's greatest need to-day and thereby save India from the ruin to which she is being blindly led by the non-co-operationists. When will we, the Party holding the advantages of brain, ability and means, bestir ourselves? We who claim to be co-operators with the Government must awaken public consciousness to the new era of hope and progress on the lines of Self-government within the British Empire which the constitutional reforms have inaugurated and restore in the hearts of the people, by precept and example, that quiet faith and confidence in the constituted authorities the destruction of which is the main object of Mahatma Gandhi and his non-co-operators? A great responsibility rests on the Members of this Honourable House. The main object of the Reforms is to lead the people of India to identify themselves more closely with the Government. A crisis like the present affords the acid test of the extent to which this object has been reached. It mainly depends on every Honourable Member and on his attitude at the present moment whether that experiment should be hailed as a success or condemned as a failure. Let us hear less about the good intentions and sincerity of Mahatma Gandhi and the effect of his influence. In its place let us hear and see more evidence of our good intentions and influence. Let each and every Member rally to the side of the Government. Let us organise an effective and exhaustive campaign of counter-propaganda and refuse these misinterpretations of the actions and motives of Government and encourage the masses to resist at all costs an intolerable terrorism which to my mind is the very antithesis of constitutional liberty. In my opinion, the time is not far distant when the whole of India including the present-day worshippers to Mr. Gandhi will have cause to curse him so far as his political doctrines are concerned. Have we seriously considered how his non-co-operation policy of to-day will effect the Swaraj of India, say in 20, 30 or 50 years hence? Believe me, this policy of non-co-operation is rendering our task of the future a truly difficult, nay an impossible one. To my mind, it is leading us to an India seething with discontent and indiscipline. Anarchy and rebellion, in other words. A retrograde not a progressive India. Surely none of us want a repetition of the 1,000 years destructive period. Surely none of us want another Indian Mutiny and yet this is exactly what Mr. Gandhi and his Non-co-operation Cult is leading us to. We, who are the well-wishers of India, the co-operators of the Government of India, must make a determined stand, must adopt a bold united front. It is a case of now or never. I leave the verdict in the hands of this Honourable House and in deciding it let us remember those trite words:

'Only the new days are our own,
To-day is ours and to-day alone.
To-morrow we may never see,
And yesterday is gone.'

Rao Bahadur C. S. Subrahmanayam: Sir, when my friend, Rao Bahadur Rangachariar, obtained leave to make this Motion to this House, I should say a friendly Motion, he did not bargain for a lecture by Lieutenant-

Colonel Gidney on co-operation or a tirade against Mr. Gandhi who is not here and whom we need not take the trouble and the time to criticise here in this Assembly, because on the basis, on the assumption on which we are assembled here, we are supposed not to have much to do with Mr. Gandhi's principles and theories. Therefore, we would be doing justice to ourselves if we did not address each other about our own duties so far as Mr. Gandhi is concerned. There are other duties which are laid upon us—duties more important than seeking opportunity as it were to criticise Mr. Gandhi and his doctrines. Those doctrines are being exploded. Time is a great factor, a great destroyer of his theories. Besides, what good does it do to speak of it here? We might go out of the Assembly and speak at public meetings. That would be of some use. But one point about the proclamation of martial law is what I wish to emphasize. I suppose Honourable Members will have read the ordinance. I read the ordinance more than once. The terms of the ordinance are, to my mind, very fair and admirably worded, hedged in with various restrictions. There is no *carte blanche* order as is always implied in martial law ordinances. So, that is one very satisfactory feature in the proclamation of the ordinance. While recognising this aspect of the matter there is another point which we ought to strongly ask the Government of India, that is, to see that the Madras Government, who are in a manner in disgrace, do not lose their heads, do not use more force than is necessary, and the theory of the man on the spot is not carried too far, and that the Government of India would hold the reins tight. Now, I say this for this reason. There are a few facts connected with this rebellion or riot or whatever it is, which are beyond dispute. The Moplahs are a fanatical people. That is beyond dispute. The area occupied by them is like a powder magazine. Any small thing would upset them and it is only acting in their usual manner, if, when it upsets them, they attack the first men they meet. Now, added to this, there have been so many other causes which it is for the Government to find out. But we have got these two facts that the area is a powder magazine and that the people are inflammable. Now, we know from Government communiqués and other reports, that these men were armed with weapons—modern weapons, as also with old-fashioned weapons—swords and war knives of their manufacture. And we also find that there was a certain amount of preconcert evidenced by the pulling out of the rails, the cutting down of the telegraph wires and the organised attack against disciplined troops. All this clearly shows, that there was considerable pre-arrangement. Well, the question naturally arises, what are these officers in a locality for? Whether it is a district or a province, you employ men, pay them well, and you always proclaim from the house-tops their great efficiency and their great zeal and their great knowledge as being men on the spot. Now, I ask, in Malabar six months earlier this year you gave them a free hand; the local authorities—I do not specify who it is, whether it is the District Magistrate or the Superintendent of Police or the Collector—the local authorities thought Yakub Hussain and others would foment a rebellion and they at once clapped them in jail. I do not want to go through the process they adopted. Now, a question was raised whether these men should have been clapped in jail. Well, the Government of Madras said, the men on the spot being responsible for the peace and order, the law and order of the place, ought to be given a free hand, that they could not question their opinions and their judgments. So far, I say, it is right. If the local authority responsible for the peace of the area says: 'there are some troublesome people coming here, I don't want them here, they are unwelcome

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people, the locality would be all the better and happier if they were kept out, so far it is right. Now, you did keep out these men. That means you thought that the people there, that especially the Moplahs who were fanatical would become more fanatical and ferocious by the preaching of Yakub Hussain and others. So you had early notice, more than six months ago, that there was a possibility of trouble in Malabar. Now, from that day, from the beginning of the year to the present day, when you have this organised attack with weapons of all descriptions, what is it you did in the interim? Now, the scheme of administration is so perfect, everybody must admit. From the headquarters of the province to the village, there is a link of officials by which the headquarters is always able to know what is going on in the remotest village. You have got village policemen in the villages, probably, to my mind, more efficient than your uniformed policemen. And then you have got a higher grade of revenue officials, groups of sub-inspectors, police stations comprising groups of 20 or 25 villages, then you have the taluk, where you have an inspector of police, and then you have got the district headquarters where all the information from the villages and taluks are collected. Now, you find a large number of war knives that must have been manufactured in those localities and it is assumed they were so manufactured. And yet all this was done without the knowledge, I assume (as far as I can see it cannot be gainsaid) without the knowledge of the local authorities. What does it come to? You have got such a hierarchy of officials. You give them such wide powers to detain, to arrest any person who goes to Malabar, and yet you find to-day that a large number of war knives and other weapons are in the hands of these rebels and you now do not know what to do, you are in a panic, you send troops, British and Indian, and all the trouble has to be faced. Now, the real question for the Government of India is, why should the Local Government ask the Governor General to exercise that extraordinary power of his to make an ordinance. That is, a draft is made upon the Government of India by the Local Government as it finds itself unable to meet its obligations. When a draft is made on the principal, it is a very natural question to ask the agent who makes the draft 'why do you want it? Your resources ought to be sufficient to meet your demands. The Government of India should ask what have you been doing? Why do you ask me to exercise this extraordinary power?' Therefore, from that point of view, it is the duty of the Government of India to ask without any hesitation, to ask the Madras Government how it is they had no information, no inkling of these warlike preparations that were going on. Now, it is all very well to say and probably it is all true that there has been going on a good deal of insidious preaching. There we embark upon the sea of surmise. There must have been insidious preaching by a class of people who got into close intimate touch with these fanatical mobs, probably more religious than anything else, and thus prepared the way. But, apart from that, there is this material preparation of war indicated by war-knives and swords and other things; how is it, this has been going on in these villages without the village officials or the taluk officials or district officials knowing anything of the goings on? Policemen ought to have known it, magistrates should have known it. But suddenly this rebellion comes up and the Governor General is asked to make an ordinance suspending the ordinary course of law and sending out troops. Therefore, Sir, I want to concentrate the attention of this Assembly on this one point. How is it, the local authorities have

been so thoroughly ignorant of these preparations for a revolution? So far as my opinion goes, it has sometimes happened that local authorities, meaning thereby those responsible for peace and order, have been more taken up with ordinary inhabitants of the place, than in looking beneath the surface and taking note of what is going on under the surface. People may talk or preach in the streets. That does not produce a revolution, or a rebellion like the one we are now faced with. There is something very much deeper and I think the local authorities have failed in their duty of gauging the situation from time to time. It is that aspect of it that troubles my mind and I would ask the Honourable Members here to take these facts I gave, *i.e.*, the nature of the attack which the rebels have made, the organisation that is behind it and the suddenness and the concerted manner in which they have started this rebellion, into consideration. If it is possible in a portion of that district where the population is not united, where half the population is against the rebels, to arrange their rebellion like this, what may not be possible in some other part of the Empire in this country if the people are united? Is it not the duty of local officers, the police and the magistrates and all those engaged in the administration of the country to have been aware that they had something to face? No one seems to have thought of it. Everyone seems to have pursued and hunted the talkers.

The Honourable Sir William Vincent: Sir, I am sure this Assembly will agree that I cannot be expected in the very short time available to deal with the two questions, raised in this debate, namely non-co-operation as well as this Moplah outbreak, and though I will, if I have time at the end, say a word on one aspect of the non-co-operation movement I shall confine myself to the subject directly under discussion. And I should like to begin my remarks by saying, that when this Resolution was moved, I hoped that our officers and the servants of the Crown generally in Malabar, engaged in the most arduous and unpleasant duties possible, risking their lives, suffering great hardships, would receive some message of encouragement and of support from this Assembly in the difficulties with which they are faced at this moment. It is a matter, therefore, of great regret to me, that speakers in this debate have done little but criticize and attack them. The general line has been 'why did not Government do this, why did the unfortunate district magistrate do that? Why did not the local authorities get more information? Why were not they more prompt? Why were not more troops used?' Is this Assembly so ready to grant a Vote for military expenditure that we can put unlimited troops in the Madras Presidency? What do those Members, who sat on a recent Committee on military expenditure, think of this, what have they to say on that subject? They are here; let them answer. Is it fair to blame the Local Government or the local authorities for not sending more troops to the spot when this Assembly, candidly speaking, is unwilling to pay for more men? That seems to me a difficult question to answer. I hoped therefore that the Local Government, who have been criticized in this matter of military arrangement, might be acquitted of all blame, for surely no man who knows the views of the Madras Government can accuse them of being responsible for the lack of adequate military force in that Presidency. Then the district magistrate is blamed by one speaker because he tried to arrest people too with a small force and prematurely. Another speaker blames him, because he did not arrest them earlier. Now, what can a district officer do to please everyone in such circumstances? He has a certain amount of military force and certain clear duties to perform. And in the same breath he is blamed for taking too few men with him to

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Tirurangadi and leaving Calicut inadequately protected. He cannot be blamed on both accounts; seeing that he had only a very small force at his disposal altogether and had to use it as best he could subject to military advice. Actually, he took with him on the 20th to arrest these Moplahs at Tirurangadi 150 British soldiers and I believe in normal times that would be considered a fully adequate force for any such duty. At any rate, more British troops were taken to Tirurangadi than were sent recently to preserve the peace in Aligarh after a very severe rising there double the number. I regret this attack on the local officers the more, because I fear that it may convey an impression to them—and I am sure this Assembly does not want to convey that impression—that we do not sympathise with them in their difficulties, that we do not appreciate their service or the grave dangers before them, that we are not grateful to them for their efforts to save the lives of Europeans and also of Hindus in the Malabar district. I venture to express the hope, that instead of conveying such an impression, this Assembly will send a message of encouragement and an assurance of support to all Government officers engaged in suppressing this disorder.

The Honourable Member has saved me from the trouble of dealing with the origin of this outbreak by his most interesting account of these people, their character and fanaticism. Possibly as a Hindu, one of a class that suffered at their hands, he has some prejudice against them. But, in many respects, I understand, that apart from occasional outbreaks of violence they have many merits. They are, however, of a peculiarly fanatical character, and susceptible to the influence of the priests. They also have a more positive and direct belief in the pleasures of a future world than many of us have. They have been guilty of numerous outbreaks of violence in the past largely because of the religious susceptibilities and the influence of a bigoted priesthood on them. Between the years 1836 and 1853, there were no less than 22 Moplah outbreaks. There were others later, the most serious being in 1883 when, after the rising, about 20,000 arms including 9,000 guns were recovered from them. Since then, there have been four or five smaller outbreaks. The causes in the past have been poverty, agrarian discontent, and fanaticism. When they do rise, the Moplahs have one wonderful virtue which will appeal, I am sure, to every one—the fiercest courage. It is not surprising, therefore, that Malabar has always been a storm centre, and during the last two years, my information is, that the extremist Khilafat agitators have done their best further to inflame these unfortunate people and incite them to violence. Here I will pause for one moment and say that to my mind one of the saddest features of all these things is that it is always unfortunate and ignorant Muhammadans who are the victims in the end. In the present rising, the death roll at one place—Pudukatur—is 400 killed. The Honourable Member said that he wanted information as to the casualties. We have no official reports of casualties except at this one place and I give them for what they are worth. The Press has estimated the total casualties at not less than 1,000 men. I am afraid that this may prove an under-estimate. Nor is this to be wondered at, because these men are, I understand, absolutely fearless and invite death in the hope of gaining a martyr's crown. Upon those who have incited them to such state of frenzy a very terrible responsibility rests.

The actual rising on this occasion began on the 20th, but as the Honourable Mover said, it was preceded by an act of lawlessness on the 31st July when a police officer had some difficulty in escaping from violence at

their hands. It was after this event, that the District Magistrate applied for further military support, and the troops at Calicut were reinforced up to, I think, 200 or 300 men. Out of this force, 150 men were on 20th taken to Tirurangadi to arrest these certain offenders against the law. Three men were arrested and there was at the time apparently no appearance of any outbreak being probable. Police were left to arrest other accused and, in the course of that arrest, I am informed that Moplah officers, after removing their shoes, entered a mosque to search for persons whose arrest was intended. I do not think that it can be maintained that this was the cause of the outbreak and such a search was necessary. While these arrests were being effected, a mob of thousands of people had collected, apparently some coming on foot and some apparently by train. The Police came into contact with them at about 12-30 P.M., and dispersed them but, later in the day, the mob attacked the military force sent to Tirurangadi to assist the authorities. The attack was repulsed, but two officers, one a police officer and one an officer of the Leinsters, who, unfortunately separated from the rest of the party, were butchered. The railway line was cut and destroyed in various places, and the roads were blocked, and this sudden outbreak of violence developed into a general rising against Government in which Government offices have been destroyed, Government servants killed, Hindu temples have been desecrated, Hindus have been murdered, and I fear many have been offered the alternative of forcible conversion to Muhammadanism or death. I have got here a summary of the Military report on the situation which I should like to read as it states facts shortly and clearly:

On the 20th August 1921, the Officer Commanding Calicut proceeded at the request of the Civil authorities with 100 men (I may have been wrong when I said 150 men just now though this figure is given in another report) of the 1st Leinsters to support the search for arms and arrest the Moplah leaders at Tirurangadi. A small detachment of the Leinsters was sent to Malapuram and another small detachment was left behind at Calicut. The search for arms was a surprise and was successful, but later in the day, the magistrate's office was attacked by a body of armed Moplahs estimated at five thousand. The police station was attacked by two thousand Moplahs, who were beaten back by the fire of the police and troops. In the course of the fighting, Lieutenant Johnson of the Leinsters and Mr. Rowley, A. S. P., were killed. The Moplahs were collecting in large numbers in the neighbouring villages and the column began to withdraw to Calicut with the prisoners who had been secured. The hired lorry driver was murdered. But, while the police and troops were engaged at Tirurangadi, some Moplahs attempted to intercept their return by train by attacking two railway stations, cutting telegraph wires and tearing up the track. The Malapuram detachment was cut off. 21st August. It was now apparent that a rising on a large scale had occurred and control was placed in the hands of the military, and the General Officer Commanding the Madras District ordered a complete movable column and the remainder of the 2nd Dorset Regiment to be despatched from Bangalore by rail at once. Brevet-Colonel Humphreys was put in command of the troops at Malabar. He was ordered to advance along the railway to Tirur as and when the damage to the line was repaired; his role being to support the police in restoring order. Later in the day, reports came in, that the detachment was still held up at Malapuram and unable to return to Calicut, and that the railway line had been cut as far north as Nanawaldi and that large bands of Moplahs were reported at Tirur and Tanur. On the 22nd, in view of the imminent possibility of a Moplah rising in Calicut, the guard at West Hill was strengthened, the local auxiliary forces were called out and reinforcements from the 83rd Walajabad Light Infantry were sent from Cannanore. The Naval Commander-in-Chief was also asked to despatch a cruiser in order to co-operate off Calicut, and H. M. S. 'Comus' was sent.

I do not think that there is much more in the abstract that I need read. I ought however to say that the Madras Government some days ago made a request for additional troops but have now informed us that the troops which they have on the spot in Malabar are adequate. I may also

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say that the situation is now well in hand, though undoubtedly the operations will continue in some form for some time. We desire, however, as much as the Honourable Member desires to discontinue martial law as early as possible and I think this Assembly will realise that our experience of martial law in the past has not been such that we have any desire to prolong its duration unnecessarily. In the meantime, all information that we have received as regards these occurrences I have given at once to the Press. I desire here to express my gratitude to the representatives of the Press for the assistance they have given to me in giving me any information which reached them separately and in promptly issuing anything that I made available for distribution. I have also telegraphed full particulars to the Secretary of State in the hope that he may publish the fullest information without delay in England. This is the more necessary because Honourable Members will remember that on the occasion of the Punjab disorders serious allegations of secrecy were made against Government. The movement has now developed into a general rising against Government specially and against Europeans and Hindus. Most of the Europeans are, I think, now out of danger. Many Hindu refugees are coming to places of safety and I have seen letters from one or two of them which make it abundantly clear that there was every necessity for martial law. I do not think that I need go into the details of the casualties here.' They have all been published in the Press so far as I know.

I ought however to refer to the ordinance which has been promulgated by His Excellency the Viceroy. Its provisions have, I gather, met with general approval in this Assembly. We have now found it necessary to supplement that ordinance by a second ordinance which has been published to-day. This new ordinance provides for the trial of certain grave offences by special tribunals consisting of three members, one of whom must be a person who has acted or is acting as a Judge of a High Court, the two others being persons who have acted for a period of two years as Sessions Judges. Certain provisions of the original ordinance as to procedure apply to these tribunals. The orders of these tribunals are subject to the provisions of Section 401 (6) of the Code of Criminal Procedure, the Section which gives a Local Government and the Government of India power to remit or suspend sentences. There is also a right of appeal to the High Court of Madras in all cases in which a sentence of death, transportation for life or 10 years' rigorous imprisonment are inflicted. That ordinance has been issued to-day and, I think, I should be failing in my duty if I were not to inform the Assembly of its contents.

Another matter to which considerable attention has been directed in this debate is the question of the manner in which martial law is administered, and I can assure this Assembly, that we have taken every step possible to ensure that nothing more than is strictly necessary for the maintenance and restoration

of order shall be done. One Honourable Member, I think, referred to the use of aeroplanes in suppressing the rising. I have not heard that aeroplanes have been used at all in this area and I can re-assure the Honourable Member by informing him, that if they are used, the most careful instructions have been issued as to the purposes for which the use of aeroplanes is legitimate. I have not the time—I have already exceeded my time limit—to read out many of the martial law instructions devised to meet occasions of this kind and recently issued, but I would like to read some passages from the manual which I think will be of interest. All measures necessary to restore order should be taken.

'Everything which is likely to cause bitterness and hostility should, as far as possible, be avoided..... When martial law is temporarily in operation, the cardinal principle to be remembered is, that even if a portion of a population is in rebellion, the inhabitants are our fellow subjects whose loyalty and affection it is desirable to recover and retain..... The principle that martial law should be limited to what is necessary applies not only to regulations and orders but also to trials and punishments..... There should be no punishment without a trial and penalties of excessive severity should not be inflicted. Offenders should be brought to trial with the least possible delay, and if sufficient evidence is not forthcoming within a reasonable time, they should be released.'

There are special instructions regarding sentences of whipping, which can only be inflicted for very special reasons, *i.e.*, in cases of offences of violence, or in cases of offences for which that sentence might be awarded under the ordinary law. They are also subject to the limitations to which such sentences are subject under the ordinary law of the land. There are special provisions regarding the avoidance of racial discriminations, and also special provisions that orders likely to humiliate individuals or classes, or to offend religious sentiment, should be avoided. Another clause runs :

'greater violence than is necessary for the purpose of restoring order must not be used against any one merely from the desire to impress the population at large and thereby discourage or prevent rebellion in other localities.'

I have not the time to read out the whole of the instructions, and they are not all relevant, but I hope, I have given the Assembly enough information to make Members understand that we have taken every possible care we can to prevent excesses and improper action. As to the provision of medical treatment of wounded.... I have telegraphed for particulars to Madras asking whether their attention has been drawn to this and what measures have been taken. I may say, I have every confidence in the humanity and justice of the Madras Government and the local authorities and we are not going to interfere with them unless necessity arises. We will do our best to see that martial law is administered with justice and humanity, but I am not going to hamper local authorities by unreasonable criticisms when they are engaged in a most difficult task.

Now I will say one word on the question of non-co-operation. It has been suggested that Government in this matter have been inert and inactive. The Honourable Mover used the words 'shilly-shallying' and 'dilly-dallying.' When I heard Mr. Rangachariar say that, I must say, I was astonished. Members of this Assembly will recollect the discussion on non-co-operation in Delhi in February or March. Then it was the Government that wanted to secure support for certain action against non-co-operators. I cannot remember the Honourable Member then supporting us.

Rao Bahadur T. Rangachariar : I said Khilafat, not non-co-operation.

The Honourable Sir William Vincent: The Honourable Member makes a distinction between the two. Is it merely because these Khilafat people are unfortunate Muhammadans that they are to be treated with exceptional severity. Is that the idea?

Rao Bahadur T. Rangachariar: No.

The Honourable Sir William Vincent: In any case, I challenge the Honourable Member to show that he suggested then that any more drastic measures should be adopted against the Khilafat or non-co-operators.

Rao Bahadur T. Rangachariar: The Honourable Member was not in the Assembly then.

The Honourable Sir William Vincent: I was present throughout that debate, and I have read the reports since.

Rao Bahadur T. Rangachariar: I was not there!

The Honourable Sir William Vincent: I will leave the point and discuss the question on more general considerations. When to undertake and when to refrain from repressive measures in a case of this kind is always one of great difficulty and, I think, more difficult than ever in the very peculiar political circumstances of to-day in this country. I hope Government will receive the sympathy and consideration of this Assembly in what is to my mind a very difficult situation. We have had cordial and generous support in the past and I am sure, we shall do so in the future again. It has been suggested, that the Madras Government have been wanting in energy, but, in fairness to that Government, certain facts must be stated. Honourable Members may remember the speeches of Mohamed Ali at Madras and Erode. Well, the Madras Government were anxious to prosecute Mohamed Ali for one of these speeches. Later, however, as is well known to the Assembly, there was an interview between Mr. Gandhi and His Excellency the Viceroy, followed by an apology from Mahomed Ali and Shaukat Ali which, we hoped at the time, would lead to a cessation of these incitements to violence. In consequence of that apology, the proposal to prosecute Mohamed Ali was given up by the Government of India who addressed the Madras Government accordingly. I am afraid, however, that very much reliance cannot—at any rate, in the light of later circumstances—be placed on that promise. Later, we received reports that conditions were again disturbed in Malabar and that Khilafat volunteer organizations were being organized and the Madras Government were exercised over the situation but, later, we received information that the leaders had ceased to foster these associations as they knew they were getting dangerous. On this point, I fear, we were misled: the organizations continued secretly. No doubt, if officers of the calibre of the Honourable Member, Mr. Subrahmanayam, had been there, should have had more accurate information, but the information was not very accurate. It was one of those unfortunate things that do happen. It was not, however, till July, that the Local Government had reason to suppose that any serious disorder in Malabar was anticipated. A number of violent speeches were made, the Madras Government were just about to prosecute certain speakers when these unfortunate disorders took place. As to the general question of non-co-operation, to my mind, it is unreasonable to suggest that the general policy of the Government of India towards this movement, or towards the Khilafat movement, should be influenced by a local

rising in a peculiarly fanatical corner of India. The considerations which must apply to our policy are general considerations affecting the whole of India and any failure to see this indicates a lack of a sense of perspective. An Honourable Member has taunted Government for being in a panic over the rising. I am not aware, that there is any justification for this. But if we were suddenly to change the whole of our policy, because of this outbreak among a peculiarly fanatical section of Muhammadans—in 6 taluks in one district,—then, I think, we might justly be accused of pursuing a panicky policy.

At the same time, there is one development in this Khilafat movement which the Government cannot afford to neglect—a most sinister development, it is, to my mind—and that is the attempts that are now being made to tamper with the loyalty of His Majesty's troops and police. That is a very serious offence in any civilised State and is peculiarly dangerous in India. So far we have no information that our troops have been affected, but the danger of following this form of sedition to continue unchecked are obvious. We had therefore decided to take criminal action against certain individuals who have broken the law in this and in other respects even before this Moplah outbreak occurred. Some details have not been settled, and there are questions of procedure which are still under discussion. I do not propose, I do not feel it would be in the public interest for me to make any further statement on this point, but I hope if the Government have to take such action, it will then receive the full and cordial support of this Assembly. (Loud Applause.)

I have only one thing more to say, and that is, to thank this Assembly very much for their patience in listening to me to-day. It has been very difficult in the short time at my disposal to deal with the subject at all completely, but I hope, the Assembly will concur with Government in their desire to give expression to their very genuine regret at the many lives which have been lost, the temples that have been desecrated, and the property that has been destroyed in this—what I can only describe as a wild orgy of cruelty and crime. I am quite sure also, in spite of what has been said, that the Government of Madras has the sympathy of this Assembly in their difficulties, and that this Assembly will express their warm gratitude to His Majesty's sailors, soldiers, and all servants of the Crown for their assistance in saving lives of Europeans and Indians as also our grateful appreciation of the manner in which they have carried out their difficult duties.

Mr. K. Ahmed: No doubt the subject of to-night, Sir, is a very interesting one, and we are very grateful to Mr. Rangachariar for bringing up a Resolution of this kind. But, Sir, the reply given by the Honourable the Home Member, Sir William Vincent, is not satisfactory to my mind. Sir, a previous speaker who spoke, I think, after Colonel Gidney, said something which makes me think that the House will not easily be satisfied with Sir William Vincent's reply. I for one am not impressed at all by it. How is it and why is it, that these Moplahs all of a sudden got out of hand? Did not the Taluk Officers know that these people were going to make trouble? Were there no loyal Hindus among the Madrassis to come forward and intimate to those in authority that such a thing would come to pass? Sir, it is very extraordinary to my mind, that after 150 years of British Rule, those Moplahs could not be made more civilised.

[Mr. K. Ahmed.]

Could we not find the necessary police force? Could we not find any officer of the police department to watch the events? Was there not any C. I. D. to find out that there was trouble and disorder ahead? Sir, it was very deplorable to read in the newspapers that from 500 to 600 human lives were taken away in the twinkling of an eye. Was there not anybody to inform the Government that the Moplahs were attempting to demolish the Government and public offices? How could the telegraph wires be cut off in the twinkling of an eye? This act has been committed not in one place alone, but it has been done in several places. All of a sudden, we hear the sad news that some British officers were killed and some Moplah lives were lost. Are not the district authorities responsible to see that such a thing should not have taken place and to take proper precautions?

The Honourable the Home Member said, that he had received reports from Madras, that the Khilafatists were responsible for the trouble in Malabar. Sir, as far as I know, I do not think the propaganda of the Khilafatists can in any way be held responsible for the present trouble. Sir, if the propaganda of the Khilafat people were preached properly in the name of Mr. Mohamed Ali and his brother, Mr. Shaukat Ali, I assure you, that the Moplahs would not have fought against the Hindus, nor would they have entered into Hindu temples and carried away their images or committed any of the excesses about which a graphic description has been put before the House. I do not like to give any more colour to it than what has been described by the previous speaker. But, certainly, Sir, the very fact that the Moplahs have attacked the Hindus goes to show, that the Khilafat movement has nothing whatever to do with the present trouble and disorder in Malabar, and that its propaganda has not sufficiently reached the Moplahs. It is a great satisfaction to find, that neither the Muhammadans of other provinces nor the Khilafatists could have anything to do with it as they have sworn friendship between Hindus and Muhammadans.

Now, if as is pointed out, the Moplahs are savage people, then, it is a matter for shame, that British rule for 150 years has not civilised them sufficiently. Government is, in my opinion, responsible for keeping them uncivilised and ignorant so far. But, Sir, this is not the time to suggest what Government should do, but, I submit, that this House, which is a responsible body, should not jump to conclusions and support the Government opinion that drastic measures should be taken.

The Honourable Sir William Vincent: Sir, may I make a personal explanation? I did not suggest, that any more drastic measures should be taken than are being adopted. I challenge the Honourable Member to reproduce any such suggestion on my part. He has also accused me of saying, that the Khilafat leaders are responsible for this rising. I will read the Madras Report on which I base the statement. This is what the Madras Government say:

‘It is difficult to arrive at an exact appreciation of the situation at present. There seems to be no doubt that continued provocative speeches on the Khilafat question combined with the Resolution in the recent All-India Khilafat Conference at Karachi have produced an impression on the minds of Moplahs that the British Raj is at an end.’

It was on that report that I based my statement.

Mr. K. Ahmed: I am glad, Sir, that the Member for Government has always shown some sympathy. But whatever it may be, it is for this House to decide what attitude should be adopted by Government in this matter and what steps the Government should take to stop the drastic measures which have already been taken in Malabar. Sir, it appears to me that certainly ignorant and savage people are not capable of doing the nasty things which have been done recently in the Moplah country. But, Sir, whatever it may be, I should be thankful if the Honourable Members of this House, coming from all parts of India, will not view the matter in the light of the facts and figures supplied by Government, and unless and until facts are known through independent sources, Honourable Members cannot and will not form a definite opinion.

Mr. J. Ramayya Pantulu Garu: Sir, I have no doubt that the House feels thankful to Rao Bahadur Rangachariar for drawing its attention to the very serious situation that has arisen in Malabar. Not satisfied with doing that, my friend has also given us a long, and I may say, a graphic description of the Moplah, for which Sir William Vincent has duly thanked him. We have also listened to a long dissertation on the evils of non-co-operation. I dare say, we agree with much of what is said in that dissertation, but I am inclined to agree with my friend, Rao Bahadur Subrahmanayam, in thinking that that aspect of the question is not quite relevant at present. Well, having ruled that out of order, my friend, Mr. Subrahmanayam, proceeded to launch an accusation of incompetency against the officials of the Malabar district, and very properly, Sir William Vincent has entered a defence of the officials. I dare say, there is much that is true in the accusation as well as in the defence, but, I hope, my friend, Mr. Subrahmanayam, will excuse me if I should say that his accusation is a bit premature just now. What is to the point at present is, that this House should assure Government of its cordial support in all the legitimate steps that it is taking and that it proposes to take to put down the unrest in Malabar, and I have no doubt, that after having listened to the Honourable Sir William Vincent as to the action which Government is taking in the matter, the House will accord its cordial support. I for one have not the least doubt that the Government will do nothing but the right thing in putting down the rebellion and that they will avoid the mistakes that were committed in the Punjab.

I wish now, Sir, to make one or two suggestions, and invite the attention of Government thereto. One is, that as soon as possible after peace is restored in Malabar, Government should appoint a properly constituted commission to inquire into the causes of this disturbance, immediate as well as remote, and also into the manner in which the officials have dealt with the situation. My friend, Mr. Rangachariar, attributes the rising to the Khilafat movement, and Colonel Gidney has attributed it to the non-co-operation movement. Well, I see that they have thought it necessary to make a distinction between Khilafat and non-co-operation. I keep up that distinction. They may be right, but I do not think, that the country will be satisfied with it, at any rate, it seems to be on a surer ground on that point than the Government seems to be. I think the country will not be satisfied with the reason given as to the origin of this disturbance unless and until the whole matter has formed the subject of an inquiry by a properly constituted commission, such as I advocate and, I hope, the Government will see its way to appoint such a commission as soon as possible after peace is restored.

There is one other point which I wish to draw the attention of the Government to, and that is in connection with the provisions of the martial law

[Mr. J. Ramayya Pantulu Garu.]

ordinance that has been published. One of the rules says, that the decisions of the Summary Courts are final and no appeal lies against them. I quite admit the propriety of this. Even under the Code of Criminal Procedure, the decisions of a Summary Court are not liable to be appealed against except in some cases. But what I object to with regard to these Summary Courts is, that one of the martial law rules says, that when an officer commanding cannot find any magistrate appointed under the Criminal Procedure Code, he shall constitute a Summary Court. Well, under the Criminal Procedure Code, none but a magistrate of the first class of some standing can be appointed as a Summary Court. Now, under this law, it would seem that any magistrate, be he a magistrate of the first class, second class or third class, be he a man of standing, or whether he may have an experience of twenty years or one or two months. So any magistrate can be appointed a Summary Court. I dare say, the officer commanding will exercise his discretion in selecting the magistrate whom he wants to appoint a Summary Court, but, I think, it is highly desirable, that the Government itself should issue instructions to the officer commanding that only a magistrate of some standing should be appointed a Summary Court. I hope that the Government will see its way to do that.

Mr. Jamnadas Dwarkadas: Sir, I wish only to say a few words on this Resolution for adjournment that has been moved by my Honourable friend, Mr. Rangachariar. I would perhaps have not spoken if my friend, Mr. Kabir-ud-din Ahmed, had thought it proper not to rise and to make a speech which, if at all it can be considered serious, is nothing but offensive both to this Assembly and, I am sure, to the Government of India.

Mr. Kabir-ud-din Ahmed pointed out, in the course of his rather comic speech, if I may say so, that after all, for the action of the Moplahs the Khilafat agitators who are working under the wing of Mr. Gandhi cannot be held responsible. My friend, Mr. Rangachariar, has rightly pointed out, that he considers the Khilafat agitation responsible for this outbreak. Mr. Kabir-ud-din Ahmed goes further and gives the names of Mr. Mohamed Ali and Mr. Shaukat Ali and says, that working as they are under the wing of Mr. Gandhi, and as heads of the Khilafat movement, they can never be held responsible for this outbreak in the Malabar district. Sir, I want to remind this Honourable House of the statement that I made when in Delhi we were discussing the question, I think, of repressive measures. When an attempt was made to tie down the Government to a certain policy, I said, it was not desirable to do so because there were indications of outbursts of violence here and there as a result of the preachings of those who pretended to share the high ideals of Mr. Gandhi but who, except in their professions, never did so.

Mr. K. Ahmed: Sir, may I rise to a point of explanation? I never said, that Mahatma Gandhi or Mr. Mohamed Ali or Mr. Shaukat Ali are not to blame because they are not to blame, but because it is impracticable and impossible and illogical for Mr. Mohamed Ali and his followers in the Khilafat to come forward and incite these Moplahs to enter into the temples of the Hindus, because it would tend to make a mockery of their friendship with the Hindus; and then it would have been a fair question.....

The Honourable Mr. W. M. Hailey: Sir, may I rise to another point of order? Are we having another speech from the Honourable Member?

Mr. K. Ahmed: I think I am entitled, by way of explanation, to clear myself because I find my Honourable friend, Mr. Jamnadas Dwarkadas, is under a misapprehension and was mis-stating the facts.

Mr. Jamnadas Dwarkadas: Sir, I was going to say, when I was interrupted by my Honourable friend, Mr. Kabir-ud-din Ahmed, that at that time I further pointed out, that while those who in season and out of season preached violence and incited people to crimes escaped penalty for their action, those who took them at their word, who allowed themselves to be so incited made themselves liable to the penalty of the crimes for the exciting of which others were responsible. I think, in the case of the Moplahs, this has turned out to be literally true. While, as has been pointed out by my Honourable friend, Mr. Rangachariar, these people, the Moplahs, who consider nothing as important as their faith and who are prepared literally to face, to invite death, if they believe rightly or wrongly that they are serving their faith thereby, while these people are killed in large numbers, those who have roused their fanaticism, knowing full well what the consequences would be of such rousing, have escaped punishment. The time was when perhaps their preaching of violence would have been punished and they would have been taken to task by the Government and perhaps would have been sentenced to transportation for a number of years. At that time, those who preached violence and who professed in public that for the sake of their religion they were prepared to go to jail and to die, to face death, and glory in it. But they had not the slightest hesitation in withdrawing their statements and tendering an apology to the Government for having made such statements when threatened with a prosecution. The people who listened to these statements, the people who placed faith in those statements, hardly knew anything about the withdrawal of the statements that were made. They took these statements literally, allowed themselves to be guided by those statements, and the consequence of that we see in the outbreak of Moplahs and in two or three events that have taken place in the Bombay Presidency, and perhaps we are not far from the day when, if proper measures are not taken, perhaps in the whole length and breadth of the country, we shall have repetitions of these outbreaks. Sir, even that apology was tendered for the purpose of deceiving that leader who, however mistaken he may be, I venture to submit, bases his movement undoubtedly on the doctrine of non-violence, though I deplore his most tragic faith in his lieutenants as he calls them. Well, that apology was tendered, I say deliberately, to throw dust in his eyes. The apology was deprived of all sincerity by the pretensions made, and false pretensions, I venture to submit, made by these people that the apology was not tendered to Government but to friends, who never demanded it, that it was tendered to Pandit Madan Mohan Malaviya, who, I venture to submit, never demanded it. They have escaped punishment. The others are mere scapegoats, and I venture to submit, that if the Government does not come to the rescue of those who stand by law and order and for constitutional progress to the highest possible goal that can be imagined for this country, then the Government, I am afraid, will not have done its duty by this country.

Mr. Muhammad Yamin Khan: May I rise to a point of order? The time is short and a lot of people want to speak on the subject.

The Honourable the President: That is not a point of order.

Mr. Jamnadas Dwarkadas: I venture to submit, that like my friend, Mr. Rangachariar, I also have my grievances against the Madras

[Mr. Jamnadas Dwarkadas.]

Government and their attitude on certain questions. On this particular question, when they are faced with an unenviable situation, a most unfortunate situation, I say that it is the duty of this House to stand by and support the measures, rightful measures, that the Madras Government has taken.

Mr. R. A. Spence : I am sure the sense of this House is, that we should express emphatically our great appreciation of the services rendered by the civil and military servants of Government during these distressing times. As the Honourable Sir William Vincent has rightly said, it is a matter of very great moment that officers, whether Indian or European, who are engaged in the suppression of these unfortunate outbreaks should feel that they have behind them the appreciation of their services by this House. We do not know whether this distressing outbreak that has taken place in Malabar is the only outbreak that is going to occur. Has Government any information as to whether this is absolutely isolated and that no other disturbance is likely to take place? ('Hear, hear. That is the point.') On that, I think, we might have an assurance. Speaking for myself, as an Englishman, I do hope that when the surrender of these misguided fanatics takes place, as I hope the military measures which are now in force will enable it speedily to take place, I do hope that leniency will be shown to them, as from what the Honourable Mover has told us, they are a fanatical people who are prone very easily to outbreak. They are not the guilty people. The guilty people are those who have led them on and I do hope, that steps will be taken to deal with those people so that in the future the lives of innocent persons may be saved, as well as those of the fanatics themselves. We do want an assurance from Government that those who have stirred up these people will be looked after. Government welcomes all legitimate criticism, all legitimate voicing of the aspirations of the people of this country, and the time has come when those people who stirred up the sort of rebellion we have just had should be dealt with properly. As I say, I should like to have information from Government as to whether this is an isolated instance, but I do hope that this House will cordially express its full appreciation of the services of the civil and military servants of the Government.

Mr. Muhammad Yamin Khan : Sir, I have always been against non-co-operation and I have been fighting in my district and other places against non-co-operation. At the same time, I think it very undesirable to place the responsibility on the shoulders of non-co-operation when there is no justification for doing so. Here, as my friend, Mr. K. Ahmed, has pointed out to the House, this riot would not have been caused by the non-co-operation or the Khilafat movement. This can be seen if we look into the events and occurrences which have happened. We find that Mr. Gandhi, who is a Hindu, is the leader of the non-co-operation movement, and he is leading practically the Khilafat movement to-day. The people who followed, even the Muhammadans who followed Mr. Gandhi, can never be said to go and commit any kind of crime against the Hindus as such. (Laughter.) Some of the Honourable Members might laugh. They might have their own grievances and want to throw the blame upon those persons, but this will not stand the test. Simply on account of party politics to throw blame on the other party, which is not justifiable is not right and this House ought to be above all those things. By this I in no way justify the actions of

Messrs. Mohamed Ali, Shaukat Ali or Gandhi. On the one hand we are told that there have been Hindus killed as such, not because on account of their money, but because they have been Hindus, they have been forcibly converted to Islam and on the other hand Khilafat is blamed. The Khilafat has got no grievance against the Hindus. Whatever grievance the Khilafat has got, that is against the British Cabinet and not against the Indian people. Nobody has thrown any blame, so far as I am aware, even on the Indian Government. Whatever responsibility they attach to the Khilafat promises and wrongs, that refers to the Prime Minister and other Members of the British Cabinet. Here we find another version from our friend, Colonel Gidney, that there is a rebellion and it ought to be stopped. This is the first time I have heard that there is any such thing as 'rebellion' in India. My friend, Mr. Jamnadas Dwarkadas, who is to-day blaming Mr. Gandhi, I found on the last Session moving a Resolution defending the Punjab people who were also incited by *Hartals* preached by Mr. Gandhi.

Mr. Jamnadas Dwarkadas : I rise to offer a personal explanation. In the course of my speech to-day, I defy my Honourable friend to point out that I have blamed Mr. Gandhi. On the contrary, I said that his so-called Lieutenants did not share his high ideals.

Mr. Muhammad Yamin Khan : Here we have not been told the cause even by the Honourable the Home Member or by any other person, and we do not find even in the Press, what was the cause that really led to these riots and who are the persons who are responsible for these riots not having been checked at once. We do not even find any suggestion as to whether the people who have committed these riots are poor people and looted their rich neighbours on account of their wealth. Here I have a report which I have received from Meerut that a whole *mundi* has been robbed by the mobs of Meerut, surely this is not due to Khilafat but is due to agrarian difficulties.

In the same way, economic causes may be at the bottom of these outbreaks in Malabar. Of course we cannot say ourselves at present who were responsible for the outbreaks, and Government will, I hope, like to clear the situation, because there is a theory prevalent, and the idea is very deeply rooted in the minds of the people, that Government's policy is to divide and rule. There is a suspicion in the minds of some people that the Government account is a pill for the people to swallow, so that people might be misled by the story that Hindus were being forcibly converted to Islam and thus Hindu sentiments very naturally be aroused against the followers of Islam.

The Honourable the President : Under Standing Order 24, the debate terminates automatically. The Assembly stands adjourned to a date to be hereafter announced.

LEGISLATIVE ASSEMBLY.

Saturday, 10th September, 1921.

The Assembly met in the Assembly Chamber at Thirty Minutes Past Ten of the Clock. The Honourable the President was in the Chair.

MEMBER SWORN:

Mr. M. Sambanda Mudaliar.

QUESTIONS AND ANSWERS.

INSTRUCTORS AND ASSISTANT INSTRUCTORS OF THE FOREST RESEARCH INSTITUTE AND COLLEGE.

64. **Mr. Pyari Lal:** (a) Is it a fact that the duties of Instructors and Assistant Instructors at the Forest Research Institute and College are more or less identical?

(b) If the answer is in the affirmative, is there any reason why any differentiation should be observed in their designation?

Mr. J. Hullah: (a) and (b). The duties are not identical in so far as the standard of teaching and the responsibilities involved are concerned.

RANGER CLASS STUDENTS IN THE FOREST RESEARCH COLLEGE.

65. **Mr. Pyari Lal:** (a) Will the Government be pleased to state whether in the Forest Research College all the students of the Ranger class are Indians, and why the post of House Tutor should not be filled by an officer who is thoroughly acquainted with the country and its student population?

(b) What special qualifications has the present incumbent for this post?

Mr. J. Hullah: (a) The classes do not always consist entirely of Indians though they do at present so consist.

Neither Imperial nor Provincial Forest Service officers can be expected to be thoroughly acquainted with the whole country and its student population. What, however, is considered of greater importance is, that the House Tutor should be able to command that respect from the students which is necessary to ensure discipline and maintain the highest tone in the College, and experience has shown, that the post must be filled by a senior officer on the staff of the College.

(b) The present incumbent is an Imperial officer of 14 years' service on the United Provinces list, who has been specially selected to fill the post of Principal, when the College is transferred to the Government of the United Provinces.

PERSONAL ASSISTANT TO THE PRESIDENT, FOREST RESEARCH INSTITUTE
AND COLLEGE.

66. **Mr. Pyari Lal:** (a) Will the Government be pleased to consider the advisability of filling the post of Personal Assistant to the President, Forest Research Institute and College, by an officer well acquainted with the people and the country?

(b) Has the present incumbent any such qualifications and, for what length of time, has he been appointed?

Mr. J. Hullah: (a) and (b). The post of Personal Assistant to the President would normally have been filled by an officer of the Imperial Forest Service, but, owing to the shortage of staff, it has been filled temporarily for 3 years by the present incumbent who has had a university training and who served in the Army in India. Close acquaintance with India is of no special importance in connection with this post.

INDIANS AS FOREST RESEARCH OFFICERS.

67. **Mr. Pyari Lal:** (a) Has any attempt been made to find suitable Indians as Research Officers at the Forest Research Institute under the new scheme?

(b) If the answer is in the affirmative, will the Government be pleased to state the methods by which publicity has been given?

(c) If the answer is in the negative, will the Government be pleased to state what steps are proposed to be taken in future for utilizing Indian talent for Forest Research?

Mr. J. Hullah: (a), (b) and (c). For those of the posts which are reserved for members of the Imperial Service, Indian and European officers are equally eligible. As regards the newly conceived lines of investigation, the Government of India lay special stress on the appointment, at the outset, of scientists who have already extensive experience and an established reputation in the particular line of research in which they are to be employed and consider, that no racial discrimination should affect the selection of the best talent for this purpose. Such posts, as those of Wood Technologist, Seasoning and Timber Testing Specialist, etc., have been, or are being, filled by recruitment in England and America; these posts have not been advertised in India, because the Government of India know of no source in the country from which men of the type, or with the knowledge, required can be obtained. Applications for the post of Organic Chemist, one of the new posts not yet filled, are being invited through the press in India.

RECRUITMENT FOR THE INDIAN FOREST ENGINEER SERVICE.

68. **Mr. Pyari Lal:** Will the Government be pleased to state in what way recruitment for the newly sanctioned Indian Forest Engineer Service is to be made and if any publicity has been given with a view of securing suitable recruits from India?

Mr. J. Hullah: No recruitment for the Forest Engineering Service is to be made this year.

EXEMPTIONS UNDER THE INDIAN ARMS RULES.

69. **Baba Ujagar Singh Bedi:** (a) Has any list been prepared of exempted persons referred to in the following heads or sub-heads in Schedule I to the Indian Arms Rules, 1920:

(i) sub-heads (a), (b) and (c) and most particularly sub-head (d) of head (6);

(ii) sub-heads (a) to (g) of head (11);

(iii) head (12)?

(b) If the answer is in the affirmative, would the Government be pleased to place on the table a list of such exempted persons with dates and names, with reference to the district or province to which they belong?

(c) If such list has been prepared, what principles were adopted to prepare it, especially in the case of persons under heads 6 (d) and 11 (g)? Have the Government prepared it according to their own idea, or was it prepared on the application for exemption of the persons concerned?

(d) If the Government have prepared it according to their own idea, then, are there any persons coming within the said heads who are not included in the list?

If so, will the Government place a list of such persons (district by district and province by province) on the table, stating the reason for their exclusion from the list?

(e) Have those persons whose names are not mentioned in the list, applied for exemption? If so:

(i) what is the exact number of such applications?

(ii) how many such applications were granted?

(iii) how many were not granted, and why?

(f) Is it a fact, that persons awarded the Sword of Honour who are referred to in head (11) (d) in Schedule I to the Indian Arms Rules, 1920, were previously exempted in respect of all sorts of arms for personal use, but have been deprived of the exemption in respect of all arms except the Sword of Honour under the present Arms Rules?

(g) If the answer is in the affirmative, do the Government propose to allow such persons to enjoy exemption as previously?

(h) Will the Government be pleased to place on the table a list of those persons who have been awarded the Sword of Honour (district by district and province by province)?

The Honourable Sir William Vincent: (a) to (e). The Government of India have not themselves had lists prepared of the nature mentioned by the Honourable Member. Such lists, if prepared at all, would be prepared under the orders of Local Governments to whom, I venture to think, the Honourable Member might apply for the information he requires. The Government of India cannot undertake to collect the statistics asked for, as the labour involved would be out of all proportion to their utility. If any persons not exempted considers they should be, they should apply to the Local Government concerned.

(f) and (g). No. Persons of the class described in item (11) (d) in Schedule I to the Indian Arms Rules, 1920, continue to enjoy exemption for their lifetime to the same extent as before, in respect of arms for their personal use.

(h) The Government of India are unable to place on the table a list of the names asked for as this is primarily a matter for Local Governments and as the preparation of such lists would involve an amount of labour out of all proportion to the utility of the statistics.

MR. HASAN IMAM'S STATEMENT *re*: THE TURKISH PEACE TERMS.

70. **Mr. M. Faiyaz Khan:** (a) Has the attention of the Government been drawn to the statement of Mr. Hasan Imam given in an interview to a representative of the Associated Press at Monghyr, published in the *Independent* of 4th June 1921, page 4, column 4?

(b) Will the Government be pleased to state if Mr. Hasan Imam gave this statement (a) before, (b) after, he stayed at Viceregal Lodge, Simla?

The Honourable Sir William Vincent: (a) Yes;

(b) About a month afterwards.

COMPETITIVE EXAMINATION IN INDIA FOR THE INDIAN CIVIL SERVICE.

71. **Mr. J. R. Pantulu Garu:** When will the first Competitive Examination for recruitment to the Indian Civil Service be held in India?

The Honourable Sir William Vincent: Government hope that the first examination will be held in the spring of 1922, but they cannot guarantee this absolutely.

MADRAS PRESIDENCY AND THE GOVERNMENT OF INDIA SECRETARIAT.

72. **Mr. J. R. Pantulu Garu:** Is the Government aware that some parts of India, such as the Madras Presidency, are not at present adequately represented on the staff of the Government of India Secretariat and, will the Government be pleased to take such action as will ensure equal facilities for all provinces in this respect?

The Honourable Sir William Vincent: Government are aware that some parts of India including the Madras Presidency are at present inadequately represented on the Staff of the Government of India Secretariat. They have already taken action towards remedying this by creating the Staff Selection Board.

The Board, two out of four members of which are Indians, is watching the interests of each of the Provinces in connection with recruitment for the Government of India Secretariat. The question is not an easy one to deal with owing to the urgent nature of some of the appointments and the brief period for which they are created. Nor does its solution rest entirely with Government, the Staff Selection Board have in a number of instances offered appointments to men who have refused them. The Staff Selection Board has the matter constantly under consideration and is at present considering whether means could not be devised by which the correction of the existing disproportionate representation of the various provinces on the Secretariat could be facilitated.

Government invite the Honourable Member to arrange to visit the Staff Selection Board himself in order that he may ascertain personally the actual nature and value of the work the Board is carrying on to secure adequate representation of all communities.

RAILWAY LINE FROM RAJAHMUNDY TO BHADRACHALAM.

73. **Mr. J. R. Pantulu Garu:** Is the Government aware that a survey was made some time ago for a line of Railway from Rajahmundry to Bhadrachalam which was till recently in the Godavari District but is now included in the new Agency District of the Madras Presidency, and will the Government be pleased to state when that line of Railway is likely to be taken in hand?

Colonel W. D. Waghorn: The Rajahmundry Bhadrachalam Railway forms a part of the proposed Rajahmundry Sironcha connection of which a survey was carried out in 1909-10.

The results of the survey shewed, that the gross earnings of the connection would not suffice to cover working expenses, and the project was accordingly dropped.

STATEMENTS *re*: ILL-TREATMENT OF INDIANS.

74. **Mr. J. R. Pantulu Garu:** (a) Has the attention of the Government been drawn to the editorial note headed 'A wail from Mesopotamia' and the enclosure thereto published in the *Young India* newspaper of 27th April 1921, and also to the correspondence headed 'Indians in Mesopotamia' published in the *Hindu* newspaper of 30th May 1921?

(b) Will the Government be pleased to state whether there is any foundation for all or any of the allegations therein contained regarding the ill-treatment of Indians employed in Mesopotamia?

(c) If there is any such foundation, do the Government propose to take early action to have matters righted?

The Honourable Dr. T. B. Sapru (on behalf of the Honourable Mr. Denys Bray): (a) Yes.

(b) The matter was referred to the High Commissioner, Mesopotamia, who states that all the allegations which he has been able to trace are without foundation.

(c) So far from service in Mesopotamia being unpopular among Indians, the High Commissioner reports, that petitions from personnel coming under reduction in accordance with general policy are constantly reaching him begging to be exempted from repatriation. In the circumstances, the Government of India see no necessity for taking any action in the matter.

RE-ORGANIZATION OF THE ARCHAEOLOGICAL DEPARTMENT.

75. **Mr. J. R. Pantulu Garu:** Will the Government be pleased to state whether the contemplated re-organisation of the Archaeological Department has been effected and, if so, on what lines?

Mr. H. Sharp: The re-organisation of the Archaeological Department has been effected as regards the terms of service. The contemplated increase of the Department has been only partially effected. The Honourable Member is referred to the Resolution in the Government of India, Department of Education, No. 190, dated the 14th June 1921, and a copy will be supplied to him if he desires.

WHITEWASHING OF TEMPLES.

76. **Mr. J. R. Pantulu Garu:** (a) Is the Government aware, that there is a practice in some parts of the country, especially in Southern India, of whitewashing temples on festive occasions, and that this practice is calculated to gradually destroy all traces of valuable inscriptions and carvings of archaeological and artistic value?

(b) Do the Government propose to consider the question of taking such action as will put a stop to this practice?

Mr. H. Sharp: Government are aware, that monuments of archaeological interest are at times whitewashed and that this practice is calculated to injure inscriptions and carvings. Save, however, where a monument is definitely under the control and management of Government, it would not be desirable to interfere with religious usage in this matter, or to appear to infringe the rights of the owners or guardians of private shrines.

INSCRIBED COPPER PLATES.

77. **Mr. J. R. Pantulu Garu:** Do the Government propose to consider the advisability of publishing vernacular notices in different parts of the country offering rewards for valuable inscribed copper plates which are discovered by private persons and delivered to the Epigraphical Department?

Mr. H. Sharp: The proposal made by the Honourable Member together with other encouragements which might be offered to the discoverers of copper plates, etc., will be considered.

ESTABLISHMENT IN INDIA OF A PUBLIC SERVICES COMMISSION.

78. **Mr. N. M. Samarth:** (a) Will the Government be pleased to state whether rules have been made by the Secretary of State in Council for the establishment in India of a Public Services Commission as enjoined by section 96-C. of the Government of India Act?

(b) If so, will the Government be pleased to place the said rules on the table?

(c) If not, do the Government propose to communicate to the Secretary of State the desirability of expediting the matter?

The Honourable Sir William Vincent: (a) and (b). The rules have not yet been finally made.

(c) Government have for some time been in telegraphic communication with the Secretary of State on the subject and it is expected, that the final form of the rules will be approved within a few days.

LOCOMOTIVE AND CARRIAGE AND WAGON DEPARTMENTS IN INDIA.

79. **Mr. N. M. Samarth:** Will the Government be pleased to state what action they have taken or propose to take on paragraph 32, pages 22-23 of the Majority Report of the Royal Commission on Public Services in India, as regards their recommendation that 'a determined and immediate effort should be made to provide better educational opportunities in India, so that it may become increasingly possible to recruit in that country the staff needed to meet

all normal requirements' of the Locomotive and Carriage and Wagon Departments of the Indian Railways?

Colonel W. D. Waghorn: Government in despatch No. 15-Ry., dated the 16th August 1919, advised the Secretary of State that it was difficult to obtain in India suitable recruits for the Superior Locomotive and Carriage and Wagon Departments and that no substantial change in the immediate future could be looked for. At the same time, it was pointed out, that Government were by no means oblivious of the need for giving Indians the training recommended by the Commission and reference was made to proposals sanctioned in 1918 under which selected Indian graduates receive a preliminary training in the workshops of the East Indian Railway at Jamalpur or Lillooah and are then sent to England at the Company's expense to complete their training.

The provision of technical colleges rests with the Provincial Governments, and in certain provinces at least this matter is receiving considerable attention. As the standard of technical education improves, it is hoped, that it will be possible to train Indians entirely in this country and in time to obtain locally 50 per cent. of the recruits for the Superior Locomotive and Carriage Establishment.

TRAINING OF FOREMEN AND MECHANICAL ENGINEERS FOR STATE RAILWAYS.

80. **Mr. N. M. Samarth:** (a) Will the Government be pleased to state what action they have taken or propose to take on the recommendations of the Indian Industrial Commission contained in paragraphs 152, 153, 372 and clauses 34, 37, 38, 39 and 43 at pages 276-77 of their Report, with regard to the training of Foremen and Mechanical Engineers for State Railways?

(b) Have Government made or do they propose to make provision for the training of Indians for these two classes of the Railway Technical Services in the Railway Workshops, referred to in paragraph 36 of the said Report as being 'by far the most important development of Mechanical Engineering in India'?

(c) If so, will they kindly supply a copy of the rules they may have made or propose to make as regards age, qualifications, numerical strength and stipends to be allowed to apprentices of all races?

(d) Have the restrictions hitherto imposed by Railway Administrations against the admission or equal treatment of Indian apprentices in the Drawing classes and Technical schools attached to Railway Workshops been withdrawn?

(e) If not, do the Government propose to direct the Railway Administrations to frame rules as to age, educational qualifications and stipends applicable equally to all apprentices without regard to race, colour or creed?

Colonel W. D. Waghorn: (a) and (b). I place on the table a copy of Railway Department Resolution No. 2121-E., dated 28th April 1920, which deals with the subject. The Provincial Governments are making considerable progress in the direction of improving the apprenticeship system and schemes for the building of technical schools in the neighbourhood of the central workshops of the North-Western Railway, the Oudh and Rohilkhand Railway and the Eastern Bengal Railway, at Lahore, Lucknow and Kanchnrapara, respectively, are in hand. Further particulars as to what is being done will be

found on pages 10 and 11 of the journal of Indian Industries and Labour for February last. Railways, generally, are enlarging the scope of the training and improving facilities at the shops, as it is fully recognised, that the better training of Indians for these posts is a most important consideration.

(c) Rules will be drawn up by the Provincial Governments and the Railway Administrations in collaboration when the schemes are sufficiently advanced.

(d) Indian apprentices equally with European apprentices are eligible for admission to Technical schools and for training in workshops.

(e) This matter is already being taken up with the Railway Administrations.

No. 2121-E.—19.

GOVERNMENT OF INDIA,

RAILWAY DEPARTMENT,

(RAILWAY BOARD.)

Dated Simla, the 28th April, 1920.

RESOLUTION.

THE Government of India have had under consideration the report of the Indian Industrial Commission which in paragraph 155 draws attention to the predominant importance which mechanical engineering is now beginning to assume in India, and to the fact that the development of Industrial enterprises involving the employment of mechanical engineers and trained supervisors has hitherto depended almost entirely on the employment of imported staff. Although many Indian engineers are found in charge of small running plant, yet the subordinate and superior supervising staff in large engineering workshops are almost entirely European or Anglo-Indian. It is clear, however, that, if the advance of Indian industries is to proceed on the hoped-for scale, and if it is to be of real benefit to the people of India, there must be not only a great increase in the number and skill of artisans, but a class of Indian foremen and mechanical engineers must be created.

2. The Industrial Commission have also expressed the opinion that, in respect of mechanical engineering, in its various branches, the only satisfactory method of producing foremen and officers is by a system of apprenticeship in commercially managed engineering shops, combined with theoretical training, preferably imparted in class rooms near the shops and under the same general control. They especially emphasise the necessity of this system in India where the home surroundings of students belonging to the educated middle-classes do not familiarise them with industrial conditions, and where the students themselves have been hitherto more inclined to the theoretical than to the practical forms of training. This important pronouncement is based on an examination of the working of the apprenticeship system in several railway shops; and makes it clear that the great railway workshops of India, which form the most important part of the country's equipment in respect of mechanical engineering, must necessarily play the main part in the training of mechanical foremen and engineers, as well as of artisans.

3. The Government of India take this opportunity of expressing the hope that in the near future a large body of well-qualified men with a mechanical training will be created from among the educated middle-classes. Until recently there has been comparatively little readiness exhibited by these classes to pass through the severe and unaccustomed form of training which the profession of mechanical engineering requires; but, during the past few years, there have been increasingly hopeful signs of a change in this respect. On the other hand, the system of apprenticeship in railway workshops in the past gave little or no scope, and only poor prospects, to youths of these classes. Outside the railways, too, there was no great demand, till comparatively recent years, for Indian foremen or mechanical engineers.

4. It will be of interest to recite briefly what has been done by the railways in recent years to provide for their own requirements and at the same time, to a certain extent, to meet the needs of the country generally through their apprenticeship systems.

It is not too much to say that the railway shops of India have in the past served as the chief training ground for mechanical artisans for the whole country. Youths of the working class enter the shops and after a more or less complete course of training as artisan apprentices, either remain in the shops as artisans or take up similar employment elsewhere. There is, however, an absence of system in the complete training of these youths; they are usually uneducated, or only partially educated when they commence their apprenticeship; and arrangements for the very elementary forms of theoretical teaching they need are inadequate or non-existent.

5. The ranks of foremen, assistant foremen, and chargemen are filled ordinarily either by imported Europeans or by Europeans and Anglo-Indians brought up in the country and trained in the railway workshops. In the latter case, though the system has produced many competent men, some of whom have risen to important posts on railways and in private firms, it still leaves much to be desired. The theoretical training has been, as a rule, conducted by an inadequate and insufficiently qualified staff; and there is usually an absence of adequate supervision of the work of apprentices in the shops. The directions in which the training given at present needs improvement are sufficiently obvious. The scheme which has been in force for two or three years past on the Eastern Bengal Railway at Kanchrapara is an interesting example of the lines on which railway apprenticeship training is now developing.

The arrangements at Kanchrapara for educated Indian apprentices are as follows:—

Residential accommodation has been provided for 28 first class Indian apprentices who draw a monthly stipend rising in five years from Rs. 18 to Rs. 30. They receive their practical training in the workshops and obtain elementary theoretical instruction four hours weekly from teachers who are members of the railway staff and are paid for this work. The rules require that these apprentices shall be Matriculates and there is no lack of suitable candidates. Proposals have been recently put forward by a Committee appointed under the orders of the Government of Bengal for a more advanced scheme at Kanchrapara including the entertainment of a separate and highly qualified staff, and the erection of a hostel for Indian students and of a technical institute in which the classes would be held. The Committee hoped that it would ultimately be possible to bring into force similar schemes in connection with the East Indian and the Bengal-Nagpur Railway shops, as well as at certain other engineering works, and to provide a post-apprenticeship training at the Sibpur College. It was also suggested by the Committee that the general organisation of the whole system of apprenticeship training might be placed under a Board of Control, on which the railways, the engineering firms, and the Sibpur College would be represented.

6. In the case of the officer class, till recently very little has been done in the country to recruit either from the ranks of Europeans or Anglo-Indians, and even less in the case of Indians, with a view to enable promising apprentices to obtain further training in England, and to qualify eventually for officers' posts. Certain railways have introduced schemes providing the necessary pecuniary aid. It may be hoped that the Bengal Committee's scheme may assist in due course in providing Indian recruits for this class.

7. This brief account of the part hitherto played by the railways of India in providing artisans and foremen, not only for their own needs, but also for the industries of the country generally, indicates the direction in which further progress can be made. The Government of India are confident that the managements of the various railways are sufficiently alive to the needs of the time, to do everything possible to create a system which will give middle-class Indian youths an efficient system of training and thus fit them to take their share in the great work of equipping India with skilled mechanics and supervisors, the sinews that actuate the industrial frame.

8. It is needless to enter into details regarding the precise form of scheme that should be adopted. This may not always be the same in every case, and will have to be prepared to suit the conditions of each railway on which the improved system is introduced. The Government of India, however, desire to point out that the railways cannot be expected to bear the cost of training apprentices in their shops in excess of their own requirements, and the help of Local Governments may reasonably be asked to enable expenditure on further developments to be met. The Government of India have recently given considerable grants to Local Governments to assist them in meeting such calls.

It is also necessary to explain that there is a limit to the number of apprentices that can be trained in any workshop, imposed partly by its size, and partly by the nature of its work and the extent of the supervision available.

9. The Government of India trust that the question of the improvement of the apprenticeship system will be approached by railways and Local Governments in full co-operation, and with the determination to open widely, in the interests of the industrial advancement of the country, the excellent training ground presented by the railway workshops, and that the shop management and staff will bring to the task the same spirit of energy and progress which has raised the railway shops to their present high level of efficiency.

10. This Resolution deals principally with railway workshops but the Government of India are fully aware of the excellent work done by Local Government workshops and those owned by private firms, in training apprentices, and they feel sure that non-railway workshops will do their best to improve their systems of training on lines best suited to each individual concern.

Ordered that the Resolution be communicated to all Departments of the Government of India, to all Provincial Governments and Minor Local Governments, and to the Agents, North-Western, Eastern Bengal and Oudh and Rohilkhand Railways for information.

Ordered also that this Resolution be forwarded to the Agents, Assam-Bengal, Bengal-Nagpur, Bengal and North-Western, Bombay, Baroda and Central India, Burma, East Indian, Great Indian Peninsula, Madras and Southern Mahratta, Rohilkund and Kumaon, and South Indian Railways, for information.

Ordered also that this Resolution be published in the *Gazette of India* for general information.

H. L. COLE,

Secretary, Railway Board.

RECRUITMENT OF OFFICERS, SUPERIOR REVENUE ESTABLISHMENT, STATE RAILWAYS.

81. **Mr. N. M. Samarth** : Will the Government be pleased to lay on the table the rules, if any, framed for the recruitment of officers of the Superior Revenue Establishment of State Railways in accordance with the recommendations contained in paragraphs 8—11, pages 339-40 of the Majority Report of the Royal Commission on Public Services in India?

Colonel W. D. Waghorn : It is the intention to recruit the Superior Traffic and Stores Establishments of State Railways from among qualified students of Indian Engineering or other technical colleges in future. At present, owing to the reorganization of the scales, the numbers are in excess of cadres, and consequently no appointments are being made this year, and revised rules have not been issued yet. I have dealt with the recruitment of the Superior Loco. and Carriage establishment in reply to Question No. 79.

ADMISSION INTO THE RAILWAY SERVICE OF INDIANS AND ANGLO-INDIANS.

82. **Mr. N. M. Samarth** : (a) Are the Government going to give effect to the views of Sir M. B. Chaulbal and Sir Abdur Rahim in paragraphs 24-25 at pages 381-82 and in paragraph 61 at page 416, respectively, of Volume I of the Report of the Public Services Commission with regard to the qualifying examinations for admission into the Railway Service for Indians and Anglo-Indians?

(b) If not, why not?

Colonel W. D. Waghorn : (a) and (b). The Public Services Commission dealt with the Superior establishments only. In my reply to Question No. 81, I have stated, that the intention is to recruit the Superior Traffic and Stores Establishments from Engineering colleges. The course of training at these colleges is the same for all students.

STAFF FOR STATE RAILWAYS.

83. **Mr. N. M. Samarth** : Do the Government propose to direct the Railway Companies working the State Railways to give effect to the general principles laid down by the Royal Commission on Public Services with regard to the recruitment of the staff for State Railways in Chapter III of Annexure XIX to their Report?

Colonel W. D. Waghorn : The Railway Companies have been made acquainted with the principles followed with regard to the recruitment of the staff for State railways, and they are also moving in the direction of appointing an increasing number of Indians to the higher appointments.

DELETION OF A NOTE IN STATE RAILWAY CODE *re* : SALARIES OF DRIVERS, ETC.

84. **Mr. N. M. Samarth** : Do the Government propose to order that the following note in paragraph 230 of the State Railway Open Line Code, Volume II, 1908 edition, be deleted :

'The maxima salaries for Native Drivers, Shunters and Guards are fixed at two-thirds of those for Europeans. Parsis are not Europeans and can only therefore be allowed the rates of pay laid down for natives.'

Colonel W. D. Waghorn : The rule was introduced prior to 1881 and will be omitted from the revised edition of the Code now under compilation.

SELECTION COMMITTEE RECOMMENDED BY THE ROYAL COMMISSION ON PUBLIC SERVICES.

85. **Mr. N. M. Samarth** : (a) Have the Government appointed the Selection Committee recommended by the Royal Commission on Public Services in paragraph 11 at page 340 of their Report?

(b) If so, what is its personnel?

(c) If not, when do the Government propose to appoint it?

Colonel W. D. Waghorn : No. But it is now proposed to form Selection Committees to appoint passed students of the several Engineering Colleges to the different departments, the system of guaranteeing appointments to the men who pass out highest being discontinued.

WHEAT PROFITS, 1915-16.

86. **Mr. E. L. Price** : Will the Government be pleased to state :

(a) the exact wording of the undertaking with regard to wheat profits, 1915-16;

(b) the exact amount of those profits;

(c) how they have been utilised?

Mr. J. Hullah : (a) No undertaking was given regarding the manner in which the profits would be utilised and no decision was reached until after the close of the operations. An indication of the intentions of the Government was contained in Sir Claude Hill's reply to a Question put by the Honourable Rai Bahadur B. D. Shukul at a meeting of the Imperial Legislative Council on the 16th February 1917 in which Sir Claude Hill stated, that it was hoped to devote these profits to special expenditure for the benefit of the agricultural

classes. On the 6th March 1917, the Government of India obtained the approval of the Secretary of State to the distribution of the profits among the principal wheat producing provinces subject to the condition that the money would be utilised on special schemes of non-recurring expenditure for the benefit of the agricultural classes and that any resultant recurring expenditure would be met from Provincial Revenues. The Secretary of State was informed at the same time, that the principal schemes suggested by Local Governments and approved by the Government of India were the replacement of existing strains of wheat and other staples by improved varieties, well-boring operations, the improvement of existing Government farms and the establishment of new farms for demonstration, experiment, seed supply and cattle breeding.

(b) The profits amounted to Rs. 25,99,860.

(c) Grants amounting to Rs. 26 lakhs were distributed to the Provinces as follows:—

					Rs.
Bombay	...	...	...	...	2,00,000
United Provinces	...	...	...	...	8,25,000
Punjab	...	...	...	...	12,25,000
Central Provinces	...	...	...	...	2,50,000
North-West Frontier Province	...	...	...	...	50,000
Bihar and Orissa	...	...	...	...	50,000
				Total	26,00,000

Mr. E. L. Price : May I ask if Sind has got anything out of that ?

Mr. J. Hullah : It appears not. I do not know whether Bombay gave anything to Sind.

Mr. T. V. Seshagiri Ayyar : Did Madras get any of it ?

Mr. J. Hullah : No.

EXCESS EXPENDITURE IN RESPECT OF 'EXCHANGE.'

87. **Mr. E. L. Price :** Will the Government be pleased to state with regard to the Honourable the Finance Member's replies to Questions asked by me during the voting of demands on 14th March last (pp. 1024-25 of Volume I, No. 11, Official Reports) :

The excess expenditure to the latest date available ?

The Honourable Mr. W. M. Hailey : The total net expenditure in England during the first quarter of the year for which the figures are available is £5.91 millions. If exchange had been 1s. 8d. during that period, the rupee expenditure would have been 710 lakhs. Calculated, however, on the actual rates prevailing, the expenditure amounts to Rs. 891 lakhs and there was thus an excess of Rs. 181 lakhs.

PAY AND SERVICE OF STENOGRAPHERS, CLERKS AND ASSISTANTS IN THE GOVERNMENT OF INDIA SECRETARIAT.

88. **Mr. T. V. Seshagiri Ayyar :** Will the Government be pleased to state :

- (i) the pay of stenographers employed in the Government of India before the introduction of the re-organised scales of pay in December 1919 ;

- (ii) the pay of shorthand writers employed in the Government of India after the introduction of the new scale of pay in 1919 ;
- (iii) the percentage of increase in pay that has been given owing to the dearness of provisions ;
- (iv) the pay of assistants and clerks employed in the Government of India before and after the revision in 1919, showing the percentage of increase in emoluments owing to dearness of provisions in each case ;
- (v) the number of years in which the maximum is reached in the case of (a) assistants ; (b) clerks ; and (c) stenographers ;
- (vi) whether it is a fact that technical skill is required for becoming a stenographer ;
- (vii) whether there has been noticed any marked difference in the quality of stenographers recently recruited by the Government of India as compared with those employed before December 1919 ;
- (viii) whether any difficulty has been found in recruiting efficient shorthand writers through the agency of the Staff Selection Board ;
- (ix) the fee which is paid to a stenographer employed in the Government of India when asked to report the proceedings of a Committee or of a Conference ;
- (x) the fee which has been or is paid to a stenographer, not in Government employ whether in India or appointed from outside India, in doing the same work ;
- (xi) whether it is a fact that stenographers employed in the Government of India (other than those attached to Secretaries) have to remain in office after office hours, which is usually 5 P.M., if so, whether they are paid any extra remuneration for so staying, and if not, why not ;
- (xii) whether any memorial has been submitted by stenographers, and, if so, when and how has it been considered by the Government of India ;
- (xiii) whether it is a fact that assistants and clerks have, as a rule, to stay in office after office hours ?

The Honourable Sir William Vincent : The information asked for by the Honourable Member is contained in the statement which is laid on the table :

Statement.

- (i) Incremental scale of Rs. 150—10—350 a month.
- (ii) Incremental scale of Rs. 175—9—400 a month.
- (iii) The percentage of increase in pay given owing to the dearness of provisions cannot be calculated. In giving effect to the new scale, initial pay was determined by length of service, and some men received a larger increase than others. The dearness of living was not the only factor in determining the new scale of pay.
- (iv) *Assistants.*—Before revision, grades of Rs. 140, 170, 200, 250, 300, 350 and 400.
- After revision, time-scale of Rs. 200—15—365—efficiency bar—380—15—500 with an upper time-scale of Rs. 375—25—500 for selected assistants.

Clerks.—Before revision, grades of Rs. 60, 70, 80, 90, 100—efficiency bar—120, 140, 160, 180, 200 with two further increments of Rs. 25 each for long and approved service. After revision, time scale of Rs. 100—8—156—efficiency bar—164—8—300—with a special grade on Rs. 300—25—350.

As to the percentage of increase on account of dearness of provisions, the same remarks apply as in the case of stenographers.

(v) (a) Ordinary scale 20 years.

Selection scale 17 years.

(b) 25 years.

(c) 25 years.

(vi) Yes.

(vii) No.

(viii) Yes.

(ix) Fees are fixed according to the work to be done. Ordinarily, a fee not exceeding Rs. 20 a day is admissible.

(x) There are no fixed rules, remuneration in such cases being determined with reference to the qualifications of the individual employed.

(xi) Stenographers (other than those attached to Secretaries and Members) have not, as a rule, to stay in office after office hours. They are, however, obliged to do so occasionally during times of special pressure.

No extra remuneration is given for such late hours, as they are whole-time servants.

(xii) Two series of memorials have been received, one before and the other after the introduction of the new scale of pay. After careful consideration, both have been rejected.

(xiii) Assistants and clerks have not, as a rule, to stay back in office after the ordinary closing hour. They are, however, obliged to do so during periods of pressure, and to a somewhat greater extent than unattached stenographers.

VIOLATION OF CHASTITY OF AN INDIAN WOMAN AT SIALKOT.

89. **Mr. M. Faiyaz Khan :** (a) Has the attention of the Government been drawn to the statement published in the *Bunday Mataram* of 14th June 1921, page 2, column 2, in which it is stated, that a British soldier violated the chastity of an Indian woman at Sialkot, and he was released by the Cantonment Magistrate and fined Rs. 50 only?

(b) If the above statement is true, will the Government be pleased to state :

(i) the number of Indians alleged to have violated the chastity of European women in India during the last 150 years of the British Raj in India and the amount of punishment meted out to those Indians, and

(ii) the number of Europeans alleged to have violated the chastity of Indian women in India during the last 150 years of the British Raj in India and the amount of punishment meted out to those Europeans?

The Honourable Sir William Vincent : (a) Government have seen the article referred to by the Honourable Member. The soldier in question was charged with an offence punishable under Section 354 of the Indian Penal Code, but the Court found that there was no indecent assault and convicted the accused only on the minor offence of causing simple hurt, punishable under Section 323 of the Code. The sentence imposed was as stated.

(b) It is quite impossible for Government to collect the statistics suggested in the Question.

LORD CHELMSFORD ON INDIAN COUNCILS.

90. **Mr. M. Faiyaz Khan :** Has the attention of the Government been drawn to the 'London Letter' published in the *Leader* of 16th June 1921, page 7, column 2, in which Lord Chelmsford is said to have stated in a meeting recently held at Oxford, that 'it was a great disappointment to him (Lord Chelmsford) that the Councils were not so representative of the people as they might have been'?

The Honourable Sir William Vincent : Yes.

PURCHASE OF MICROSCOPES.

91. **Mr. M. Faiyaz Khan :** (a) Has the attention of the Government been drawn to the statement headed 'Microscopes for India' published in the *Leader* of the 16th June 1921, page 8, column 2?

(b) Will the Government be pleased to state whether tenders had been invited in India regarding the possibility of obtaining the microscopes on behalf of the Government of India through Indian firms in India before inviting tenders from English firms in England? Is it true, that the microscopes supplied to the Government of India, as mentioned above, were manufactured by Spencer Lens Co., of Buffalo, United States of America?

(c) Is the Government aware, that the said manufacturer is already represented in India by an Indian firm? Will the Government be pleased to state why it did not first invite tenders of Microscopes in India before inviting tenders from British firms in England?

Mr. A. C. Chatterjee : The attention of the Government has been drawn to the statement referred to, which was published in the *Leader* of the 16th June 1921.

2. Tenders for the microscopes in question were not invited in India. Under the provisions of the rules for the supply of articles for the public service, articles which are not manufactured in India are to be obtained by indent upon the Director-General of Stores, India Office, with certain exceptions laid down in the rules. The only exception which might have been applied to this case is embodied in Rule 3 (a) by which an indenter is empowered to make local purchases of imported stores, provided the following conditions are complied with :

- (1) that the articles are in India at the time of the order ;
- (2) that their price and quality are not unfavourable as compared with those at which similar articles could be obtained through the Director-General of Stores ; and
- (3) that the expenditure involved is within the financial powers delegated to the indenter under Rule 13 of the rules.

In this case, the value of the microscopes required by the indenter exceeded his financial powers, so that even if the other conditions of Rule 3 (a) had been complied with, the indenter acted correctly in forwarding the indent to the Director-General of Stores.

3. It is true, that the microscopes supplied were manufactured by the Spencer Lens Company of the United States of America. The Government is not aware, that that Company is already represented by an agent in India.

EDITORIAL ARTICLES IN 'JUSTICE.'

92. **Mr. M. K. Reddi Garu:** Has the attention of the Government been drawn to the following editorial articles headed: 'Judicial Appointments,' 'The Retort Brutal,' 'The Future' and 'These be their Gods, Oh, Israel!' that appeared in the issue of 7th, 9th, 10th and 11th June, respectively, of *Justice*, an English daily of Madras.

The Honourable Sir William Vincent: The Government of India have seen the articles referred to.

ARTICLES IN THE 'DAILY EXPRESS' AND 'NEW INDIA.'

93. **Mr. M. K. Reddi Garu:** Has the attention of the Government been drawn to an article headed 'Pitchforking done' which appeared in the *Daily Express* of the 10th June 1921, and to the article on the same subject which appeared in the *New India* of 9th June 1921?

The Honourable Sir William Vincent: The Government of India have seen the second but not the first article referred to.

RACIAL DISTINCTIONS AMONG RAILWAY PASSENGERS IN REGARD TO ACCOMMODATION, ETC.

94. **Mr. M. K. Reddi Garu:** (a) Has the attention of the Government been drawn to Resolution No. 2 regarding the removal of 'all existing racial distinctions among the railway passengers as regards accommodation, retiring rooms, etc.,' which has been discussed in the last Session of the Madras Legislative Council?

(b) If so, what action has this Government taken in view of all the discussions which took place in that Council?

Colonel W. D. Waghorn: (a) Reply is in affirmative.

(b) The Government do not at present propose to take any further action than is now being taken. As this Assembly are aware, Railway Administrations are endeavouring to do away with all racial differences in the matter of travelling accommodation and this, in so far as upper class accommodation is concerned, has long been the case. The position, however, is somewhat different in the matter of the lower classes; and whereas the number of poor Europeans and Anglo-Indians travelling in the inter and third class carriages is comparatively small, the amount of accommodation reserved for them is equally small and the removal of this reservation would but afford accommodation for comparatively few Indian passengers. Indeed, it is considered desirable to continue the reservation of this accommodation in the interests of the much larger number of Indians themselves who travel third class.

In this connection, it may be mentioned, that at a Railway Conference held in Lucknow in 1903 to consider the question of the comfort and convenience of 3rd class passengers, and at which a large number of Indian gentlemen were invited to be present, it was resolved that 'every train be provided with a separate compartment for Europeans partitioned by planks, and not iron bars, and that European third class passengers be restricted to the use of that compartment.'

As regards retiring rooms the usual practice is to allot waiting or retiring rooms to 1st and 2nd class passengers, and Indian passengers holding tickets of these classes are entitled to the use of these rooms according to the class of ticket they hold. In some few instances, separate 1st and 2nd class retiring rooms for Europeans and Indians are provided, but this has been done not with a view to making any racial distinction but to meet the convenience of both parties, and at the pressing request of the Indian public the same has been done in the matter of refreshment rooms at most important stations. Separate refreshment rooms for Hindu and Muhammadan gentlemen have been provided at some stations, where facilities for refreshment are not easily obtainable in the vicinity of the stations and where the demand is sufficiently great to attract contractors and justify the necessary capital outlay.

PAYMENTS TO BURN & CO. FOR AMERICAN RAILWAY WAGONS.

95. **Mr. K. C. Neogy:** (a) On what basis are payments made to Messrs. Burn & Co. for work done in connection with the fitting up of American railway wagons?

(b) How do the railway authorities satisfy themselves that all work for which payment is claimed in this connection has been actually and satisfactorily done?

(c) At what stage is payment generally made to Messrs. Burn & Co. for stores indented by them for the said work? Are the said Company being given any advances for purchase of materials?

Colonel W. D. Waghorn: (a) The Honourable Member is referred to the reply to No. 2 (d) of his previous set of Questions in regard to this matter.

(b) The work is inspected by the Superintendent, Local Manufactures, Calcutta, or other officers appointed by the Agent, Eastern Bengal Railway, who is in administrative charge of the work, and final bills are admitted only on the passing of the work by the Inspecting Officer.

(c) The contract terms of payment are:

- (i) With order— $\frac{1}{2}$ contract price for open wagons and $\frac{1}{2}$ for covered wagons.
- (ii) As material is delivered in contractor's yard— $\frac{1}{2}$ contract price for open wagons only.
- (iii) On delivery—balance.

MANUFACTURE OF RAILWAY WAGONS IN INDIA.

96. **Mr. K. C. Neogy:** (a) Is it a fact that the purchase of articles of European manufacture for purposes of construction of railway wagons by private contracting firms, except through the authorities in England, is strictly prohibited?

(b) If so, will Government be pleased to state whether the articles supplied by Messrs. Burn & Co. and Messrs. Jessop & Co., for purposes of construction of wagons by them, comprise solely of raw materials?

(c) What materials are being supplied by the Railway and the said contractors, respectively, in connection with the said work of construction?

Colonel W. D. Waghorn: (a), (b) and (c). It depends on the terms of the contract. At present contracts placed in India are for the supply of the

complete wagon, the railway concerned supplying the wheels and axles and the contracting firm arranging for all other materials. The contracting firms do the bulk of the manufacturing work in their own shops but are permitted to obtain parts which cannot be made in India.

COST OF CONSTRUCTION OF RAILWAY WAGONS.

97. **Mr. K. C. Neogy**: What has been the average cost of construction of different standard types of railway wagons in England, in India by private firms, and in Indian Railway workshops, respectively, during each of the last five years?

Colonel W. D. Waghorn: The last five years cover the period of war and post-war conditions. Abnormal difficulties have prevailed in obtaining materials and getting any wagons constructed. There have been comparatively few wagons of standard types delivered and these only during the last year or two. Railway workshops do not manufacture wagons ordinarily and no standard types had been delivered by firms in India up to within the last few months. A comparison is therefore not possible and owing to the abnormal fluctuations of price of material and labour and exchange, actual costs would be difficult to obtain and of no practical value.

The distribution of recent orders by the Railway Board has been decided on tender prices; in some cases, the quotations for Indian made wagons have been lower than those for imported wagons and in other cases the reverse.

ORDER OF EXTERNMENT AGAINST MAULVI ABDUL MATIN CHOUDHURY BY THE DEPUTY COMMISSIONER OF THE KHASI AND JAINTIA HILLS.

98. **Rai G. C. Nag Bahadur**: (a) Is the Government of India aware of Notification No. 784-P., dated the 9th October 1911, issued by the Government of Eastern Bengal and Assam, in force in the Khasi and Jaintia Hills District, by which the Deputy Commissioner of that district is empowered to pass an order of externment against any one visiting Shillong, the capital of the province of Assam, requiring him to leave the boundaries of that district within 24 hours?

(b) Has the attention of the Government of India been drawn to the report published in the *Janasakti* newspaper of 14th June 1921, published from Sylhet, and other papers, that in pursuance of the aforesaid notification, a gentleman, named Maulvi Abdul Matin Choudhury, was directed by the Deputy Commissioner by his order, dated 6th June to leave the boundaries of the Khasi and Jaintia Hills district within 24 hours, the grounds given in the said order of externment being: (1) that the said Maulvi Abdul Matin was not a native of the district, (2) that he was a non-co-operator, and (3) that he was working in the said Khasi and Jaintia Hills for the non-co-operation movement?

(c) Do the Government of India propose to direct the Government of Assam to cancel the said notification?

The Honourable Sir William Vincent: The Government of India have no information about the matter which is one for the consideration of the Local Government of Assam and the Government of India do not propose to interfere.

PENSION GRANTED TO MAHINDRI DEVI.

99. **Rai G. C. Nag Bahadur**: (a) Did the Government of India receive through the Assam Government any memorial from Rani Mahindri Devi, widow of the last descendant of the Ahom King, and a political pensioner at Gauhati, asking the Government to increase the amount of her pension?

(b) Is the Government aware that Rs. 50 which is paid to her as pension is quite inadequate for her maintenance, and that she is at present living in a state of great indigence and squalor, and that her impoverished condition is very keenly felt among the people of the country?

(c) Do the Government of India propose to increase the amount of her pension, and also make a suitable grant for repairs of her house?

The Honourable Sir William Vincent (on behalf of the Honourable Sir John Wood): (a) The memorial referred to was addressed not to the Government of India but to the Government of Assam.

(b) The Government of Assam recommended, after local inquiry, that the Rani's monthly pension be raised from Rs. 50 to Rs. 100 and that a special grant of Rs. 1,000 be made for necessary repairs to her residence.

(c) These recommendations have been accepted by the Government of India and orders have issued accordingly.

PAY OF THE STAFF OF THE OFFICE OF THE DIRECTOR-GENERAL, POSTS AND TELEGRAPHS.

100. **Mr. M. K. Reddi Garu**: With regard to the Committee appointed for revising the pay of the staff of the Office of the Director-General of Posts and Telegraphs, will the Government kindly say:

(a) if the Committee's report has been received and when, also what has been done to give effect to their recommendations;

(b) whether the Government are prepared to accept all their recommendations without modifications and, if not, what are the reasons for it;

(c) whether a time-scale of pay as in the case of the Secretariat offices with effect from 1st December 1919 will be given with full benefit of past service to each of the staff of that office, and if not, what are the objections against that?

Colonel Sir S. D'A. Crookshank: (a) The report was received in March last. The recommendations of the Committee were carefully examined by the Government of India and the conclusions of the latter have now been accepted by the Standing Finance Committee.

(b) The Committee's recommendations have been accepted by Government with some modifications, which were considered necessary in view of the rates of pay given in other offices in Calcutta.

(c) As the pay of part of the establishment was revised in 1918 and 1919, it is not considered necessary to give retrospective effect to the new rates of pay from a date earlier than 1st March 1921. In order to avoid anomalies due to different methods of recruitment followed in the offices of the Directors-General of the Post Offices and Telegraphs before the amalgamation, and to

special promotions or supersessions, it has been decided not to bring the clerical staff on to the new scales in accordance with the length of the service put in by them but to bring B class clerks on to the next scales at a point which will give them an immediate increase of 25 or 30 per cent. over their pay *plus* war allowance on March 1st last and to bring A class clerks on to the new scales at a stage next but one above their pay *plus* war allowance on the above date.

RECOMMENDATIONS OF THE GOVERNMENT OF INDIA SECRETARIAT PROCEDURE AND ESTABLISHMENTS COMMITTEES.

101. **Mr. M. K. Reddi Garu:** (a) Is it a fact that the Government of India Secretariat Procedure and the Establishments Committees recommended separately as regards (i) organisation and office procedure and (ii) pay of the officials of the Secretariat and attached offices, respectively?

(b) If so, why as regards (i) has the Government again appointed another Committee for the organisation of the office procedure of the (attached) office of the Director-General of Posts and Telegraphs when that office also was directed to adopt the recommendations as announced in the Home Department (Public) Resolution No. 2366, dated the 15th September 1920, in the Gazette of India?

(c) Why as regards (ii) in part (a), will not the scales of pay recommended for the attached offices, as published by the Staff Selection Board on the 6th September 1920 be given to that office with retrospective effect from 1st December 1919?

Colonel Sir S. D'A. Crookshank: (a) The Government of India Secretariat Procedure Committee stated that they saw no *prima facie* reason why the principles of their recommendations as to procedure should not be applied *mutatis mutandis* to attached offices. The recommendations of the Government of India Secretariat Establishments Salaries Committee did not deal with the pay and allowances of the staff of attached offices.

(b) While the recommendations of the Secretariat Procedure Committee were under examination by the Government of India, the Director-General of Posts and Telegraphs submitted proposals for revising the pay of the clerical staff of his office, the great majority of which are employed in Calcutta. It was decided, in the first instance, to place an officer on special duty to make recommendations with regard to all the offices attached to the Government of India situated in Calcutta, but it was subsequently found that no suitable officer could be spared for the purpose. As there was also reason to believe, that the working arrangements in the offices of Postmasters-General were susceptible of improvement, it was finally decided to appoint a small committee of expert officers of the Post and Telegraph Department not only to make recommendations for revising the pay of the staff in the office of the Director-General of Posts and Telegraphs, but also to examine in detail the organisation and methods of work both in that office and in those of all Postmasters-General, in order that they might recommend delegations of power and decentralization of control with a view to reducing the volume of work in these offices as well as to simplifying and regularising the procedure.

(c) As stated above, the great majority of the staff of the office of the Director-General of Posts and Telegraphs are posted at Calcutta. It was thought that their scales of pay should be fixed with special reference to the local conditions prevailing in that city.

DEPARTMENT OF COMMERCE AND OFFICE OF THE DIRECTOR-GENERAL OF POSTS AND TELEGRAPHS.

102. **Mr. M. K. Reddi Garu:** With reference to the Answers given by Government to parts (d) and (e) of Question No. 595 put in this Assembly by Rai Bahadur Bakshi Sohan Lal on the 24th March last, will the Government kindly lay on the table a statement showing for comparison:

- the total number of clerks in the Department of Commerce and in the office of the Director-General of Posts and Telegraphs with the academic qualifications of each and the system of recruitment under which they were appointed, and
- whether as regards (e) above, the Government are prepared to consider the question of granting to the establishments of attached offices the same benefit of past services as they have granted to the Secretariat and other higher services such as I. C. S., Forest, Education, etc.?

The Honourable Sir William Vincent: (a) A statement is laid on the table giving the information desired.

(b) The method was adopted in order to give an immediate increase in pay and to avoid the complication of personal allowances. We have no proposal under consideration to revise this method, but I am ready to make inquiries whether the method adopted has resulted in unreasonable inequality of treatment as compared with the Secretariat establishment having regard to the duties which the two classes of officers have to perform.

Comparative statement showing number of clerks in the Department of Commerce and in the office of the Director-General, Posts and Telegraphs, their academic qualifications and the systems under which they were recruited.

	Department of Commerce.	Office of the Director-General, Posts and Telegraphs.
Total number of clerks	73	236*
<i>Academic qualifications.</i>		
M.A., A.I.A.	1	1
M.A., B.L.	2	7
M.A.	...	2
M. Sc.	5	...
B.A., B.L.	14	20
B. A.	...	1
B. Sc.	6	...
Read up to B.A.	...	4
Intermediate Arts	...	1
Intermediate Science	1	27
F. A.	3	...
Read up to F.A.	19	17
Passed Matriculation	...	82
Passed Entrance	...	1
Passed High School...	12	...
Read up to Matriculation	10	53
Others (lower qualifications)	...	...

* Twenty of these posts are vacant at present.

	Department of Commerce.	Office of the Director-General, Posts and Telegraphs.
<i>Methods of recruitment.</i>		
Recruited direct	65	196
Recruited after passing Secretariat Clerkship examination which was in force prior to 1911.	3	20
Recruited through Staff Selection Board	5	...

ADDITION OF A TOURING OFFICER TO THE STAFF OF THE
DIRECTOR-GENERAL, POSTS AND TELEGRAPHS.

103. **Mr. M. K. Reddi Garu:** (a) Is it a fact that a highly paid officer has recently been added to the Head Quarters staff of the Telegraph Branch of the Director to swell the number of touring officers? If so, why?

(b) What are the number of touring officers in that Department and why there are so many?

(c) Is it not a fact that there are highly paid responsible Postmasters-General and Directors of Telegraph Engineering to control both the Traffic and Engineering Branches?

(d) Why cannot the number of such officers be reduced and their constant tours cut short?

Colonel Sir S. D'A. Crookshank: (a) The post of Deputy Chief Engineer, ranking as a Director, Telegraph Engineering, has recently been sanctioned by the Secretary of State. His duties are to assist the Chief Engineer in dealing with all questions relating to telephones, in devoting special attention to the commercial side of the telephone systems and in inspecting important telephone engineering works under construction. The appointment has been created in order to provide for an expert technical adviser on all engineering and traffic questions arising in connection with the development of telephone systems in India.

(b) There are five touring officers on the telegraph side of the headquarter staff of the Director-General, viz., Chief Engineer, Deputy Chief Engineer, Telephones, Director of Wireless Telegraphs, Deputy Director-General, Telegraph Traffic, and the Traffic Controller. These officers tour from time to time in order to keep themselves in touch with local officers, to discuss outstanding questions with them, and to give them the benefit of their special technical knowledge and experience.

(c) Telegraph traffic is controlled by Postmasters-General and Engineering works and establishments by Directors, Telegraph Engineering, within their circles.

(d) The number of these officers cannot be reduced because the charges already held by them are too large. It is obvious, that in a public utility Department, such as this one is, the work of which is expanding annually, the tendency is and must be towards an increase of personnel of all classes.

The tours of these officers are not constant and, generally speaking, the amount of touring accomplished is barely adequate and sufficient to keep them in touch with requirements.

TREATMENT OF INDIAN PASSENGERS.

104. **Lala Girdharilal Agarwala:** (a) Have the Government read Mr. Raj Narain's letter dated Katra Neil, Delhi, 13th May, printed in the *Leader*, dated 23rd May 1921, at page 7, column 1, about the conduct of a Lieutenant who would not allow Indians to travel with himself in the same Railway compartment and threatened to shoot and refused to give his name to the Railway authorities?

(b) What action, if any, have the Government taken in the matter?

(c) Do the Government propose to issue a circular to all Europeans in India to remove from their minds feeling of their racial superiority and cultivate the habit of treatment on the basis of equality, irrespective of creed or colour?

Sir Godfrey Fell: (a) Yes.

(b) As the Honourable Member is probably aware, the officer concerned was tried by the District Magistrate and fined Rs. 400.

(c) Government do not consider that it is necessary to issue a circular of the nature suggested, or that such a circular would serve any useful purpose. The attitude of Government towards such incidents as that referred to by the Honourable Member has been the subject of more than one recent pronouncement, and must be well known to all sections of the community.

PROBATIONARY SUPERINTENDENTS OF POST OFFICES.

105. **Mr. M. Faiyaz Khan:** (a) Is the Government aware that there is much discontent among the Probationary Superintendents of Post Offices on account of insufficient pay and bad prospects?

(b) Is any period of probation fixed for Probationary Superintendents of Post Offices prior to confirmation?

(c) Is it a fact that in other services, viz., the Provincial Civil Service, Provincial Police and Forest, the probationary period is limited to two years?

(d) If the answer to (b) is in the negative, will the Government state why this is not done in case of Probationary Superintendents of Post Offices and they are not confirmed after completing two years' service?

(e) Is the Departmental examination for Superintendents of Post Offices held in compartments and twice a year, four attempts being allowed to each candidate, as is done in the case of Deputy Collectors? If not, why not?

(f) Is the scale of pay of these Superintendents the same as that fixed for Deputy Collectors, viz., Rs. 300 to 1,000 by annual increments of Rs. 40? If not, why should not their pay be raised to the same scale?

Colonel Sir S. D'A. Crookshank: (a) Government are not aware of any such discontent. The pay has recently been increased from Rs. 100 to Rs. 200 a month and, as the number of highly qualified candidates for these posts exceeds the number of vacancies, there is no reason to believe that either the pay is insufficient or the prospects bad.



(b) The period of probation is not fixed.

(c) In the case of the Provincial Civil and Police Services the rules framed by Local Governments are not entirely uniform, but, as a general rule, officers are confirmed after two years, subject to their fitness and to their passing departmental tests. As regards the Provincial Forest Service, it is left to Local Governments to fix the probationary period, subject to the proviso that it should not exceed two years.

(d) The length of the probationary period depends on the number of vacancies among the permanent Superintendents. These occur at irregular intervals. It is not, therefore, possible definitely to fix the probationary period at two years although the period of probation averages about two years.

(e) The examination is held once a year. It is not held in compartments. Ordinarily a candidate is allowed two attempts. The present system has been found to give satisfactory results and it is not proposed to make any change.

(f) The answer is in the negative. The question has been examined and the present rate of pay is considered by Government to be sufficient.

PURCHASE OF SILVER.

106. **Mr. M. K. Reddi Garu:** (i) Will the Government be pleased to lay on the table a detailed statement showing the annual average at which the Royal Mint and the India Office have made their respective purchases of silver since the closing of the mints in 1893 up to date?

(ii) Will the Government be pleased to lay a statement on the table showing the number and names of firms that trade in silver and the number and names of firms of brokers, who deal in silver, both in London and Bombay, separately?

(iii) Will the Government kindly state if it is a fact:

(a) that the Secretary of State purchases his silver through these brokers in London, and

(b) that these brokers usually purchase their silver for India out of loans got from the Bank of England?

The Honourable Mr. W. M. Hailey : (2) A statement is laid on the table.

(ii) The Government has no information on the point.

(iii) Purchases of silver by the Secretary of State are normally now made through a firm of brokers in London; but, in the exceptional circumstances of recent years, considerable purchases have been made through other channels, and the Secretary of State holds himself at liberty to adopt whatever course seems expedient at the time when purchases are required. There is no information tending to support suggestion in (b) which is, moreover, inherently improbable as payments made in the London market are regularly made against delivery. In consideration of employment by the Indian Government, purchasers understand that in such connection they act as brokers only and not as dealers.

Statement showing the average cost of silver purchased by the

Year.	ROYAL MINT.		INDIA OFFICE.		Financial year.	
	Average cost per standard ounce.		Average cost per standard ounce.			
		<i>d.</i>		<i>d.</i>		
1893	...	...	36 $\frac{5}{8}$	No purchase	1893-94	
1894	...	...	29 $\frac{1}{2}$		to	
1895	...	...	30 $\frac{3}{4}$			
1896	...	...	30 $\frac{1}{2}$			
1897	...	...	27 $\frac{7}{8}$			
1898	...	...	27 $\frac{1}{2}$	1898-99		
1899	...	...	27 $\frac{1}{2}$	28	1899-00	
1900	...	...	28 $\frac{1}{2}$	29	1900-01	
1901	...	...	27 $\frac{1}{2}$	No purchase	1901-02	
1902	...	...	24 $\frac{1}{2}$		22-80	1902-03
1903	...	...	23 $\frac{1}{2}$	27-19	1903-04	
1904	...	...	26 $\frac{1}{2}$	27-14	1904-05	
1905	...	...	27 $\frac{7}{8}$	29-74	1905-06	
1906	...	...	31 $\frac{1}{2}$	31-59	1906-07	
1907	...	...	30 $\frac{1}{2}$	31-27	1907-08	
1908	...	...	24 $\frac{1}{2}$	No purchase	1908-09	
1909	...	...	23 $\frac{1}{2}$		}	1909-10
1910	...	...	24 $\frac{1}{2}$			1910-11
1911	...	...	24 $\frac{1}{2}$			1911-12
1912	...	...	27 $\frac{1}{2}$	28-71		1912-13
1913	...	...	28 $\frac{1}{2}$	28-71	1913-14	
1914	...	...	24 $\frac{1}{2}$	No purchase	1914-15	
1915	...	...	24 $\frac{1}{2}$		33-93	1915-16
1916	...	...	30 $\frac{5}{8}$	33-93	1916-17	
1917	...	...	39 $\frac{1}{2}$	42-78	1917-18	
1918	...	...	47 $\frac{1}{2}$	48-20	1918-19	
1919	...	...	49 $\frac{1}{2}$	52-04	1919-20	
1920	...	...	50 $\frac{1}{2}$	Silver purchased at special rates from the Badwin mines and the Perth Mint.	1920-21	

APPOINTMENT IN INDIA OF EXPERT ACCOUNTANTS FROM LEADING FIRMS
IN ENGLAND.

107. **Mr. K. C. Neogy:** (i) With reference to the 'body of expert Accountants from one of the leading firms in England,' whose assistance, as stated by the Finance Member in his last budget speech, has been taken by Government with the object of introducing in Army Supply Departments a system of commercial costing accounts and for the purpose of overhauling Post and Telegraph accounts, will Government be pleased :

(a) to lay on the table the correspondence with the Secretary of State containing the terms of the contract on which the said Accountants were employed in India, and

(b) to state the number of the said Accountants so employed, the period during which they work, and the total cost—under different heads—entailed on Government by their visit, together with their respective rates of remuneration?

(ii) (a) Is it a fact that the said Accountants submitted bills charging Government for various expenses of an entirely personal nature, such as cost of entertainment of friends, cost of recreation and amusements, subscription to clubs, dentist's bill, etc.?

(b) If so, will Government be pleased to state the amounts charged in their bills under each of all items of such nature, and the amounts for which they have been passed by the Audit Department?

(iii) Will Government be pleased to lay on the table the forms of account which have been changed on their recommendation, in the different departments, noting in each case the improvements effected?

(iv) Is it a fact that some officers of the Audit Department have been placed on special duty for the same work as the said Accountants were expected to accomplish?

The Honourable Mr. W. M. Hailey : (i) (a). The correspondence is placed on the table (Annexure I).

(i) (b), (ii) (a), and (ii) (b). Three Accountants have been employed. They have been working in India since December 1920. In May 1921, the Senior Accountant sailed for England and he is expected back in India in the ensuing winter. A partner of the firm will also visit India to examine the materials collected by the Accountants before final recommendations are made. The rates of remuneration of the Partner and the Accountants are given in the correspondence which I have laid on the table.

A statement of the total cost expended in India up to 30th June 1921 by the representatives of the firm showing the amounts under different detailed heads is laid on the table (Annexure II). Besides this amount, a bill for £2,211-9-0 has been drawn upon the Secretary of State in England. This amount represents the total claim of the firm for work done for the Government of India from the 4th October 1920 to 28th February 1921, and includes the cost incurred in England on account of the three representatives sent to India. The bills include Rs. 66-5-0 for entertainment of friends and Rs. 110-7-0 for subscriptions to clubs. The latter was specially permitted for periods corresponding to the unexpired periods of subscriptions to similar clubs in England. The contract is for 'reasonable hotel and living expenses' and, I am informed, that when the contract was entered into, these gentlemen were given to understand that such items would be included in that category. Now, however, that the matter has been brought to notice, it has been arranged that the amount of these items shall be refunded, and no further payments on account of such charges will be made. The admissible charges include items 1 (a), 1 (c) and 2 in the statement of cost attached, which total Rs. 11,102-5-0. This works out to about Rs. 584 per head per mensem, which must be regarded as very reasonable, seeing that most of their work during the period in question was in Calcutta.

(iii) Up to the present, advance copies of their reports on the following concerns have been received, and action cannot be taken upon them until they have been approved by the London firm :—

- (1) Arts and Crafts Emporium, Lucknow.
- (2) Turpentine and Resin Distillery, Bareilly.
- (3) Government Saw Mills and Turnery, Clutterbuckganj.
- (4) Jail Factory at Naini.
- (5) Distillery Contractors' account in Bombay.
- (6) Bombay Trawler Accounting system.
- (7) Wood Working Institute, Bareilly.

(iv) No officers of the Audit Department have yet been placed on special duty for the same work as the Accountants from England are expected to accomplish. It is intended to attach two officers temporarily to the representatives of the firms in India to learn the work and to carry out the recommendations of the Accountants when they have left India.

ANNEXURE I.

Copy of a letter from Messrs. Price Waterhouse and Company to the Financial Secretary to the India Office, London.

With reference to the discussions which have taken place between ourselves and Messrs. Gauntlett and Burdon, representing the India Office, we are pleased to inform you, that we shall be prepared to undertake the inquiry which the Government of India desire should be made. We understand that the scope of the inquiry will be as follows :

- (a) To examine the existing system of accounts maintained in respect of the commercial or quasi-commercial activities of the Government of India.
- (b) To investigate the possibility of improving the existing system of accounts with a view to embodying therein methods and principles of accounting which are considered requisite in ordinary commercial practice and to make recommendations for the introduction where and when possible and desirable of system of 'cost' accounting, due regard in every instance being had to the special conditions obtaining in India.

2. We understand that the activities referred to in 1 (a) above comprise the following of which the first mentioned are the most important :

Post and Telegraph Department.
Opium Department.
Salt Department.
Public Works Workshops.
Ordnance Factories.
Military M. T. Workshops.
Clothing Factories.
Air Craft Workshops.
Military Grass and Dairy Farms.
Military Electrical and Mechanical Workshops.
Military Medical Stores and Factories.
Remount Depots.
Bombay Mint.
Acetone Factory.
Central Workshops, Amritsar.
Port Commissioners, Island Works, Chittagong.
Phoenix Bay Workshop.
Calcutta Mint Stores Accounts.
Mathematical Instrument Office, Calcutta.
Government Cinchona Plantations, Naduvattam.
Government Soap Factory, Calicut.
Sugar Factory, Nawabganj.

Turpentine Distillery, Bareilly.
Forest Utilisation and Woodworking Institute, Bareilly.
The Saw Mills and Turnery, Bareilly.
Marine Engineering Works, Dwabong.
Jail Manufacture Department, Madras.
Jail Factories, United Provinces.
Dacca Central Jail (Woollen Factory).
Presidency Jail Jute Work.

We understand, however, that the Government of India do not at present wish to bind themselves or us to an absolute undertaking that each and all of these departments shall come under immediate review or that a reformed system of accounts shall be devised in each case. The more important departments will be dealt with first and the decision in detail as regards the others will await the results of the earlier stages of our inquiry.

3. We are prepared to undertake the inquiry on the following terms :

We propose to appoint for the immediate conduct of the inquiry Mr. Cathles, one of our principal clerks and two assistants. These three gentlemen will proceed to India so as to arrive if possible early in January 1921. So far as can be foreseen at present, the inquiry and the presentation of results will not be completed before the end of June 1922 and Mr. Cathles and his assistants will remain in India during this period subject, in the case of Mr. Cathles, to the qualification that if he is required to return to England for a period on other business of the firm, the Government will raise no objection to his doing so. On the other hand, the Government of India will be at liberty to require Mr. Cathles to visit England during and in pursuance of the inquiry for the purpose of acquiring information or consulting his principals. The desirability of increasing the staff under Mr. Cathles' control and thus hastening the inquiry can, if necessary, be discussed at a later date between the Government of India and ourselves. The material accumulated by Mr. Cathles and his assistants will ultimately be examined by one of our partners who will visit India for a short period at the appropriate time before we submit to the Government our final recommendations.

The terms of remuneration required are as follows :

Partner	...	...	20	Cuin as per diem of 7 hours.
Mr. Cathles	...	...	10	ditto.
1st Assistant	...	...	6	ditto.
2nd Assistant	...	...	5	ditto.

These fees to be charged at this rate for each day or part of a day of 7 hours that the services of the individual in question are wholly employed upon the work for the Government of India. This expression is to cover time spent in travelling to and from India, including time spent upon any visits to this country as indicated above.

In addition, the Government to undertake to secure and to pay first class passages to and from India and first class travelling expenses in India by rail, road and water, also reasonable hotel and living expenses and a reasonable allowance for the outfit of each representative.

We understand from you that the Government of India will supply at their own expense any clerical and menial establishment which under Indian conditions may be required for the purposes of the inquiry.

4. We understand that Mr. Cathles and his assistants will be required in the first instance to meet the representatives of the Government of India at Delhi and will there be given such information and facilities as they require. While in India, Mr. Cathles will receive necessary instructions from, and will be entitled to communicate with, the Government of India on our behalf.

Copy of a letter No. F-14111, dated the 1st December 1920, from India Office, London, to Messrs. Waterhouse and Company.

In reply to your letter of the 21st October, I am directed to say, that the Secretary of State for India in Council is pleased to learn that you are prepared to undertake the inquiry desired by the Government of India. You will have been informed by the Comptroller and Accountant General of the Post Office that you will be given facilities for examining the system of Postal, Telegraph and Telephone accounting in use in England.

2. The second paragraph of your letter states correctly the departments, offices and undertakings of the Government of India, which, so far as is known at present, will come under examination. As you have observed, however, it is not in contemplation that you

should be bound to scrutinise the accounting of the whole of those where your investigations enable to make suggestions in selected cases which will sufficiently cover others or where for any other reason it seems feasible to omit any of those mentioned. Conversely, it will be open to the Government of India to add to the list in cases where a full examination seems indicated.

3. As regards the terms of remuneration, your proposals, I am to say, are accepted. Any details can be adjusted with the Government of India. These emoluments may be drawn either in this country in sterling or in India in rupees at the current market rate of exchange.

4. The Government of India will, as you have understood, supply clerical and menial establishment and incidental facilities. The programme indicated in your fourth paragraph is agreed to.

5. The Passage Department of this Office has been already communicated with on the subject of passages.

ANNEXURE II.

A statement showing the total amount expended in India up to the 30th June 1921 by the representatives of the Firm of Price, Waterhouse and Company.

			Rs.	A.	P.
(1) Living expenses	(a) Personal	...	10,205	15	6
	(b) Outfit in India	...	805	12	0
	(c) Servants	...	670	12	0
(2) Medical Charges	...	...	225	10	0
(3) Travelling expenses	(a) in India	...	3,922	10	3
	(b) from India to England	...	1,350	0	0
(4) Payments to typist and peons	...	...	249	8	10
TOTAL			17,530	4	7

LETTER IN 'LEADER' re LISTED POSTS AND PROVINCIAL CIVIL SERVICE.

108. **Lala Girdharilal Agarwala:** (a) Have the Government seen a letter printed in the *Leader* of Allahabad, dated 13th June 1921, at page 7, under the heading 'Listed Posts and P. C. S.?'

(b) Is there any truth in the statements made therein and more particularly with regard to the statement that some of the candidates nominated for the Indian Civil Service had been rejected for appointment as Deputy Collector and one of them had failed to pass the departmental examination for junior officers?

(c) Of all the candidates nominated to the Indian Civil Service how many possess the following qualifications, in each Province, and how many equally qualified were rejected :

- (1) M.A. or M.Sc. with honours or university scholarship in B.A. or B.Sc. before passing M.A. or M.Sc., also LL.B. or B.L. ;
- (2) M.A. or M.Sc. with previous or final LL.B. or B.L. ?

(d) How many successful candidates are not so qualified and on what grounds were better qualified candidates rejected in each case in favour of less qualified persons and by whom?

The Honourable Sir William Vincent : (a) Yes.

(b) Government have no information as to the particular question asked in this part, and the general question is too vague to admit of a definite answer.

(c) The information is being collected and will be furnished when complete.

(d) Information as to numbers is being collected and will be furnished later. High University Honours are not the only factor to be taken into consideration in making appointments to a service like the Indian Civil Service. The applications for nomination were examined by Local Governments who

Rao Bahadur T. Rangachariar: Has any Member of the Government visited the Indian clerks' quarters at Dhar?

The Honourable Sir William Vincent: I am afraid I cannot answer that question. I have not visited the quarters myself. But I should be glad to provide any facilities which the Honourable Member wishes, if he desires to visit them.

Rao Bahadur T. Rangachariar: I would not attempt to go down there and come back!

ADVOCATE GENERAL FOR THE UNITED PROVINCES.

111. Lala Girdharilal Agarwala: Do the Government propose to appoint an Advocate General for the United Provinces and abolish the post of the Government Advocate in those Provinces?

The Honourable Sir William Vincent: The reply is in the negative.

PERCENTAGE OF INDIANS IN THE TELEGRAPH DEPARTMENT.

112. Mr. M. Faiyaz Khan: Do Government propose to consider the advisability of increasing the percentage of Indians in the Telegraph Department with equal rights and privileges in all grades?

Colonel Sir S. D'A. Crookshank: There being no separate Telegraph Department it is presumed, that the question refers to the Telegraph Branch of the Department of Posts and Telegraphs. That the Government have carefully considered the advisability of increasing the percentage of Indians in the Telegraph Branch will be seen from the following figures.

The existing percentages of Indian and non-Indian telegraphists are 37 and 63 as compared with 28 and 72, respectively, on the 1st March 1917, and recently out of 404 Local Service telegraphists transferred to the General Service 340 were Indians. As the supervising grades in the Engineering, Technical and Traffic Branches are entirely recruited from the ranks of telegraphists, the increased percentage of Indian telegraphists means an increase in the number of Indians in the supervising grades.

All candidates who enter the Department are now given similar rights and privileges irrespective of the race or religion to which they belong.

AGRA TELEGRAPH OFFICE.

113. Mr. M. Faiyaz Khan: Will Government be pleased to restore the administration of the Agra Telegraph office from the present second Division to the first Division Superior Traffic branch as before such as in the time of Messrs. Sutherland, Gunter and Landon?

Colonel Sir S. D'A. Crookshank: The Agra Telegraph office was never classed as an appointment to be held by an officer of the first Division of the Superior Traffic branch and consequently the question of restoring it to the first Division does not arise. The first Division of the Superior Traffic branch was created in April 1914 when the amalgamation of the Post Office and the

Telegraph Department was effected. The appointments in the first Division were 12 in number and allotted as below:

8 Deputy Postmasters-General, Traffic.

3 Superintendents for charge of the Telegraph offices at Calcutta, Bombay and Madras.

1 Assistant Director-General, Telegraph Traffic.

Total ... 12

Before the amalgamation of 1914, the Telegraph offices at Calcutta, Bombay, Madras and Agra were in charge of Superintendents of the old Telegraph Department. These four offices were the only ones of sufficient importance for charge by gazetted officers. With the amalgamation of 1914 and the formation of a Superior Traffic branch the charge of other offices, approximating at the time to Agra in importance, went to Gazetted officers in the second Division of the Superior Traffic branch and the status of the Agra office was accordingly determined. Since then, the Agra office has grown in importance. The question of placing it in charge of an officer in the first division of the Superior Traffic branch will be considered in due course.

PRIVILEGES TO TELEGRAPHISTS, ETC.

114. Mr. M. Faiyaz Khan: Do Government propose to extend the same privilege to sons and relatives of non-Christian Telegraphists and Telegraph Masters for direct recruitment to the General Scale as is extended to sons and relatives of Christian subordinates?

Colonel Sir S. D'A. Crookshank: There is no established custom under which direct recruitment to the General Service is made from the sons and relations of Christian subordinates. The practice is to secure the best available candidates for the vacancies to be filled. Occasionally the selection of a son or near relation of a subordinate who has rendered good service in the Department for a long period of years is made provided that the candidate is fully qualified for an appointment. Such a selection is made entirely on the merits of individual cases, irrespective of religion or nationality.

REFUSAL OF LEAVE TO INDIAN TELEGRAPHISTS, ETC.

115. Mr. M. Faiyaz Khan: Is it a fact that on occasions of important Indian festivals, the Indian Telegraphists, Telegraph Masters and clerks are generally refused leave? If so, will the Government be pleased to issue orders for liberal treatment on holidays like Holi, Ramzan, Bakrid, Devali, etc.?

Colonel Sir S. D'A. Crookshank: The requirements of the public are such that the telegraph service, like the railways, must be maintained continuously. There are only four recognised telegraph holidays, *viz.*, the King's Birthday, Good Friday, Christmas Day and New Year's Day. On these four days, telegraph offices observe the same working hours as on a Sunday. These days were selected, because they are generally observed as closed holidays throughout India and in most countries with which India has telegraph connection. It is apprehended, that inconvenience to the public would result if this list of holidays were extended. Telegraph work is carried on at the end of

wires connecting widely separated provinces and it is, therefore, difficult to recognise local holidays. A holiday which has much importance in Bengal may not be observed at all in Burma. In fixing telegraph holidays, it is necessary to select only a few days which are observed throughout the country and Government believe, that they have allowed as many telegraph holidays as are justifiable. In addition to these four recognised holidays, members of the staff can get occasional leave of absence and whenever it is possible to do so without causing inconvenience, heads of offices are empowered to grant casual leave up to a limit of 20 days a year. It is possible under this order for some members of the staff of an office to get leave during their important festivals.

SCHOOLS OF TELEGRAPH TRAINING CLASSES.

116. **Mr. M. Faiyaz Khan:** With reference to the Government of India, Department of Commerce, letter No. 2463, dated 26th May 1920, to the Director-General of Telegraphs, will the Government be pleased to lay on the table a statement of schools both European and Indian in which Telegraph Training Classes are opened?

Colonel Sir S. D'A. Crookshank: The statement required by the Honourable Member is laid on the table.

Statement showing the names of schools, both European and Indian, in which Telegraph Training Classes are opened.

For non-Indian recruits.

- | | |
|--|----------------------------|
| (1) St. Andrew's Colonial Homes, Kalimpong ... | } Bengal and Assam Circle. |
| (2) St. Joseph's School, Calcutta (to be closed shortly) ... | |
| (3) Lawrence Memorial School, Lovedale ... | |
| (4) St. Joseph's College, Coonoor ... | } Madras Circle. |
| (5) St. Francis School, Lucknow ... | |
| (5) St. Francis School, Lucknow ... United Provinces Circle. | |

For Indian recruits.

- | | |
|---|----------------------------|
| (6) Scottish Churches Collegiate School, Calcutta ... | } Bengal and Assam Circle. |
| (7) South Suburban School, Bhowanipur (Calcutta) ... | |

COMPLAINTS AGAINST RAILWAY OFFICIALS OF KALKA.

117. **Haji Wajih-ud-din:** Is it a fact that Mr. Blewitt, Assistant Station Master, Kalka, and Mr. Blewitt, Travelling Ticket Collector, Kalka, are elder and younger brothers, respectively, and that Mr. Webb, Traffic Inspector on the Kalka-Simla Railway, is their brother-in-law? Have Government received certain complaints against these three closely related officials, and if so, how many and what action has been taken?

Colonel W. D. Waghorn: Mr. A. Blewitt, A. S. M., Kalka, E. I. R., and Mr. K. Blewitt, Travelling Ticket Examiner, K. S. Railway, are brothers. Mr. Webb, who is a Traffic Inspector on the K. S. Railway, is their brother-in-law.

No complaints have been received in which these three officials were conjointly implicated. A complaint was received by the Agent, N.-W. Railway, against Mr. K. Blewitt, Travelling Ticket Examiner, for rudeness to a lady passenger. The case was investigated by the Superintendent, K. S. Railway, and fully considered by the Agent, N.-W. Railway, and it was found that the complaint was the result of excessive zeal on Mr. Blewitt's part in the discharge of his duties and that he shewed some lack of tact but nothing worse. He was dealt with accordingly.

In another case, Mr. K. Blewitt was put into court by Rai Sahib Panna Lal of Ambala for refusing to allow him to enter a compartment reserved for Europeans. Mr. Blewitt was fined Rs. 500 *ex-parte*. On re-trial, the sentence was quashed.

These are the only two cases of complaint so far as the railway authorities are aware against either Mr. Blewitt. There is no record of any complaint having been made against Mr. Webb.

MESSRS. BEARD AND FITZPATRICK, EAST INDIAN RAILWAY.

118. **Haji Wajih-ud-din:** Is it a fact that Messrs. Beard and Fitzpatrick, employees of the East Indian Railway, were once dismissed, but have now been re-appointed by the same Railway on the same station, Kalka, and if so, what are the reasons of dismissal and appointment?

Colonel W. D. Waghorn: Messrs. Beard and Fitzpatrick, who were formerly employed on the East Indian Railway were both discharged (not dismissed) on account of misbehaviour at Kalka towards an Indian passenger in December 1918.

Beard has not been re-employed on the East Indian Railway but as it was considered by the East Indian Railway that Fitzpatrick who was not the chief offender and who was only 17 years old at the time, had been sufficiently punished, he has been re-employed as a ticket collector at Kalka where he is under the supervision of his father.

BOOKING DIFFICULTIES AT RAILWAY STATIONS.

119. **Haji Wajih-ud-din:** Are the Government aware of the difficulties experienced by the public in getting their goods booked generally at every railway station and especially at large and busy stations in India? If so, do the Government propose to take the necessary steps to remove them?

Colonel W. D. Waghorn: Government are not aware that difficulties are experienced by the public in getting their goods booked at stations generally or at large stations especially, except at times when the demand for wagons exceeds the supply or when congestion of traffic causes despatches to be restricted. The remedy for such cases is the provision of more rolling stock and additional facilities and this is receiving the attention of Government.

ADVISORY BOARDS OF MERCHANTS.

120. **Haji Wajih-ud-din:** Have the Government ever considered the feasibility of creating one Central and several Provincial Advisory Boards of Merchants and other experienced persons to help the Government in maintaining an effective control on different Railway Companies and to alleviate public grievances? If not, will the Government take it now into consideration?

Colonel W. D. Waghorn: Local Consulting Committees consisting of leading merchants and other experienced representatives of the public already exist on certain railways. The function of these committees is to co-operate with and assist the railway authorities generally with a view to extending facilities and improving the conveniences offered to the public; the question of the extension of this system to other railways is receiving the attention of Government.

Government do not consider that the creation of a Central Committee would afford a suitable means of dealing with the matters mentioned.

PAYMENT OF INCOME-TAX AND APPLICATIONS FOR INSOLVENCY.

121. **Haji Wajih-ud-din:** Will the Government be pleased to state:
- (a) the number of persons throughout India who paid income-tax in 1919-20, but have filed applications for Insolvency in 1919-20?
 - (b) the number of persons who are newly assessed this year with income-tax?

The Honourable Mr. W. M. Hailey: I regret that the information is not available.

CIVIL POPULATION IN CANTONMENTS.

122. **Haji Wajih-ud-din:** (a) Are the Government aware of the hardships suffered by the civil population of Cantonments by the application of Section 216 of the Cantonment Code? If so, do they propose to modify the aforesaid section?

(b) Have the Government gone through the columns of the several issues of the fortnightly *Cantonment Advocate* between January and May last, which contain allegations of malicious and *ultra vires* action of the Cantonment Magistrates under Section 216 of the Cantonment Code, against several respectable persons?

Sir Godfrey Fell: (a) Government are aware that exception has been taken in certain quarters to the method in which Section 216 of the Cantonment Code is applied. The Government have just received the recommendations of the Committee appointed to consider what reforms are necessary in the Cantonment Law, and are considering what modification of Section 216, if any, should be made.

(b) The Government have read the articles referred to.

TREATMENT OF 3RD CLASS PASSENGERS.

123. **Haji Wajih-ud-din:** Are the Government aware of the unsatisfactory treatment which the 3rd class passengers meet with, generally on almost all the Railway lines, and is any proposal to improve the situation now under consideration or to be considered in the near future?

Colonel W. D. Waghorn: 'Unsatisfactory treatment' is a very vague term and I would ask the Honourable Member kindly to specify the directions in which he considers improvement might be effected in regard to the treatment of 3rd class passengers. I should like to say that the comfort and convenience of

this class of passengers are matters which receive the constant attention of Government and a great deal has been done in recent years to improve conditions of travel; the railway staff have special instructions to treat passengers with courtesy and give them all possible help. If however, the 'Unsatisfactory treatment' refers to overcrowding in carriages or the like, this can only be remedied by the provision of extra passenger stock for railways generally and will, as the Honourable Member doubtless realises, involve time and money.

CORRESPONDENCE BETWEEN A SUB-OVERSEER, AMBALA AND MILITARY AUTHORITIES.

124. **Haji Wajih-ud-din:** Has the attention of the Government of India been drawn towards the correspondence between one Kashmiri Lal Barsal, Sub-Overseer, Ambala Cantonment, and the Military authorities as published in *Cantonment Advocate*, dated the 25th May 1921, on pages 11, 12 and 13, and if so, do the Government intend to interfere in the matter?

Sir Godfrey Fell: The Government have seen the correspondence in question. The facts of the case are as follows:

The Ambala Cantonment Committee have made a rule—which they are competent to do—that private water connections are to be given only to those houses which pay a water-tax on a basis of at least a Rs. 40 rental. Lala Kashmiri Lal, the registered rental of whose house was Rs. 4, obtained a private water connection without the permission or knowledge of the competent Cantonment authority. On discovering these facts, the Cantonment Committee raised the registered rental of Lala Kashmiri Lal's house to Rs. 40 and demanded and recovered from him the water tax based on this amount. Lala Kashmiri Lal appealed to the Commissioner, who decided that the Cantonment Committee were not competent to impose the enhanced rental of Rs. 40 and cancelled their order. He directed that any amount paid in excess of that due on a basis of a Rs. 4 rental should be refunded to Lala Kashmiri Lal. Meanwhile, the Cantonment Committee cut off the connection which Lala Kashmiri Lal had obtained surreptitiously and without authority. In so doing, they were acting within their powers. The Government of India do not intend to interfere in the matter.

LETTERS PUBLISHED IN THE 'TRIBUNE' re DISTRESS AND EXPENSIVE LIVING.

125. **Rai Bahadur Fakshi Sohan Lal:** Has the attention of the Government been drawn to the letters published in the *Tribune* of 6th and 18th May 1921, said to have been written by an Indian I.M.S. (T.C.)? If so, will the Government be pleased to state what action has been taken to relieve the alleged distress due to low rate of pay and expensive living?

Sir Godfrey Fell: The Government have read the letters referred to.

With regard to the second part of the question, the attention of the Honourable Member is invited to the reply given to the Question No. 45 asked on 5th September by Professor S. C. Shahani.

PAY TO TEMPORARY OFFICERS OF THE INDIAN MEDICAL SERVICE.

126. **Rai Bahadur Bakshi Sohan Lal**: Is it a fact that an Army Instruction (India), No. 613, was issued in August 1920, in which a hope of increase of pay was extended to temporary officers of the Indian Medical Service? If so, will the Government be pleased to state what action so far has been taken? Is any announcement to be shortly made regarding this increase and will the increase be on the same lines as that given to the permanent members of the Indian Medical Service?

Sir Godfrey Fell: The answer to the first part of the question is in the affirmative.

With regard to the second part, revised rates of pay for the temporary officers of the Indian Medical Service have now been sanctioned, and a press communiqué on the subject has been issued.

DEMOBILIZATION OF THE TEMPORARY OFFICERS IN THE INDIAN MEDICAL SERVICE.

127. **Rai Bahadur Bakshi Sohan Lal**: Is it a fact that a large number of temporary officers of the Indian Medical Service have been demobilised during the last few months? Will an increase of pay if announced affect equally the demobilised officers for the time they served in the Military?

Sir Godfrey Fell: Since the 1st February 1921, approximately some 200 Temporary Commissioned Indian Medical Service officers have been demobilised, in all but a few cases at their own request. The increase of pay just sanctioned for Temporary Commissioned Indian Medical Service officers is conditional on their signing a new form of agreement. Consequently, officers of this class already demobilised will not be affected.

INCREASE OF PAY OF TEMPORARY INDIAN MEDICAL SERVICE OFFICERS.

128. **Rai Bahadur Bakshi Sohan Lal**: Do the Government propose to make a definite statement as to the increase of pay of temporary I. M. S. officers at an early date?

Sir Godfrey Fell: The attention of the Honourable Member is invited to the reply given to the latter part of his previous question, i.e., No. 126.

TRANSFER OF THE ADEN ADMINISTRATION.

129. **Rai Bahadur Bakshi Sohan Lal**: (a) How far is it correct that it is under contemplation of the Government to transfer the administration of Aden from the Bombay Government to the Colonial Office?

(b) If so, will Government be pleased to state how long ago Aden was added to the British Indian Empire and administered by the Bombay Government at the cost of the Indian exchequer and what amount has been actually spent by the Indian Government on its upkeep?

(c) Is it a fact:

(i) that Government assured the Indian public and Indian merchants desirous of investing money in Aden that Aden will ever remain an integral part of Indian Empire;

- (ii) that it was captured in 1839 by an army sent by the Bombay Government and has always been a part of the British Indian Empire;
- (iii) that it has been developed and maintained by Indian money, Indian enterprise and Indian trade;
- (iv) that it was the Indian troops that have been mostly employed and kept in Aden to preserve peace and order;
- (v) that Indian merchants have acquired landed and house property in Aden and have permanently settled down making Aden their homes?

(d) Will the transfer of Aden to the Colonial Office injuriously affect the rights to equal citizenship of the British Commonwealth of His Majesty's British Indian subjects?

(e) Will the Government be pleased to state:

- (i) what is the population of each community in Aden;
- (ii) whether European merchants there are or are not only temporary residents carrying on trade as shipping and coaling or commission agents?

(f) Will Government be pleased to state whether they have received any representation from the British Indian Colonial Merchants' Association, Bombay, protesting against the contemplated transfer of Aden administration to the Colonial Office? If so, what action, if any, has been or is intended to be taken in this matter?

The Honourable Dr. T. B. Sapru (on behalf of the Honourable Mr. Denys Bray): (a) I would refer the Honourable Member to the answer given by the Honourable Mr. Bray in the Council of State on the 26th March 1921 to a question on this subject asked by the Honourable Mr. Bhurgri. The transfer of the administration of the Aden Settlement to the Colonial Office is still under consideration.

(b) 1839. The actual expenditure incurred on the upkeep of Aden since that date is not readily available, but the Welby Commission in 1900 estimated the annual cost at Rs. 24,50,000 of which Rs. 10,80,000 was paid by His Majesty's Government.

(c) (i) No such assurance can be traced.

(ii) Yes.

(iii) Largely, but not wholly. Aden has been developed and maintained by British and Foreign money, enterprise and trade, as well as Indian.

(iv) No; the normal garrison of Aden in the past has been British ranks 1,410, Indian ranks 1,134.

(v) Yes.

(d) I would again refer to the answer given by the Honourable Mr. Bray in the Council of State on the 26th March and would repeat that the Government of India have throughout made it an absolute condition of their assent to the transfer that it shall in no way impair the interests and status of Indians, who shall receive precisely the same treatment as that accorded to

the other subjects of His Majesty. This stipulation His Majesty's Government have accepted unreservedly. The Secretary of State for India repeated this assurance in the same words in the House of Commons on the 4th August.

(e) (i) The statistics at the recent census are these: Arabs 30,562, Jews 4,408, Somalis 7,551, Indian Muhammadans 5,594, Hindus 3,691, Jains 308, Parsees 323, Europeans 1,900, others 2,063.

(ii) Yes.

(f) Yes. His Majesty's Secretary of State for India who has been informed of this and other representations recently stated in the House of Commons that Government would endeavour to give weight to the opinions of all communities concerned.

Mr. R. A. Spence: May I ask a supplementary question? Is there information available for the general public as to the advantages of transferring Aden from India? Where can information on the subject be obtained?

The Honourable Dr. T. B. Sapru: I must ask for notice of that question.

Mr. N. M. Samarth: Is it a fact that Mr. Winston Churchill stated in the House of Commons that it is practically settled that Aden is to be transferred from the Indian Government to the Colonial Office?

The Honourable Dr. T. B. Sapru: I am not aware of that.

The Honourable Mr. W. M. Hailey: Mr. Winston Churchill stated that the Secretary of State for India had agreed that Aden should be handed over. As far as actual transfer is concerned, that statement is premature. Negotiations are still going on, and no definite conclusion has been arrived at.

Mr. N. M. Samarth: Has the Government of India contradicted it publicly?

The Honourable Mr. W. M. Hailey: I have now stated the facts.

OFFER OF 7½ MILLION STERLING OF 7 PER CENT. STOCK.

130. **Mr. B. Venkatapatiraju:** Will the Government be pleased to state:

- Whether the Chambers of Commerce were consulted in India in the matter of the offer of 7½ million sterling of 7 per cent. stock by the Indian Government in England?
- Whether it is a fact that the loan was oversubscribed so that a large number of applicants received only 11 per cent. of what they asked for?
- Whether the new loan already stands at a premium of 3 per cent. or more?
- Whether the Government spent 2 per cent. for underwriting the loan?
- Whether the Indian public were apprised of the issue of this loan before it was closed?

The Honourable Mr. W. M. Hailey: (a) No.

(b) Yes. Applicants for amounts up to £2,000 received allotment in full; applicants above £2,000 and up to £15,000 received £2,000; applicants for larger sums received about 11 per cent.

(c) Recent quotations have been slightly above 104. This price, however, includes the dividend of 3 pounds payable on the 5th October.

(d) Yes.

(e) Yes, though only about 24 hours before the loan was closed.

Mr. J. Chaudhuri: May I ask a Supplementary Question? Was this loan raised for buying railway materials in England?

The Honourable Mr. W. M. Hailey: This loan was raised, Sir, in circumstances which were explained when I made my budget speech on the 1st of March last. As the Honourable Member is aware, 5 millions were provided for under the arrangements then contemplated for supplementing our balances in England and India. The actual loan raised was 7½ millions. It was not raised specifically for the purpose which the Honourable Member suggests, but it was raised in aid of our balances generally, though, as a matter of fact, large sums of money had to be spent on railway material, and this loan went to provide part of the money.

Mr. J. Chaudhuri: Is it a fact that the materials which were purchased in England at the time could have been purchased cheaper if they had been ordered from America or bought in foreign markets?

The Honourable Mr. W. M. Hailey: I think, Sir, that the question that the Honourable Member has just raised does not arise out of the main question at all. There are other questions I fancy on the paper referring to that matter, and Government will give all the information at their command when replying to those questions.

Mr. R. A. Spence: May I ask the Honourable Member why, in view of the very advantageous terms of the loan, it was considered necessary to pay 2 per cent. for underwriting?

The Honourable Mr. W. M. Hailey: I am afraid I cannot answer that question in terms. It was thought at the time inadvisable to place this loan on the market without first engaging for underwriting. The arrangements were made, as the Honourable Member is aware, by the Secretary of State, and he and his advisers thought that step necessary.

RUPEE LOAN OF THE GOVERNMENT OF INDIA.

131. **Mr. B. Venkatapatiraju:** Will the Government be pleased to state:

- The amount subscribed for the new rupee loan of the Government of India at 6 per cent. in India and in England, respectively?
- What is the total amount that is proposed to be raised by this rupee loan?
- Whether any portion of this loan would be given to the Local Governments for lending to local bodies?

(d) Whether it is a fact that 7½ per cent. interest is proposed to be charged for lending to the local bodies by the Government?

(e) Whether half a per cent. extra over six per cent. would not cover the cost of supervision and realization?

The Honourable Mr. W. M. Hailey : (a) On the 29th August 1921, the figures were 42.55 lakhs in India, and 127 lakhs in England.

(b) The amount of the loan was unlimited.

(c) The Central Government will be making loans to some provincial Governments during the current year to finance their capital requirements, where they are unable to do so from their own resources, and in estimating their requirements, they take into consideration the loans which they propose to make to Local Bodies. Such loans to Provincial Governments are made from the Government of India's general ways and means resources, of which the proceeds of this year's loan form a part; it would not, therefore, be accurate to say, that it is a portion of this year's loan that is being lent to Local Governments.

(d) The Government of India have no information on this point.

(e) Government have no data from which they can test the correctness of the Honourable Member's assumption. The rate at which a Provincial Government lends to Local Bodies is a matter for that Government's discretion. I may add, however, that the rate of 6 per cent. referred to is free of income-tax, and this concession is equivalent to an additional interest payment of ½ per cent.

RAILWAY AND STEAMER CHARGES.

132. **Mr. B. Venkatapatiraju :** Will the Government be pleased to state whether there has been any increase in the rate of Railway and Steamer charges in India since the Assembly last met and if so, what was the increase?

Colonel W. D. Waghorn : Maxima and Minima rates for goods and coaching traffic carried over railways are sanctioned by the Railway Board, within these limits railways have the power to vary rates. Individual Railway Administrations acting under their powers have in certain instances increased their rates within the existing maxima. Increased maxima rates for goods traffic have been approved by the Railway Board since the last meeting of the Assembly, but no sanction has yet been given approving a date for their introduction.

As regards steamer charges, Government exercise no control over rates charged by steamer companies and the information asked for is not available.

INTERNATIONAL CREDITS.

133. **Mr. B. Venkatapatiraju :** (a) Will the Government be pleased to place on the table the correspondence that passed between the Government of India and the Secretary of State regarding the International credits?

(b) Will the Government be pleased to state whether the 'Ter Mullen' scheme would facilitate the importation of prime necessities by the importers

by offering collateral security for credit granted by foreign exporters, in the form of bonds issued to the Importer by his own Government?

(c) Is it a fact that American manufacturers are not extending any credit to Indian Importers whatever be the references of their banks and their solvent position in the country?

(d) Is American business with this country on a cash basis by prepayment before anything is shipped from the United States?

(e) Is it a fact that India's demand for American goods is on the rising curve and the business necessitates that 'irrevocable letters of credit' should accompany all orders?

(f) Is it necessary to carry on trade between India and the United States indirectly through intermediate channels like English Export and Import houses?

(g) Is the Government of India prepared to recommend the inclusion of India in the International credit scheme?

The Honourable Mr. W. M. Hailey : (a) A copy of the correspondence between the Secretary of State and the Government of India, as also the Government of India's circular letter to the Chambers of Commerce and their replies thereto, are laid on the table.

(b) The Ter Meullen scheme is designed to facilitate exports in the manner stated to countries where the ordinary machinery of credit has broken down.

(c) and (d). No. There is no such universal practice. Credit terms vary with the standing of the buyer. Government, however, understand that American exporters have recently been cautious in extending credit to Indian buyers in view of numerous instances in which Indian merchants have failed to meet their bills.

(e) India's demand for American goods, generally speaking, may be said to be on the rising curve in the same way as India's demand for goods of any other country is on the rising curve in view of the increase in consumption of an increasing population. Irrevocable letters of credit are not necessary in every case, though they are usually insisted on.

(f) That is a business consideration in regard to which Government cannot give an authoritative answer.

(g) Indian exporters will, it is hoped, be able to participate in the Ter Meullen scheme or similar International schemes, but, as at present advised, the Government of India doubt whether it is desirable that this Government should participate financially.

Telegram R., No. 2736, dated the 21st October 1920.

From—His Majesty's Secretary of State for India,

To—His Excellency the Viceroy (Finance Department).

Priority A.—Brussels Financial Conference. I shall shortly forward by despatch report submitted by Indian Delegates and connected papers. Resolutions unanimously adopted by Conference enumerated principles of general application under four heads, Public Finance, Currency and Exchange, International Trade and International Credits. Constructive portion of proposals which bears directly on present position of India's export

trade is contained in numbers 8 and 9 of Resolutions on International Credits, substance of which is as follows:

Begins. No. 8.—International Organization should be formed and placed at the disposal of the States desiring to have assistance to credit for the purpose of paying for their essential imports. These States would then notify the assets which they are prepared to pledge as security for the sake of obtaining credit, and would come to an understanding with the International Organization as to conditions under which these assets would be administered. The bonds issued against the guarantee would be used as collateral for credits intended to cover the cost of commodities. Committee of Financiers and Business men should be nominated forthwith by the Council of the League of Nations for the purpose of defining the measures necessary to give practical effect to this proposal.

No. 9.—It has been represented to the Conference that more complete results might be achieved if the bonds used as collateral were to carry some International guarantee. The Conference sees no objection to the further consideration of this proposal. The Committee referred to in paragraph 8 above might usefully consider the conditions under which it could be applied. *Ends.*

2. Paragraph 8 summarised above refers to scheme put forward by Ter Mullen Dutch Banker generally accepted by Conference of December 18th; Indian delegates were doubtful whether this goes far enough and adoption thereon referred to in paragraph 9 was consequently put forward by Marshall Reid.

He was careful not to commit you. Full papers were forwarded to Cook by mail October 14th. I shall be glad if you will on receipt consider these proposals and telegraph your views as soon as possible.

3. From nature of proceedings and constitution of Conference delegates had no opportunity of direct commercial negotiations for disposal of particular commodities. In the course of proceedings, however, they made it generally known that India had considerable exportable surplus of raw commodities and will readily assist in world's reconstruction by supply of these provided satisfactory financial arrangements can be made; they also as explained above pressed for general scheme of trade credits.

Telegram No. 2936-F., dated Simla, the 12th November 1920.

From—His Excellency the Viceroy (Finance Department),

To—His Majesty's Secretary of State for India.

Your telegram 21st October. Brussels Financial Conference. We have received papers forwarded with Howard's demi-official letters to Cook of 13th and 19th October, but have not yet received formal despatch.

2. We have no observations to make on general recommendations of Conference. These set forth generally accepted principles which we think we can justly claim have guided us in Indian Financial administration. We cordially welcome endeavour to work out a scheme of International credits, importance of which to India, especially in present condition of her export trade, we need not emphasize. Before, however, committing ourselves to practical details of scheme, we think it essential to consult representative commercial and banking opinion in India. We shall do this simultaneously with publication of report on November 25th and shall complete our inquiry with least possible delay.

3. Meanwhile, as at present advised, we agree with Sir Marshall Reid's opinion that for scheme to be of practical value, so far as India is concerned, bonds must be fully negotiable. Our inquiries here will be in part directed towards ascertaining how far bonds contemplated in Sir Marshall Reid's supplementary scheme will be acceptable as collateral, and on this point we suggest that it might be useful for you to consult head offices of Exchange Banks.

4. We desire to express our appreciation of able way in which India was represented at Brussels by her delegates.

INDIA OFFICE, LONDON.

29th October 1920.

Financial,

No. 88.

TO HIS EXCELLENCY THE RIGHT HONOURABLE THE GOVERNOR GENERAL OF INDIA
IN COUNCIL.

MY LORD,

In continuation of my telegram dated the 21st October 1920, I forward herewith, for the information of Your Excellency's Government, the report* submitted by the delegates for India on the International Financial Conference recently held at Brussels. I have no objection to the publication of the report if you consider this course desirable. In that case please inform me and I will simultaneously publish it here.

2. It may be expected that a further communication will, in due course, be received from the League of Nations regarding the resolutions unanimously accepted by the Conference. Meanwhile, I shall be glad of any observations which you may desire to offer with regard to them, but you will observe that many of them merely set out generally accepted principles in the light of which Indian Finance has been consistently administered.

3. Apart from the recommendations of general application, India is specially interested in those relating to international credits. The matter is one in which, as the delegates explain in paragraph 11 of their report, the countries affected may be expected to define their attitude at short notice. A definite conclusion cannot, of course, be arrived at until formal proposals are initiated under the authority of the League of Nations on the subject. It is, however, desirable to come to a provisional decision on the question whether, in the event a scheme on the lines of that put forward by Sir Marshall Reid for an international guarantee finding general acceptance, Government of India should, in the interests of the Indian export trade, participate therein. I shall be glad, therefore, to have an early expression of your views as already asked for in my telegram quoted above. Without desiring in any way to anticipate your conclusions, I am inclined to think that the amount of such guarantee for which the Government of India should accept responsibility should not in any case exceed, say, 500,000l.

4. I have conveyed to the representatives of India at the Conference an expression of thanks on my behalf and on behalf of your Government for the valuable services which they have rendered.

I have the honour to be,

My Lord,

Your Lordship's most obedient, humble Servant,

(Sd.) EDWIN S. MONTAGU.

Telegram No. 346-F., dated the 29th January 1921.

From—His Excellency the Viceroy (Finance Department),

To—His Majesty's Secretary of State for India.

Please refer to correspondence ending with Howard's demi-official letter No. F-15 of 6th January to Cook. Scheme for international credits. Copy of correspondence with Chambers of Commerce is being forwarded by this week's mail. Certain Chambers have not yet replied, but from replies already received and from informal discussions with Exchange Banks and merchants we consider that we have received sufficient indication of commercial opinion to enable us to reply to query asked in your telegram of 21st October 1920.

We shall, if necessary, send a further telegram on receiving remaining replies.

2. Endeavour to work out scheme of international credits is cordially welcomed, though, generally speaking, business public hesitates to commit itself to practical details. Opinion is, however, unanimous and is shared by us that Marshall Reid's scheme is decided improvement upon that known as the Ter Mullen scheme. Bengal Chamber is particularly anxious that any scheme which may be agreed upon be put into operation with the minimum of delay. We are advised that the particular trade which could benefit more than any other by early inauguration of credit scheme would be the export trades in hides.

3. As regards details, we entirely agree with opinion expressed in letter from Bengal Chamber of Commerce and also in informal discussions referred to above, that from a practical point of view it is essential that scheme should be worked in such a way as to use the proposed bonds as collateral for the establishment of cash credits at the London offices of the Exchange Banks, and that it must, in fact, be operated entirely from London. From his letter of 22nd December 1920 we gather that this is also Incheape's opinion. Bengal Chamber refers in this connection to limitation of resources of banks in India and to impossibility of Government at this end attempting any allocation among exporters. We suggest, therefore, that details be settled in consultation with Exchange Banks in London, and we are content to leave these entirely in your hands.

Telegram No. 1255-F., dated Simla, the 20th April 1921.

From—His Excellency the Viceroy (Finance Department),

To—His Majesty's Secretary of State for India.

We shall be glad to know what the present position is as regards scheme for certain of international credits. Considerable interest is manifested in this matter in business circles in India, and we continually receive queries as to the stage which the discussion has now reached and what prospect there is of any practical outcome in the near future.

2. Matter was also discussed at recent meeting between Finance Member and Indian Merchants' Chamber and Bureau whose letter on the subject, dated 3rd March 1921, was forwarded to the India Office on March 24th. You will have noticed Chamber's suggestion that only practical solution is to be found on lines similar to that adopted in America, namely, creation of a Finance Corporation. In discussing this matter with Chamber at Bombay, Finance Member expressed doubt as to whether such a corporation could be created in India with sufficient capital resources which might have to be locked up for a considerable period. We are, however, exploring the matter further, as this suggestion has received support. Meanwhile, it will be of assistance for us to have some idea as to whether there is any probability of Indian exporters being able to benefit from any scheme of international credits that is likely to be set up in near future.

Telegram No. 2193, dated the 27th April 1921.

From—His Majesty's Secretary of State for India,

To—His Excellency the Viceroy (Finance Department).

Your telegram of the 20th instant, 1255-F. International credits. Matter has been under discussion with organiser for Ter Mullen scheme who is at present on Continent for the purpose of ascertaining what importing countries will take advantage of scheme and particularly of devising measures for relief of Austria's position. He has been informed of commodities which India is in position to supply. He has not yet informed us what countries, if any, will be prepared to come under scheme, but has inquired whether, in case scheme is adopted for any country, Government of India would be prepared to guarantee exports from India thereto in respect of which Ter Mullen bonds have been put up without this collateral security. *Prima facie* it seems most doubtful whether it would be legitimate in present state of Indian finances to accept any extended liability of this kind, or the whole of such liability, and it is further possible that certain class in India might represent transaction as undertaken for benefit of British export of firms. What are your views on this point? India's case is really not on all fours with that here where similar guarantee by British Government has been given with object of alleviating serious trade depression. As against alternative, however, it has been suggested that if Ter Mullen scheme is accepted by any importing country or countries, it might be feasible to constitute Corporation in India which would give guarantee on lines suggested by organiser against security afforded by the bonds. It would probably be necessary even under this arrangement for Government of India to participate partially in scheme and accept some material portion of risk. Though it is not possible to give any close estimate as to extent of demand for guarantee of this kind, it would not necessarily be very large, as total annual exports from India to pre-war Austria were less than seven million pounds, and no difficulty would arise in limiting outstanding guarantees to five million pounds or even lesser sums. It has indeed been suggested that guarantees up to two million pounds might go a substantial way towards meeting demands at outset.

Paragraph 2.—The above alternative is on very similar lines to idea adumbrated in your telegram of April 20th (and seems to me the most promising suggestion so far put forward). I shall be glad to learn (1) results of further inquiries you are making on the subject, (2) whether you contemplate that Government should participate in proposed Corporation, and (3) if so, the proportion and total amount of the liability which we could in your opinion legitimately accept.

Paragraph 3.—In the event of major portion of risk being guaranteed by Government or by Corporation (gr. undec.) suggested it is possible that Exchange Banks may be induced to co-operate by accepting limited proportion of risk involved in case of export bills financed by them. I shall not however approach them formally on the subject until I know your general attitude towards guarantee by Government or creation of guaranteeing Corporation. It will, therefore, be useful if you will let me know your views on these points in anticipation of your further report as to practicability of formation of special Corporation for purpose.

Telegram No. 1731-F., dated the 9th June 1921.

From—His Excellency the Viceroy (Finance Department),

To—His Majesty's Secretary of State for India.

Your telegram of 27th April, No. 2193. Export credits. Delay in replying has been due to our having explored matter in the informal consultation with European and Indian business interests at Calcutta and Bombay. Indian interests at both places are emphatically opposed to any form of Government guarantee. European interests would not object to Government guarantee which they recognise would strengthen the scheme, but they realise difficulties. Arguments which you suggest might be used that such guarantee would be for benefit of British export firms are in fact already being used. We think, therefore, that it is essential that Indian Government should not participate financially.

2. With regard to possibility of forming Finance Corporation in India, this is rejected as impracticable by European interests at both places and by Indian representatives in Calcutta. They realise that there is no solidarity of interests; the large exporting houses and the Exchange Banks are not in the position of principals, and they consider that finance can best be arranged through London. The leading houses will certainly prefer to make their own arrangements with approved buyers rather than pool their resources with others. The Indian Merchants' Chamber at Bombay are still desirous of exploring, purely as a business proposition, the formation of a Corporation to develop export and import trade with Germany and Austria, but it is clear no support for the scheme will be forthcoming from the Calcutta side, nor we believe from banking interests in Bombay, so that we doubt whether scheme on any substantial scale will mature. We do not think the Government of India should participate financially in any such scheme.

No. 2960-F.

GOVERNMENT OF INDIA.

FINANCE DEPARTMENT.

FROM

E. M. COOK, Esq., C.I.E., I.C.S.,

Officiating Secretary to the Government of India,

TO

THE SECRETARIES OF ALL CHAMBERS OF COMMERCE.

Delhi, the 20th November 1920.

SIR,

I am directed to enclose, for the information of your Committee, 1/2 copies of the Report of the Delegates for India to the recent International Financial Conference held at Brussels.

2. It is understood that the resolutions accepted by the Conference will shortly be considered by the League of Nations, and meanwhile the Government of India will be glad

to receive any observations which your Committee may desire to offer with regard to them. It will be observed, however, that most of the resolutions merely register the unanimous adherence of the Conference to certain canons of sound public finance, and set forth certain generally accepted principles, in the light of which India may justly claim that her public finance has been consistently administered.

3. Apart from the recommendations of general application, this country is specially interested in those relating to international credits, and I am particularly to invite the attention of your Committee to the scheme referred to in paragraph 8 of Appendix A, Enclosure IV, and set forth a Annex. A thereto. The Government of India are disposed cordially to welcome any endeavour to work out a scheme of international credits, the importance of which to India's export trade need not be emphasised. They think, however, that it is essential that, for any such scheme to be of practical value, so far as India is concerned, the bonds in question must be fully negotiable, and for this reason your Committee will probably agree with them that the amplifications suggested by Sir Marshall Reid, as printed in Appendix H, are an improvement.

4. The present depression in the export trade is no doubt partly due, in the case of some exports, to the existence of large unused stocks in foreign countries, but, in the case of other exports, it is probably due to the lack of credit facilities. It is as regards the latter class of exports that a scheme such as that put forward at the Brussels Conference may be of value. I am accordingly to invite the opinion of your Committee, firstly, as to how far any such scheme is likely to assist the various export interests represented in your Chamber, and secondly, whether your Committee have any criticisms or suggestions to make regarding the practical details of the scheme adumbrated by Sir Marshall Reid in Appendix H. In the event of a scheme on such lines proving practicable and finding general acceptance among the nations represented at the Conference, the Government of India will then consider the question of participating therein to the extent of accepting responsibility for some definite share of the international guarantee.

5. The Government of India have expressed to the Secretary of State their appreciation of the able way in which India was represented in Brussels by her delegates, Mr. H. F. Howard, Sir Marshall Reid and Sir Fazulbhoy Currimbhoy.

I have the honour to be,

SIR,

Your most obedient Servant,

E. M. COOK,

Officiating Secretary to the Government of India.

No. 2961.

Copy forwarded to the Commerce Department, the Controller of the Currency, the Deputy Controller of the Currency, Bombay, and the Managing Governors Designate, Imperial Bank of India.

By order, etc.,

A. V. V. AIYAR,

Assistant Secretary to the Government of India.

No. 5-C. F. I., dated Karachi, the 16th December 1920.

From—E. L. ROGERS, Esq., Secretary, Karachi Chamber of Commerce,

To—The Secretary to the Government of India, Finance Department, Delhi.

I have the honour to acknowledge receipt of letter No. 2960-F., dated the 20th November 1920, forwarding 12 copies of the Report of the Delegates for India to the recent International Financial Conference held at Brussels, and stating that it is understood that the resolutions accepted by the Conference will shortly be considered by the League of Nations, and meanwhile the Government of India will be glad to receive any observations which this Chamber may desire to offer with regard to them.

In reply, I am directed to inform you that my Committee are of opinion that the scheme submitted by Sir Marshall Reid, C.I.E. (Appendix 'H'), might be given a trial if it can be put into operation.

Dated Cawnpore, the 23rd December 1920.

From—J. G. RYAN, Esq., Secretary, Upper India Chamber of Commerce,

To—The Secretary to the Government of India, Finance Department, Delhi.

I am directed to refer to your No. 2960-F., dated the 20th November, forwarding the Report of the Delegates for India to the recent International Financial Conference held at Brussels.

2. The Committee of the Chamber appreciate the opportunity afforded to them of putting forward any observations which they may desire in regard to the resolutions accepted by the Conference.

3. The interests represented by this Chamber are mainly industrial and manufacturing and their market is an indigenous one; the members of the Chamber therefore are not interested to the same extent in the proposals of the Conference as are the members of those Chambers which serve the large ports of India and are vitally affected by questions of export and import. At the same time, the Committee of this Chamber feel that the scheme submitted by Sir Marshall Reid in Appendix "H" of the report, is somewhat involved, and it is a question whether the scheme mentioned in a recent pronouncement of the Prime Minister, and which is in essentials one of simple barter with the central European countries, is not better and likely to be more easily worked.

Dated Madras, the 23rd December 1920.

From—JAS. F. SIMPSON, Esq., Chairman, Chamber of Commerce, Madras,

To—The Secretary to the Government of India, Finance Department, Delhi.

Your No. 2960-F., dated the 20th ultimo, together with its enclosure (Report of the Delegates for India to the International Financial Conference at Brussels, 1920), has been considered by this Chamber.

2. The Chamber is glad to note that the Government of India are disposed cordially to welcome any endeavour to work out a scheme of international credits.

As mentioned in paragraph 3 of your letter under reference, the importance of some such system of credits to India's export trade need not be emphasized.

The Chamber is of opinion that some such scheme would be likely to assist in disposing to the Continent of some of the heavy stocks of hides now being held by the Government in London.

Hides and skins are the principal export of Madras, and it is unnecessary to refer to the deplorable condition in which the trade now finds itself, and in connection with which the Chamber is now in correspondence with another department of Government.

3. The Chamber agrees generally with the suggestions of Sir Marshall Reid.

Dated the 5th January 1921.

From—The Secretary, Burma Chamber of Commerce, Rangoon,

To—The Secretary to the Government of India, Finance Department, Delhi.

Your Circular letter No. 2960-F. of November 20th, 1920, dealing with the Brussels International Financial Conference, has had the attention of my Committee, who desire me to say that this Chamber is strongly in favour of Continental credits being arranged, but would prefer to leave the details of the scheme to financial experts.

No. 116-1921, dated Calcutta, the 12th January 1921.

From—The Secretary, Bengal Chamber of Commerce,

To—The Secretary to the Government of India, Finance Department, Delhi.

I am directed to acknowledge the receipt of your letter No. 2960-F., dated the 20th November 1920, to which you attached copies of the Report of the Delegates for India to the recent International Financial Conference held at Brussels.

2. You invite the special attention of the Committee of the Chamber to the scheme for the establishment of international credits which is referred to in paragraph 8 of enclosure 4 to Appendix A. This Appendix to the Indian Delegates' Report is itself the report of the

Conference, and enclosure 4 enumerates the recommendations of the Committee on international credits, which were adopted by the Conference. You ask, firstly, for the opinion of the Chamber as to how far any such scheme is likely to assist the various export interests; and secondly, whether the Chamber has any criticisms or suggestions to offer regarding the practical details of the supplementary proposals put forward by Sir Marshall Reid and set forth in Appendix H.

3. In reply to these inquiries, I am to say that the Committee of the Chamber agree with the Government of India in cordially welcoming any endeavour to work out a scheme of international credits. For they are clearly of the opinion that if a scheme can be put into operation, it must have the effect of promoting, at any rate to some extent, the export trade of India. They agree also as to the necessity for making the bonds that may be created fully negotiable. And if this were provided for by any international guarantee, as contemplated by Sir Marshall Reid, the Committee would approve of the Government of India accepting responsibility for some definite share of the guarantee. But there would be, they apprehend, considerable difficulty in actually working the credits in this country. For they do not see how it would be possible for the Government of India to distribute among exporters the amount which would be at their disposal, without risking dissatisfaction which might even become political in character. It must also be remembered that the resources of the Banks in India are limited. And this limitation would not be overcome by the guarantee, because it would be necessary for the actual cash to be provided by the Banks with a long lock-up of funds; and the Banks here could not provide cash, under such conditions, except to a moderate extent.

4. In view of the foregoing considerations, the Committee feel that any credit scheme such as that contemplated must be centred in, and worked from, London. In fact this would appear to them to be the only practicable way of putting the system into successful operation. Credit is of course very fluid, and it would quickly find its way to this country from the centre which would be established in London. The Bank and accepting houses there would take up the bonds and issue letters of credit, which would enable business to proceed in the customary way. Probably also the Banks might regard the amount thus placed at their disposal as a nucleus of credit, and themselves take a share in the risk. It is, the Committee think, of the highest importance that any scheme which may be agreed upon should be put into operation with the minimum of delay. And they believe that if it is operated from London, as they suggest, it will be put into practice and worked much more quickly than it could possibly be from this country. They accordingly recommend, for the consideration of the Government, that the India Office should be asked to discuss the question with the leading London Banks interested in the Indian trade, both the Exchange Banks and others, and endeavour, in consultation with them, to formulate a practical method of working the system.

5. In reply to your second inquiry, I am to say that the Committee do not think that there is need for them to discuss in detail, at any rate for the moment, the proposals put forward by Sir Marshall Reid. The advice of the Banks in London should be obtained upon these proposals which, it may be noted, are not framed with exclusive reference to India.

No. 23, dated Madras, the 24th January 1921.

From—The Southern India Skin and Hide Merchants' Association,
To—E. M. COOK, Esq., C.I.E., I.C.S., Secretary to the Government of India,
Finance Department.

Adverting to your Circular letter No. 2960-F., dated Delhi, the 20th November 1920, enclosing a copy of the Report of the Delegates for India presented at the International Financial Conference held at Brussels during last year, I have the honour to inform you that the details of the scheme of International Credits were fully discussed, and my Committee approves of the scheme and offers no criticisms or suggestions regarding the practical details of the scheme adumbrated by Sir Marshall Reid in Appendix H.

No. 225-200-1920, dated the 26th January 1921.

From—The Acting Secretary, Chamber of Commerce, Bombay,
To—The Officiating Secretary to the Government of India, Finance Department.

I am directed to acknowledge receipt of your letter No. 2960-F., dated the 20th November 1920, and its accompaniments with reference to the Report of the Delegates for India to the recent International Financial Conference held at Brussels,

2. In reply, I am to state that, after careful consideration of the above-mentioned Report and the covering letter from the Government of India in your Department, my Committee desire me to submit their views as under:—

- (a) My Committee consider that it is most important to the trade of India that everything possible should be done to restore the purchasing power of the Continental nations.
- (b) They consider further that a scheme of the nature put forward at the Conference, if practicable, will bring about the desired result.
- (c) My Committee, however, do not feel themselves competent to discuss the details of the scheme which must be subject, in their opinion, to continual discussion and re-arrangement in Europe. At the same time, they consider it desirable for Government to form a Committee, composed of the financial experts and leading exporters of this country, to consider, report on, and, if necessary, amplify the scheme adumbrated by Sir Marshall Reid in Appendix H.

No. T.-573, dated Bombay, the 3rd March 1921.

From—The Secretary, the Indian Merchants' Chamber and Bureau, Bombay,
To—The Secretary to the Government of India, Finance Department.

I am directed to acknowledge receipt of your letter of the 20th November 1920 enclosing report of the Delegates for India to the International Financial Conference at Brussels.

You mention in paragraph 4 of your letter that the present depression in the export trade is—

- (a) partly due to existence of large unused stocks;
- (b) partly to lack of credit facilities;

and you invited the opinion of my Committee as to

firstly, how far the scheme in Appendix H is likely to assist the export interests, and

secondly, whether my Committee have any criticisms to make or suggestions to offer.

My Committee have given careful consideration to the above and are of opinion that the depression is due to the elimination of the enormous purchasing power that was represented by the war requirements of the various belligerent Governments, and that the substitution of this enormous purchasing power by other purchasing power of comparable magnitude would be needed to get rid of the commodities that have been set free by the cessation of war demands.

This seems impossible and therefore the depression must cure itself by compelling new supplies to be restricted to the prospective purchasing power.

Meanwhile, such purchasing power as may exist potentially has to be made effective by suitable measures. But the measures advocated in the scheme do not go to the fundamentals. It seems to be assumed that the money to pay for imports is there and it is only necessary to provide some sort of Bank Credit arrangement to get over the hesitation and distrust of the sellers in the exporting countries. This is not a correct diagnosis of the situation. The money to pay for imports is NOT there in the requisite amounts. By 'Money' here is to be understood 'Exchangeable Commodities'. If the importing countries had a sufficiency of exportable commodities to give in exchange, then the present banking machinery of the world would be able to cope with the situation and a way would be found to exchange the commodities requiring to be imported. But this is not the case. The situation to-day is that a country, say Roumania, is badly in need of say 200 millions worth of commodities from other countries and has presently only say 100 millions worth to offer in exchange. What is therefore wanted is to provide Roumania with the means of purchase for these additional 100 millions. Roumania has many potentially very valuable assets, i.e., its forests, oil fields, mines, etc., and if it could be arranged to create bonds against these, Roumania would have the present means of paying for the additional 100 millions. The scheme contemplates such bonds but only as collateral, not as the cash that is to pay for the exports.

In this my Committee feel the Scheme fails to appreciate the real difficulty—the want of the cash—and fails to provide for it and my Committee therefore feel that the proposed Scheme if useful at all will be of extremely limited usefulness.

What is really required is to provide countries like Roumania with this cash in the shape of long or short term loans, the money so provided being used solely for the purchase of necessary imports. Then alone will it be possible for banks to find the necessary cover for the bills offered against the additional 100 millions of commodities that Roumania needs.

Before anybody can contemplate the advance of this 100 millions he would require the assurance that the money that he lends will not be seized by other creditors against other debts previously incurred by Roumania of whatever kind.

To give an instance from ordinary commerce nobody will advance further funds to a man that is insolvent, however great his abilities otherwise may be until this insolvent either goes through the insolvency courts and then starts with a clean slate, or compounds with his creditors and frees himself from further pressure on their account.

Therefore what will have to be done in the hypothetical case of Roumania mentioned above is that its other creditors should compound with it in such a way that it may be possible for a new party to consider it reasonably safe to make further loans to Roumania. In other words the Allies that have made very large loans to Roumania should agree to either forego interest and agree to postponement of repayment of loan for a fixed period, say 20 years, or fund the interest and postpone the total liability, and should agree to give priority to such loans as may be hereafter made to Roumania for raw materials, machinery, etc.

This question bristles with difficulties and has evidently been shelved by the Brussels Conference owing no doubt to the great difficulty of getting Roumania's present creditors to forego or postpone any part of their claims. Hence we have this credit scheme which, as we point out above, will be quite inadequate to the needs of the situation. Having said this we shall now examine the scheme submitted by Sir Marshall Reid. This scheme contemplates—

- (1) the creation of bonds by Roumania on approved assets;
- (2) the handing over of these bonds to the central commission;
- (3) the issue by the Central Commission of its own bonds on the security of (2);
- (4) the creation of a guarantee fund to which exporters or importers could subscribe and could thereby be entitled to, say, 10 times the amount of their shares in the shape of C. C. bonds named in (3).

With the above modifications the rest of the scheme in Annexure A appears to be adopted by Sir Marshall Reid. The remaining steps are—

- (5) the pledging of the C. C. Bonds by the importer in Roumania to the exporter say in India who will hand them as collateral to his banker when selling his bill on Roumania;
- (6) the return of the C. C. Bonds by the exporters on completion of the transaction in Roumania by the payment of the export bill on due date;
- (7) failing such payment the selling of the Bonds held as collateral. (It is not clear what is to constitute failure to pay. The Roumanian importer may have money ready in his own currency, but might be unable to get the necessary exchange. Further, it is not very clear from Appendix II whether selling of the C. C. Bonds is contemplated by Sir Marshall Reid or only presentation to the Central Commission of the claim for the unpaid export bill.)

These are the most important steps in the scheme, the others being matters of detail. Now my Committee are unable to see how the creation of such bonds will provide banks with the necessary cover before they can buy the Indian export bill. If Roumania has not the additional 100 millions worth of commodities to offer in exchange, the cover will not be there and the banks will not buy the export bill without such cover.

Then again in case of failure on the part of the Roumanian importer the collateral is to be sold. My Committee very much doubt if such sales would be practicable, in any quantity or at any reasonable price.

If such bonds cannot be realised to meet the draft the banks will have recourse to the exporter. How is he to find money?

My Committee consider the scheme unworkable on the above grounds. They therefore do not wish to dilate upon the other impracticable aspects of the scheme such as requiring each individual importer to furnish proof that he had previously obtained the express permission of the International Commission to enter into a particular transaction.

My Committee believe that if any real practical step is intended to be taken by this country, it should be something similar to what America is trying to do, namely, the creation

of a Finance Corporation with sufficient capital resources and borrowing powers to be able to raise the necessary funds from which the exports of Indian raw materials to Roumania could be financed and a sufficiently long credit be given to Roumania to repay it.

For this purpose my Committee would suggest calling together a committee of bankers in this country and asking them to see whether a solution of some kind similar to that being attempted in America is possible here or not.

If such a bankers' committee is called together, they might be asked to consider some suitable scheme of credit insurance as this kind of insurance is also a necessity of the present situation. If this suggestion is taken up my Committee will be pleased to submit their further views on the matter.

RECOMMENDATIONS OF THE CURRENCY COMMITTEE IN SOUTH AFRICA.

134. **Mr. B. Venkatapatiraju :** (a) Are the Government aware that the Currency Committee in South Africa recommended that the white-man's wealth or savings which he holds in the form of rupees is to be redeemed at its present value and the blackman's savings which he holds in the forms of small subsidiary coins are to be written down to half their present value and that the Home Authorities approved of this?

(b) Are Indians settled there to be regarded as Blackmen or Whitemen in the application of the aforesaid rule?

(c) Have the Government of India made any protest and, if so, with what result?

(d) Is it a fact that the imposition of income-tax was insisted on by the Home Government when the hut tax was proposed to be increased in South Africa?

(e) Was there any proposal to write-off income-tax dues there, was any similar concession shown to the hut tax-payers, will any Indian settlers be affected thereby, and what steps do the Government propose to take in the matter?

Mr. J. Hullah : (a) and (e) The Honourable Member is presumably referring to East Africa and not South Africa as stated in the question. His attention is invited to questions and answers in Parliament on the subject of the recent revisions of the East African currency at pages 597-600, 1249-1251 and 1856-1859 of Hansard, Volume 142, Nos. 65, 68 and 72, respectively, copies of which I shall be glad to shew the Honourable Member. Briefly stated, the changes are that the existing exchange value of the rupee and the 50-cent pieces is retained at 2s. and 1s. respectively, the new shilling becomes the standard coin and legal tender for any amount, the rupee and 50-cent pieces are to be called in and replaced by the new shilling when sufficient supplies of the new currency are available, but the old 1-cent, 5-cent and 10-cent coins will not be replaced by the new coinage and will be used at half their present face value. This discrimination in the case of subsidiary coins is not influenced by considerations of nationality or colour.

(c) The Government of India were not consulted about these changes. A deputation from East Africa, which waited on His Excellency the Viceroy on July 23rd, 1920, brought to notice their grievances in connection with the alteration in the currency, but as stated in the Press Communiqué, dated July 27th, 1920, His Excellency did not consider that the Government of India would be justified in interfering in a domestic problem of this kind. There is no reason to suppose that the alteration in the value of the smallest local coins will affect the exchange rate.

What is really required is to provide countries like Roumania with this cash in the shape of long or short term loans, the money so provided being used solely for the purchase of necessary imports. Then alone will it be possible for banks to find the necessary cover for the bills offered against the additional 100 millions of commodities that Roumania needs.

Before anybody can contemplate the advance of this 100 millions he would require the assurance that the money that he lends will not be seized by other creditors against other debts previously incurred by Roumania of whatever kind.

To give an instance from ordinary commerce nobody will advance further funds to a man that is insolvent, however great his abilities otherwise may be until this insolvent either goes through the insolvency courts and then starts with a clean slate, or compounds with his creditors and frees himself from further pressure on their account.

Therefore what will have to be done in the hypothetical case of Roumania mentioned above is that its other creditors should compound with it in such a way that it may be possible for a new party to consider it reasonably safe to make further loans to Roumania. In other words the Allies that have made very large loans to Roumania should agree to either forego interest and agree to postponement of repayment of loan for a fixed period, say 20 years, or fund the interest and postpone the total liability, and should agree to give priority to such loans as may be hereafter made to Roumania for raw materials, machinery, etc.

This question bristles with difficulties and has evidently been shelved by the Brussels Conference owing no doubt to the great difficulty of getting Roumania's present creditors to forego or postpone any part of their claims. Hence we have this credit scheme which, as we point out above, will be quite inadequate to the needs of the situation. Having said this we shall now examine the scheme submitted by Sir Marshall Reid. This scheme contemplates—

- (1) the creation of bonds by Roumania on approved assets;
- (2) the handing over of these bonds to the central commission;
- (3) the issue by the Central Commission of its own bonds on the security of (2);
- (4) the creation of a guarantee fund to which exporters or importers could subscribe and could thereby be entitled to, say, 10 times the amount of their shares in the shape of C. C. bonds named in (3).

With the above modifications the rest of the scheme in Annexure A appears to be adopted by Sir Marshall Reid. The remaining steps are—

- (5) the pledging of the C. C. Bonds by the importer in Roumania to the exporter say in India who will hand them as collateral to his banker when selling his bill on Roumania;
- (6) the return of the C. C. Bonds by the exporters on completion of the transaction in Roumania by the payment of the export bill on due date;
- (7) failing such payment the selling of the Bonds held as collateral. (It is not clear what is to constitute failure to pay. The Roumanian importer may have money ready in his own currency, but might be unable to get the necessary exchange. Further, it is not very clear from Appendix II whether selling of the C. C. Bonds is contemplated by Sir Marshall Reid or only presentation to the Central Commission of the claim for the unpaid export bill.)

These are the most important steps in the scheme, the others being matters of detail. Now my Committee are unable to see how the creation of such bonds will provide banks with the necessary cover before they can buy the Indian export bill. If Roumania has not the additional 100 millions worth of commodities to offer in exchange, the cover will not be there and the banks will not buy the export bill without such cover.

Then again in case of failure on the part of the Roumanian importer the collateral is to be sold. My Committee very much doubt if such sales would be practicable, in any quantity or at any reasonable price.

If such bonds cannot be realised to meet the draft the banks will have recourse to the exporter. How is he to find money?

My Committee consider the scheme unworkable on the above grounds. They therefore do not wish to dilate upon the other impracticable aspects of the scheme such as requiring each individual importer to furnish proof that he had previously obtained the express permission of the International Commission to enter into a particular transaction.

My Committee believe that if any real practical step is intended to be taken by this country, it should be something similar to what America is trying to do, namely, the creation

of a Finance Corporation with sufficient capital resources and borrowing powers to be able to raise the necessary funds from which the exports of Indian raw materials to Roumania could be financed and a sufficiently long credit be given to Roumania to repay it.

For this purpose my Committee would suggest calling together a committee of bankers in this country and asking them to see whether a solution of some kind similar to that being attempted in America is possible here or not.

If such a bankers' committee is called together, they might be asked to consider some suitable scheme of credit insurance as this kind of insurance is also a necessity of the present situation. If this suggestion is taken up my Committee will be pleased to submit their further views on the matter.

RECOMMENDATIONS OF THE CURRENCY COMMITTEE IN SOUTH AFRICA.

134. **Mr. B. Venkatapatiraju :** (a) Are the Government aware that the Currency Committee in South Africa recommended that the white-man's wealth or savings which he holds in the form of rupees is to be redeemed at its present value and the blackman's savings which he holds in the forms of small subsidiary coins are to be written down to half their present value and that the Home Authorities approved of this?

(b) Are Indians settled there to be regarded as Blackmen or Whitemen in the application of the aforesaid rule?

(c) Have the Government of India made any protest and, if so, with what result?

(d) Is it a fact that the imposition of income-tax was insisted on by the Home Government when the hut tax was proposed to be increased in South Africa?

(e) Was there any proposal to write-off income-tax dues there, was any similar concession shown to the hut tax-payers, will any Indian settlers be affected thereby, and what steps do the Government propose to take in the matter?

Mr. J. Hullah : (a) and (b) The Honourable Member is presumably referring to East Africa and not South Africa as stated in the question. His attention is invited to questions and answers in Parliament on the subject of the recent revisions of the East African currency at pages 597-600, 1249-1251 and 1856-1859 of Hansard, Volume 142, Nos. 65, 68 and 72, respectively, copies of which I shall be glad to shew the Honourable Member. Briefly stated, the changes are that the existing exchange value of the rupee and the 50-cent pieces is retained at 2s. and 1s. respectively, the new shilling becomes the standard coin and legal tender for any amount, the rupee and 50-cent pieces are to be called in and replaced by the new shilling when sufficient supplies of the new currency are available, but the old 1-cent, 5-cent and 10-cent coins will not be replaced by the new coinage and will be used at half their present face value. This discrimination in the case of subsidiary coins is not influenced by considerations of nationality or colour.

(c) The Government of India were not consulted about these changes. A deputation from East Africa, which waited on His Excellency the Viceroy on July 23rd, 1920, brought to notice their grievances in connection with the alteration in the currency, but as stated in the Press Communiqué, dated July 27th, 1920, His Excellency did not consider that the Government of India would be justified in interfering in a domestic problem of this kind. There is no reason to suppose that the alteration in the value of the smallest local coins will affect the exchange rate.

(d) and (e). It is stated in the 'East African Chronicle' dated June 25, 1921, that two years ago, the Government of East Africa proposed to raise the hut-tax on natives, but the Colonial Office refused to sanction this unless an income-tax was imposed on Europeans. The income-tax was introduced and the hut-tax raised. But when the income-tax fell due in March this year, the Legislative Council, with the help of the Governor's casting vote, sanctioned its remission. Indians do not pay the hut-tax and they are therefore not affected by its enhancement.

VIZAGAPATAM HARBOUR.

135. **Mr. B. Venkatapatiraju:** Will the Government be pleased to state—

- (a) Whether any extra amount is sanctioned this year out of the Railway loan for the Vizagapatam Harbour?
- (b) Whether it is possible to lay the foundation stone for Vizagapatam Harbour in January, 1922, in view of the approaching visit of His Royal Highness the Prince of Wales to India?

Colonel W. D. Waghorn: (a) It has not been found possible to spare any funds this year for starting the Vizagapatam Harbour, as all funds available have been devoted to the needs of existing lines. Means for financing this work outside the ordinary programme are, however, under consideration.

(b) In view of the position described in reply to the first part of the question, it is premature to consider the question of laying the foundation stone at present.

Mr. J. Chaudhuri: I wish to ask a supplementary question. Is it a fact that the Bengal Nagpur Railway at one time offered to construct this out of their own funds?

Colonel W. D. Waghorn: I am not aware of the offer of the Bengal Nagpur Railway.

NON-CO-OPERATORS AND THE GOVERNMENT.

136. **Mr. B. Venkatapatiraju:** Will the Government be pleased to state—

- (a) Whether any and what steps have been taken by the Government to bring about reconciliation between the non-co-operators and the Government?
- (b) Whether there is any prospect of introducing dyarchy in the Central Government and of making a further transference of subjects in the provinces for popular control as boons to be announced by the Prince of Wales?

The Honourable Sir William Vincent: (a) The policy adopted by Government towards the Non-co-operation movement has been detailed in the Resolution which issued on the 6th November 1920. The attention of the

Honourable Member is also invited to my* speech in the Assembly on the 5th March last on Mr. Muhammad Yamin Khan's Resolution.

(b) The Government of India have no information to lead them to think that this is the case. The object of the visit of His Royal Highness has been fully explained in the speech of His Excellency the Viceroy on the 3rd September.

Mr. B. Venkatapatiraju: May I ask a supplementary question? Has any attempt been made to bring about a reconciliation between the Government and the Non-co-operation leaders, like Mr. Gandhi and Mahomed Ali?

The Honourable Sir William Vincent: By whom?

Mr. B. Venkatapatiraju: By both parties.

The Honourable Sir William Vincent: No such attempt has been made by the Government of India.

RACIAL DISTINCTIONS IN INDIA.

137. **Mr. B. Venkatapatiraju:** With reference to the statement of His Excellency the Viceroy regarding the removal of all racial inequality in India, do the Government propose to take steps for the removal of racial distinctions—

- (a) In the matter of special provisions in the Criminal Procedure Code, the Penal Servitude Act, 1855, the European Vagrancy Act, 1874, and scale of allowances to witnesses in British Courts differentiating natives from Europeans and Anglo-Indians?
- (b) In the matter of accommodation in Railway trains, waiting rooms and refreshment rooms at Railway Stations?
- (c) In the matter of appointment, salary, travelling allowances, quarters in the Railway Department, Telegraph Department and various other departments, of the Government?
- (d) In the matter of providing churches but not contributions to temples and mosques?
- (e) In the matter of military training and appointment to the commissioned ranks?
- (f) In the matter of treatment accorded to the Colonials in India when those Colonies refused equal treatment to Indians without resorting to the laws of reciprocity or retaliation?

The Honourable Sir William Vincent: (a) The question of amending the provisions of the Criminal Procedure Code which involve racial distinctions is under the consideration of the Government of India, but no amendment of the European Vagrancy Act, 1874 is contemplated at present. The question of amending the Penal Servitude Act of 1855 is also being considered in connection with the proposal to abolish judicial sentences of transportation. As regards the last part of the Question, the Government of India are primarily concerned only with the rules framed by the Calcutta High Court regarding the

*Vide Legislative Assembly Debates, Vol. I, page 639.

expenses of witnesses attending Civil Courts. Those rules make no distinction between Europeans and Indians. For information regarding the similar rules applicable to Criminal Courts in Bengal and to Civil and Criminal Courts in other provinces the Honourable Member might, it is suggested, approach the Local Governments concerned.

(b) With reference to (b), the Honourable Member is referred to the answer given to Question No. 94 by Colonel Waghorn.

(c) Information on this matter is being collected and will be laid on the table during this Session.

(d) Certain expenditure is annually incurred by Government on the provision of non-Christian religious instructions for Indian regiments, and grants of land and alienations of revenue are made from time to time for the support of temples, mosques, etc. Government do not propose to take any action in this respect.

(e) With regard to military training, as the Assembly is aware, the Government of India are affording equal facilities for military training to Indians and Europeans alike through the medium of the Territorial Force and the Auxiliary Force.

As regards appointment to the commissioned ranks, King's Commissions in the Indian Army are now open to Indian gentlemen possessing the requisite qualifications. The Government of India are in correspondence with the Secretary of State for India on the subject of making Indians eligible for the King's Commission in other arms and departments and in the R. A. F. in India.

(f) The policy of the Government of India towards colonials residing in India was fully explained in the speech of the Honourable Sir George Barnes delivered on the occasion of the introduction of the Indian Emigration Bill in the Legislative Assembly on the 21st March 1921.

LABOUR IN THE GARDENS OF ASSAM AND BENGAL.

138. **Mr. K. C. Neogy:** (a) What concessions in the coaching rates, and other special facilities, if any, are allowed by the different railway and inland steam vessels companies, for the transport of labour to the gardens in Assam and Bengal respectively?

(b) Are the Government in a position to estimate the approximate saving in money to the tea trade, in Bengal and Assam respectively, on account of these concessions and facilities, during the last five years?

(c) Are such concessions and facilities granted to the labourers while coming back from the gardens; if so, to what extent and on what conditions?

Colonel W. D. Waghorn: A statement giving the information so far as Railways are concerned, and it is available, is laid on the table.

The rates charged by inland steam vessels companies are not controlled by Government and the Government of India have no information as to the concessions allowed by them to garden coolies.

Statement showing concessions in coaching rates and other facilities allowed on different Railways for the transport of labour to the Tea gardens in Assam and Bengal.

Name of Railway.	Concessions and special facilities granted.	Approximate saving in money to the Tea Trade during the last 5 years.	Whether the concessions and facilities are granted to labourers returning from the Tea gardens.	Remarks.
Bengal Doocars	On production of an order signed by the Manager of a Tea garden reduced fares are granted to Tea garden coolies proceeding to a garden. The concession represents a saving of about 1½ annas per head. These reduced fares are also granted to Tea garden sardars sent by gardens to their homes for recruiting purposes both on the outward and inward journeys.	Rs. 13,849 ...	Yes.	
Bengal and North-Western.	Have no concession or special facilities specifically for the transport of labour to the Tea gardens in Assam and Bengal. In through booking with the Eastern Bengal Railway a concession rate of 2 pies per mile for distances over 200 miles is granted in either direction. This is a public concession enjoyed by all third class passengers.	Figures not available.	Yes.	
Bengal Nagpur.	Labourers proceeding to Tea gardens in Assam and Bengal are carried over the Bengal Nagpur Railway at a concession rate of 2 pies per head per mile. Fares are paid by credit note only by the labour agency despatching coolies to Tea gardens.	Figures not available.	Yes.	
Eastern Bengal.	Tea garden coolies, on production of a certificate from the garden manager, are carried at a concession rate of 2 pies per mile per coolie. The concession is also applicable to coolies generally, that is whether for the gardens or for other concerns. Through carriages are run for the coolies when booked in sufficient numbers to occupy whole carriages. Medical attendance is arranged at Naihati, Goalundo, Santahar, Sorbhag and Amingaon. Assistance is afforded to labour contractors to feed the coolies at certain points and drinking water is arranged as required.	Figures not available.	Yes.	

Name of Railway.	Concessions and special facilities granted.	Approximate saving in money to the Tea Trade during the last 5 years.	Whether the concessions and facilities are granted to labourers returning from the Tea gardens.	Remarks.
East Indian...	Grant a concession rate of 2 pies per mile for Tea garden coolies. This concession is also applicable to all third class passengers travelling between the same stations.	Figures not available.	Yes.	
Assam Bengal	On production of a credit note signed by the Manager of a Tea Estate, a concession rate of 2 pies per mile is granted to all coolies proceeding to Tea gardens. Coolies are conveyed in charge of cool conductors in carriages set apart for their exclusive use while on the journey. They are fed by the Railway Company at stations en route at the expense of the Tea Estates.	The estimated saving to the Tea Estates in the Province of Assam are as under:— Year. Rs. 1918-19 1,71,771 1919-20 2,44,377 1920-21 1,75,920 Figures for previous years are not available.	Yes	Prior to the year 1918-19, recruiting for the Tea Estates was practically suspended.

IMMIGRATION TO FIJI ISLAND.

139. **Mr. M. K. Reddi Garu:** (a) Will the Government be pleased to state the principles which guided them in the selection of the committee appointed to investigate the question of immigration to Fiji Island?

(b) Is it a fact that the Right Honourable Mr. V. S. Srinivasa Sastri and Mr. Hirday Nath Kunzru are members of the said Committee?

(c) Are the Government aware that both the members are members of the Servants of India Society, the former being the President thereof and the latter his subordinate?

(d) Are the Government aware that almost all the immigrants are from the Presidency of Madras and United Provinces, and that so far as the Presidency of Madras is concerned, they are all non-Brahmins?

(e) Are the Government aware that grave dissatisfaction exists among the non-Brahmins of the Presidency at the selection of a Brahmin, the Right Honourable Mr. V. S. Srinivasa Sastri, to go into the question affecting the non-Brahmins of this Presidency?

(f) Has the attention of the Government been drawn to the editorial notes in *Justice*, dated 6th July, 1921, on this question?

(g) Do the Government propose to consider the advisability of appointing a non-Brahmin of the Southern Presidency in place of, or in addition to, the Right Honourable Mr. V. S. Srinivasa Sastri on the Committee?

Mr. J. Hullah: (a) The principles which guided the Government of India in the selection of the Indian members of the Committee were

that they should be persons who would command public confidence, and who were both residents of the province or provinces from which the bulk of Indian immigrants in Fiji have been recruited, and connected with social work among the poorer classes in this country. The official member was chosen for his special knowledge and experience of all questions connected with Indian emigration. It may be added that the personnel of the Committee was selected after consultation with various members of the Indian Legislature.

(b) Yes, but Mr. Kunzru has now said he cannot go.

(c) Yes.

(d) The Government of India are aware that the majority of the Indian labourers in Fiji are drawn from the Presidency of Madras and from the United Provinces, and have no doubt that the majority of those derived from Madras are non-Brahmins.

(e) No.

(f) Yes.

(g) The Government of India regret that they are unable to make any changes in the constitution of the Committee.

MEDICAL STORES PURCHASED IN INDIA.

140. **Mr. M. K. Reddi Garu:** (a) Will the Government be pleased to lay on the table a statement showing the quantities and value of medical stores purchased in India and elsewhere since the year 1914 up to 31st March, 1921?

(b) Will the Government be pleased to state in detail the stock of medical stores that was available on the 31st March, 1921, in each of the medical stores of the Government of India?

(c) Will the Government be pleased to state—

(i) if it is a fact that all the available stores at present in these centres were asked to be sent to Calcutta or elsewhere in order to be sold by auction through an agency of a European firm;

(ii) if so, what was the necessity for this action on the part of the Government;

(iii) if it is also a fact that fresh indents have been sent for the purchase of similar articles;

(iv) if it is a fact that even large stocks of cotton in these stores are to be sold by auction and fresh stock purchased again?

(d) Will the Government please explain the reasons for this procedure mentioned in (c), and also state if it is not a loss to the finances of India at present?

Sir Godfrey Fell: (a) The compilation of the information required by the Honourable Member would involve considerable labour and would necessitate the engagement of additional staff. The Government consider that the utility of the statements would not be commensurate with the labour and expense entailed in their preparation.

Figures showing the total annual expenditure on medical stores purchased in India and elsewhere for the years 1914 to 1919 are, however, available, and

are given in the statement I am laying on the table. The Government trust that this information will be sufficient for the Honourable Member's purpose.

(b) It is not possible to furnish the information required by the Honourable Member for the same reason as that given in reply to part (a). The stock lists consist of 14 volumes varying in size; one volume alone, and that not the largest, runs to 500 pages of foolscap.

(c) (i) and (ii). The stocks at Medical Store Depôts are intended to supply both civil and military requirements. During the war, large stocks were held to meet war requirements. A certain proportion of these stores, chargeable to His Majesty's Government, was, after the war, declared surplus to ordinary requirements and handed over for disposal to the Disposals Commissioner. These surplus stores were sent to the Controllers of Sales at Calcutta, Bombay and Lahore. As the stores are the property of His Majesty's Government, the method of disposal adopted is a matter for the Disposals Commissioner.

(iii) The ordinary stocks held at Medical Store Depôts are replenished from time to time by local purchase or on Home indents. When the Depôts require any articles which are known to be held by the Disposals Commissioner, they are obtained from him. This arrangement is obviously to the benefit of both the Indian and the Home Governments.

(iv) No.

(d) The answer to this part of the question will be found in the reply I have just given to part (c), (i) and (ii).

The operation involves no loss to the finances of India.

Statement showing the total expenditure incurred on medical stores purchased in India and elsewhere for the years 1914-15 to 1918-19.

Year.	Value of stores purchased in India.	Value of stores purchased elsewhere.
	Rs.	£
1914-15	9,63,819	94,500
1915-16	11,76,405	128,327
1916-17	42,86,932	401,051
1917-18	48,31,208	443,681
1918-19	47,79,786	336,399

ROYAL COMMISSION ON PUBLIC SERVICES.

141. **Mr. M. K. Reddi Garu:** Will the Government of India be pleased to state—

(i) the total amount of cost incurred on account of the Royal Commission on Public Services;

(ii) and what share of it has been debited to the Government of Madras?

The Honourable Sir William Vincent: (i) The expenditure as shown in the India books was Rs. 5,91,874.

(ii) The cost debited to the Government of Madras was about Rs. 1,200.

INCREASE OF PASSENGER FARES BY THE SOUTH INDIAN RAILWAY COMPANY.

142. **Rao Bahadur C. S. Subrahmanayam:** (a) Is the Government aware that the South Indian Railway Company has raised the passenger fares of all classes on the mail and ordinary trains?

(b) Was the enhancement made with the sanction of Government, and will the Government be pleased to state the reasons for the said enhancement if Government sanction has been accorded?

Colonel W. D. Waghorn: (a) The reply is in the affirmative.

(b) The enhanced fares being within the authorised maxima, Government's sanction to their introduction was not necessary.

INTER-CLASS CARRIAGES ON THE SOUTH INDIAN RAILWAY.

143. **Rao Bahadur C. S. Subrahmanayam:** Is the Government aware that on the narrow gauge section of the South Indian Railway no Intermediate class carriages are provided, and do Government propose to direct the Railway Company to introduce Intermediate class carriages on the section?

Colonel W. D. Waghorn: The Honourable Member is referred to the answers given to questions* Nos. 465 and 606 in this Assembly on the 14th and 28th March 1921 on this subject.

The matter has not been lost sight of and the Agent, South Indian Railway, has already been asked that provision for Inter-class compartments be made in the new stock which is arriving and will shortly be erected, in order that this class of accommodation may be provided, in the first instance, on mail and through connecting passenger trains on the line.

OVERCROWDING THIRD CLASS CARRIAGES IN THE SOUTH INDIAN RAILWAY.

144. **Rao Bahadur C. S. Subrahmanayam:** Has it come to the notice of Government that the third class carriages on the South Indian Railway trains are overcrowded even in normal seasons of traffic?

Colonel W. D. Waghorn: Overcrowding on the South Indian Railway is not general but confined to certain trains. It may be stated that this is due to reduction in train services which had to be curtailed on account of shortage of engine power. Additional engines have been received and are being utilised as available.

The South Indian Railway Administration are using their existing stock and facilities to the fullest possible extent. Government is most anxious to remove difficulties of travel and everything possible is being done to increase the supply of rolling-stock and to provide additional facilities, but the Honourable Member will realise that this is necessarily a question of time and money.

*Vide Legislative Assembly Debates, Vol. I, pp. 988 and 1621.

LIMIT OF PASSENGERS IN RAILWAY COMPARTMENTS.

145. **Rao Bahadur C. S. Subrahmanayam:** (a) Is it not obligatory on the Railway Companies to prohibit the entry or occupation of more passengers than are notified on the doors of carriages to seats in compartments or carriages?

(b) If it is not obligatory, do Government propose to direct the Railway Companies to strictly observe such a rule?

Colonel W. D. Waghorn: (a) The Indian Railways Act does not impose on railways the duty of prohibiting the entry or occupation of carriages or compartments by more passengers than they are marked to carry.

(b) Section 109 of the Indian Railways Act authorizes a railway servant to require excess passengers in a carriage or compartment to vacate it. Railways have in their own interests issued rules for the guidance of their staff in accordance with this section, and they endeavour to ensure, as far as possible, that these rules are strictly observed.

TREATMENT OF THIRD CLASS RAILWAY PASSENGERS.

146. **Rao Bahadur C. S. Subrahmanayam:** Has it come to the notice of Government that there is widespread discontent among the people in regard to the harsh and unsympathetic treatment meted out to passengers on railways especially those travelling third class, and do Government propose to take some effective measures to abate this cause of discontent?

Colonel W. D. Waghorn: I would refer the Honourable Member to the reply to Question No. 123 asked by Haji Wajih-ud-din in this Assembly, but as I have not yet answered that question, I shall, with the permission of the Chair, answer it now.....

The Honourable the President: Order, order. That answer must necessarily have been laid on the table already.

CONSTRUCTION OF THE MAYAVARAM-TRANQUEBAR LINE.

147. **Rao Bahadur C. S. Subrahmanayam:** (a) Will the Government be pleased to state whether the Mayavaram-Tranquebar line to be constructed at the cost of the District Board of Tanjore was approved and sanctioned by the Railway Board and Government and when was such sanction accorded?

(b) Did the South Indian Railway Company agree to construct and work the line and were surveys made and route plans prepared?

(c) Did the Government of Madras appoint an officer to acquire the land required under the Land Acquisition Act who started work and carried it on for some weeks in May and June of this year?

(d) Has the officer been recalled and was the work of acquisition stopped early in July?

(e) If so, will the Government be pleased to state why it has been stopped?

Colonel W. D. Waghorn: (a) Yes; on the 15th December 1915.

(b) The reply is in the affirmative.

(c) Yes; the work was carried on from the 11th May to the 10th July 1921.

(d) Yes; the work was stopped on the 10th July.

(e) The work was started on the 11th May in anticipation of an allotment of funds, but, owing to the financial stringency, no funds could be allotted for the acquisition of land for the railway during the current financial year, and the work had consequently to be stopped on the 10th July.

Rai Bahadur Bakshi Sohan Lal: Sir, I simply rise for a ruling on the interpretation of Rule 21 (2)

The Honourable the President: I will take the Honourable Member's point of order in one moment.

MESSAGE FROM THE COUNCIL OF STATE.

The Honourable the President: A message has been received from the Council of State and the Secretary will read it.

Secretary of the Assembly: The Message, which I have received from the Council of State through the Secretary of that Council, runs as follows:

With reference to the Message of the Legislative Assembly on the 5th September inviting the co-operation of the Council of State in constituting a committee of the Indian Legislature for the purpose of drafting an Address of Welcome to His Royal Highness the Prince of Wales, I am directed to inform you that on the motion of the Honourable Sir Maneckjee Byramjee Dadabhoy, the following Members of the Council of State have been nominated for the purpose:

The Honourable Sir Dinshaw Wacha,
The Honourable Mr. Arthur Henry Froom.
The Honourable Mr. Ghulam Mohamed Khan Bhurgri,
The Honourable Sir Alexander Robertson Murray,
The Honourable Sir Benode Chandra Mitter,
The Honourable Mr. Egbert Laurie Lucas Hammond,
The Honourable Sir Zulfikar Ali Khan,
The Honourable Mr. James Alexander Richey,
The Honourable Mr. Vaman Govind Kale,
The Honourable Mr. Ernest Sampson Llyod,
The Honourable Sardar Jogendra Singh,
The Honourable Mr. Ganesh Srikrishna Khaparde,
The Honourable Saiyid Raza Ali,
The Honourable Mahamahopadhyaya Dr. Ganganath Jha.

POINT OF PROCEDURE.

Rai Bahadur Bakshi Sohan Lal: I simply rise for a ruling on the interpretation of Rule 21 (2) of the Assembly rules.....

The Honourable the President: Will the Honourable Member kindly say which?

Rai Bahadur Bakshi Sohan Lal: Of the Manual of Business and Procedure, page 9. I assume that to-day is a day for official work in which non-official business has also been allowed to be taken, but my question is, whether in taking non-official business on an official day, the Honourable the President can allow any business to be taken without determining its precedence by ballot in accordance with the procedure set out in Schedule 1 or by any other procedure to be adopted by the President for the ballot under the proviso. From Rule 21, it appears that to determine the relative precedence of non-official business, a ballot is absolutely necessary whether such business is taken on an official or non-official day and that no non-official business can be taken without determining its relative precedence by ballot. It appears that for every non-official business a ballot is necessary. Unless there be a clear rule on the point or a ruling of the Chair on the matter, I respectfully submit, that the question requires to be cleared up before proceeding with the non-official business on to-day's list. On an official day when non-official business is allowed to be taken up, there ought to be a ballot for determining its precedence, and I do not think, we ought to take up without ballot any non-official business which may suit the convenience of any Honourable Members or of the Honourable the President in preference to other non-official business.

The Honourable the President: The Honourable Member has no doubt found what is technically a flaw in the rule; but to-day, as he is aware, is a day devoted to official business. Government has waived its right to put down official business for transaction at this sitting and has met what was a widespread demand on the part of the Assembly for an additional day for the transaction of non-official business. The ruling, which I propose to give provisionally in reply to the Honourable Member, is that for days set apart by His Excellency the Governor General for the transaction of non-official business, the ballot provided by the Standing Orders is necessary to establish the precedence of that business, whether the business be Resolutions or Bills, but that a ballot is not necessary in cases where Government, having taken a sitting as an official day, waives its right to put down official business and substitutes the business of non-official Members. In that event, the Government may exercise its own discretion in taking what non-official business it chooses.

Rao Bahadur T. Rangachariar: May I be permitted to point out, Sir, a matter on which I have already addressed you, that important Bills are laid on the table just before the meeting assembles and we are not able to read them, so that, although the stage of introduction may be a formal stage, still it is likely that Bills may be thrown out without a perfect understanding of them. I would suggest, Sir, that longer notice be given of Bills.

The Honourable the President: The request made by the Honourable Member seems to me to be eminently reasonable and, in the interests of the satisfactory transaction of business in the Assembly. One Member of Government has already had experience of the misfortune that may befall his business by, what I can imagine to be, a perfectly innocent failure to give sufficient notice. I think perhaps Government will take warning by that incident. As far as the Chair is concerned, the point taken by the Honourable Member from Madras is well taken.

BILL re AMENDMENT OF HINDU LAW RELATING TO EXCLUSION FROM INHERITANCE.

Mr. T. V. Seshagiri Ayyar: Sir, in rising to speak on the motion* which stands in my name, I must thank the Government for giving me this early opportunity for introducing this Bill in which I am very much interested. Sir, I hope to have the indulgence of the House for a few minutes when I make a general statement regarding the principles which have guided me in introducing the Bill which is on the agenda to-day and for claiming to introduce the other Bills later on in the course of this Session; because I am anxious that the widest possible publicity should be given to the reasons given by me and others in this Chamber, so that the public may be in a position to judge whether the move that I am making is warranted or not. Sir, very few people in this country would deny that it is necessary to revise portions of Hindu Law. Some portions of it have become obsolete and it is absolutely necessary that some attempt should be made to revise them. There has been an arrest in the development of Hindu Law, as I mentioned on the last occasion when the question of codification was being discussed, and it is necessary that some attempt should be made to carry on the work which was once done by *Rishis* and Commentators. Sir, I may state here some of the reasons which have induced me to think that changes in the Hindu Law, in certain parts of it, are necessary. In the first place, upon the same text of Hindu Law, there have been different commentaries. In the second place, one part of India attaches more importance to a certain class of writers than other parts of India. In the third place, various Judges have given different interpretations upon the same text of Hindu Law; and, fourthly, a large number of customary precedents have grown up; and as a result rules which obtain in one province differ from the rules which obtain in other provinces. Again, Sir, certain ideas which no doubt were perfectly legitimate in the days they were indulged in have now become out of date and it is necessary to revise them. For example, as regards women's rights, their order of succession, etc., contact with other nations, and our growing ideas of justice and fairness render it necessary that we should revise them in the light of the experience since gained; as I said before, it is necessary, although it may not be possible altogether to have complete consistency and uniformity, that there should be some attempt at consistency and uniformity. These are the reasons, Sir, which have induced me to take up the task of asking this House to consider modifications in certain topics of Hindu Law.

Now, Sir, I shall very shortly refer to some of the objections raised to such alterations and modifications being introduced. The most formidable objection is, that we would be undermining the ancient fabric of civilization and of religion in this country if we attempt to alter any portion of Hindu Law. The other day when I was travelling with a friend of mine, a Member of this Assembly, from Allahabad to this place, he very seriously put forward that objection and said, that our civilization and our religion have enabled us to survive much longer than other nations, and if we make any attempt to change the Hindu Law, we would be undermining our civilization and our religion. Sir, I have the greatest regard for the civilization in which I have been brought up, and I do not believe the Honourable Member who mentioned these apprehensions to me has any greater regard than myself for the ancient civilization of this country. But, Sir, I deny that by re-adjusting the details of Hindu

* That leave be given to introduce a Bill to amend the Hindu Law relating to exclusion from inheritance of certain classes of heirs and to remove certain doubts.

[Mr. T. V. Seshagiri Ayyar.]

Law in certain particulars, we would in any way be undermining our ancient civilization or our religion. As regards religion, if I may say so with respect, it seems absurd to say that because I say that a sister should come in before somebody else, and that a man of unsound mind should have his right, therefore by these changes I put the Hindu religion in jeopardy. Sir, I take the liberty of saying that there is absolutely no justification for this objection that by introducing changes in the Hindu Law we would in any way be affecting either the ancient fabric of our civilization or undermining the basis of our religion.

Sir, another objection which has been raised is this, that it is a sacrilege to attempt to alter anything that *Manu* and the *Rishis* have enjoined. Now, objectors of this class forget that what we have to deal with to-day is not exactly what *Manu* laid down. There have been considerable changes, and I think it has been recognised that some of the rules which have been introduced in *Manusmriti* are obsolete and unsuited to the present times. Moreover, as a matter of fact, by commentators, who came after *Manu*, changes have been introduced into the law as enunciated in his Code. And, again, as regards the Criminal Law, as regards contracts, and so forth, the British Indian Legislatures have been allowed to enact laws for us. There are laws regarding crime and punishment in the ancient Code of *Manu*, and they have been completely ignored by the British Legislature. Why should there be any difficulty in altering portions of Hindu Law similarly?

Then, Sir, it was said that this Chamber is not the proper place for discussing alterations in Hindu Law, and it was seriously mentioned to me that this Assembly composed as it is of Christians, Parsis and Muhammadans, is not the body which should be entrusted with the duty of making changes in the Hindu Law. Sir, these critics again forget that our laws are administered by Muhammadan, Christian and Parsi Judges.

The Honourable Sir William Vincent: May I rise to a point of order, Sir? I have always understood from your previous rulings, that when a Bill is introduced, we are to have a very short speech only from the Member introducing the Bill as a formal matter, and not a long though very interesting discussion on the details of the Bill which should be discussed later. If I interpret the rule correctly, Sir, the present speech might rightly be postponed.

The Honourable the President: The principle governing the practice of the House in a matter of the introduction of Bills is, that the Member introducing the Bill is entitled to deliver a short speech explaining the principle on which the Bill is founded. I am not sufficiently proficient in Hindu Law to know where a line between principle and details should be drawn. But, so far, the Honourable Member moving for leave to introduce the Bill has hardly yet reached that length objected to by the Honourable the Home Member. In the House of Commons, there is what is known as the Ten Minutes rule, which is virtually the same here, under which an Honourable Member who moves for leave to introduce a Bill has himself ten minutes or thereabouts in which to make his speech and any one other Member, if he chooses to object, about the same period in which to state his objection on principle. The reason for that is, that before a Bill is introduced, no one except its introducer can know what is in it; and, therefore, all that the Assembly is entitled to ask from him is an explanation of the chief reasons in principle why he wishes to introduce it. As far as I can see, the Honourable

Member from Madras has not transgressed those principles in spite of the opinion of the Honourable the Home Member.

Mr. T. V. Seshagiri Ayyar: I thank you, Sir, for the courtesy which you have shown me, but I will cut short my remarks having regard to your latter observations that I should finish my speech within ten minutes.....

The Honourable the President: The Honourable the Home Member has already taken one of your ten minutes.

Mr. T. V. Seshagiri Ayyar: I shall proceed now to the particular Bill before the House. Now, Sir, the point is, that a certain portion of Hindu Law debar certain classes of persons from inheriting on the ground that their present condition is due to sins in the former birth. I think this is an unworkable principle and a reasonable rule should be substituted in its place.

Manu says:

'An impotent person and an outcast are excluded from a share of the heritage and so are those deaf and dumb from birth.'

This has been amplified by *Yagnavalkya* by including in the prohibition persons suffering from incurable diseases or from similar disqualifications. This text has given rise to numerous difficulties and numerous uncertainties. In the first place, it has been argued whether the word 'born' governs not only the blind, the deaf and the dumb, but also those that follow.

The Honourable the President: I think that is a matter of detail.

Mr. T. V. Seshagiri Ayyar: I do not wish to go into matters of detail; I only mention the fact, that there are difficulties and differences and I think it necessary that they should be remedied.

As regards an outcast, the British Legislature by passing Act XXI of 1850 ~~has~~ enacted, that civil rights would not be forfeited because a person has changed his religion. Mine is not the first attempt, therefore, in this direction and as already inadequate attempts have been made to remedy the defects which these rules have entailed, I think, I am justified in asking this Council, to go a little further. Persons who are born deaf and dumb require greater assistance than persons who are more favoured and who are in a position to earn their own living. I do not think they should be deprived of their share in the patrimony on the ground of sins that they are supposed to have committed in their previous birth. I heard my Honourable friend on my right say, that it is not the true reason but if he looks into the law he will find that it is so. Various reasons have been put forward for the existence of this rule. In my opinion, none of them justifies their continuance.

Sir, I think I have said enough to show that the rule is very uncertain in its operation; in these circumstances I ask this House for leave to introduce the Bill which would have the effect of removing the mischief I complain against. Just one word more, Sir, and I will close and that is, that in regard to the exclusion of Bengal.....

The Honourable the President: I think, that also is a matter of detail which can only come up when we take the Bill into consideration.

Mr. T. V. Seshagiri Ayyar: Then, Sir, I ask that leave be given me to introduce the Bill.

The Honourable Dr. T. B. Sapru : Sir, I think it necessary that I must intervene at the very outset so as to indicate clearly the attitude of Government in regard to this matter. The Government have decided not to oppose the motion for leave to introduce this Bill. But beyond that, on behalf of Government, I am not prepared to give any other undertaking, either to the Honourable Mover or to the House. We consider it absolutely necessary, that in a matter of this character which affects the personal law of the entire Hindu community, we should seek the enlightened assistance of the legal profession, of the High Courts and of the Local Governments before we decide either to accept this Bill or to reject it. Personally speaking, as one who does not claim in the slightest degree to be associated with any orthodox school of thought, it is a matter of encouragement to me to find my Honourable friend, a retired Judge of the Madras High Court, exhibiting such laudable zeal in the cause of reform, and speaking at his time of life as an uncompromising radical.

Although I have always claimed in these matters to be a radical, yet I think it is necessary in the interests of the community to sound a note of warning. The Hindu Law is an inheritance from the past, and I speak with the experience of 25 years in the profession, when I say that it would be a great mistake for any lawyer, however eminent and however ambitious he may be, to pick out a particular portion of Hindu Law and to deal with it as if it had no relation with the rest of Hindu Law. There is in such attempts a lurking danger and it has always got to be guarded against. Personally speaking, I feel the real test of radicalism will be not this Bill, but when another Bill which is connected with the name of my Honourable friend, Dr. Gour, comes before the House.

Therefore, what I would say to my Honourable colleagues here is 'by all means proceed to reform your Hindu Law, but do not be in a hurry to do it. Do not think that you can, in the course of half an hour, or 15 minutes, reform the Hindu Law which requires very careful consideration and which requires a much more comprehensive view than you can give when you are dealing with an isolated Bill of this character.'

Again, I do not propose to enter into the religious or the philosophical reasons which have been assigned this morning by my Honourable friend, Mr. Seshagiri Ayyar. It may not be out of place for me to remind the House that even Hindu lawyers differ in regard to the reasons underlying this rule. My Honourable friend cannot be unaware that there is a school of Hindu lawyers who defend this rule of exclusion on the ground that persons who are unsound in body or unsound in mind—to use a convenient expression—are not qualified to render certain religious duties which are the determining factors of succession and inheritance in the Hindu Law. That is a point which cannot be forgotten by Hindu lawyers or the Hindu community. I will beg the House not to assume from the remarks that I have made that I am opposed to or in favour of the Bill that has been moved by my Honourable colleague, Mr. Seshagiri Ayyar. Speaking for myself, I can say, as a lawyer, and as a Hindu, that I want more light than this Bill throws upon the subject, and it is in that hope and in that belief, that I have decided to make the statement on behalf of Government, that so far as they are concerned, they will, for the time being at any rate, preserve an attitude of benevolent neutrality in regard to this matter until they have collected the opinions of the High Courts and the legal profession.

The Honourable the President : The question is :—

'That leave be given to introduce a Bill to amend the Hindu Law relating to exclusion from inheritance of certain classes of heirs and to remove certain doubts.'

The House divided as follows :

AYES—56.

Abdulla, Mr. Saiyed Muhammad.
Agarwala, Lala G. L.
Agnihotri, Mr. K. B. L.
Ahmed, Mr. K.
Aiyer, Sir P. S. Sivaswamy.
Ayyangar, Mr. M. G. M.
Ayyar, Mr. T. V. Seshagiri.
Bajpai, Mr. S. P.
Bhargava, Pandit J. L.
Bishambhar Nath, Mr.
Bradley-Birt, Mr. F. B.
Chatterjee, Mr. A. C.
Chaudhuri, Mr. J.
Cotelingam, Mr. J. P.
Crookshank, Sir Sydney.
Dalal, Sardar B. A.
Das, Babu B. S.
Dentith, Mr. A. W.
Faridoonji, Mr. R.
Fell, Sir Godfrey.
Gajjan Singh, Sardar Bahadur.
Ghulam Sarwar Khan, Chaudhari.
Gidney, Lieutenant-Colonel H. A. J.
Ginwala, Mr. P. P.
Gour, Dr. H. S.
Hajeebhoy, Mr. Mahomed.
Iswar Saran, Munshi.
Jamnadas Dwarkadas, Mr.

Jatkar, Mr. B. H. R.
Jejeebhoy, Sir Jamsetjee.
Joshi, Mr. N. M.
Kabraji, Mr. J. K. N.
Latthe, Mr. A. B.
Lyle, Mr. D. R.
Mahadeo Prasad, Munshi.
Misra, Mr. P. L.
Nag, Mr. G. C.
Percival, Mr. P. E.
Price, Mr. E. L.
Rao, Mr. C. Krishnaswami.
Rhodes, Mr. C. W.
Sapru, the Honourable Dr. T. B.
Shahab-ud-Din, Chaudhri.
Shahani, Mr. S. C.
Sharp, Mr. H.
Sim, Mr. G. G.
Singh, Babu Ambika Prasad.
Sohan Lall, Bakshi.
Spence, Mr. R. A.
Subrahmanayam, Mr. C. S.
Subzposh, Mr. S. M. Z. A.
Thackersey, Sir Vithaldas D.
Ujagar Singh, Baba Bedi.
Vincent, the Honourable Sir William.
Vishindas, Mr. H.
Yamin Khan, Mr. M.

NOES—21.

Abul Kasem, Maulvi.
Barua, Mr. D. C.
Kamat, Mr. B. S.
Lakshmi Narayan Lal, Mr.
Majumdar, Mr. J. N.
Manmohandas Ramji, Mr.
Mitter, Mr. D. K.
Mudaliar, Mr. S.
Mukherjee, Mr. J. N.
Mukherjee, Mr. T. P.
Pyari Lal, Mr.

Ramayya Pantulu, Mr. J.
Reddi, Mr. M. K.
Samarth, Mr. N. M.
Singh, Raja S. P.
Sinha, Babu Adit Prashad.
Sinha, Babu L. P.
Sinha, Beohar Raghabir.
Sircar, Mr. N. C.
Srinivasa Rao, Mr. P. V.
Venkatapatiraj, Mr. B.

The motion was adopted.

Mr. T. V. Seshagiri Ayyar : Sir, I beg to introduce the Bill.

THE ADOPTION (REGISTRATION) BILL.

Dr. H. S. Gour : Sir, I hope my Bill* will not evoke the criticism which the Bill of my learned predecessor evoked, because my Bill is not intended to affect in the slightest measure or degree the substantive Hindu Law of adoption. The Bill that I have the honour to ask for leave to introduce is intended merely to change the law of evidence relating to adoption. As Honourable Members will see, the substantive portion of the law of adoption remains as it is

* Bill to prescribe a registered instrument as necessary for a valid adoption.

[Dr. H. S. Gour.]

directed in the personal law of the parties, but once an adoption is made, my Bill requires that there must be a registered instrument to evidence it. In drafting this Bill, I have been greatly reinforced by the view of their Lordships of the Privy Council enunciated as far back as 1834, and reiterated in 1916 in a case to which I shall presently refer. In the earlier case of the Privy Council, their Lordships pointed out, that the law of adoption in India was singularly peculiar and unsatisfactory. They pointed out, that under the law of adoption, both in the civil law of Rome and under the Code Napoleon of France, registration before a Magistrate was necessary and that the law was circumscribed by other conditions which were intended to preserve and safeguard the rights of the heirs. Under the Roman law as well as under the Code Napoleon, no man below the age of 50 was competent to make an adoption, and in both the laws it appears that the adopter making the adoption had to appear before a Magistrate and register his adoption before him, and it was competent to the Magistrate or to the court to disallow the adoption if it found it capricious and unfair to the heir. Their Lordships of the Privy Council in this case of *Satrugnan* reported in 5 Weekly Reporter, page 109.....

The Honourable the President: Order, Order. The pile of books beside the Honourable Member is, I am afraid, evidence that he means to transgress the spirit of Standing Order 37.

Dr. H. S. Gour: I shall certainly endeavour not to do so. I am only explaining the Privy Council decision which has impelled me to draft this measure.

Their Lordships of the Privy Council in 5 Weekly Reporter 109 point out:

'In our own country, although wills are revocable, we do not allow the favoured title of heir to be set aside but by a will in writing, attested in the presence of three witnesses; but according to the Hindu Law, neither registration of the act of adoption, nor any written evidence of that act having been completed, is essential to its validity.'

'It is to be lamented that an irrevocable act, which defeats the just expectations of the relations of deceased persons, may, at any distance of time after it is supposed to have been done, be proved by verbal testimony. It would contribute much to the security of property and the happiness of Hindu families, if in a country where the religious obligation of an oath is unfortunately so little felt, and documents so readily fabricated, adoptions and all other important acts were required to be performed in the presence of some Magistrate, and to be recorded in some Court. But although neither written acknowledgment, nor the performance of any religious ceremonies, are essential to the validity of adoption, such acknowledgments are usually given . . .'

The Honourable the President: Order, Order. I must point out to the Honourable Member that the reading of long quotations at this stage is utterly out of order.

Dr. H. S. Gour: Now, their Lordships of the Privy Council have very clearly pointed out, that it is highly desirable that an adoption should be registered, that is to say, it should be in writing and then presented before a Magistrate. In 1834, when their Lordships of the Privy Council gave that decision, we had no universal law of registration which was enacted for the first time in, I think, 1843. I have already pointed out to the Honourable Members, that this case has been very recently followed by their Lordships of the Privy Council in I. L. R. 44 Cal. p. 201, at page 210, where the passage which I have been reading is cited with approval. I am, therefore, fortified

in asking leave of this House for the introduction of my measure by two leading decisions of their Lordships of the Privy Council.

Now, an objection has been raised by some of my Hindu friends who have come and told me that while they approve of the measure they desire that some latitude must be given to the adopter to register the instrument within a reasonable time and that I should insert in the Bill a provision to that effect. I beg to point out that once the measure is passed, it will be subject to the law of registration, and under Section 23 of the Indian Registration Act, a document may be presented for registration within four months and in case of an unavoidable absence, accident, or urgent necessity, within a period of eight months. Consequently that provision need not be introduced in this measure.

I therefore feel that this Honourable House will give me leave to introduce this measure and I ask for such leave.

The motion* was adopted.

Dr. H. S. Gour: Sir, I now introduce the Bill.

RESOLUTION *re*: REPEAL OF WORKMEN'S BREACH OF CONTRACT ACT AND CERTAIN SECTIONS OF THE INDIAN PENAL CODE.

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

'This Assembly recommends to the Governor General in Council that he should take steps to introduce, at an early date, in the Indian Legislature, legislation for the repeal of:

- (a) The Workmen's Breach of Contract Act No. 13 of 1859; and
- (b) Sections 490 and 492 of the Indian Penal Code.'

My object in introducing this Resolution is to request the Government to remove criminal liability for breach of contract of service, in a large number of cases accompanied by advances of money. It is a strange coincidence that on to-day's agenda there should be two Resolutions making a demand, in principle the same, namely, to make all people in the eyes of law equal. I hope this coincidence will enable Members of this Assembly to see the principle underlying my Resolution in a clearer perspective, and I, therefore, hope, that this coincidence will turn out to be a happy augury.

Sir, the Workmen's Breach of Contract Act was introduced in the year 1859, at the request of the Calcutta Trades Association. The Calcutta Trades Association sent a petition to the Government of India that they had to bring labourers from outside by giving them advances, and sometimes these labourers before fulfilling their contract of service left their service and consequently put them to a loss of money. Government at that time sympathised with their request and passed a legislation in the year 1859 called the 'Workmen's Breach of Contract Act.' The main provision of this Act is, that when a workman joins service and receives advance, and after receiving the advance does not fulfil his contract, the Magistrate has power, on the complaint made by the employer, to order the man, as the employer requires, either to pay back the money or to fulfil the contract of service, and in default the Magistrate has power to impose rigorous or simple imprisonment upon the offender. This is the main provision of the Act. There are other provisions also. The Act, it must be remembered, does not even exclude women and minors from this provision. When the original Act was passed, it was intended to

* That leave be given to introduce a Bill to prescribe a registered instrument as necessary for a valid adoption.'

[Mr. N. M. Joshi.]

apply only to the Presidency Towns, but the Government at that time was kind enough to insert a Section enabling the Local Governments as well as themselves to extend the operation of the Act to all the places in the country, with the result that the Act is being applied since that time to most parts of the country. The operation of the Act went on merrily till the year 1917 for nearly sixty years. In the year 1917, Pandit Madan Mohan Malaviya asked a question on this matter and in the same year gave notice of introducing a legislation to repeal this Act and of introducing a Bill called the Workmen's Emancipation Bill. Unfortunately he, being a very busy man, did not introduce that legislation, but the result of his question and notice was, that the conscience of Government was roused after sixty years and they, in the year 1918 or 1919, introduced an amending Bill and made certain amendments to the Act. The first amendment was, that the Act should not apply to all those contracts where an amount of money exceeding Rs. 300 was involved. This provision was intended to exclude the higher classes of artisans and contractors. Government is always kind to the higher classes and not to the lower classes. Sir, there was another amendment introduced and that was the discretion to compel the payment of an advance or specific performance of a contract was transferred from the employer to the Magistrate. Perhaps this was due to the fact, that when the original Act was passed, all the employers were Europeans. But recently many Indians have become employers and have taken advantage of this Act. Then the Magistrate was also empowered to vary the punishment and given the discretion to impose either simple or rigorous imprisonment. These are some of the main amendments introduced by the Act of 1920. Sir, this is, in short, the history and the provisions of the Workmen's Breach of Contract Act. This kind of legislation, namely, criminal liability for a civil breach of contract is, in my opinion, an inheritance from England. In England, from the time of Queen Elizabeth, there have been legislation putting all sorts of liabilities upon the poorer classes. And, unfortunately, when the English Government and European merchants came here, they brought that inheritance into India. I believe, this kind of legislation is alien to the Indian sentiment, but unfortunately such a legislation has come. But, Sir, in England, the conscience of the people was roused very soon and all the legislation attaching criminal liability to civil contracts in the case of the working classes has now been repealed. Some portion of this legislation was repealed in the year 1867 and the rest in the year 1875. But, unfortunately, the Indian Act continues in force. Sir, the main object for which this Act was introduced is said to be to enable employers to recover the money advanced, but, in my opinion, this was not the main object and I can make it quite clear to the Assembly, that I am correct. Sir, when the original Act was discussed in the Council in the year 1859, there was a Member from Bombay, Mr. Legeyt, and he told Government, that it was of no use to pass legislation only in the cases where advances were made. He asked Government to pass legislation to make breaches of contract criminal even in cases where no advances were made. I will also make it quite clear to the Assembly, that if the object of the legislators at that time had been to recover the money, the question of paying the money or specifically performing the contract would have been left to the employee and not to the employer. The fact that discretion is given to the employer to enforce either provision shows that the employee is answerable not only for the payment of money but also for the specific performance of the contract.

Sir, the object with which these advances have been given are these. I will read some quotations in order to show why these advances have been given. The first quotation is from Mr. Kincaid who is a Bombay Civilian of long standing. He says :

'The cases that have come before me were always cases where the employer had given an advance with the object of reducing him to a state of slavery.'

There is another quotation from Mr. Allen, a Calcutta gentleman, which shows clearly why the advances were made :

'The advance is more in the nature of a bonus than an advance is ordinarily understood.'

He explains that this advance is a kind of higher payment to those workers who choose to come under the Workmen's Breach of Contract Act voluntarily. Those workmen who do not see that the Act puts them in a state of slavery come under this Act by accepting this bonus or advance.

Then, Sir, I would request the Members to remember that this advance is given sometimes to a father who promises that his child and his wife will work for the master and if the father does not return the advance, the child and the wife must go to prison or render service. This is the kind of law we have to deal with to-day. From this, it is quite clear, that the main object of this legislation was not that the advance given should be repaid, but the main object was that, the employers should have a hold upon the workmen, that the workers should not be able to leave their masters. That was the main object of this legislation. I give a quotation. This is from the Secretary of the United Provinces Chamber of Commerce :

'The real advantage of the Act lies not so much in its being enforced as in the 'moral effect' which its existence on the statute book has on the coolies.'

Sir, I do not know whether this moral effect is the same as the moral effect of General Dyer at Amritsar or of Commissioner De at Chandpur. I hope it is different.

Sir, it was also said, that this Bill was also necessary in order that the tedious process of civil law may be avoided. If the tedious process of civil law is to be avoided in the interests of the rich employers, is it not also necessary for the poor workmen who sometimes have to file civil suits for their pay against their masters, and if it is necessary for both, why is it that only the workmen are made liable for this legislation? It is therefore quite clear that the main object with which this legislation was introduced was that the employer should have a hold upon his workmen and that the servants should not be allowed to change their masters.

My main objection to this Bill is, that it makes a civil offence, a criminal offence and this is done only in the case of the working classes. It is a piece of class legislation which is as objectionable as racial legislation. Now, in the case of the richer people, people like you and me, if we break our contract of service, we shall not be sent to jail. But the ordinary workman is considered to belong to a different class of people and, therefore, if he breaks the contract of service, he must be sent to jail.

This distinction is not justified by any reasons. Then, Sir, I object to this Bill because of another reason. This Bill shows, that a man can be sent to jail for the non-payment of debt. A man like you and me will not be sent to jail even if a debt amounting to lakhs and crores of rupees is not paid, but a poor man, if he does not pay a rupee, will be sent to jail under this Act. Of course the Honourable the Home Member may say, that that is not true and that

[Mr. N. M. Joshi.]

a man is sent to jail only in the case of fraud. I shall deal with this point later on. But it is quite clear, that in the case of the working classes the non-payment of debt is punished with imprisonment. Sir, there is another thing. This kind of legislation is a kind of indentured labour system which everyone of us abhors from the bottom of our heart. To get rid of it, we have tried our very best. What is the basic principle of indentured labour? It is this, that where a man breaks his contract of service, he is to be punished criminally and not civilly. That is the principle of indentured labour, and this principle has been allowed to remain on the Statute Book of India for such a long time. We have been doing our very very best to have it removed in the case of Indians in other countries, but we have allowed it in our own country. Sir, in my opinion, this is not only indentured labour, but it is nothing short of slavery. I am using a strong word, I know. But I shall give a few quotations which will show, that this is not only my view, but this is the view of some officers of Government also. This is from Mr. Hallifax, the Commissioner of Rawalpindi :

'This Workmen's Breach of Contract Act is really a form of slavery and should be discouraged.'

Mr Harrison, the Legal Remembrancer, Punjab, says :

'I am strongly of opinion that the Bill should be repealed altogether. The Indian of the artisan class is only too ready to sell his son into what practically amounts to slavery.'

Thus, my main objections are that this legislation is a class legislation, discriminating between class and class ; it is an indentured system ; it is slavery. Therefore, I hope that the Members of this Assembly will support me. Sir, I should like to say a few words as to what is said in justification of this Act. The first thing said is, that the workman is a poor man, and if he is unable to pay his debts, and if he does not pay his debts, he must be punished somehow ; we cannot claim damages from him. This is the main argument upon which this Workmen's Breach of Contract Act is based. But I should like Members of this Assembly to remember this. If debts are not paid by some members of the working class, are there no men of the other classes who do not pay their debts ? Should that Act apply to the working classes, and the ordinary civil law to others ? I have seen instances of hundreds of men being ruined by the richer classes not fulfilling their contracts, but nobody punishes them with imprisonment. As regards this, Sir, I would like to read a small quotation from Mr. Fawcett when this subject was under discussion in Parliament :

'It seemed to him a fallacy to urge that a heavier scale of penalties should attach to offences committed by the men, on the ground that more serious losses were thereby entailed. No doubt the pecuniary loss was great ; but consequences as severe frequently devolved upon the men through the acts of the masters. Men who were brought from distant parts of the country, say from the North to the South, on a promise of twelve months' regular work and at the end of three months were discarded, owing to fluctuations in the trade, suffered hardships as great as any capable of being entailed upon the masters.'

Then, Sir, there is another justification. A breach of a promise involves a fraud. I should like to say, Sir, whether frauds are committed only by the poorer people,—and the richer classes, the employers, and people like you and me, also sometimes commit fraud, but we are punished for fraud under a different Section, and that Section is Section 415 of the Penal Code and not

under this Act, as was pointed out by the Honourable Mr. Sarma in his speech in the Council when he was a non-official Member. I hope he will now support me. Sir, I cannot understand why an ordinary man like you and me should come under Section 415, and workmen not come under that. Is it that this Section is reserved for some people, the Brahmins of the economic world ? Why should not this Section apply to the poorer classes for offences of fraud involved in the breach of contract of service ?

I feel that the repeal of this Act is an absolute necessity, if we are to show to the world that we do not want class distinctions in the law. It may be said, that if we repeal this legislation, the employers will suffer loss and that our industries will suffer. Supposing this is true, which I don't believe to be true, I ask the Members of this Assembly whether they will not prefer a little loss for their industry and a little less prosperity, to the loss of freedom for the working classes ? Would they like the working classes to remain in a condition of slavery in order to prevent the loss which the richer people of this country would otherwise suffer ? Let them make their choice. Sir, when I ask for the repeal of the Act, I am not alone. There are several officers of Government who have been asking for the repeal. I have quoted the opinions of some of them, and I will also venture to quote a few more. This is from the Honourable Mr. Piggott, of the United Provinces :

'I am not sure that the employers of labour will not find the Act thus emasculated of so little practical value that they will rarely if ever invoke its provisions. The real question to my mind is whether it is worthwhile to continue to impose upon Magistrates the duty of interfering in matters which under modern conditions might well be left to the adjudication of ordinary civil courts.'

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'They feel it is high time that the Government of India considered the advisability of repealing the Act altogether.'

Mr. Justice Sadasiva Aiyar of Madras says, that it is wholly unsuited to modern conditions and ought to be repealed altogether.

Sir, I have said enough about the necessity of repealing this Workmen's Breach of Contract Act. In my Resolution, I also ask the Government to repeal Sections 490 and 492 of the Indian Penal Code. Section 490 is this :

'Whoever, being bound by a lawful contract to render his personal service in conveying or conducting any person, or any property from the place, or to act as servant to any person during a voyage, or journey, or to guard any person or property during a voyage or journey, voluntarily omits so to do, except in the case of illness or ill-treatment, shall be punished with imprisonment of either description for a term which may extend to one month, or with fine which may extend to one hundred rupees, or with both.'

Sir, this is another instance of punishing a poor man with imprisonment for a breach of contract. Sir, this Section was introduced into the Penal Code on the ground that in those old days roads in India were not good, there were no conveniences for travelling. That is what the Law Commissioners say,

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Now, that was many years ago, about 60 or 70 years ago. But the times have changed since then. We have got very good roads now, we have got railways, we have got steamers; and, therefore, there is no reason why should it continue now. I admit, Sir, there are some cases in which, if a man breaks his contract of service without notice, he may be punished criminally, namely, where a man by his breach of contract of service causes danger to human life. I admit that is the only occasion when a man could be punished criminally for breach of contract of service. If Government wants to legislate for that purpose, I shall have no objection, I shall vote for it; but I cannot allow this Section to remain in the Penal Code.

Sir, Section 492 is this :

‘Whoever, being bound by lawful contract in writing to work for another person as an artificer, workman or labourer, for a period not more than three years, at any place within British India to which by virtue of the contract he has been or is to be conveyed at the expense of such other, voluntarily deserts the service of that other during the continuance of his contract, or without reasonable cause refuses to perform the service which he has contracted to perform, such service being reasonable and proper service, shall be punished with imprisonment of either description for a term not exceeding one month, or with fine not exceeding double the amount of such expense, or with both; unless the employer has ill-treated him, or neglected to perform the contract on his part.’

This Section is nothing but a repetition of the Workmen's Breach of Contract Act, and this Section provides for nothing but an indenture labour system. Where is the difference if a man from India goes to South Africa with the money of his employer and deserts his service and is punished with imprisonment, and if a man receives his railway fare or steamer fare in India, goes to another province, leaves his service and is punished with imprisonment. I fail to understand the difference between the two cases. If we are angry with the South African Government for allowing this indenture system, and if we forced our Government to abolish the indenture system, I do not know why we with open eyes allow this system to remain in existence in our country? It is like preaching a homily to others and doing the same thing ourselves. I hope Members of this Assembly will rise above selfish feelings, in the name of the country and in the name of humanity.

Sir, there is only one other point about which I want to speak for a minute or two and then close. When Pandit Madan Mohan Malaviya moved his Resolution, Government asked him to introduce legislation for the repeal of the Act. Government may say the same thing to me to-day, but I must frankly tell Government, that I shall not undertake the responsibility of introducing that legislation. Who introduced the first legislation of 1859? Government, and not a private Member. And, if Government introduced that legislation, it is the clear duty of Government to repeal it when it is found unsuited to the present times. Government may also say, that they have not consulted the Local Governments. But Government of India had very recently consulted the Local Governments, in the year 1920, and they need not consult the Local Governments again. Moreover, Government have consulted the Local Governments on the indenture system and Government is introducing a Bill in this very Session to make provision for the repeal of the law which provided for the indenture system, and, in the case of that legislation, they introduced the Bill, and afterwards they consulted the Local Governments. I ask Government to do the same now. Let them introduce the legislation, and if they

want to consult the Local Governments again, let them do so. Sir, I therefore feel, that I am justified in asking Government to introduce this legislation, and I hope Government will respond to my appeal. I also appeal to those Members of this Assembly who are employers of labour. Let them not be shortsighted. Their industry will prosper even with free labour, and prosper, I think, much better. I appeal to the Members of this Assembly also, that they are here representatives of the masses of this country who are voiceless. Let them show by their vote to-day that they care for the masses and they look after the interests of the masses even if the masses are not represented in this Assembly.

With these words, Sir, I commend my Resolution for the support of this Assembly.

Mr. B. S. Kamat : Mr. President, I have listened to the speech of my Honourable friend, Mr. Joshi, with a great deal of attention and sympathy. I have often admired the indefatigable industry which he always shows in studying his questions, and I also claim that in very many of his activities I have often joined him with the same amount of sympathy and the same outlook. But, Sir, if on the present occasion I differ from him, so far at any rate, as the first part of his Resolution is concerned, namely, the repeal of the Workmen's Breach of Contract Act, I would regard that as my misfortune. I would venture to place before this Assembly a few observations as the result of my experience, of something like 20 years as a humble employer of labour in certain branches.

Mr. Joshi has characterised this Act, XIII of 1859, as a most iniquitous piece of legislation on the part of the Government of India, and giving the history of this piece of legislation he told us, that the Government of India were led, or rather misled, into passing this Act at the instance of the Calcutta Trades Union in 1859. He has also characterised this piece of legislation as a class legislation, which he says is practically nothing but slavery—an Indian edition of the South African Indenture system. I regard these words as an overdrawn picture, which is practically nothing but a travesty of the actual state of affairs. It might have been very different if Mr. Joshi, instead of studying the problem on paper and from books, had seen very many officials and other people in the Public Works Department either in Calcutta or in other parts of India, and actually studied the problem on the spot, and had gone into the practical difficulties of those who have to organise labour and handle labour.

I believe the second fallacy into which my friend, Mr. Joshi, has fallen is this. He has visualised from his office room only one set of circumstances, only one set of labourers, in Assam or any other part of India and generalised from this. I would ask him to study the problem from the point of view of different industries and different kinds of labour which are necessary for carrying out large works of public utility. He referred, Sir, to the employers' profits. I am afraid I must say that he has been obsessed, as a student of labour questions, with only one idea, and that is, that every employer employs labourers with a view to exploiting them, with a view to profits and nothing else. As one who has taken part in the life of labourers, in their education and their social welfare, I can claim that I have done something for their amelioration; but, Sir, I think it my duty to place the other side of the picture before this House. Before coming to any conclusion, let me ask the House to take a typical case and then judge of all the charges which

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Mr. Joshi has thought fit to level at the employers of labour and also judge the picture he has drawn of the labourers. Just take the case, for instance, of the building of this Chamber for the Indian Legislature. It is obvious that labourers had to be brought up here perhaps from different points of the compass. The contractors must have employed, for instance, plasterers from Delhi, brick-layers from Agra, perhaps black-smiths from other parts of the country, and painters, decorators, carpenters and other classes of workers from elsewhere. The contractors had to complete the work by a certain date. It was to the interest of the public—it was not merely a question of profits—but it was a matter of public utility that the whole of this large job should be finished in time. Now, before the builder can bring up all these different kinds of labourers from different parts of the country to Simla, if Mr. Joshi goes and actually makes inquiries from contractors and builders, he will find, it is absolutely hopeless and impossible for any one to bring up a single workman up to Simla unless he makes cash advances to him. Those advances, let me assure him, are not made as a bonus in order that they may come here at cheaper rates, but those advances are made, and are demanded almost at the point of the bayonet by workmen, simply because the men want money in advance for their families which are left behind. It is common knowledge, and I think my Honourable friend, Sir Sydney Crookshank, will corroborate me, that it is absolutely impossible for some of these contractors and employers of labour to bring up men to a distant place unless an advance in money is made, not because they want to induce the labourers to accept their terms but because, as I say, provision has to be made for their families for a time.

Now, having come up here, having received advances in cash, as well as having their other expenses paid, supposing all these men, plasterers, smiths, bricklayers, carpenters, etc., on some pretext, on some excuse or other, try to give the slip next morning, what remedy is there that the building for which they were brought up will be carried out at a particular date by the particular contractor? My friend, Mr. Joshi, suggests, that the only remedy ought to be a civil suit, and that there should be no class legislation for non-payment of labourer's debts.

But probably he does not know that most of these labourers come up here, not on any indenture, as he calls it, but under a simple agreement. They have nothing but their pots and pans with them. If you have to institute civil suits against 500 of these men, who want to run away after getting hard cash, I am afraid, you will have to file one civil suit for, say, Rs. 10 at Agra, a second for Rs. 5 at Delhi, a third at Calcutta, and so forth. And, in the meanwhile, the contractor has to leave this building unfinished which he has to complete by a certain date, and to run after 500 people, scattered in different parts of the country, in order to get the remedy of a civil suit, which again may take 12 months or more to get a decree and even then he will perhaps get no satisfaction, because the men who have run away have probably nothing but their pots and pans. Well, Sir, that is the real practical difficulty of the question. It is not a question of making profits, but a question of carrying out public works, railway works, railway embankments, canals by certain dates. If, therefore, this question is viewed from this point of view, I believe, it is inevitable we should have some sort of hold on

the labourers, who have no tangible property to lose, and who must be made amenable to some speedy law other than the ordinary Civil Law. I don't think the Government of India either when passing this legislation or in the year 1920, when after reconsidering the question they re-affirmed the principle of this legislation, overlooked the rights of the labourer. No, Sir, I go further. Mr. Joshi led the House to believe, that this piece of legislation is absolutely inhuman and iniquitous. Now those who have carefully gone over the various Sections of this Act will realise that the Government of India in passing this Act have put in sufficient safeguards of a very real character in order to protect the labourers. They are not entirely left to the mercy of the employer. The employer has to file a complaint before a Magistrate. The Magistrate after going into the facts of the case, if he finds that there is a wilful and a negligent non-performance of the contract after actually receiving an advance of money from the employer on the part of the labourer, — if he is convinced about the fraudulent breach of contract he can give two options to the workman. He does not send him to jail forthwith in the first instance, but in exercise of the discretion and power under Section 2 (1), he directs the workman first to do the work for which he was paid, whatever it may be. If the workman fails to do that, there is a further Section which empowers the Magistrate to give a further protection to the labourer, namely, security for the money which he has already saved. I do not think that any man who has paid an advance of money should be a loser simply because he wants theoretically every labourer exempted from all criminal liability. In ancient times, we were told that a Brahmin, even when he committed a murder, was no murderer. In a similar way, Mr. Joshi is asking us to pass legislation which will exempt a labourer from punishment even when he commits a fraud. (Mr. Joshi was understood to protest.) At any rate, that was the tenor of his remarks. I therefore think that the principle which Mr. Joshi has at heart is not right. Those who have to organise labour must have a remedy, a remedy which is at once handy and humane, and one which is surrounded with all necessary safeguards. Now this Act has all these safeguards. Further, there is a Section, Section 2-A, which empowers the Magistrate to find out if the employer has brought a vexatious or frivolous suit against the labourer, and if he finds that the whole claim is fraudulent on the part of the employer, then the Magistrate can fine the employer to the extent of Rs. 50. That sufficiently safeguards the interests of the labourer. I do not think therefore that Mr. Joshi is justified in characterising the whole of this Act of 1859, as outrageous, preposterous and leading to a species of slavery similar to the indenture system.

Under this Act, these workmen who are engaged are not certainly treated in the same manner as we have been told they are treated in South Africa. There is absolutely no question of coercing or torturing them; there is no question of compelling them to do any work of a particular kind in the same sense as indentured labourers are treated in South Africa and elsewhere. They are absolutely free to go anywhere they like; it is only if they attempt fraudulently to evade performance of a contract for which they have received money and if they cannot give security, if they try, in other words, to cheat their employer, then only they are brought under the scope of this Act. Considering all these points, Sir, I do think that a repeal of this Act is not desirable and that the Assembly should not accept Mr. Joshi's proposition.

The Honourable Sir William Vincent: Sir, it is getting late, and I think it will suit the convenience of this Assembly if I intervene at this stage of the debate as such a course will save time; but, before I address the Assembly on the subject of the Resolution, may I offer a word of explanation as to the reasons why Government put these Resolutions down on an official day. I do not think many Members will complain of this practice, because the Resolutions down for to-day both relate to matters of great importance in which I think we are all interested. If Honourable Members think, that the present practice is not a reasonable one, then the rules may have to be altered. But, I believe, it is convenient for Government and for Members of the Assembly, in that it enables matters of great public importance to be brought forward before this Assembly at an early date, which otherwise might not be discussed at all. Further, if when non-official business is entered for discussion on official dates, Honourable Members are to have the option of balloting as to what Resolutions are to be brought forward, a possible result might be that Government would not give any official dates at all for non-official Resolution.

I will now try to explain as shortly as I can the attitude of Government towards the Resolution before the Assembly. The Honourable Member is quite right when he says, that for years this Act was not revised, although we had frequent reports on its working. But, in 1918 or 1919, we invited opinions generally as to the necessity of amending or repealing it. I myself was rather keen on the question because I had come up against some cases of misuse of the Act. On an examination of the opinions, we found that they were very divided on the question of repeal, but the majority of opinions, I can safely say, including those of Local Governments, were opposed to this course. The arguments used by those who favoured repeal were largely those advanced to-day; it was said that the Act was an insult to the dignity of labour, incompatible with modern ideas, that it gave the employers an undue advantage and would not be tolerated in Europe and so forth. Now these are all arguments of principle and theory of an irreproachable character. But there were, on the other hand, many who alleged, for reasons very similar to those given by Mr. Kamat, that the Act was necessary in the interests of the public, that it was essential for the carrying out of large engineering and industrial concerns, that it was not an Act penalising labour at all, but was merely intended to prevent rather than penalise and then only to prevent fraudulent breaches of contract. Another argument brought forward was that a measure of this kind was necessary particularly on large engineering works to prevent enticement of labourers by one employer from another and I believe, that on many large works this difficulty does arise; again, it was argued, as was suggested by Mr. Kamat, that a system of advances was in the present condition of things inevitable in this country, whatever be its merits or demerits, and that it was impossible to have a system of advances or to secure their recovery without some summary procedure such as is provided by the Act. In other words, to give a right of recovery by civil process of money advances from labourers of a certain class, was a remedy of no value at all, because the men have nothing from which the dues could be realised. I noticed the Honourable Mover suggested in one or two places, and I want to get rid of this point very early in the debate, that a racial question was involved in this discussion; I do not know whether this was done merely to create prejudice or not, but I can assure Members of this Assembly, that the question is in no sense a racial one. It is simply and solely a question between employer and employed; it affects Indian

and European employers equally; nor is there any clear cut division between official and non-official opinion. If the opinions are examined, it will be found that while many officials are in favour of repeal, many are against it and the same remark applies to non-officials. The Honourable Member has cited opinions to support his case; I do not want to cite many, but I will cite a few out of many on the other side. He has chosen to cite European opinion, I will cite Indian. Here is an opinion from a gentleman, Mr. Chandra Dhan. Barua from Assam: he says:

'I cannot support the Bill (i.e., the Bill which only amended the old Act); it will greatly slacken the tie of the employee to the employer. The labourer is already better off under the existing Act and it is difficult to understand how it can be abused;'

he opposed, therefore, even the amendment of the original Act. Then, again, I find that the Dev Samaj of Lahore, who, I am told, are a very religious body and presumably strict in advocating what is in principle right, support the view that the Act is necessary. Then, here is another gentleman who really knows a great deal about the matter, Rai Bahadur Ganga Ram, a retired Executive Engineer in the Punjab. He says, that the Act serves a most useful purpose inasmuch as it acts as a deterrent and has a wholesome effect and does not generally lead to many prosecutions, that the workmen generally kept to their contracts and there was smooth feeling. These opinions are only a few out of many: Indeed, I think, that the Honourable Member must have had some difficulty in selecting opinions in his favour, as most of the opinions on record go exactly the other way.

Be that as it may, on receipt of these opinions, Government decided that it was not advisable or right at that moment to repeal the Act, and they amended it in material particulars, every amendment being made in the interests of labour and in order to prevent any kind of misuse or abuse of the Act. The application of the Act was restricted, discretion was given to the Magistrate to refuse to issue process in any case in which he thought this necessary; discretion was given to him to refuse to enforce any contract which he thought was unfair; he was authorised to award compensation in cases of vexatious or frivolous complaints, he was given discretion (the matter is not left to the employer as was suggested by the Mover) to decide whether the advance should be refunded or whether the contract should be fulfilled and he was also given power to order repayment of advances by instalments; in fact, in every possible way that we could think of, the interest of the labourer was safeguarded and so far as we know, the Act is now worked very fairly at present. We have had no complaints of its being unfair in its application, and I noticed the Honourable Member, while he talked about slavery and the demoralising effects of the Act, did not cite to this Assembly a single case in which the Act, since its amendment, has been improperly used. This is a practical point of great importance.

In these circumstances, the Government are in some difficulty. It is realised, that there is a great deal of sympathy with the principle of complete repeal. Such an idea is in accordance with modern feeling. It is in accordance with the practice in European countries. Indeed, I may say, that I am personally aware that many Members of Government feel very strongly on this point. On the other hand, we have the practical objections to repeal what I have explained and the fact that the last time when public opinion was consulted, we found that the majority of authorities were opposed to the course. It is only fair, in those circumstances, that the Government, before taking any such action as the Honourable Member desires, should, in the first place, consult

[Sir William Vincent.]

those whose interests are likely to be prejudiced by the proposal. The Honourable Mover is of course a great champion of the working man. But, I think indeed his zeal though very commendable has to some extent carried him away in this debate. I know that he has spent a great part of his life in struggling to ameliorate the conditions of labour, and in that great work he has the support and sympathy of Government, and, I am sure, of the whole of this Assembly. But, when he says that this Act results in something akin to slavery and talks of indentured labour, when he says that it penalises all breach of contract, then he is really letting his zeal run away with him. Members have only to read the preamble of the Act to see that it is not intended and cannot be used to punish ordinary breaches of contract in the country but only to prevent fraudulent breach of contracts, and it cannot be said with any reason that it results in slavery or anything like it.

There was another matter in the Honourable Mover's speech to which I think this Assembly will not assent. And that was a remark from him; it was more a suggestion than as a definite allegation that Government was already on the side of the capitalist employer and that it had no sympathy with labour. I want to disbel that idea at once; I cannot really allow such a statement to go unchallenged for one moment, and I hope too I shall secure the support of this Assembly. What person who heard His Excellency's speech the other day on the welfare of labour can doubt for one moment that the Government have given this matter their very careful consideration, that they are taking every possible step to ameliorate the condition of labour generally in this country? I may refer to various legislative proposals now under consideration to illustrate this. For instance, the Factories Amendment Bill and the Mines Amendment Bill; then, again, proposals for Trades Union legislation and a measure for compensation to workmen in cases of accident, are under examination. Are not these facts some indication of the Government's solicitude for labour? Do the proposals indicate their sympathy for the richman and that they have no regard at all for labour? Further, let us consider the activities of Local Governments. Is it not well known that His Excellency the Governor of Bombay and his Council are at this moment taking measures to improve the housing of labour? Is it not also well known that they have already expended a great amount of time, thought and money on that project? Is it not a fact that all the Local Governments at this moment are engaged in doing what is possible to promote the formation of Conciliation Boards? Having regard to all these facts, I put it to this Assembly, that it seems to me a little unjust to accuse Government of indifference to the welfare of labour. The danger really is of our going a little too fast in some directions, for instance, in the matter of this Act. For what is applicable in one part of India is also not at all suitable in another part, and different parts of India may require different legislation. Further, while we are making all these efforts to improve the condition of labour, there are many who think that unless we simultaneously make successful efforts to increase the capacity of the workers and create a higher standard of comfort which will lead to a desire to earn better wages by better work, we may very materially prejudice the whole industrial progress of this country. I should like the Assembly to examine this aspect of the case for one moment, and from that aspect to consider what the practical effect of the repeal of this Act would be. Again, Honourable Members are aware, that Industries is now a transferred subject in charge of Ministers, and it seems to me, therefore,

that they are entitled to be consulted before the Government take any action on the lines now proposed. I have already said that many officials are opposed to the Act, but, at the same time, an official Government must in a case of this kind tend to be somewhat conservative. A responsible Minister may be more liberal and progressive in his ideas, and in any case a responsible Government is entitled to be consulted before the Government of India gives such an undertaking as the Honourable Member wants. The position then really comes to this. There are arguments—largely arguments based on principle and theory for the repeal of this Act. On the other hand, there are practical objections to such a course which cannot be overlooked and there are points which those affected ought to be given an opportunity of weighing before the Government give any undertaking in this Assembly to repeal this law. Further, in any event, employers of labour ought to be given a reasonable opportunity to adjust themselves to new conditions. The attitude of Government and their conclusions are, therefore, these, that if the Resolution commends itself to the majority of this Assembly, or if the Honourable Member will accept what I say, the Government are prepared to adopt the view that the repeal of this law is desirable on general grounds of principle and if after consulting Local Governments and public opinion, it is found that there is a fairly general consensus of opinion in the country in favour of repeal, they will introduce a Bill to give effect to the principle in this Assembly. We will inquire how the law has worked, whether it is unfair, whether its retention is necessary, whether its repeal will materially affect the industrial progress of this country, and if the replies to these questions are reasonably favourable to repeal,—I shall be glad to place them before any Member of the House who likes to see them, then the Government will, within a reasonable time—say within eighteen months,—undertake legislation for the repeal of this law. Further than this, the Government cannot go to meet the Honourable Member.

Rai Bahadur Debi Charan Barua : I beg to oppose the adoption of this Resolution on the following among other grounds :

Firstly : The Workmen's Breach of Contract Act No. XIII of 1859 has been rather giving more benefit to the labourer than to the employer. The chief ingredient of a contract is that the employer should give and the employee receive a certain amount in advance in consideration of the latter's having entered into the contract to perform a certain work. Without such an advance paid in cash the contract will be null and void. Not only in ordinary times but at this juncture of economic difficulties the availability of amounts by labourers in need counts for a good deal. And this advance, in the eye of civil law, is nothing but a loan; and the labourer gets it without any interest. If the labourer should go to a money lender of his locality, the money lender would naturally refuse it, as the labourer lacks credit. Even if the labourer should succeed in securing the loan from the *bania* or money lender by pledging some utensils, cattle or ornaments, interests at the rate of anna one to two per rupee per month is invariably charged, with the result that the things pledged are rarely redeemed. On the other hand, in the case of advances received in a contract under Act XIII of 1859 the labourer is never required to concern himself with any thought of paying interest, but the principal, *viz.*, the advance itself, is automatically repaid if the labourer is an honest person and performs the contract as stipulated originally. Then, even if the labourer should prove to be dishonest—and dishonesty is a thing which I hope the Honourable Members will not support—and the labourer fails to or does not deliberately

[Mr. Debi Charan Barua.]

perform the contract he is not punished at once. The remedy open to the employer is to lodge a complaint before a Magistrate of Police specially empowered in this behalf, and the points necessary to be established before him are, (1) that the contract was voluntarily entered into, (2) that the labourer received an advance in cash (it may be noted here that old debts would not do), and (3) that the labourer failed to perform the contract without reasonable cause. Then if all these points are proved to the hilt, what does the Magistrate do? Does he send the labourer to jail to perform still harder labour? No. The labourer is ordered by the Magistrate to fulfil the term or task of his contract, and according to the Act his liability in the Criminal Court ends there except for the fact that even then if the labourer fails to fulfil the contract, he is liable to imprisonment extending up to three months, not for the breach of contract but for disobedience to the order of the Court, or, in other words, contempt of Court.

Now, Sir, this is the long and short of the whole thing. And these facts I have stated from my experience of tea gardens in Assam, where coolies—whether imported or local, but mainly imported from some other provinces of India—would always press their employers for renewal of their contracts after expiry of their old contracts, chiefly in consideration of the advances which ordinarily vary from Rs. 8 to Rs. 36. Then, if the employer, for some reason or other, refuses to put them under contracts (and there are many a refusal to be seen), the course such labourers would take is to go to another tea garden where the employer or the manager would put them under contracts by paying advances.

It may be asked with what object these coolies take the advances. The objects are manifold. Repayment of old debts with a view to redeem movables pledged, buying cattle for agricultural purposes, buying ornaments (which serves saving or hoarding of money for difficult times, for these labourers do not know banking), performing marriage ceremonies are the principal objects that may be mentioned.

I may here be permitted to state that fraud is very often practised by labourers in Assam tea gardens, for many of them run away from the garden after they have received the advances. These coolies, having had almost no properties except which they carry about them, the employers have no protection beyond the indirect punishment that may be awarded as stated above. If the Act is repealed, no employer will give advances, and the labourers themselves will be at a disadvantage.

Now, Sir, my humble submission in the aforesaid circumstances is, that the House, before coming to any decision on the Resolution put in by the Honourable Mover, may be pleased to ascertain by an inquiry or commission if the statement made by me above are correct or not, or whether the labourers themselves would like to have the Act repealed.

Secondly : As regards Sections 490 and 492 of the Indian Penal Code, there can be no justification to repeal them either. Naturally, the employers who spend so much money, in hundreds per head in the case of Assam garden coolies, should have some protection whenever the imported labour desert their services without just or reasonable cause.

Sir, at any rate, the Honourable the Mover has made out no case affecting the whole of India. No case of hardship on the score of this Act affecting the labourers of the tea gardens of Assam and Bengal can be shown authoritatively, and my submission is, that the Resolution is quite unwarranted as far as the tea gardens of Assam and Bengal are concerned. If some other parts of India are really affected by the Act and the provisions of Sections 490 and 492, let the local extent of the provisions of these laws be modified, leaving these tea gardens alone.

Mr. Muhammad Yamin Khan : Sir, I move that the question be now put.

Mr. N. M. Joshi : Sir, in view of the statement made by the Honourable the Home Member as regards the intentions of Government to the effect that they accept the principle of the repeal in the case of the Workmen's Breach of Contract Act, which may be done within 18 months, if possible within a shorter period, I do not wish to press my Resolution. As regards the second part of my Resolution, if Government are prepared to accept the general principle of the repeal, and take public opinion and introduce legislation within 18 months, I do not mind withdrawing my Resolution.

Mr. E. L. Price : Sir, I rise to a point of order. Do I understand that Mr. Joshi is striking a bargain with Sir William Vincent, and can we have no say in the matter?

The Honourable the President : The Honourable Member (Mr. Joshi) quite properly rose to answer the appeal of the Home Member. If I understood him aright he desires leave to withdraw : and, in the circumstances, I do not think that the Honourable Member from Karachi is entitled to complain.

The Honourable Sir William Vincent : Sir, I have already explained what the views of the Government are on this matter. I must make it clear, however, that we have not given a definite undertaking to repeal these Acts within 18 months unless there is a general consensus of opinion that this is the proper course and I should have thought that Mr. Price could have had no objection to this proposal which involves consulting all those interested and which I put before the Assembly for the convenience of Members. The Honourable Mover has referred to Sections 490 and 492 of the Indian Penal Code. I am afraid, I omitted by an oversight to deal with them. I am not prepared to give any such undertaking regarding these two Sections which stand on a very different footing from Act XIII, but Government are prepared to invite public opinion on these enactments in order to ascertain whether their repeal is necessary or advisable. I am personally glad that Mr. Joshi proposes to withdraw his Resolution because it is getting very late and I think that this course will avoid a great waste of time.

The Honourable the President : Does the Honourable Member ask leave to withdraw?

Mr. N. M. Joshi : Yes, Sir, I ask leave to withdraw (Cries of 'No, No') unconditionally.

The Honourable the President : Order, order. The question is, that leave be given to the Honourable Member to withdraw his Resolution.

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

POSTPONEMENT OF THE DISCUSSION ON MR. SAMARTH'S RESOLUTION.

The Honourable Sir William Vincent: There is another difficult Resolution* before the Chamber, Sir. I do not know if it will be convenient to you to postpone the discussion on it until some other occasion, instead of beginning it to-day. I have ascertained from the Mover that he is quite willing that the debate should be adjourned if I can guarantee him another Government date. In spite of the protest made to-day by Mr. Sohan Lal, I am quite prepared to give this undertaking. And, I hope, that on the date to be fixed, the Assembly will be given an opportunity of debating this important subject at greater length.

The Honourable the President: I understand that the proposal made by the Honourable the Home Member meets with the satisfaction of the Chamber and that on that account the Resolution No. 2* in the list of to-day's business will be postponed till a further occasion.

PROCEDURE FOR TAKING DIVISIONS.

The Honourable the President: I may say, in reference to the taking of a division, that a circular has already been issued to Members, drawing their attention to the fact that their names on the Division List are numbered exactly as are their names on the seating list, so that, if they will take the trouble to acquaint themselves with the numbers of their seats, they will see whether they pass through the Division Lobby early or late amongst those voting. That will save time. I observed to-day the division took sixteen minutes which I think is rather too long.

Mr. R. A. Spence: With reference to that, Sir, might I ask that seating cards be placed on our seats, so that the various numbers may be noted. It is very difficult to pick them out.

The Honourable the President: I understand that on the opening of the Session a card was placed on the desk in front of every Member's seat and in a corner of the card there was a number. If the number has been omitted by oversight, I shall make arrangements to see that the point raised by the Honourable Member from Bombay is met.

LEGISLATIVE BUSINESS.

The Honourable Sir William Vincent: May I say a word, Sir. For the convenience of the Assembly and in order to avoid the criticism of my Honourable friend opposite, I want to make a statement of the legislative business which is likely to be introduced on the 15th of September.

The following Bills will probably be introduced, if they are ready by that time :

(i) A Bill to provide for the levy of customs duty on lac exported from British India ;

(ii) A Bill to consolidate and amend the law relating to income-tax and super-tax.

* Mr. Samarth's Resolution re the distinctions between Indians and non-Indians and their mode of trial.

The following Bills will probably be taken into consideration :

- (i) The Bill further to amend the Negotiable Instruments Act, 1881 ;
- (ii) The Bill further to amend the Indian Post Office Act, 1898 ;
- (iii) The Bill further to amend the Indian Marine Act, 1887 ;
- (iv) The Bill further to amend the Indian Works of Defence Act, 1908.

The Reports of Select Committees on the Maintenance Orders Enforcement Bill, and the Indian Penal Code (Amendment) Bill will be presented, if ready, and there may be a motion to introduce the Bill to repeal the Indian Press Act if we can get it ready in time.

The Bill further to amend the Land Acquisition Act, 1894, which was passed by the Council of State during the last Delhi Session and laid on the table in the Assembly, will be taken into consideration.

Mr. Harchandrai Vishindas: Might I inquire, Sir, whether Mr. Samarth's Resolution will be given an opportunity very early ?

The Honourable Sir William Vincent: As early as I can possibly manage it.

The Honourable the President: With reference to the statement just made by the Honourable the Home Member I may perhaps ask him to speak to those of his Colleagues who are not present and who are in charge of legislation on the point raised by Mr. Rangachariar because there was a similar appeal two or three days ago.

This House now stands adjourned to the 15th September at 10-30 A.M.

LEGISLATIVE ASSEMBLY.

Thursday, 15th September, 1921.

The Assembly met in the Assembly Chamber at Half Past Ten of the Clock. The Honourable the President was in the Chair.

QUESTIONS AND ANSWERS.

LISTED POSTS IN THE INDIAN CIVIL SERVICE.

148. **Rai G. C. Nag Bahadur :** Will the Home Secretary inform the House whether the Government intends to take any action to give effect to the Resolution adopted in this Assembly on the 17th February 1921, recommending that the listed posts in the Indian Civil Service be raised to one-fourth of the superior Civil Service posts in each Presidency or Province? If so, when?

The Honourable Sir William Vincent : The Government of India have drawn the attention of Local Governments to the Resolution referred to and have pressed them to consider whether the number of listed posts could not be raised at once to the maximum limit permissible under the present rules, *viz.*, one-sixth of the superior posts in each Province. They have also suggested for the consideration of Local Governments that as new superior posts are created on the executive side, the number of listed posts should be increased until this number becomes equivalent to 25 per cent. of the total number of superior posts. The Honourable Member will, however, understand that the rate of progress towards the attainment of these limits must necessarily vary with the conditions of the Indian Civil Service cadre in each Province.

CIVIL SURGEONCIES IN ASSAM.

149. **Rai G. C. Nag Bahadur :** (a) With reference to the statement* made on the 14th March 1921, in answer to my Question No. 456, namely, that three appointments of Civil Surgeons are reserved for Military Assistant Surgeons and one appointment for Civil Assistant Surgeons, will the Home Secretary tell the House how many Civil Surgeoncies including officiating appointments are at present actually held by the Military and Civil Assistant Surgeons respectively in Assam?

(b) With reference to the following passage contained in the reply given to my Question† No. 457 on the 14th March, 'The recommendation of the Public Services Commission was that after satisfying existing vested interests no more than one-third of the superior appointments not reserved for officers of the Indian Medical Service should be allotted to promoted Military Assistant Surgeons,' will the Home Secretary please explain clearly what he means by this statement? How many superior posts are there in the medical service of Assam, and what proportion of them is reserved for the Indian Medical Service, and what for the Assistant Surgeons, Civil and Military?

(c) With reference to the following statement made in the answer to the same question, namely, 'it is doubtful whether these appointments (namely,

* *Vide* Legislative Assembly Debates, Vol. I, pages 983-84. † *Vide* Legislative Assembly Debates, page 984.

Civil Surgeoncies of certain Hill Districts) would be much sought after by Civil Assistant Surgeons, will the Home Secretary state for information of the House the nature of the evidence on which the statement is based? Has the Government come to this conclusion after ascertaining the views of the Civil Assistant Surgeons of Assam?

(d) Is it not a fact that during the war, the posts of Civil Surgeons in the Lushai Hills, the Garo Hills, the Naga Hills and the Sadiya Frontier Tract were actually held for a number of years by Civil Assistant Surgeons?

Mr. H. Sharp : (a) At present 3 permanent Civil Surgeoncies are held by Military Assistant Surgeons and 1 by a Civil Assistant Surgeon. One officiating Civil Surgeoncy is held by a Military Assistant Surgeon and 1 by a Civil Assistant Surgeon.

(b) The Honourable Member does not state which portion of the passage referred to by him is enigmatical. The words 'existing vested interests' no doubt apply to holders of existing appointments who cannot in fairness be removed from their posts or deprived of their prospects of higher posts. The reply was in answer to a Question regarding the recommendations of the Public Services Commission and quoted the terms of that recommendation. There are 16 superior posts in the medical service in Assam excluding the post of Director of the Pasteur Institute, Shillong, which is held by an officer of the Bacteriological Department. Of these, 11 are at present reserved for officers of the Indian Medical Service, 3 for Military Assistant Surgeons and 1 for a Civil Assistant Surgeon. The extent to which the employment of officers of the Indian Medical Service will be necessary in future under rule 12 of the Devolution Rules is at present under consideration as stated in the reply given by Mr. O'Donnell to Mr. S. Mudaliar's Question to which the Honourable Member was referred in Mr. O'Donnell's reply, dated the 14th March 1921.

Except so far as Local Governments may be required to employ Indian Medical Service officers under the rule above referred to, the recruitment of the medical services will now be regulated by them.

(c) The Government of Assam (that is to say, the Governor and Minister of Education) have informed the Government of India that though they are not in a position to say that Civil Assistant Surgeons would not accept life in such districts other than the Khasi and Jaintia Hills which, it is believed, are distasteful to Civil Assistant Surgeons. The Government of Assam further state that one drawback to posts in hill districts is the lack of educational facilities for the children of Civil Assistant Surgeons and the loneliness of the life for their wives. It is believed that most of them prefer to live and work in the plains districts where they and their families are better able to enjoy the amenities of life. The views of the Civil Assistant Surgeons were not sought for or obtained. The so-called statement was merely an expression of opinion.

(d) The answer is in the affirmative.

EXPORT OF FOOD GRAINS FROM INDIA.

150. **Rai Bahadur Pakshi Sohan Lal :** Is there any proposal for consideration before the Government to stop export of food grains from India in view of the unprecedented high prices of the grains in all parts of India?

Mr. J. Hullah : The export of all food grains and flour is already under severe restrictions amounting to almost complete prohibition.

I would invite the Honourable Member's attention to this Government's communiqué of the 2nd September, in which it was said that the existing prohibition of the export of wheat and flour would continue in full force until at least the end of March 1922.

The export of barley, gram, maize, jowar, bajra and all kinds of dal is restricted even more severely than that of wheat and flour. As in the case of wheat and flour, export of these commodities is allowed only in definite quantities to certain countries most of which have large or considerable Indian populations.

No licenses may be granted for the export of any grain, pulse or flour to any European country, except for a very small quantity of broken rice from Burma.

Finally, I may say, that the total export of grain, pulse and flour from India during the last 12 months has been less than one fourth of the annual average exported before the war. More than half of the last Burma rice surplus was reserved for India, and imports of Burma rice into India during the last 12 months have been more than double the total exports of all food grains and flour from India. No further proposals for the restriction of exports are under consideration.

INSINUATIONS AGAINST A JUDGE OF THE CALCUTTA HIGH COURT.

151. **Mr. K. C. Neogy :** (a) Has the attention of Government been drawn to certain articles that have appeared from time to time in the Press of Bengal, particularly in the *Hitabadi*, dated 16th July 1920, 27th May 1921, and 17th June 1921, in which certain insinuations have been made against a Judge of the Calcutta High Court in connection with the engagement of certain relatives of his as lawyers in cases tried by the said learned Judge?

(b) Have Government any information as to whether these articles have attracted the attention of the Chief Justice and Judges of the Calcutta High Court?

(c) If not, do Government propose to draw the attention of the learned Judges thereto and inquire whether any action has been or is proposed to be taken in the matter?

The Honourable Sir William Vincent : (a) The Government of India have seen the articles referred to.

(b) No.

(c) The Government of India do not propose to take any action in the direction suggested.

COST OF OFFICERS IN THE IMPERIAL SERVICES.

152. **Mr. K. C. Neogy :** (a) What was the average annual cost per head of officers in the different Imperial Services, under (i) salary, (ii) pension, and (iii) allowances, etc., according to the scales in force on the following dates :

April 1, 1909, April 1, 1919, and April 1, 1921?

(b) What would have been the average annual cost per head in the case of these different Services, had the recommendations of the Public Services Commission (presided over by Lord Islington) in regard to salary, etc., been given effect to?

The Honourable Mr. W. M. Hailey: I regret that I cannot undertake to have these statistics worked out for the Honourable Member. He will admit that we always do our best to supply information as to facts within the cognizance of Government; but to require our officers (already hard put to it to answer in time the many questions asked of them) to work out a series of hypothetical figures would be to cast on them an unreasonable burden. I think that I may well ask the Honourable gentleman to exhibit greater consideration to our staff.

IMPERIAL SERVICES IN INDIA.

153. **Mr. K. C. Neogy:** Will Government be pleased to lay on the table all papers relating to proposals, that may be under consideration, for further improving the terms and conditions of the different Imperial Services in India?

The Honourable Mr. W. M. Hailey: The orders of the Secretary of State on the memorials of the Imperial Services as to their pay have already been published in the Resolutions of the Government of India No. D-449 in the Home Department, dated the 26th July 1921, and No. 1559-E.A. in the Finance Department, dated the 16th August 1921. Government do not propose to lay on the table any further papers.

MEMBERS OF THE CENTRAL LEGISLATURE WHOSE ELECTION HAS BEEN SET ASIDE.

154. **Mr. K. C. Neogy:** Will Government be pleased to make a statement giving, province by province, the names of Members of the present Central Legislature, whose election has been set aside upon election inquiries, together with a summary of the findings as given in each such case by the Election Commissioners?

The Honourable Dr. T. B. Saprú: The only Member of either Chamber of the Indian Legislature whose election has been set aside as the result of an election inquiry is Mr. Sambanda Mudaliar who was elected to the Legislative Assembly by the Salem and Coimbatore *cum* North Arcot (Non-Muhammadan Rural) Constituency. The Honourable Member is referred to the Gazette of India, Part I, dated the 28th May 1921, in which the Report of the Commissioners was published.

RETURN OF POLITICAL PRISONERS FROM THE ANDAMANS.

155. **Mr. K. C. Neogy:** With reference to the statement made by the Honourable Sir William Vincent in the Legislative Assembly on the 11th March 1921, that 'we have issued orders that all political prisoners shall be immediately returned from the Andamans,' will Government be pleased to state the date on which the said orders were issued, the number of political prisoners belonging to each province who were in the Andamans on the said date, and the different dates on which they were actually returned?

The Honourable Sir William Vincent: On the 23rd November 1920 we asked Local Governments concerned if they would be willing to take back their political prisoners provided accommodation was available.

According to our information, there were then 46 in the Settlement of whom 2 belonged to Bombay, 13 to Bengal, 2 to the North-West Frontier Province; 5 to Burma and 24 to the Punjab. Of these, the Bombay prisoners left Port Blair on the 2nd May and the Bengal prisoners on the 28th July. The transfer of the Punjab prisoners is being arranged by the Chief Commissioner and the Local Government in direct communication. We understand that so far 19 of them have been transferred to Madras. Orders have been issued for the return of the 2 men from the North-West Frontier Province. The Burma political prisoners are self-supporters and one at least has married locally. They will be sent back if they wish to go.

VALUE OF SURPLUS STORES.

156. **Mr. T. V. Seshagiri Ayyar:** (a) What is the total face value of the surplus stores which the Government had for disposal on the completion of the war?

(b) How much has been sold and how much yet remains to be sold?

(c) Are the stores offered for sale as the property of the British Government or as belonging to the Government of India?

(d) If the former, is it a fact that the British Government has debited the Government of India with the face value of the surplus stores?

(e) Is it a fact that in many cases on such sale these stores realise only a fraction of their face value?

(f) What has been the loss to the Government of India from these sales?

(g) Has any representation been made to the British Cabinet against debiting the Indian Government with the face value of the surplus stores?

Sir Godfrey Fell: A comparatively insignificant quantity of stores belonging to the Indian Government has, since the Afghan operations, been discovered to be surplus to requirements. Their sale is now proceeding, and up to the end of last July about four lakhs have been realized by the sales organisation. This sum, less 3½ per cent. commission, *on sale* will of course be credited to Indian revenues.

It is not possible to compute the original face value of these Indian surpluses. Nor can the loss, if any, incurred by selling them below their face value be computed. As a whole, however, such stores cannot be expected to fetch second hand as much as they originally cost.

2. **The Honourable Member's** question is, however, understood to refer to the great bulk of surplus stores remaining in India at the end of the Great War, which were accumulated on behalf of the British Government, and are the property of that Government. These stores are now being disposed of by a special Commissioner sent by the British Government to India for that purpose. It is not a fact that India has been debited with the face value of these surplus stores, excepting such as India has actually consumed or has retained for her normal consumption; and India has suffered no loss from the causes suggested.

In view of the foregoing statement of fact, the remaining portions of the question do not require an answer.

PREPARATION OF COST ACCOUNTS.

157. **Mr. T. V. Seshagiri Ayyar:** (a) Is it true that a firm of Chartered Accountants has been requisitioned from Great Britain to assist the Government of India in the matter of cost accounts?

(b) What are the terms of their remuneration, what is the period of work for which they have been requisitioned and what is the total estimate of the expenditure on them?

(c) Are there none in the Indian Civil or Military Accounts Departments competent to do the above work?

(d) Is not work of similar nature being done at present in the Railway Accounts Office by the Government Staff?

(e) Did the Government consider the desirability of sending a few men of experience and marked capacity in the Civil and Military Accounts Service for special training to England instead of importing new men from England for a short period?

The Honourable Mr. W. M. Hailey: (a) The answer is in the affirmative. The information is contained in the reply laid on the table.

(b) The Honourable Member is referred to the answer given on 10th September 1921 in reply to a Question by Mr. Neogy on the same subject.

(c) We have no officers in the Indian Civil or Military Accounts Service capable of giving us the expert advice we require from this firm.

(d) Work of somewhat similar nature, but of a far more simple character, is being done in the Railway Accounts Offices.

(e) It was considered whether it would be preferable to send selected officers for special training in England. In general, the Government of India have expressed themselves as favouring this procedure instead of importing specialists from England. In this case, however, the Auditor General considered and the Government of India concurred that the matter was both urgent and important, and that no officer of the Department studying at Home for a few months could offer advice which would compare in value with that now being obtained from the firm who have undertaken this investigation.

DEATHS OF PASSENGERS IN TRAINS.

158. **Rai Sahib Lakshmi Narayan Lal:** (a) Will the Government be pleased to state how many deaths of passengers in trains have been reported during the last hot weather?

(b) How many of them are third class passengers? What causes have been reported for their deaths?

(c) Is it a fact that many of these deaths are on account of the want of proper arrangement for drinking water for third class passengers?

(d) Is it a fact that although water pipes have been provided in the trains, they seldom supply water and even when they supply water, it is considered objectionable to be used for drinking purposes as the pipes have been placed in the privies?

(e) Does not the Government propose to make adequate arrangement for drinking water for passengers in the train itself by providing water pipes outside the privies?

Colonel W. D. Waghorn: The information asked for in items (a), (b) and (c) is not available.

(d) The water supplied in railway carriages is intended to be used for washing, and not for drinking purposes.

(e) The necessity for the provision of an ample supply of drinking water for passengers is fully realised and railways arrange for this supply by means of watermen specially appointed for the purpose. Standpipes are also provided on railway station platforms. The question of providing a supply of drinking water for passengers by means of pipes fitted in railway carriages has received consideration but is considered impracticable.

DISBANDMENT OF THE 2ND-73RD MALABAR INFANTRY.

159. **Mr. K. M. Nayar:** (i) Is it a fact that the authorities are considering the disbandment of the 2nd-73rd Malabar Infantry?

(ii) Is the Government aware of the great anxiety and heart-burning which the news has caused in Kerala and to all her well-wishers?

(iii) Is it not a fact that the above regiment is the only one of its kind set apart for the Malayalese?

(iv) Is it not a fact that the above regiment is the outcome of great exertions, at the outbreak of the late war, on the part of those interested in the revival of the old martial spirit, among Malayalese?

(v) Is it not a fact that the above regiment has elicited praises and compliments from officers who have had to work with the regiment?

(vi) Do the Government propose to consider the question and order the retention of the regiment, or if already too late, the rectification of any serious blunder in this matter?

Sir Godfrey Fell: (i) Orders for the disbandment of the 2-73rd Malabar Infantry issued on the 5th July 1921.

(ii) Government are aware that the decision to disband any Indian regiment must inevitably cause a feeling of regret in the district from which the regiment was raised; but owing to the reductions which are being made in the Indian Army, the disbandment of units which are surplus to India's requirements must be carried out.

(iii) Yes, the 2-73rd Infantry is the only unit in the Indian Army for which Malayalese were authorised.

(iv) The Government of India have no doubt that considerable efforts were made to raise this regiment and these efforts are fully appreciated.

(v) The Government of India regret that it is not the case that the battalion fully justified the hopes that may have been entertained regarding the revival of the martial spirit amongst the class of which the battalion was formed. It was considered unfit for service in Mesopotamia and had therefore to be returned to India.

(vi) The Government of India regret that they cannot reconsider the decision to disband the battalion.

RECOMMENDATIONS OF THE INDIAN JAILS COMMITTEE.

160. **Mr. B. S. Kamat:** (a) With reference to the Report of the Indian Jails Committee, 1920, will Government be pleased to state if any action has been taken or is proposed to be taken in the matter of the following recommendations of the Committee, *viz.* :

- (1) Paragraph 121 of the Report, classification of non-habitual prisoners into (a) a Star class and (b) Ordinary class, the Star class to have special treatment in respect of sleeping accommodation, parade and labour.
- (2) Paragraph 130, recommendation to divide simple imprisonment into two kinds, (a) without liability to any labour, and (b) with liability to light labour.
- (3) Paragraph 132, recommendation that no special treatment be granted to political offenders (such as is allowed in Great Britain to offenders in the first Division in respect of separate accommodation, supply of one's own food, clothing, etc.).
- (4) Paragraphs 272 and 273. Provision of compulsory education, books, and periodicals or manual instruction for prisoners under 25 years of age.
- (5) Paragraph 303, recommendation that a prisoner appearing in a Court as a witness should be in ordinary clothes, without fetters.
- (6) Paragraphs 369, 370, recommendation for creation of children's courts for hearing of all cases against children and young persons?
- (7) Paragraph 454, recommendation for the creation of Revising Boards composed of the Inspector-General of Prisons, the Sessions Judge, and a non-official to consider the release of prisoners in advance of their terms of imprisonment.
- (8) Paragraphs 279, 280, recommendation for providing Hindoo, Muhammadan, Buddhist or Christian Ministers of religion for the religious and moral instruction of prisoners.
- (9) Paragraph 290, as much variety as possible in jail diet.
- (10) Paragraphs 472 to 486, better treatment for undertrial prisoners in respect of accommodation, food, clothes, supply of books, tobacco, etc.
- (11) Abolition of solitary confinement in jails; and abolition of transportation from the Indian Penal Code.

(b) Do Government intend to place the Indian Jails Committee's Report for discussion before the Legislative Assembly in the present Session?

The Honourable Sir William Vincent: (a) I lay on the table copies of the letters issued to Local Governments on the subject of the recommendations of the Jails Committee. The Honourable Member will be able to ascertain from these letters the action taken on the points to which he particularly refers. The recommendations in paragraph 369 for the creation of children's courts are still under the consideration of Government.

It has been decided to abolish the punishment of transportation, and legislation to effect this decision will be introduced as early as possible.

(b) Copies of the Report were placed in the hands of the Members of this Assembly in the course of the last Delhi Session and it is open to them to ascertain by questions what action the Government propose to take on any point or to indicate by the adoption of Resolutions the opinion of the Assembly on any of the Committee's recommendations or the Government's proposals. The Honourable Member will perhaps agree that a general discussion of a report like that of the Jails Committee, with its multifarious recommendations, is not likely to be profitable. If, however, I can give the Honourable Member any further information which he requires, and he will ask for it, I shall be only too glad to assist him.

No. 305, dated Delhi, the 16th December 1920.

From—S. P. O'Donnell, Esq., C.I.E., I.C.S., Officiating Secretary to the Government of India, Home Department,

To—
 The Secretary to the Government of Madras, Home (Judicial) Department.
 The Secretary to the Government of Bombay, Judicial Department.
 The Chief Secretary to the Government of Bengal.
 The Secretary to the Government of the United Provinces, Judicial Department.
 The Revenue Secretary to the Government of the Punjab.
 The Secretary to the Government of Burma, Judicial Department.
 The Secretary to the Government of Bihar and Orissa, Municipal Department.
 The Second Secretary to the Honourable the Chief Commissioner of the Central Provinces.
 The Second Secretary to the Honourable the Chief Commissioner of Assam.
 The Honourable the Chief Commissioner and Agent to the Governor General North-West Frontier Province.
 The Chief Commissioner of Coorg.
 The Chief Commissioner of Delhi.

I am directed to forward, for the information of His Excellency the Governor in Council His Honour the Lieutenant-Governor (in Council), etc.

advance copies of the report of the Indian Jails Committee of 1919-20. As it has not yet been decided whether the report is to be published or not, I am to request that it may for the present be treated as strictly confidential and shown only to such selected officials as the Governor in Council may decide to consult on the subjects discussed in this and subsequent letters.

2. The report forms the first general survey of Indian prison administration that has been made since 1889. During the 30 years that have elapsed since that date, there have been important developments both in the theory and practice of prison administration and extensive reforms have been carried out in India as in other countries. In certain respects the improvement effected has been particularly marked, for example, in buildings, in the dietary of prisoners, in the regulation of their labour, in the system of remissions and especially in the sanitation of prisons. At the same time, the Committee have reached the conclusion that Indian prison administration has not made equal progress on the reformative side of its work. It has, to some extent, possibly not realised the effect which humanising and civilizing methods have on the mind of the individual prisoner and has rather focussed its attention on his material well-being, his diet, health and labour, with the result that Indian prison treatment has been criticised as deterrent rather than reformatory in its results. The Government of India feel that the time has come when a serious effort should be made to remedy this defect in our prison administration, and they consider that the report now enclosed, which by reason of the composition of the Committee, its searching investigations and its carefully formulated conclusions, is a document which carries great weight, forms an admirable foundation for such a policy. The responsibility for carrying out that policy must rest in the main on local Governments. Under the reforms scheme, prison administration

will be a provincial subject and, in view of this, the Government of India are about to address Local Governments in a separate communication on the question whether the Governor General in Council should retain or should delegate the statutory powers of control which he now exercises under Act IX of 1894. But, whatever may be the decision on that question, Local Governments will have to provide funds for, and carry out such measures of reform as may be approved, and though some of these measures may have to be postponed for some time for financial reasons, it is desirable that a decision on all the more important matters discussed in the Committee's report should be arrived at as soon as possible.

3. The Government of India have carefully considered what would be the most convenient procedure for attaining this object and have decided that the best course will be to address Local Governments in a series of five or six letters, each of which will discuss a group of chapters in the report dealing with subjects of a more or less cognate nature. The present letter relates to the recommendations of the Committee contained in Chapters III (General propositions), IV (Inspection and superintendence of prisoners), V (Prison establishment), VI (Convict officers), XVIII (Visitors) and XX (Subsidiary Jails). These chapters will be discussed *seriatim* and the discussion of each will, where necessary, be divided into two parts :

- (a) matters in regard to which the Government of India feel themselves to be now in a position to issue directions or offer advice ; and
- (b) matters in regard to which the Government of India will be glad to have the opinions or advice of Local Governments. The latter sub-division will necessarily include such of the proposals of the Committee as would involve legislation.

Chapter III.

4. The Governor General in Council presumes that all Local Governments will agree with the general propositions regarding the aims and essentials of prison administration laid down in this chapter. Most of these propositions are now accepted by the general consent of penologists throughout the world. None of them are inconsistent with the policy at present regulating prison administration in this country, though in certain respects—for example, in the provision of reformatory influences in prisons and of assistance to prisoners on release—practice has hitherto not kept pace with theory. The practical measures required to give effect to these general propositions will form the subject of this and subsequent letters and the Government of India feel that in the circumstances a detailed discussion of the contents of Chapter III at this stage would serve no useful purpose.

Chapter IV.

5. The Government of India accept the view of the Committee (paragraph 27) that the concentration of prisoners in central jails is, as a matter of principle, desirable on grounds both of efficiency and economy. They also agree with the Committee (paragraph 26) that theoretically the number of prisoners to be placed under the charge of a single Superintendent should, where possible, be restricted to a thousand, though for the present the maximum accommodation to be provided in any one jail cannot for practical reasons be fixed at less than 1,500. The latter figure is, however, as pointed out in a subsequent paragraph of the report (Chapter XII, Section V), exceeded in the case of several of the existing central jails in provinces where overcrowding is rife, and the Government of India think that, where this has not already been done, Local Governments should draw up a carefully considered programme of jail construction, to be spread, if necessary, over a number of years, the object being to concentrate all prisoners so far as possible in central jails and to dispense with the smaller district jails, the cost of which is relatively high and where discipline is apt to be lax. In provinces where the figures show that one or more new central jails are required, sites for such jails should be selected at once, and financial provision should be made for their construction as soon as circumstances permit. The Government of India also accept the view of the Committee (paragraph 29) that there is no object in retaining the existing distinction between first and second class central jails and that every central jail should, as a matter of principle, be provided with a whole-time Superintendent. They also agree that there should be a whole-time Superintendent for all district jails of an average population of 300 or more (paragraph 33), though they recognise that some time must elapse before a sufficient number of trained Superintendents can be available, and that in the interval the only practicable course will be to retain the present system under which the charge of the district jail is part of the duties of the Civil Surgeon. Where eventually the whole-time Superintendent is not a medical man, the medical charge of the jail must be entrusted to the Civil Surgeon or to one of his

headquarter assistants, as recommended in paragraph 38. It does not seem likely that, as suggested in paragraph 40, one result of the reforms will be to relieve the Civil Surgeon of the responsibility for medical institutions belonging to local bodies.

6. The Government of India think all Local Governments will probably accept without cavil the recommendation contained in paragraph 34 that picked men of the jailor service should be eligible for promotion to the rank of Superintendent of a district jail. They agree with the Committee (paragraph 35) that such promotion would be more suitable than the appointment of jailors as Deputy Superintendents in charge of the manufacturing departments of the larger central jails. With regard to the suggestion made in paragraph 36 of the report that recruitment to the rank of Superintendent should occasionally be made from other departments, this is a matter which the Government of India leave to the discretion of Local Governments. They suggest, however, that in provinces where such promotion would be suitable, the Local Government should define in a rule made under Section 60 (c) of Act IX of 1894 the classes of officials to be considered eligible for such promotion.

7. In paragraphs 41-43 the Committee have discussed at some length the question whether the executive and medical charge of a central jail should be combined in the person of a single officer, as at present, and have come to the conclusion that the existing system of recruiting Superintendents of central jails from the Indian Medical Service and of giving them combined executive and medical charge has been successful and should on grounds of economy be continued. At the same time they think that a fair proportion of posts of Superintendents of central jails should be reserved for selected officers, whether medical or non-medical, who have done good service as Superintendents of district jails. These proposals are accepted by the Governor General in Council, subject to any decision that may be arrived at regarding the general reorganisation of the State medical services. The percentage of posts to be filled by selected Superintendents of district jails must be fixed for each province by the Local Government. In paragraph 45 the Committee have recommended that with a view to securing uniformity in important matters of jail administration, there should be held in every alternate year a conference of Inspectors-General of Prisons, to which selected jail Superintendents and non-officials interested in jail administration might be invited. The Government of India entirely agree with this proposal and consider that it is on many grounds preferable to the appointment of a Director-General of Prisons under the Government of India, who would visit all provinces and advise Local Governments. They hope, if possible, to hold the first Conference during the winter of 1921-22 and it would be of great assistance if Local Governments would, by the end of June 1921, submit a list of subjects suitable for discussion at the first Conference.

8. There remain a few recommendations made in Chapter IV on which the Government of India would be glad to have the opinions of Local Governments. These are :

- (a) the rate of pay recommended (Rs. 500—25—750) for whole-time Superintendents of district jails,—paragraph 37 ;
- (b) the allowances suggested in paragraph 38 for the medical charge of a district jail when entrusted to the Civil Surgeon ;
- (c) the allowance of Rs. 200 a month proposed in the same paragraph when both the administrative and medical charges of a district jail are entrusted to the Civil Surgeon ;
- (d) the proposal in paragraph 44 that the post of Inspector-General of Prisons should be thrown open to all Superintendents of central jails, whether medical or non-medical, Indian Medical Service or non-Indian Medical Service. This is a question in regard to which the Government of India feel some doubt. One of the most important functions of an Inspector-General is to give advice and guidance to Superintendents on matters connected with health, dietary and sanitation, and for the proper discharge of this duty expert medical knowledge would seem to be an indispensable qualification. If the Inspector-General is not himself a medical man, it might be necessary to provide him with an expert medical adviser. Such an arrangement would obviously be more expensive than the appointment of a medical man as Inspector-General.
- (e) In paragraph 46, the suggestion is made that before any person who has not had previous service in the Jail Department, is appointed as a whole-time Superintendent of a district or central jail, he should undergo a period of 6 months'

training under a selected Superintendent of a central jail. The Government of India are inclined to approve this recommendation in principle, but are not certain that it will be at all times practicable. Before coming to a definite decision on the question, they would be glad to have the views of Local Governments.

- (f) The same remarks apply to the suggestion made in paragraph 47 that the rules relating to study leave should be so extended as to enable Superintendents of district or central jails to devote some period of their leave to a study of jails and connected questions in Europe or the United States of America.

Chapter V.

9. The recommendations regarding prison establishments contained in this chapter all concern points on which local Governments are competent to pass orders, either in exercise of the power of appointing prison officers vested in them by section 6 of the Act of 1894, or by means of rules under section 60 of that Act, or by executive orders. The Government of India do not, therefore, think it necessary to discuss in detail these recommendations of the Committee, with which they generally agree, but they desire to emphasize certain points which seem to them of special importance.

These are—

- (a) the necessity for granting better pay and gazetted rank to jailors and relieving them, as far as possible, of clerical work (paragraphs 52 and 54). The minimum rate of pay (Rs. 200 rising to Rs. 450 per mensem) suggested by the Committee is substantially higher than those in force at present, though in at least one province temporary allowances have been granted in addition to salaries, pending a consideration of the Jails Committee's recommendations. It must be left to local Governments to fix such rates of pay as they think necessary to secure men of the right stamp and education and to prevent corruption. But the Governor General in Council considers that a contented service is an essential preliminary to the general reform of our prison system;
- (b) on the same grounds, the Government of India endorse the recommendations contained in paragraphs 62-64 regarding the necessity for increasing the attractions of service as a warder. As the Committee have pointed out, these subordinates possess great potentialities for exercising a good or evil influence over the men committed to their charge, and the Government of India agree that in order to secure honest and contented service, their pay should be distinctly better than that given to police constables and that family quarters should be provided on a more generous scale. They also endorse the proposal for the appointment of a chief warder in every central jail (paragraph 66), and they hope that those local Governments whose jails are at present admittedly under-staffed will take early steps to bring the strength of their warder establishments up to the necessary level (paragraphs 68 and 69);
- (c) as regards the subordinate medical staff, the Government of India are of opinion that good reasons have been given in paragraph 73 of the report for adopting the Madras system of selecting sub-assistant surgeons for jail work on the basis of a regular roster, on which every sub-assistant surgeon's name is entered. The only possible objection to this proposal which occurs to them is that it might have the result of supplying to the Jail Department only junior sub-assistant surgeons, as in all probability most men of this class would desire to serve their term in the Department at as early a stage in their service as possible. This difficulty could doubtless be overcome by suitable arrangements between the Surgeon-General or Inspector-General of Civil Hospitals and the Inspector-General of Prisons; while if the jail allowances given to medical subordinates are increased as recommended in paragraph 74, service in the department should be more popular than it is at present and should, therefore, attract a certain proportion of senior sub-assistant surgeons;
- (d) the recommendation contained in paragraph 80 for the appointment of a technical expert to manage the manufacturing department of each jail in which any large organised industry is carried on, appears to the Government of India to be a sound one. Such experts will probably require high salaries, but if suitable men can be secured, the revenue accruing to Government should ultimately more than counterbalance this expenditure. It is possible that in certain provinces Directors of Industries may now be in a position to recommend men of sufficient

technical skill to fill these appointments and also that of the technical assistant to the Inspector-General proposed in paragraph 82.

Chapter VI.

10. In this chapter the Committee have made drastic recommendations for changes in the existing system of employing convicts as prison officers. They admit that among those who gave evidence before them opinions were sharply divided as to the intrinsic merits of this system and the Committee themselves were not in complete agreement on the question. One member was indeed in favour of abolishing the system altogether and even the chairman considered that its abolition was in principle desirable, though he felt that the recommendations of the Committee, if carried out, would effect an advance that might be regarded as sufficient for the present.

11. The Government of India have taken the opportunity of examining the latest figures available showing the extent to which convicts are employed as prison officers in each of the larger provinces. The percentage of the total average number of male prisoners of all classes (convicted, under-trial and civil) employed as prison officers was as follows: Burma 22, the Punjab 12, Bombay 10, United Provinces 9, Central Provinces 8, Madras 7, Bengal 6 and Bihar and Orissa 4. The figures for Burma are for the year 1918 and for other Provinces 1919. The corresponding percentages for 1913 were slightly higher in Madras, the Punjab and Bihar and Orissa, and lower in Burma. In other Provinces they were the same. These figures appear to the Government of India to support the main conclusions of the Committee, viz., that the system of employing convict officers has degenerated in some parts of India into a mere means of effecting an economy in the pay of establishments, and that the extent of such employment is excessive and should be reduced. The Committee cite the case of the United Provinces, where both the present and past Inspectors-General of Prisons agreed with the second of these propositions, but the figures just quoted show that there are three provinces to which the Committee's remarks apply with even greater force than to the United Provinces. At the same time the Government of India are not in favour of the complete abolition of the system, which they consider must, with proper safeguards and under adequate supervision, have a valuable reformatory influence. They are, however, inclined to think that in each province a maximum number of convicts to be employed as prison officers should be fixed by the local Government and that this maximum should be distributed over the jails of the province by the Inspector-General in proportion to the daily average population of each jail. What the total provincial maximum should be must to course depend on local circumstances, and especially on the pace at which recruitment to the free warder establishment may proceed, but the Governor General in Council suggests that in no province should the maximum exceed 10 per cent. of the total average daily population. I am directed to ask for the opinions of local Governments on this proposal.

12. The employment of convict officers is one of the subjects in regard to which the rule-making power is at present vested in local Governments, subject to the control of the Governor General in Council, under section 60 (m) of the Act of 1894, but inasmuch as the Committee have recommended that in many respects the system should be uniform throughout India, it is desirable that the Governor General in Council should in the exercise of his statutory power of control lay down certain general directions in regard to these matters. Before this is done, the Government of India desire to be favoured with the views of local Governments on the more important recommendations of the Committee summarised below:

- (a) Convict officers should not be employed on the duty of guarding prisoners in cells and dormitories at night and no convict officer should be outside his barracks at night (paragraph 86). This is a far-reaching proposal, which will necessarily mean a substantial reduction of the number of convict officers and an increase in the staff of free warders. Nevertheless, the Government of India are disposed to think that, subject to any objections on the part of local Governments, it should be accepted.
- (b) No convict officer should have independent charge of any file, gang or other body of prisoners or should have independent power to issue orders to prisoners (paragraph 87). It seems doubtful whether this general prohibition would not in certain cases lead to practical difficulties and there would not seem to be any insuperable objection to permitting a convict officer to take temporary charge of a small gang of prisoners engaged on, say, fatigue duty inside the main wall.

- (c) The proposed abolition of the grade of convict warder (paragraph 88).
 (d) The proposed scale of remissions and gratuities for convict officers (paragraph 90).
 At present the remissions for such officers are :
 for convict warders eight days per month,
 for convict overseers six days per month, and
 for night watchmen four days per month.

[Vide rule 7 of Appendix I to the Home Department Resolution No. 161—172 (Jails), dated the 25th June 1908.]

The Committee propose to raise this scale in the case of watchmen by one day per month and to retain it in the case of convict overseers. The Government of India think that for overseers also the scale might well be raised by one day per month.

- (e) The proposal to abolish everywhere and at once the system whereby first offenders are employed as night watchmen in habitual barracks (paragraph 92), and the consequent recommendation that the employment of habituals in that capacity, but not as overseers, in habitual barracks, should be sanctioned. The Government of India trust that all Local Governments will accept this recommendation, which is indeed the corollary of the general principle that habitual and casual offenders should be completely segregated. You will be addressed in a separate letter regarding the proposal, made elsewhere in the report, that all habituals should be confined in cellular jails. Should effect be given to that proposal, it would be possible greatly to reduce the number of night watchmen.
 (f) The proposal that convict officers should be exempted from the liability to wear ankle-rings and fetters (paragraph 93).

Chapter XVIII.

13. The Governor General in Council concurs with the commendation bestowed by the Committee on the Indian system of appointing official and non-official visitors with wide but undefined powers of inspection and supervision, as superior to the system followed in other countries of appointing visitors with definite powers and duties who tend to become more or less identified with the prison administration. He also agrees that the Indian system should be extended and improved with the object of creating in the public mind an interest in prisons and prisoners. There are already signs of an awakening interest among the educated classes in these questions. A large number of non-official gentlemen gave evidence before the Committee, and it is probable that the publication of their evidence and the report will stimulate public interest in prison administration.

The appointment of visitors is, however, a matter in regard to which the power of making rules is vested in the Local Government under Section 60 (r) of the Act, and the Governor General in Council does not think it necessary in this instance to exercise his power of control in regard to such rules. He is content to leave it to Local Governments to make such amendments in their rules as they may consider calculated to give effect to the recommendations of the Committee, but he trusts that all Local Governments will give careful consideration to the specific proposals made in paragraphs 518 to 522, first, for the adoption of the Bombay method of a weekly inspection by an individual visitor and a quarterly inspection by the whole board of visitors; secondly, for the assimilation of the powers and duties of official and non-official visitors; and, thirdly, for the appointment of lady visitors for all jails where female prisoners are kept.

Chapter XX.

14. This chapter also deals with matters regarding which Local Governments are competent to make rules under Section 60 (s) of the Act, but the recommendations of the Committee include two proposals of general application and of such importance that it is desirable that the Government of India should make a definite pronouncement in regard to them. In paragraph 534, the Committee observe that in most provinces it is a common practice to confine under-trial prisoners in magisterial and police lock-ups which are not classed as subsidiary jails and where the prisoners are practically, if not theoretically, under police control. This practice violates the accepted principle that under-trial prisoners should not be left in the hands of the police longer than is absolutely necessary, and the Committee accordingly propose that all lock-ups used for the detention of such prisoners should be notified as subsidiary jails and that the prisoners detained in them should be guarded by a regular

staff of warders and not by the police. The Government of India entirely agree with the principle underlying this proposal, but they recognize that its acceptance would commit Local Governments to some increase in expenditure and might conceivably lead in certain localities to practical difficulties which were not brought to the notice of the Committee. They trust, however, that Local Governments will give effect to the proposal as soon and as widely as circumstances permit.

Again in paragraph 541, the Committee recommend that, assuming that in future no sentence of imprisonment will be for less than 28 days, no convicted prisoners should serve their sentences in subsidiary jails. You will be addressed in a separate letter on the proposal to abolish short term sentences of imprisonment, but I am to enquire whether, if legislative

His Excellency the Governor in Council
His Honour the Lieutenant-Governor (in Council) would be prepared
 etc.
 to accept the Committee's recommendation regarding the use to which subsidiary jails should in that event be put.

15. The Government of India concur with the Committee (paragraph 544) regarding the desirability of appointing visitors for the larger subsidiary jails.

No. 306, dated Delhi, the 16th December 1920.

From—S. P. O'Donnell, Esq., C.I.E., I.C.S., Officiating Secretary to the Government of India, Home Department,

To—
 The Secretary to the Government of Madras, Home (Judicial) Department.
 The Secretary to the Government of Bombay, Judicial Department.
 The Chief Secretary to the Government of Bengal.
 The Secretary to the Government of the United Provinces, Judicial Department.
 The Revenue Secretary to the Government of the Punjab.
 The Secretary to the Government of Burma, Judicial Department.
 The Secretary to the Government of Bihar and Orissa, Municipal Department.
 The Second Secretary to the Honourable the Chief Commissioner of the Central Provinces.
 The Second Secretary to the Honourable the Chief Commissioner of Assam.
 The Honourable the Chief Commissioner and Agent to the Governor General, North-West Frontier Province.
 The Chief Commissioner of Coorg.
 The Chief Commissioner of Delhi.

With reference to paragraph 2 of my letter No. 305, dated the 16th December 1920, I am directed to address you on the question of the delegation by the Governor General in Council to Local Governments of all or any of the powers conferred upon him by the Prisons Act, 1894. Under Section 59 of that Act the Governor General in Council and Local Governments have concurrent powers to make rules on certain subjects, but rules so made by Local Governments require the previous sanction of the Governor General in Council. Under Section 60 rules made by Local Governments on certain other matters are subject to the control of the Governor General in Council. In addition there are references in Section 46 (4), (6) and (7) to rules made by the Governor General in Council, while under the proviso to Section 6 the Government of Bombay has to obtain the previous sanction of the Governor General in Council to an order declaring that the offices of jailor and superintendent in any specified prison shall be held by one and the same person.

2. The intention of the Government of India was at one time so to amend the Act that the only function under it to be discharged by the Governor General in Council would have been that specified in the existing Section 59 (8), viz., the making of rules regulating the transfer from one part of British India to another of prisoners whose terms of transportation or imprisonment is about to expire. This proposal was in conformity with the policy of relaxing the statutory control of the Government of India over provincial subjects which took legislative shape in the Devolution Act, 1910, passed at the last session of the Indian Legislative Council. Had the Prisons Act then been amended, the only statutory control which the Government of India would have retained over prison administration would have been the general power of superintendence, direction and control over

local Governments vested in the Governor General in Council by section 45 of the Government of India Act. It is very doubtful how far this power could have been exercised legitimately merely in order to secure uniformity in the prison administration of all provinces.

3. In consequence, however, of a letter from the Indian Jails Committee, No. 810, dated the 4th of September 1920, a copy of which is enclosed, the Government of India decided to omit all reference to the Act of 1894 from the Devolution Act, and to consult local Governments on the question whether any delegation is desirable, or whether it is preferable to retain the Act substantially in its present form, as proposed by the Committee.

4. The views of the Committee are entitled to great respect and the Government of India think that there is much force in their conclusions, (a) that if important variations in practice are allowed in regard to such questions as the remission of sentences and prison offences and punishments, the effect of judicial sentences will be substantially different in the different provinces; and (b) that on certain matters of principle in prison administration uniformity throughout India is essential, and can only be secured by means of a central controlling authority. In regard to the latter point, it must not be overlooked that in the future the Government of India may have to meet criticism on questions of jail administration both in the Legislative Chambers and elsewhere, and on this and on other grounds the Governor General in Council is inclined to think that the retention by him of some, at any rate, of the controlling powers conferred by the Act of 1894 would be generally acceptable to Indian public opinion.

5. There are, moreover, two other considerations which point to the same conclusion. In the first place, the Governor General in Council is clearly the only authority who can make rules for the purpose specified in the existing section 59 (8) and he must, in any event, retain adequate powers of direction and control over the prisons in the Andamans which are directly under the Government of India. Secondly, it is probable that the consideration by the Government of India and by local Governments of the Jail Committee's report will result in a thorough overhauling of our prison system and the initiation of important measures of reform. It is obviously the duty of the Government of India to lay down the general lines on which such reforms should proceed. Prisons have in fact been declared to be subject to legislation by the Indian Legislature in the rules approved by the Joint Committee, with the express object of enabling the central Government to regulate the general principles of jail administration. It will, however, handicap the Government of India in discharging that duty effectively if at this juncture they divest themselves of their statutory power of controlling the action of local Governments.

6. The Government of India are therefore disposed to take the view that it will be better for them to retain, for some years to come, both their own rule-making power and the power of control over rules made by local Governments under section 60. Those Governments will probably agree that the powers in question have not in the past been exercised in the direction of excessive or meticulous interference, that due consideration has been paid to the views of local Governments and that there has been no unreasonable insistence on uniformity. Section 60, for example, deals with many matters of minor importance, in regard to which the Government of India do not in practice exercise control, e.g., the food, bedding and clothing of prisoners, the preparation and maintenance of history tickets, the appointment of visitors, etc. There are, however, other matters, such as the classification of prisons, the regulation of prison labour, the appointment of convict officers and the classification and separation of prisoners, in regard to which rules framed or approved by the Government of India are at present in force in all provinces. On all these and on other matters uniformity throughout India is, in the opinion of the Jails Committee, essential and in certain respects the existing rules require amendment. There is much to be said in favour of amendment by a central co-ordinating authority.

7. Assuming that the powers conferred by sections 59 and 60 are to be retained, the amendment of the Act in minor details (such as the removal of the control of the Governor General in Council over rules made by local Governments under certain of the less important sub-sections of section 60) seems scarcely necessary.

(So far as the Government of India are aware, no reference has for many years been made to them under the proviso to section 6. I am to enquire whether, in the opinion of His Excellency the Governor in Council, its retention in the Act is likely to cause any practical inconvenience.)

8. I am directed to enquire whether His Excellency the Governor in Council agrees in these views, or whether he has any alternative proposals to put forward,

No. 307, dated Delhi, the 17th December 1920.

From—S. P. O'Donnell, Esq., C.I.E., I.C.S., Offg. Secretary to the Government of India, Home Department,

To—
 The Secretary to the Government of Madras, Home Department.
 The Secretary to the Government of Bombay, Judicial Department.
 The Chief Secretary to the Government of Bengal.
 The Secretary to the Government of the United Provinces, Judicial Department.
 The Revenue Secretary to the Government of the Punjab.
 The Secretary to the Government of Burma, Judicial Department.
 The Secretary to the Government of Bihar and Orissa, Municipal Department.
 The Second Secretary to the Honourable the Chief Commissioner of the Central Provinces.
 The Second Secretary to the Honourable the Chief Commissioner of Assam.
 The Chief Commissioner of Coorg.
 The Chief Commissioner of Delhi.

In continuation of my letter No. 305, dated the 16th December 1920, I am directed to address you on the subjects discussed in Chapters VII (Classification and Separation of Prisoners) and VIII (Separation at Night) of the Indian Jails Committee's report.

2. The most important proposal made in the first section of Chapter VII is that separate jails should be provided for habitual prisoners, on the ground that it is difficult, if not impossible, to comply with the existing orders requiring the segregation of habituals from non-habituals so long as both classes are confined in the same jails. The Committee regard this as "one of the most important reforms yet to be introduced into Indian prison management" (paragraph 98), and think there should be little difficulty in most provinces in setting aside at once one or more jails for the accommodation of habituals only.

The Government of India agree that this would be a great advance in our prison system, and by minimising the risk of the contamination of first offenders by hardened criminals, would do much to remove the reproach often directed against Indian jails that they tend to harden, if not to degrade, and that most men come out of prison worse than they went in (compare Chapter II, paragraph 14 of report). The Government of India would, therefore, be obliged if all Local Governments would give the proposal their early and detailed consideration and would report to what extent effect can be given to it, both immediately and in the future when new jails have been constructed.

3. In paragraphs 99-110 the Committee discuss certain defects in the existing definition of the term "habitual" and suggest a fresh definition. It may here be remarked that the Committee are not quite accurate in referring in paragraphs 99 and 102 to a revised form of the definition as having been circulated to all Local Governments with the Home Department letter No. 53-61, dated the 22nd February 1910. What was then circulated was not a revised form of the original definition of 1886, but an extract of certain rules from the Bombay Jail Manual, which were presumably made by the Bombay Government under Section 60 (j) of the Prisons Act, 1894. For facility of comparison the complete original definition contained in the Government of India Resolution No. 27-1804-14, dated the 14th December 1886, is reproduced as an appendix to this letter. The principal differences between the old and proposed definitions are:

- (i) under the old rule a prisoner could be classified as habitual, either on account of one or more previous convictions for certain specified offences, or because the court believed from the circumstances of the case, that he depended on crime for a livelihood, or had attained a certain eminence in crime. Under the proposed rule two conditions must be satisfied. There must be a previous conviction or convictions for certain offences (except in the case of persons confined in default of security under Section 123, read with Section 110 of the Code of Criminal Procedure), and the court must be satisfied that the prisoner is by habit a person who commits certain specified offences. In short, the main object of the new definition, as explained in paragraph 108 of the report, is to ensure that only those prisoners who have formed a habit of crime should be classified as habituals;

- (ii) the proposed definition enlarges the list of offences, a second conviction for which is one of the conditions qualifying for classification as a habitual, by including Chapters XVI and XVIII of the Indian Penal Code;
- (iii) the term "conviction" is defined for the first time in the rule now proposed, the definition being an adaptation of that given in Section 75 of the Penal Code, extended to include convictions by courts in Great Britain or any British colony;
- (iv) the new definition gives a specific power of revising the classification in all cases. Under the existing rule revision is only possible when a prisoner has been classified as non-habitual and subsequently proof of a previous conviction is furnished;
- (v) under the existing rule all members of criminal tribes are *ipso facto* treated as habituals. In the proposed rule there is no reference to members of such tribes (*cf.* paragraph 109);
- (vi) the new definition provides that no prisoner should in future be classified as habitual until he has had an opportunity of showing cause against such classification;
- (vii) the proviso to the proposed Rule V will enable the Inspector-General to transfer to a jail intended for habituals any non-habitual prisoners of vicious and depraved character who do or could exercise an evil influence on their fellow-prisoners. The classes of prisoners suitable for treatment under this proviso are indicated in paragraph 110 of the report.

4. The Governor General in Council thinks that, subject to the observations made below, good reasons have been given for all these changes, but he does not consider that he would be justified in finally approving the proposed definition as the basis of rules to be made by Local Governments under Section 60 (7) of the Act of 1894, until those Governments have had an opportunity of stating their views, and I am accordingly to enquire whether

His Excellency the Governor in Council has any objection to urge against the adoption of the definition given in paragraph 107 of the report.

In regard to two minor points it seems to the Government of India that that definition is susceptible of improvement. In the explanation to Rule I the words "United Kingdom or in any British Dominion or Colony" might be substituted for "Great Britain or in any British Colony." In the proviso to Rule II the Government of India are disposed to omit the words "has received notice of the proposal to classify him as an habitual, with the reasons, and," as they appear to imply the formal service of a written notice on the prisoner and would give the proceedings too formal and judicial a character, a result which the Committee themselves deprecated. (paragraph 105).

It has also been suggested to the Government of India that it would be more satisfactory if Rule II were to leave the duty of classifying prisoners primarily to the jail authorities, subject to the control of the District Magistrate, rather than to the convicting Court, on the ground that previous convictions often come to light after sentence has been pronounced, and that the Courts have, as the Committee themselves admit (paragraph 102), done the work of classification perfunctorily in the past. On the other hand, the Committee have pointed out that classification as a habitual may make a greater difference to a prisoner in the future than in the past, both as regards the length of his sentence and his treatment in jail. It is, therefore, essential to make the classification a regular judicial finding and also to give the prisoner an opportunity to show cause against classification as an habitual. On a consideration of these arguments, the Government of India are inclined to think that the balance of advantage lies in retaining the convicting Court as the ordinary classifying authority, though it is desirable that the necessity for discharging this duty carefully and conscientiously should be impressed on all Sessions Judges and Magistrates. The opinion of Local Governments on the question would, however, be of great value. It will be observed that if new information be available after an order was first made, it would be possible, under the proposed Rule IV, to ask the Court or District Magistrate to revise his classification.

5. The Government of India concur with the Committee (paragraph 111) in their condemnation of the rule in force in certain provinces under which every prisoner who escapes or attempts to escape must be treated as an habitual. The authority cited for rule in question in at least one provincial Jail Manual is the letter of the Government of India in the Home

Department, No. 265, dated the 26th August 1909. All that was said in that letter, however, was that there was nothing in certain earlier instructions framed by the Government of India inconsistent with such a rule.

The Government of India also accept the conclusions of the Committee that prisoners classified as habituals should not be excluded from the benefits of the classification system (paragraph 112), and should not be subjected to specially severe forms of punishment (paragraph 113). They also agree that the existing prohibition against the employment of habituals as convict officers should be maintained (paragraph 115). The opinions of Local Governments have already been invited in paragraph 11 (e) of my letter No. 305, dated the 16th December 1920, on the suggested exception to this general prohibition, namely the employment of habituals as night watchman in habitual wards. The Government of India endorse the observations contained in paragraph 116 of the report regarding the desirability of providing separate accommodation for female habituals.

6. In the second section of this chapter the Committee have recommended the introduction into Indian prisons of the Star class system in force in Great Britain, which is described in paragraphs 118 and 119. The Government of India regard this as an excellent suggestion, which should do much to mitigate the evil effects of the promiscuous association of all offenders other than those classed as habitual. But before definitely approving the proposal, they would prefer to have the views of Local Governments both on the question of principle and on the definition of the Star class contained in paragraph 121. That definition seems at first sight to be a somewhat loose one, but this is clearly the intention, as the essence of the system is that the case of each individual should be carefully considered on its merits. Other points on which the opinions of Local Governments would be of assistance are whether the classification should be made by the prison authorities only, as proposed by the Committee, or whether the convicting court should also have a voice in the matter: and to what extent it would be possible to introduce the system without expensive structural alterations in the existing jails.

7. Important proposals are also made in Section 3 of this chapter, in which the Committee recommend (paragraph 130) the Amendment of Section 53 of the Indian Penal Code so as to provide for two classes of simple imprisonment: (a) without liability to labour, and (b) with liability to light labour, only Magistrates of the first class or Courts of higher status being empowered to order simple imprisonment without liability to labour.

The Government of India are disposed to think that recommendation is a sound one, not only because the system of first and second division offenders in Great Britain (described in paragraphs 123 to 127) has been successful, but also because the conclusion they draw from the statistics of prisoners sentenced to simple imprisonment in India in recent years (paragraph 128) is that the Courts in India are prone to sentence offenders to this class of punishment without appreciating the consequences. It cannot be good either for the individual prisoner or for the discipline of the jail that he should spend his time in complete idleness and on this ground alone there is much to be said for making an obligation to light labour a normal feature of simple imprisonment.

I am to request that the Government of India may be favoured with the views of Local Governments on the proposed Amendment of Section 53 of the Indian Penal Code and on the subsidiary recommendations contained in paragraphs 130 and 131.

8. The question of the special treatment of "political" offenders, discussed in paragraph 132, has recently formed the subject of separate correspondence between the Government of India and Local Governments. The Government of India are now considering the opinions of all Local Governments on the proposals contained in their letter No. 15, dated the 5th January 1920, as well as the views of the Jails Committee, and their decision will be conveyed to you in due course.

Chapter VIII.

9. Although the Committee were unable to agree on the main question of principle discussed in this chapter, namely the degree of association *inter se* that should be permitted at night between prisoners of the three classes, they were unanimous in condemning the system of cubicles in association barracks found in certain provinces (paragraph 135), and in holding that in most provinces the existing supply of cells should be increased so as to provide 25 to 30 per cent of cells in all jails both for males and females (paragraph 136).

The following statement shows, for all the major provinces, the type of sleeping accommodation provided on the last day of the year 1919 :

Number of prisoners who could be accommodated on the 31st December 1919

Province.	In cells.	In barracks with separate sleeping accommodation.	In barracks without separate sleeping accommodation.	TOTAL.
Madras...	4,948	337	7,065	12,350
Bombay...	896	1,322	5,175	7,393
Bengal...	868	4,164	10,708	15,740
United Provinces...	3,846	...	30,373	34,219
Punjab...	1,864	2,479	10,344	14,687
Burma*	884	...	17,658	18,542
Bihar and Orissa...	607	983	9,187	10,777
Central Provinces...	395	773	5,822	6,990

* Figures taken from the 1918 Report.

According to these figures, Madras is the only province in which the number of cells reaches the standard laid down by the Committee, while the United Provinces, the Punjab and Bombay are the only other provinces where cellular accommodation exceeds ten per cent. of the total. The cubicle system is commonest in Bengal, the Punjab and Bombay, the words "United Provinces" in paragraph 134 of the report being apparently a misprint for "Bengal."

10. The Government of India have no hesitation in endorsing, on sanitary grounds, the Committee's condemnation of cubicles in association wards, and they hope that in all provinces early steps will be taken to remove these obstacles to free ventilation and cleanliness and to provide in lieu of them berths of the type described in paragraph 335 (Chapter XII) of the report. This change should not be expensive. The Government of India also accept the view that, in order to provide for those prisoners who prefer to sleep in cells, and for those whom it is desirable, on account of their evil character or for other reasons, to segregate at night, 30 per cent of the total accommodation of every jail to be constructed hereafter should be of the cellular type. They recognise, however, that the attainment of this standard in existing jails must involve expensive structural alterations, and while they regard the principle as one of great importance, they must leave it to Local Governments to decide to what extent its immediate application would be compatible with other demands on provincial finances.

11. The Governor General in Council has given careful consideration to the arguments on the rival merits of the association and cellular systems contained in paragraphs 188 to 187, though he realises that the discussion is necessarily mainly academic, because, whatever may be the decision on the question of principle, the provision of a separate cell for every one of the 120,000 prisoners confined in Indian jails cannot, for many years, be a practical measure. But apart from this consideration, the Government of India are inclined to think that the principle laid down by Sir James DuBoulay (paragraph 188), viz., that habituals and short-term prisoners should sleep in cells, and long term non-habituals in association barracks, represents the limit to which it is necessary or desirable to go. They are impressed by the fact that a universal cellular system is emphatically condemned by the only two Members of the Committee, Sir Walter Buchanan and Colonel Jackson, who have had practical experience of the management of large Indian jails and also by D. M. Dorai, Raja of Pudukottah, the representative on the Committee of educated Indian opinion. While the Government of India are prepared to agree with the President and Mr. Mitchell-Innes (paragraph 177) that separation at night is more deterrent form of punishment, they cannot believe, in spite of what is said in paragraph 184, that it can be humane to confine prisoners in the hotter provinces of India for long periods in small cells which must be so designed as to prevent conversation. It seems to them that such cells must ex-hypothesi be less well ventilated than large and lofty sleeping barracks designed to accommodate some 50 men. Inadequate ventilation is admittedly a

condition favourable to the development of tuberculosis, a disease already too common in Indian jails; and no one who has had experience of the Punjab and Sind in May and June, or of lower Bengal in the rains, can deny that a small sleeping room tends to lower the vitality far more than a large one. Further the provision in each separate cell of such essential amenities as pure drinking water and sanitary arrangements which would not be offensive could only be carried out at prohibitive cost.

As regards the risk of moral contamination under the association system, the Governor General in Council agrees with Sir Walter Buchanan and Colonel Jackson (paragraph 145) that with proper classification and selection, and properly patrolled wards, the risk is small. The weight of evidence is to the effect that unnatural vice is not actually practised in the sleeping wards (paragraph 153), and the Governor General in Council readily accepts the view of these two experienced officers that the ordinary Indian prisoner would not tolerate such practices in his presence. Even if it be admitted that the cellular system would reduce the temptation to unnatural vice, it might, as hinted in paragraph 181, encourage other abuses.

Moreover, as the opponents of the cellular system have pointed out (paragraph 145) the Indian prisoner is, by custom and habit, sociable and averse from solitude, and cellular confinement has therefore peculiar terrors for him. It would also probably be correct to say that in many cases his mentality is far more introspective than that of the average European prisoner. If cut off altogether from social intercourse for many hours daily and condemned to complete solitude, he might be apt to degenerate rapidly into a definitely melancholic state of mind. Such degeneracy has been recognized as a possible consequence of solitary confinement by students of prison problems in other continents (compare paragraph 161), and the possibility of it is a danger which cannot be disregarded in India.

These are the reasons which have led the Government of India to concur provisionally with the conclusions stated in paragraph 188 of the report, though they are not convinced that even in the case of habitual and short-term prisoners, cellular confinement at night should be rigidly enforced without regard to the disposition and character of the individual. They would be glad, however, to have the opinions of Local Governments on those conclusions.

12. In paragraph 149 those members of the Committee who are in favour of association at night have expressed the opinion that the idle time between 5-30 p.m. and the hour of sleep should be occupied by education, reading and simple indoor games, and in paragraph 183 the Chairman and Mr. Mitchell-Innes have endorsed this suggestion on the assumption that association at night is to be continued, as being evidently better than leaving the prisoners unoccupied in their wards. The subject is discussed again in a later passage in the report (Chapter XI, paragraph 275), where the Committee have unanimously recommended that a portion of each sleeping-barrack should be cut off or turned into a recreation room, where prisoners should be allowed under supervision to read; play quiet games or receive education. The Government of India commend this proposal and think that recreation rooms might well be tried as an experimental measure in a few selected jails. But the matter is one which they are content to leave to the discretion of Local Governments.

13. It will be convenient to recapitulate the matter discussed in this letter in regard to which the Government of India desire to be favoured with the views of Local Governments. These are :

- the extent to which effect can be given, both immediately and in the future when new jails have been constructed, to the proposal that separate jails should be provided for habitual prisoners (paragraph 2 of this letter);
- the new definition proposed for the term "habitual," and in particular the question whether classification should ordinarily be made by the convicting Court or by the jail authorities (paragraph 4);
- the proposed introduction of the Star Class System of classification and the definition of the Star Class (paragraph 6);
- the proposal to amend Section 53 of the Indian Penal Code so as to provide for the two kinds of simple imprisonment (paragraph 7);
- the view that the cellular system is best for habituals and for short-term non-habituals; and that association at night is best for long-term non-habituals (paragraph 11).

APPENDIX.

Extract from paragraph 5 of the Home Department Resolution No. 27
dated the 14th December 1886. 1804-14

For the purposes of jail discipline, the words 'habitual criminal' shall mean a prisoner so classed—

- (1) By the Court or Magistrate that heard the case :
 - (a) because he has been convicted of an offence punishable under Chapter XII or XVII of the Indian Penal Code with three years' imprisonment or upwards, and has been previously punished on conviction for an offence under either of these Chapters and similarly punishable ; or
 - (b) because, from the circumstances of the case, the Sessions Judge, or Magistrate believes the prisoner to depend on crime as a means of livelihood, or to have attained such an eminence in crime as to warrant his being classed with habitual or class B criminals.
- (2) By the District Magistrate, or any Magistrate empowered by him on this behalf, the classification being made in accordance with the principles suggested for the guidance of the courts in clauses 1 (a) and (b) of this definition.
- (3) Subject to the control of the District Magistrate by the officer in charge of the jail, when the prisoner is :
 - (a) sentenced or believed to be liable to punishment under Section 75 of the Indian Penal Code ;
 - (b) under sentence enhanced by reason of more than one previous conviction ; or
 - (c) known to have been repeatedly imprisoned for similar offences ; or
 - (d) a member of a criminal tribe. Provided that :
 - (1) any such Court or Magistrate as is mentioned above may direct that a prisoner shall not be classed as an habitual criminal, and
 - (2) when there is room for doubt whether a prisoner should be so classed or not, the officer in charge of the jail shall refer the case for the orders of any such Court or Magistrate.

Explanation.—The classification when made by the convicting Courts shall be final. If the Courts omit to classify a prisoner as an habitual, the District Magistrate, or any Magistrate empowered by him, may do so. In case of omission on the part of the Court and of the Magistrate, the officer in charge of the jail may make the classification, subject to the general control and supervision of the District Magistrate.

No. 13, dated Delhi, the 14th January 1921.

From—S. P. O'Donnell, Esq., C.I.E., I.C.S., Officiating Secretary to the Government of India, Home Department,

To—
 The Secretary to the Government of Madras, Home (Judicial) Department.
 The Secretary to the Government of Bombay, Judicial Department.
 The Secretary to the Government of Bengal, Revenue Department.
 The Secretary to the Government of the United Provinces, Judicial Department.
 The Revenue Secretary to the Government of the Punjab.
 The Secretary to the Government of Burma, Judicial Department.
 The Secretary to the Government of Bihar and Orissa, Municipal Department.
 The Second Secretary to the Government of the Central Provinces.
 The Second Secretary to the Government of Assam.
 The Honourable the Chief Commissioner and Agent to the Governor General, North-West Frontier Province.
 The Chief Commissioner of Coorg.
 The Chief Commissioner of Delhi.

In continuation of my letter No. 307, dated the 17th November 1920, I am directed to address you on the subject of prison labour and manufactures, discussed in Chapter IX of the report of the Indian Jails Committee.

2. Local Governments are competent to make rules under Section 60 (e), (g) and (h) of Act IX of 1894 in regard to the employment of prisoners, the forms of labour and the disposal of the proceeds of such labour. But the rules so made are subject to the statutory control of the Governor General in Council, and whilst the Government of India are anxious to confine this control within the narrowest limits practicable it is necessary for them, having regard to their responsibility under the statute and to possible reactions on central subjects or extra provincial interests, to indicate certain general conditions with which it is important that the rules made by Local Governments should conform. To take only one example, the extent to which jail manufactures should be allowed to compete with private enterprise is clearly a matter in which the central Government are concerned, as diversity of practice might be injurious to important industries not organised on purely provincial lines.

3. All Local Governments will presumably concur with the four main proposition stated in the earlier paragraphs of Chapter IX, viz. :—(a) that the main object of prison labour should be the reformation of the criminal (paragraph 191); (b) that non-productive labour should be avoided (paragraph 192); (c) that short-term prisoners must necessarily be employed mainly on unskilled labour (paragraph 193); and (d) that the principal mode of employment for long-term prisoners should be intra-mural (paragraph 195). The latter three principles have for many years been followed in most, if not all, Indian jails. The first has never been explicitly and authoritatively laid down in this country, but it is an obvious consequence of the proposition, stated in paragraph 19 of the report to be established by the general consent of penologists throughout the world, that one of the objects of imprisonment is the reformation of the prisoner's character.

Similarly the Government of India do not think that any objection can be taken to the Committee's conclusion (paragraph 196) that the greatest benefit to the prisoner is conferred by giving him the best available instruction in up-to-date methods of labour and so enabling him to earn a livelihood on release. It follows that some industrial employment must be provided in all jails where long-term prisoners are confined, and it would obviously be uneconomical to have multifarious forms of employment in the same jail. This point was emphasized in paragraph 9 of the Home Department Resolution No. 10-605-18 of the 7th of May 1886, and is re-affirmed by the Committee in paragraph 197 of their report. The Governor General in Council has no doubt that Local Governments will approve the principle, which he understands accords with the existing practice in all provinces, that in each jail attention should, as far as possible, be concentrated on one or two large industries.

4. It has for many years been a principle of Indian jail administration that prison industries should be adapted, as far as possible, to meet the requirements of the consuming departments of Government and that those departments should be compelled to purchase articles of prison manufacture, subject to the condition that they are of similar quality and not of greater price than those obtainable in the open market. The Committee have, however, pointed out (paragraphs 199—202) that both now and in the past there have been many grave infractions of this rule, though they were not in a position to say whether consuming departments or the jail authorities were to blame. The Governor General in Council is convinced of the soundness of this principle, which is in accordance with the recommendation contained in paragraph 198, and he hopes that all Local Governments will take such steps as are possible to secure more general compliance with it. The reluctance of the consuming departments to take prison manufactures may possibly be due in part to delay in complying with their indents for goods required at short notice, and to the elaborate procedure laid down for filling in indents and receipts. The question whether this procedure cannot be simplified should be examined. But the main obstacle to the enforcement of the rule that jails must cater for Government departments and that Government departments must buy from jails is probably to be found in the backward condition of jail manufactories and especially in the absence of up-to-date machinery.

5. This leads up to what is perhaps the most important question discussed in Chapter IX, namely, the use of power-driven machinery in jails. The existing orders on this subject are contained in the following extract from the Resolution of the 7th May 1886 :

'With regard to intra-mural employments, the Governor General in Council admits that, in provinces having a completely organised system of central jails there must be in such jails well-regulated industrial employments on a large scale ; but His Excellency in Council considers that jails should not be converted into steam factories. The use of steam machinery in jails will not, however, in future be absolutely prohibited although care should be taken that limits are set to its employment in individual cases where it is found to be incompatible with the penal character of convict labour, or where there is strong reason to believe that it enables the jails to compete injuriously with private capitalists in the neighbourhood. If any jail industry is proved seriously to injure any local trade, it should be discontinued in favour of some other kind of employment. The

existing arrangements with regard to steam machinery in the jails of the Lower Provinces of Bengal will not be disturbed; but his Excellency in Council desires that, in the event of any extension of such machinery being contemplated in that or in any other province, the considerations above set forth will be carefully borne in mind by the Local Government or Administration concerned, and in the case of any extension of magnitude, that the sanction of the Government of India will be previously obtained.

The question was again discussed in a Home Department letter to Local Governments, No. 151 160, dated the 10th of August 1906, paragraph 13 of which ran as follows:

'As regards the use of steam machinery, the Government of India consider that it is not necessary that a jail should purposely handicap itself by the use of obsolete or inferior machinery. In the case, too, of a jail press or similar institution which works solely for the Government, there can be no objection on economic grounds to the installation of steam machinery on a large scale. One important aspect of this question, however, is the necessity for preserving the penal element in jail industries; and no doubt this necessity will always be borne in mind. While the principle laid down in 1886 with regard to the use of steam machinery seem generally sound and suitable to present requirements, it may be advisable to provide expressly that when it is proposed to lay down steam machinery for the first time in any jail the objects of the installation and the possibility of its interfering with private enterprise must be very thoroughly examined; and if the proposal stands, the sanction of the Government of India must be obtained. Subject to these remarks each case must be judged on its own merits.'

6. The Committee take the view, which can hardly be controverted, that familiarity with power-driven machinery is more introductive and mind-awakening than manual labour. The use of such machinery is therefore, in their opinion, justifiable, both as serving the true functions of jail administration and as increasing production and thereby giving greater relief to the tax-payer. They have accordingly recommended (paragraph 210) that the existing restrictions on the use of power-driven machinery should be relaxed, but that it should be employed in well-established and organised industries and care should be taken to avoid any interference with nascent or unorganised industrial enterprises. Subject to this safeguard, it should be the duty of the Jail Department to develop their industries so as to meet the requirements of the consuming departments.

These recommendations are admittedly at variance with those contained in paragraphs 215 and 216 of the report of the Indian Industrial Commission of 1916-1918, and also with the views of those chambers of commerce whose letters are printed in Appendix V of the Jail Committee's report. The subject was discussed at a conference of provincial Directors of Industries held at Cawnpore last November, which generally accepted the recommendations of the Jails Committee, but considered that it was desirable that the Inspector-General of Prisons should consult the provincial Director of Industries before the introduction of any new industry into a jail. The conference was also of opinion that jail training in an organised industry was less harmful from the point of view of industries than such training in small cottage industries. Speaking generally, they considered that the fear of jails competing with established industries was more imaginary than real.

The Government of India are inclined to think that the conclusions of the Cawnpore Conference should be accepted but before communicating their final views on this matter they would be glad to learn whether Local Governments see any objections to their adoption.

7. The necessity for employing skilled supervision in every jail where manufactures are carried on on a large scale, discussed in paragraph 212, has been dealt with in paragraph 9 (d) of the Home Department letter No. 305, dated the 16th December 1920.

In paragraph 213 the Committee have recommended the abolition of statement XIII appended to the annual provincial jail reports and the substitution for it of statement XII-A. The latter statement has never been prescribed for general use, though it now appears in the annual reports of most provinces. Its adoption as a standard form was suggested by several Local Governments so long ago, as 1903, and the Government of India would be glad to learn whether in the opinion of His Excellency the Governor in Council

etc.

there is any objection to the acceptance of the Committee's proposals. The Governor General in Council agrees with the Committee (paragraph 214) that the question of uniformity in the assessment of tasks might well be discussed at the first conference of Inspectors General, which it is hoped to hold next cold weather. The problem of providing suitable labour for prisoners of defective intelligence (paragraph 215) might also suitably be discussed at that conference.

8. The existing orders on the subject of extra-mural labour are contained in the following extract from the Resolution of the 7th May 1886:

'As regards the employment of convicts extra-murally, it is clear from the tenour of the reports submitted by the Local Governments that, in view of the practical difficulties surrounding the matter, it is scarcely possible to anticipate the time when extra-mural labour can form the principal mode of employing long-term prisoners throughout British India. The Governor General in Council, however, continues to be of opinion that this form of employment has been allowed to drop too much out of sight, and that convicts may with advantage be employed on public works,

subject to the conditions laid down by Her Majesty's Secretary of State, that is, in cases where the works are so large and concentrated and likely to last so long a time as to justify the erection on the spot of such accommodation as would be required for the exercise of the same sanitary care and the enforcement of the same system of discipline, penal labour, and classification which are now exercised and enforced in central jails. Convicts should not be drafted to public works where from conditions of climate their regular employment out of doors is not possible throughout the greater part of the year, and they should be only men selected for that class of work on due consideration of their physical fitness and the sentences passed upon them.

4. The employment on railway works of gangs of convicts, lodged in portable jails during the progress of the works, does not meet with the approval of the Secretary of State, who considers it undesirable that local Governments and Administrations should be directed or even encouraged to have recourse to this system of employing convicts. At the same time His Lordship is willing that it should be left to the discretion of local Governments to resort to this system of employing convicts should any exceptionally favourable opportunity present itself, provided that, in any case in which the experiment may be tried, its working is carefully watched and specially reported on to the Government of India and the Secretary of State. These orders should be carefully observed.

5. The practice followed in the Madras Presidency and in parts of the Bombay Presidency of employing small gangs of prisoners on station roads and municipal works of various descriptions should be discontinued. Such a system cannot but be detrimental to discipline, and is opposed to sound principles of extra-mural employment. In Assam and British Burma a similar practice prevails but, for the special reasons given in each case by the local Administration, the Government of India are for the present not disposed to interfere with it in either of those provinces. The proposal made by the Chief Commissioner of the Central Provinces to employ a gang of prisoners at the Warora coal mines appears to be open to no *prima facie* objection, and is sanctioned as an experimental measure.

The general tenour of these observations agrees closely with the conclusions stated in paragraphs 216-225 of the report, and only in two respects do the orders of 1886 appear to require modification. In the first place it would hardly be true now to say that extra-mural employment "has been allowed to drop too much out of sight," as the Committee have shown that all the conditions which make such employment suitable can seldom be found in combination, and that consequently the bulk of prison labour must be employed intra-murally. But where the conditions described in paragraphs 219 to 221 can be fulfilled, the Government of India see no objection to the employment of prisoners on large public works. They desire, however, to invite special attention to the necessity for the proper separation of habituals from casuals where both classes are employed on extra-mural labour. Secondly, the orders of 1886 conveyed a qualified approval of the system, prevalent in certain localities, of employing convicts on outdoor work for municipalities and other local bodies. The Committee have, however, in paragraph 217 stated the strong objections to this system and have recommended its stoppage, and the Governor General in Council hopes that the Administrations concerned will find it possible to give effect to this recommendation at an early date.

No. 34, dated Delhi, the 31st January 1921.

From—S. P. O'Donnell, Esq., C.I.E., I.C.S., Officiating Secretary to the Government of India, Home Department,

To—The Secretary to the Government of Madras, Home (Judicial) Department.
The Secretary to the Government of Bombay, Judicial Department.
The Secretary to the Government of Bengal, Revenue Department.
The Secretary to the Government of the United Provinces, Judicial Department.
The Revenue Secretary to the Government of the Punjab.
The Secretary to the Government of Burma, Judicial Department.
The Secretary to the Government of Bihar and Orissa, Municipal Department.
The Second Secretary to the Government of the Central Provinces.
The Second Secretary to the Government of Assam.
The Honourable the Chief Commissioner and Agent to the Governor General, North-West Frontier Province.
The Chief Commissioner of Coorg.
The Chief Commissioner of Delhi.

In continuation of the Home Department letter No. 13, dated the 14th January 1921, I am directed to address you on the subject of settlements constituted under the Criminal Tribes Act, 1911, discussed in Chapter XXII of the report of the Indian Jails Committee.

2. As local Governments are aware, the whole question of the administration of the Criminal Tribes Act, 1911, was discussed at a conference held at Delhi in December 1919, which was attended by representatives of all local Governments and many of the Indian States. The proceedings of the Delhi conference were forwarded to local Governments with the Home Department letter No. 297 of the 16th February 1920, and certain general observations of the Governor-General in Council on its conclusions were communicated in a subsequent letter, No. 593 of the 3rd April 1920. It was there stated that the Government of India had no intention of interfering with the discretion of local Governments in regard to the detailed administration of the Act but desired to leave them absolutely free, as heretofore to manage their own affairs. At the same time the Government of India laid down certain general principles which should, in their opinion, be observed in establishing and managing settlements constituted under the Act. Local Governments were also informed that the question of amending the Act was under consideration and you were addressed on this subject in Mr. Gwynne's letter, No. 112-Police, dated the 13th January 1921.

3. The Government of India understand that the proceedings of the Delhi conference were considered by the Jails Committee before Chapter XXII of their report was written. The Committee have expressly refrained from expressing any opinion on the working of the Criminal Tribes Act, 1911, as a whole or on the policy underlying it, and their investigations and findings have been restricted to questions connected with settlements. On most of these questions they agree with the conclusions of the Delhi conference, which have already been commended to the consideration of local Governments. It would serve no useful purpose to discuss in this letter points on which there is no substantial difference of opinion between the Committee and the conference, and the paragraphs that follow accordingly deal only with matters on which the Committee have dissented from the conclusions of the conference and with proposals of the Committee on subjects not discussed by the conference.

4. In paragraph 665 the Committee recommend that commitment to settlements should be as far as possible by gangs and not by individuals and condemn the procedure followed in some of the Bombay and Punjab settlements of selecting individuals for commitment. In paragraph 666 the Committee, while admitting that the practice of committing individuals is apparently legal under the Act as at present worded, point out the opportunities for blackmail which this practice places in the hands of the subordinate police, and in paragraph 667 they propose that before any individual is dealt with under sections 11 or 16 of the Act there should be a formal inquiry of which notice should be given to the person concerned, and that he should have an opportunity of meeting the charges against him.

Although this subject was not specifically discussed at the Delhi conference, it was then held that family ties should be respected and that the families of all persons committed to a settlement should be allowed to remain with them, (*vide* paragraph 35 of the proceedings of the conference). The Committee would apparently go somewhat further than this and would compel the wives and children of persons committed to reside in the settlement. On the other hand, the conference were against any amendment of section 16 of the Act (*vide* paragraph 14 of its proceedings) and there can be no doubt that that section, as now worded, covers the commitment of individuals to a settlement.

The Government of India recognise the force of the Committee's remarks regarding the danger of blackmail inherent in the system of committing individuals. At the same time they doubt whether it would be wise to amend the Act so as to permit the commitment only of whole tribes or sections of tribes or of whole gangs—such an Amendment is not indeed specifically suggested by the Committee—as there may be gangs or tribes of which only a few members have shown criminal tendencies, while the remainder would lead an honest life if the few black sheep were removed. The Government of India are, however, inclined to concur in the suggestion that there should be a full and formal enquiry before any individual is committed, and should that suggestion be generally accepted, it would seem desirable to give it statutory effect either by amending section 123 of the Code of Criminal Procedure, 1898, as suggested by the Committee, or by an amendment of sections 16 and 19 of the Criminal Tribes Act, 1911. The authority which should hold the enquiry must obviously be designated. The Government of India would be glad to learn the views of local Governments, both on the question of principle and on the subsidiary question of the manner in which effect should be given to it.

5. In paragraph 669 the Committee recommend that in selecting the agency for managing settlements preference should be given to persons of the same religious belief as the tribe or gang to be detained in the settlement. It appears from paragraph 29 of the proceedings of the Delhi conference that this is already the practice in the Punjab, and the Government of India have no doubt that the principle is one which will be readily accepted by

all local Governments. The Committee also express the view that no embargo should be placed on the employment of Christian agency in the management of settlements, and pay a tribute to the self-sacrificing efforts of the Salvation Army and many missionary bodies in promoting the welfare of the criminal tribes. There is ample testimony in the proceedings of the Delhi conference to the value and success of these efforts, and the Governor-General in Council has great pleasure in endorsing the tribute paid to them by the Committee. He is confident that well-informed public opinion throughout the country would, for the present at any rate, deprecate any curtailment of the valuable reformatory work which is being done by these bodies.

6. In the same paragraph the Committee make the novel suggestion that any person who is in a settlement under private management should have a well-understood right to claim to be transferred to a settlement under Government management. Under the Act as at present worded, no person possesses such a right, but any person can be transferred from one settlement to another at the discretion of the local Government. The Government of India apprehend that the general conferment of such a right might lead to practical difficulties and possibly to some increase in expenditure, but they do not under estimate the arguments of the Committee and would be glad to learn the opinions of local Governments on the merits of the proposal.

7. In paragraph 671 the Committee condemn the proposal, which has been put forward on more than one occasion, to transfer criminal tribes or gangs to distant provinces or to fresh language areas. On this question the Committee are in agreement with the general sense of the Delhi conference, *vide* paragraph 44 of its proceedings. But in paragraph 10 of the Home Department letter of the 3rd April 1920, the Government of India stated that if the Assam Administration could arrange matters with other local Governments, they would have no objection to criminal tribesmen being sent from other provinces to work in tea gardens in Assam, subject to certain safeguards. This pronouncement should, however, be read subject to the qualification that no tribe or gang should be transferred to Assam unless it has clearly signified its consent.

8. In paragraph 672 the Committee express disapproval of a proposal put forward by the Salvation Army that so far as possible the children of members of criminal tribes should be separated from their parents, the object being to save the younger generation from corruption, and in paragraph 673 they also condemn the suggestion that there should be a boarding-house in close proximity to each settlement where the children could reside and where their parents would be permitted to visit them from time to time. It appears from paragraph 42 of the proceedings of the Delhi conference that the representatives of certain provinces were in favour of separating the children of the more depraved criminal tribesmen from their parents, and that in certain parts of the country such a system is actually in force and has had good results. In view of this the Government of India do not feel themselves able to endorse without qualification the Committee's views, but the matter is one which they are content to leave to the discretion of local Governments, which will doubtless bear in mind the importance of saving the rising generation from contamination by their elders.

9. The Committee would, however, make one exception to the rule that parents should not be separated from their children. In proposing in paragraph 679 that there should be special or penal settlements to which incorrigible persons should be sent from ordinary settlements, they suggest that persons sent to such special settlements should be allowed to take with them their wives but not any children over five years of age. Older children should be sent to cottage homes organized for the purpose. This again is a matter which the Governor-General in Council is content to leave to the discretion of the local Governments.

10. In paragraph 676 the Committee recommend the formal prohibition of the practice of automatically registering children as members of a criminal tribe. The Government of India are not aware how far such registration is now the practice. They would be glad to have information on this point and also to be favoured with the views of local Governments on the Committee's proposal. If it is generally approved, statutory effect should presumably be given to it by an Amendment of the Act.

11. The Government of India would be glad to learn the opinions of local Governments on the proposal contained in paragraph 680 that the procedure under which final release from a settlement can be attained should be definitely laid down in the Act or in the rules made under it. They are inclined to think that it might also be desirable to prescribe by rule the conditions under which a person once registered as a member of a criminal tribe can

have his name removed from the register. It appears from paragraph 33 of the proceedings of the Delhi conference that at present the practice differs in the various provinces. In most of them continued good behaviour is generally treated as justifying removal from the register, but the period of such behaviour has not been defined and it would seem desirable that this should be done for the guidance of District Magistrates.

12. The Governor General in Council commends to local Governments the two suggestions made in paragraph 681 of the report, *viz.*, that there should be periodical conferences between provincial officers in charge of criminal tribes, and that all such officers should be furnished with a small library of books bearing on questions likely to arise in the course of their duties.

13. It will be convenient to summarise the matters dealt with in this letter on which an answer from local Governments is desired. These are:

- (a) the proposal that commitment to settlements should as far as possible be by gangs and not by individuals and that a full and formal enquiry should be held before any individual is committed (paragraph 4 of this letter);
- (b) the method by which statutory provision should be made for such an enquiry, if it is decided that it should be held, (paragraph 4);
- (c) the suggestion that any person in a settlement under private management should have a right to claim a transfer to a settlement under Government management, (paragraph 6);
- (d) the extent to which children are now automatically registered as members of a criminal tribe, and whether it is desirable that the practice should be formally prohibited, (paragraph 10);
- (e) the suggestion that the procedure under which final release from a settlement can be claimed should be definitely laid down in the Act or in the rules under it, (paragraph 11);
- (f) the proposal to define by rule the conditions under which a person registered as a member of a criminal tribe can claim to have his name removed from the register, (paragraph 11).

No. 104, dated Delhi, the 4th April 1921.

From—S. P. O'Donnell, Esq., C.I.E., I.C.S., Officiating Secretary to the Government of India, Home Department,

To—
 The Secretary to the Government of Madras, Home (Judicial) Department.
 The Secretary to the Government of Bombay, (Judicial) Department.
 The Secretary to the Government of Bengal, Revenue Department.
 The Secretary to the Government of the United Provinces, Judicial Department.
 The Revenue Secretary to the Government of the Punjab.
 The Secretary to the Government of Burma (Judicial) Department.
 The Secretary to the Government of Bihar and Orissa, Municipal Department.
 The Second Secretary to the Government of the Central Province.
 The Second Secretary to the Government of Assam.
 The Honourable the Chief Commissioner and Agent to the Governor General, North-West Frontier Province.
 The Chief Commissioner of Coorg.
 The Chief Commissioner of Delhi.

In continuation of my letter No. 305, dated the 16th December 1920, I am directed to address you in regard to Chapter's X (prison discipline), XI (reformatory influences in prisons), XII (prison hygiene and medical administration), XIV (assistance to prisoners on release), XVII (special classes of prisoners) and XIX (principles of prison construction) of the report of the Indian Jails Committee.

Chapter X.

2. As regards corporal punishment for prison offences, the Governor General in Council is disposed to agree with the Committee's conclusion (paragraph 227) that this form of

punishment should be kept in reserve as the last resource of authority and should be inflicted only for mutiny or incitement to mutiny and for serious assaults on any public servant or visitor. At present the prison offences for which flogging can be inflicted are not defined, though the general direction that it should be reserved for serious offences (*i.e.*, offences dealt with by major punishments), contained in paragraph 4 of the Government of India Resolution Nos 297—307 of the 18th February 1887, is still in force. The Governor General in Council thinks that it is desirable, in view of the increasing antipathy of public opinion to this form of punishment, that the offences for which it can be inflicted should be authoritatively defined, and he would be glad to learn whether local Governments see any objection to the passing of a statutory rule under section 56 (3) of Act IX of 1894, giving effect to the Committee's recommendation. It should be noted that several local Governments have already expressed views very similar to those of the Committee in answer to the Home Department letter No. 22, dated the 6th January 1920, though some were in favour of enlarging the list of offences punishable with whipping by including contumacious refusal to work, wilful damage to prison property, conspiring or attempting to escape, etc.

Should such a rule be passed, it would seem desirable that it should include a direction for the submission of a special report on every case in which flogging has been inflicted to the Inspector-General of Prisons, as suggested in the last sentence of paragraph 227.

The Governor General in Council would also be glad to know whether local Governments approve of the suggestion made in paragraph 228 that section 53 (2) of the Act should be amended by the omission of the words "not less than." The two subsidiary instructions suggested in the same paragraph might well be included in the Jails Manuals of all provinces.

3. The existing statutory rules regarding the imposition of handcuffs and fetters as a punishment are contained in Parts II and III of Appendix I to the Home Department resolution Nos. 500—510 of the 31st August 1896. Separate, cellular and solitary confinement are defined in section 46 (8), (10), and (11) of the Act of 1894. I am to enquire whether His Excellency the Governor in Council accepts the modifications of the rules and the amendment of the Act proposed in paragraphs 230, 231 and 232 of the report.

4. The Government of India agree with the Committee (paragraph 233) that the practice as to exacting labour from prisoners undergoing penal diet should be uniform throughout India. The question might suitably be discussed at the conference of Inspectors-General proposed in paragraph 7 of my letter No. 13, dated the 14th January 1921.

5. In paragraph 234 the Committee recommend that section 46 (2) of the Act of 1894, should be amended by the interpolation of the words "for a stated period" after "change of labour," and in paragraph 235 they propose various additions to, and changes in, section 47, which deals with the combination of punishments. The opinions of local Governments are invited on these recommendations and also on the minor changes in the statutory rules published as Appendix II to the Home Department Resolution of the 31st August 1896, which are suggested in paragraphs 236 and 237. These latter changes appear *prima facie* to be unobjectionable.

6. Under section 56 of the Act of 1894, a superintendent has complete discretion, subject to rules and instructions sanctioned by the local Government, to confine any prisoners in irons if he considers such precaution necessary for their safe custody. In paragraph 242 the Committee recommend the adoption in all provinces of rules which would materially limit this discretion and which would confine the use of irons for safe custody to prisoners sentenced to transportation and to those who are violent or dangerous, or who have escaped or planned or attempted to escape. The existing divergence in practice in regard to this matter renders judicial sentences most unequal in severity, as pointed out in paragraph 238 of the report, and the Government of India agree with the Committee that as a matter of principle some degree of uniformity is desirable. They would be glad to learn whether local Governments see any objection to the adoption of the rules suggested in paragraph 242 for intra-mural prisoners and of those proposed in paragraph 243 for prisoners employed extra-murally.

[The Governor General in Council has read with concern the remarks contained in paragraph 240 regarding the use of irons and the indiscriminate association of habitual and non-habitual prisoners in the jails of the United Provinces. He has no doubt that the local Government will devote its early attention to the revision of the rules and practice in regard to this matter.]

7. The use of the belchain, except as a strictly temporary expedient for prisoners confined in insecure huts or tents outside the jail wall, is strongly condemned in paragraphs 244 and 245. The Governor General in Council is impressed by the Committee's objections to this device and he hopes that all local Governments will take steps to limit its use to occasions when it is absolutely indispensable as a precaution against escape.

8. The remarks in paragraph 246 on the subject of rewards for the recapture of escaped prisoners should, in the opinion of the Government of India, form the subject of discussion at the first conference of Inspectors-General.

Chapter XI.

9. Up to 1908 the system of remission in force was based on the marks earned by good conduct. The existing system of remission by days, to the value of which the Committee pay high tribute in paragraph 247, is regulated by statutory rules made by the Governor General in Council under section 59 (5) of the Act of 1894. These rules were originally published as Appendix I to the Home Department Resolution No. 161—172 of the 25th June 1908, and were amended by the subsequent Resolutions No. 84—94, dated the 11th April 1911, and No. 1058-C.—1071-C., dated the 22nd December 1914. Under the executive instructions contained in Appendix II to the Resolution of the 25th June 1908, forfeiture of the remission earned and temporary or permanent exclusion from the remission system were included among the punishments that can be awarded for a prison offence, and the Resolution of the 22nd December 1914 amended the statutory rules by the addition of the rule referred to in paragraph 251 of the report, under which conviction for certain specified offences, committed after admission to jail, not only involves forfeiture of all remission earned up to the date of conviction, but also disqualifies the convicted prisoner from earning ordinary remission during the period of his sentence for the specified offence.

In paragraphs 248 to 254 the Committee makes several recommendations with the object of making the remission system more liberal. The Government of India are disposed to accept all these proposals on the general grounds that the more generous the scale of remission, the greater will be its reformatory influence, but before amending the statutory rules they would prefer to be favoured with the views of local Governments on the specific recommendations of the Committee, which are summarised in paragraphs (196) to (202) of Chapter XXIII.

10. The observations in paragraphs 256 and 257 on the working of the gratuity system in England and the United States of America have been read by the Governor General in Council with great interest, and he endorses the Committee's commendation of the principle underlying the system. Its general introduction into Indian jails would, however, be an almost complete innovation, and the Government of India are not at present prepared to pass any orders on the subject. They are content to leave the matter to be dealt with by local Governments by means of rules under section 60 (n) of the Act of 1894. I am, however, to suggest that the whole question should be considered by the first conference of Inspectors-General, which should be in the best position to advise local Governments as to the probable cost of the system and as to the extent to which uniformity throughout India would be feasible.

11. The Government of India agree with the Committee (paragraph 265) as to the valuable reformatory influence on prisoners of interviews and letters, and they accept the view that the rules on this subject should be as liberal as is compatible with Indian conditions and should be uniform throughout India. With this remark they commend the model set of rules appended to Chapter XI to the consideration of local Governments, and they suggest that statutory effect should be given to them as rules under section 60 (q) of the Act of 1894, with such minor modifications as may be necessitated by local circumstances.

12. So far as the Government of India are aware, no form of literary education is at present provided in Indian jails other than institutions reserved for juvenile or adolescent offenders. The Committee now recommend (paragraph 272) that elementary education, including some manual training, should be made compulsory for all prisoners not over the age of 25 in all central and district jails. The Governor General in Council regards this proposal as one of great value and he suggests that it should be carefully examined, first by the Inspector-General of Prisons in each province in consultation with the Director of Public Instruction, and later at the inter-provincial conference of Inspectors-General. The recommendations in paragraph 274 that a small library should be provided in every jail and that prisoners should be encouraged to read in their spare time might be similarly examined.

The proposal made in paragraph 275 regarding the occupation of prisoners during the hours between lock-up and bed-time has already been discussed in paragraph 12 of my letter, No. 307, dated the 17th December 1920.

13. The Governor General in Council attaches great importance to the recommendation made in paragraphs 279—283 regarding provision of religious and moral instruction in prisons, and he has no doubt that the Committee's views would be emphatically endorsed by educated Indian opinion. In his judgment it should now be recognized that it is the duty of the Government to provide religious and moral instruction for all prisoners in its charge, and he considers that this principle should be explicitly affirmed in all provincial jail manuals. The methods by which effect should be given to it must be defined for each province by the local Government, either by means of executive instructions or in statutory rules under Section 60 (e) of the Act of 1894. Uniformity of practice throughout India is for obvious reasons impossible; but the universal recognition of the principle will, in the opinion of the Governor General in Council mark a great advance in our prison system.

14. The Government of India are confident that all local Governments will give due consideration to the recommendations contained in paragraphs 285—288 on the subject of certain religious and caste observances, and will make the necessary Amendments in their jail manuals in regard to matters on which they accept the Committee's views.

Chapter XII.

15. In the first four sections of this Chapter the Committee discuss points of detail connected with the food, clothing and bedding of prisoners, and the sanitary and hospital arrangements in jails. It has not been the practice in the past for the Government of India to interfere in regard to such matters and they do not consider that their interference at the present juncture is required. They have no doubt that local Governments and their executive officers will give their most careful consideration to the Committee's suggestions and will introduce as soon as practicable such reforms as are obviously called for. In an earlier passage in the report (paragraph 13) the Committee have recorded their deep appreciation of all that has been accomplished by prison workers during the last 30 years to promote the material well-being of prisoners, and the Governor General in Council believes that in respect to most of the matters dealt with in this Chapter Indian jails already compare favourably with those of most other countries. In regard to diet and health, the Indian prisoner is probably better off than the bulk of the free population. During the four years ending 1917 the average death rate in all jails in British India was 18.55 *per mille* whereas in the same period the rate among the free population was 30.44. Even allowing for the heavy infant mortality among the free population, the figures are a striking illustration of the excellent sanitary conditions prevalent in Indian prisons.

16. The subject of overcrowding discussed in the fifth section of this Chapter stands, however, on a different footing. The figures quoted in the report show that in certain provinces this evil has attained very serious proportions and the Government of India agree with the Committee as to the desirability of very early steps being taken to provide a remedy. The only effective remedy is obviously the construction of new buildings, combined with the definite recognition of the principle, advocated in paragraph 335, that a separate berth should invariably be provided for each prisoner. The local Governments concerned have already been asked, in paragraph 5 of my letter No. 305, dated the 16th December 1920, to draw up a carefully considered programme of jail construction, to select at once sites or such new central jails as may be necessary, and to make financial provisions for their construction as soon as circumstances permit. In view of the comment which this Section of the report is likely to cause, the Government of India would be glad if local Governments would keep them informed of all steps taken to relieve overcrowding.

Chapter XIV.

17. It is unquestionably a serious defect in the Indian prison system that the released convict is thrown entirely on his own resources, and that except in a few of the larger towns there is no organisation to help him in the struggle to regain a place in society. The Government of India agree with the Committee that there is at the present day a wide field for societies, formed with the object of assisting released prisoners, and that such societies, while depending in the main on voluntary efforts, should at the outset receive a large measure of official recognition and support. Whether the time is yet ripe for the creation of the elaborate net-work of societies contemplated by the Committee is a question on which the Government of India do not feel competent to express an opinion. The decisive factor must obviously be the extent to which voluntary effort may be forthcoming. A start might however, be made in the Presidency towns and provincial capitals on the lines suggested by

the Committee, and the organisations there formed might gradually extend their activities to less advanced localities as popular interest in the movement increases. But the initiative must obviously come from Local Governments, and the Governor General in Council considers that they should have complete discretion to make such experiments as may seem best suited to their own circumstances. While, therefore, he approves the principles underlying the Committee's proposals, he does not think that any useful purpose would be served by discussing these proposals in detail.

Chapter XVII.

18. The Government of India agree with the Committee as to the desirability of completely segregating civil from criminal prisoners. The number of the former is, however, so small that the provision of separate buildings for them would hardly be justified and accommodation of the type suggested in paragraph 464 should, in the opinion of the Government of India, suffice for the present. The remarks contained in paragraph 465 regarding the treatment and employment of civil prisoners are commended to the notice of local Governments.

19. It is apparent from the observations made by the Committee in section IV of this Chapter that the existing arrangements for under-trial prisoners are susceptible of great improvement, and the Governor General in Council trusts that the matter will receive the early attention of local Governments. He has reason to think that Indian opinion strongly disapproves the existing lack of discrimination between the treatment of convicted and unconvicted prisoners. The practice of placing under-trial prisoners in charge of convict officers, referred to in paragraph 473, should be stopped, and every effort should be made to prevent the association of prisoners charged for the first time with hardened offenders. For this purpose the sub-division of the under-trial yard on the lines recommended in paragraph 476 would seem to be essential, and the change should not be a very expensive one. The provision of separate cells for every under-trial prisoner is, however, a reform that can obviously only be carried out gradually. The Government of India are disposed to agree with the majority of the Committee (paragraph 475) that it is unnecessary to confine under-trial prisoners to their cells during the day time, but this and the other recommendations regarding the treatment of such prisoners contained in paragraphs 478 to 486 are questions which they are content to leave to Local Governments. They would be glad to learn the views of Local Governments on the proposal that half the period of detention before and during trial should be counted as part of the substantive sentence (paragraph 477).

20. The Governor General in Council agrees with the Committee's condemnation (paragraph 488) of the practice prevalent in certain provinces whereby the police provide the guard over prisoners sentenced to death. He also agrees that the use of leg-irons and of the belchain for such prisoners should not be permitted. Generally speaking, the Government of India think that condemned prisoners should be treated with all possible consideration and that such alleviations as are compatible with their safe custody should be allowed to them. They suggest that the provincial jail manuals should be revised by the light of the Committee's remarks on this subject.

21. The Government of India have nothing to add to the remarks of the Committee on female prisoners and lepers (sections VI and VII of Chapter XVII). As regards lunatics, they agree that non-criminal lunatics should not be committed to jail, and that criminal lunatics should not be detained in jail a day longer than is necessary. But the problem can only be solved by the provision of more expert alienists and more institutions for the reception of mental cases, and this is primarily a matter of money. There would not, however, appear to be much difficulty in setting aside part of a selected jail, as suggested in paragraph 509 for such lunatics as must be kept in prison and this proposal is commended to local Governments.

The Governor General in Council is pleased to accept the recommendations made in paragraph 510 of the report and to direct the withdrawal of the Home Department letter No. 15-1609-1617, dated the 15th October 1888, regarding the treatment of recovered lunatics.

Chapter XIX.

22. The Government of India are not in a position to comment on the observations of the Committee regarding the principles of prison construction, but they have no doubt that these observations and the standard plans enclosed with the report will receive careful consideration from, and will be of great assistance to, all local Governments which have to extend their prison accommodation.

23. It will be convenient to give a summary of the points dealt with in this letter on which the opinion of the Local Government is invited. They are:

- (a) the proposed introduction of a statutory rule under section 59 (3) of Act IX of 1894 to give effect to the suggestion that corporal punishment should be inflicted only for mutiny or incitement to mutiny and for serious assaults on any public servant or visitor (paragraph 2);
- (b) the suggestion that Section 53 (2) of Act IX of 1894 should be amended by the omission of the words "not less than" (paragraph 2);
- (c) the modifications proposed in the existing statutory rules regarding the imposition of handcuffs and fetters as a punishment and the Amendment suggested in Act IX of 1894, regarding separate cellular and solitary confinement (paragraph 3);
- (d) the proposed Amendment to Section 46 (2) of Act IX of 1894 by the interpolation of the words "for a stated period" after "change of labour" and the suggested additions to, and changes in, Section 47 of the same Act, dealing with combination of punishments, and also the minor changes in the statutory rules published as appendix II to the Home Department resolution of the 31st August 1896 (paragraph 5);
- (e) the proposed adoption of some uniform rules in regard to the use of fetters, for the safe custody of intra-mural prisoners and of those employed extra-murally (paragraph 6);
- (f) the specific recommendations regarding the remission system summarized in paragraphs (196) to (202) of Chapter XXIII of the Jail Committee's report (paragraph 9);
- (g) the proposal that half the period of detention before and during trial should be counted as part of the substantive sentence (paragraph 20).

No. 141, dated Simla, the 19th May 1921.

From—C. W. Gwynne, Esq., I.C.S., O.B.E., Deputy Secretary to the Government of India, Home Department,

To—The Secretary to the Government of Madras, Home (Judicial) Department.
The Secretary to the Government of Bombay, Judicial Department.
The Secretary to the Government of Bengal, Revenue Department.
The Secretary to the Government of the United Provinces, Judicial Department.
The Revenue Secretary to the Government of the Punjab.
The Secretary to the Government of Burma, Judicial Department.
The Secretary to the Government of Bihar and Orissa, Financial Department.
The Second Secretary to the Government of the Central Provinces.
The Second Secretary to the Government of Assam.
The Honourable the Agent to the Governor General and Chief Commissioner, North-West Frontier Province.
The Chief Commissioner of Coorg.
The Chief Commissioner of Delhi.

In continuation of the Home Department letter No. 305, dated the 16th December 1920, I am directed to address you on the subject of the award of indeterminate sentences to convicts discussed in Chapter XVI of the report of the Indian Jails Committee.

2. The Committee are of opinion that long sentence of imprisonment may frequently be harmful rather than beneficial. They point out that punishment is awarded with regard to the crime committed, and that no consideration is or can be given to its suitability to the criminal or its likelihood to attain the object of reformation. To remedy this defect a system of indeterminate sentences and release on parole has been adopted in the United States. The Committee have outlined a procedure based on the American system but modified to meet Indian conditions. They propose that the sentence of every long term prisoner should be brought under revision as soon as he has served half the period awarded by the court, in the case of the non-habitual, or two-thirds of that period in the case of the habitual convict.

subject to a minimum of two and a half years, inclusive of the remissions earned but exclusive of remissions granted on special occasions. There would be constituted in each province a revising board consisting of the Inspector General of Prisons of the Province (who would be the Chairman), the District and the Sessions Judge of the area in which the jail is situated and a non-official appointed by Government. The Board would be assisted by a Secretary, who would collect and place before them such information regarding the convict as would enable them to judge of his fitness for release in advance of the expiry of his sentence, and to make a recommendation to the Local Government concerned for release with or without conditions and with or without an intermediate period of probation.

3. The Government of India are generally disposed to favour a system of Advisory Boards on the lines proposed by the Committee. They recognize, however, that the necessary preliminary to their establishment is an examination of details of their working and in particular of the instructions which will have to issue from Local Governments to the courts and from Inspectors-General of Prisons to Superintendents of Jails as to the manner in which the requisite information regarding the individual prisoner should be collected and placed before the Boards. They would be glad, therefore, if the proposals could be examined from the practical point of view and the final opinion of His Excellency the Governor in Council etc. could be communicated to them.

4. The Government of India also desire to know the views of the Local Government on the further recommendations contained in this Chapter, viz.:

- (a) the introduction of a probationary period, during which the convict should be gradually released from the restrictions of jail life, and the appointment of special officers to help and supervise them during this period (paragraphs 455, 456, 458 and 459);
- (b) that when a prisoner is released on parole the Revising Board should have power to suspend and set aside any order regarding him made under section 565 of the Code of Criminal Procedure (paragraph 459); and
- (c) that, in the event of the system of release on parole being accepted, the practice of granting remission of sentence on occasions of public rejoicing should be abandoned (paragraph 460).

With regard to the second point I am to state for the information of the Government of Madras etc. your information

that in the Criminal Procedure Amendment Bill which was introduced in the Council of State on the 21st February 1921, an Amendment of Section 401 of the Code has been included so as to cover orders made under Section 565 of the Code, but not so as to vest the power of suspending and setting them aside in any authorities lower than the Local Government.

No. 178, dated Simla, the 24th June 1921.

From—C. W. Gwynne, Esq., Deputy Secretary to the Government of India, Home Department,

To—
 The Secretary to the Government of Madras, Home (Judicial) Department.
 The Secretary to the Government of Bombay, Home (Judicial) Department.
 The Chief Secretary to the Government of Bengal.
 The Secretary to the Government of the United Provinces, Judicial Department.
 The Revenue Secretary to the Government of the Punjab.
 The Secretary to the Government of Burma, Judicial Department.
 The Secretary to the Government of Bihar and Orissa, Municipal Department.
 The Second Secretary to the Government of the Central Provinces.
 The Second Secretary to the Government of Assam.
 The Honourable the Chief Commissioner and Agent to the Governor General in the North-West Frontier Province.
 The Chief Commissioner of Coorg.
 The Chief Commissioner of Delhi.

In continuation of the Home Department letter No. 305, dated the 16th December 1920, I am directed to address you on the subject discussed in Chapter XIII (insanity, mental deficiency and abnormality of prisoners) of the Indian Jails Committee's report.

2. The Committee are of opinion that the existing arrangements for the treatment of prisoners suffering from mental aberration in jails in India not amounting to insanity in its certifiable form are not satisfactory and they are in favour of adopting measures for remedying existing defects. The Committee therefore recommend that in each Province a special institution for mental defectives should be provided in which all persons falling within the definition of defective as laid down in the British Mental Deficiency Act, 1913 (3 and 4 Geo. 5, Chapter 28) with the omission of the reference to "birth and early age" can be collected for care and treatment. It is proposed that accused persons proved by medical evidence to be defective should be committed by the court to this institution and that the Inspector-General of Prisons should have the power to transfer defective prisoners from jails to it by recognising it as a prison for purposes of the Prisoners Act, 1900.

3. In Appendix VII to the report a minority of the Committee have advocated the following extensive measures:

- (i) that all young adults and children who commit crime should, as far as possible, be medically examined by an expert, in order to ascertain whether they are mentally abnormal or not;
- (ii) that all persons should be similarly examined before they are released on probation;
- (iii) that all prisoners should be similarly examined before they are released on parole;
- (iv) that all mentally defective and mentally abnormal prisoners should be sent to a special prison;
- (v) that selected medical officers in the prison service should be sent to the United States to study the subject and the methods there in use; and
- (vi) that, where a lunatic asylum is near a prison, the Superintendent of the Asylum should be appointed 'consulting alienist' to the prison (paragraph 342).

4. These measures which are largely based on American experience have not yet been accepted by alienists and criminologists in England and it would probably be premature to adopt them in India until alienists have had an opportunity of subjecting them to a careful examination in the light of actual experience of conditions obtaining in this country. At the same time, it appears to the Government of India, a great deal may be done in this direction and the following practical propositions have been recommended:

- (a) That Appendix VII to the report should be circulated in book form to Superintendents of Jails throughout India and Burma.
- (b) That mentally defective boys should be detained for purposes of education in special schools and that mentally defective habitual criminals who would otherwise be a danger to the community at large should be kept in special prisons. Further, boys incapable of education should be removed from reformatories and Borstal institutions and prisoners who have committed criminal assaults, sexual offences or burglaries should not be released until they have been examined by expert alienists.
- (c) That expert alienist advice should be given to the court in any case in which there is reason to suspect mental abnormality in the accused person.
- (d) That if a qualified Superintendent of a jail or reformatory school considers a prisoner mentally abnormal and therefore likely to be a menace to society, if released, he should be sent to the Central Jail for expert examination by the alienist of the Province concerned. His subsequent treatment should depend on the report of the specialist and his case should again be considered by the court if necessary.
- (e) That one prison in each Province should be placed under the supervision of a skilled alienist and psychologist and should comprise a reformatory and a school as well as a mental hospital for treatment in addition to being a place of permanent detention for those not amenable to treatment.

The Government of India are of opinion that all these propositions cannot be given effect to until a sufficient number of alienists are appointed. In this respect I am to invite your attention to the Home Department circular letter No. 10-Lunatic Asylums, dated the 22nd June 1921, in which the views of the Local Governments have been asked for on the question of appointing alienists from the United Kingdom on contract service for seven years in connection with the reorganization of the Alienist Department. You will observe that

the recommendations of the Jails Committee give support to the suggestion made regarding the appointment of alienists. The Government of India attach considerable importance to these appointments being made at an early date and would be glad to know what action the Government of ^{Madras} ~~etc.~~ propose to take in the matter. The Government of India, however, are of opinion that the suggestion (a) above can be fully carried out at once and that the suggestions (b) and (d) can be partially carried out by local medical officers and I am to suggest, that if ^{you} ~~His Excellency the Governor in Council~~ ^{etc.} sees no objection, steps should be taken to give effect to them in the manner most suitable to the particular circumstances of each Province. Superintendents of jails should also be encouraged to study the questions discussed in this chapter of the report and subject them to the test of Indian experience. With the appointment of alienists and a growing interest on the part of responsible jail officers it will be possible to formulate a policy suitable to India with a greater degree of confidence than at present.

DISCONTENT AMONG THE STAFF OF THE MILITARY ACCOUNTS DEPARTMENT.

161. **Mr. B. S. Kamat:** (a) Will Government be pleased to state if they are aware of any discontent among the clerical staff and the Subordinate Accounts Service of the Military Accounts Department?

(b) Is it true that promotions in the Subordinate Accounts Service in that Department have not been notified during the last 15 months; if so, will Government be pleased to state if this is in accordance with any decision to discontinue the practice of notifying promotions?

(c) Is it a fact that the revised list of the Subordinate Service showing the standing of each member has not been issued since 1919, and is it intended not to issue the same any further?

(d) Will Government be pleased to state if their orders contained in F. D. letter No. 1672 of 22nd November 1919, with reference to regulating the pay of subordinates have been strictly given effect to by Heads of Offices; if they have been departed from, will Government be pleased to state the reasons that led to such a departure?

(e) Will Government be pleased to state if there are any cases in the Military Accounts Department in which Senior Accountants and clerks are, as a matter of fact, drawing less pay than some of their juniors although belonging to the same grade, borne on the same roster, and serving at the same station; if so, is any action proposed to be taken to remove such an anomaly?

(f) Will Government be pleased to state how far the principle of the 'next below' rule, sanctioned in paragraph 3 (4) of the Finance Department letter No. 1020-Accounts, dated 26th October 1920, has been actually acted upon by Heads of Offices, and in how many cases?

(g) Will Government be pleased to state whether promotions to the grade of Superintendents and Deputy Examiners were made during the war according to seniority? If the answer is in the negative, are any steps being taken now to safeguard the interests of such of the senior men who remained unpromoted for no apparent disqualification of their own, in respect of fixing the initial pay under the time-scale rate of pay? When is it proposed to revert to the pre-war system of promotion by seniority on one roster?

(4) Have Government come to any decision regarding the extent and nature of recognition to be accorded to Associations or Unions of Clerks in the Military Accounts Department? Is it a fact that the Military Accounts Association, Poona Division, has not been even provisionally recognised by the Military Accountant General on the ground that its President is a retired member of the Military Accounts Department? If so, have Government ruled that ex-service men should not join such Associations, or should be ineligible to be office-holders therein?

The Honourable Mr. W. M. Hailey: (a) Government have received a number of memorials from members of the establishments mentioned requesting certain concessions additional to those sanctioned in Finance Department letter No. 1020-Accts., dated the 26th October 1920, and this circumstance must presumably be interpreted as meaning that some degree of discontent exists. On the other hand, the memorialists themselves acknowledge the value of the concessions which they have already received, and the Government of India are satisfied that no legitimate ground for discontent now exists.

(b) Promotions in the Subordinate Accounts Service of the Military Accounts Department, in all vacancies which had occurred up to the 30th June 1921, have been notified.

(c) The maintenance of a general roster of Accountants for the whole of India was prescribed by orders issued in October 1920. A roster corrected to the 1st April 1920, the date from which the reorganization of the Subordinate Accounts Service of the Military Accounts Department had effect, has recently been issued, and another roster corrected to the 30th of June 1921, the date up to which promotions have been made, will issue shortly. In future, similar lists will be issued periodically.

(d) The Government of India have no information that Heads of Offices have failed to observe strictly the orders of the Government of India contained in the letter quoted by the Honourable Member.

(e) The only cases of the kind are those in which a junior clerk or accountant received special promotion prior to the 1st April 1920, and by virtue of such promotion received a higher rate of pay on the time-scale introduced from that date. Accidental anomalies have arisen in this manner which it is impossible wholly to rectify.

(f) The Government of India have information that the rule mentioned has been acted upon by Heads of Offices to the full extent permissible. It is not considered necessary to call for details of individual cases.

(g) During the period of the war, temporary promotions were made, according to local seniority, to the grades of Deputy Examiner and Superintendent, but the next below rule quoted in the preceding clause of the Honourable Member's question fully safeguards the interests of all senior men; who did not receive such temporary promotion, in respect of their initial pay in their substantive appointments as accountant. The grade of Superintendent has been abolished from the 1st April 1920, and permanent promotions to the grade of Deputy Examiner are now made by selection from the senior Accountants on the permanent list.

(h) The answer to the first and third part of this clause is in the negative: the whole question of the recognition by Government of Associations of Government employees is under consideration and orders are about to be issued. The answer to the second part of the clause is, that a letter of the Military

Accountant General refusing recognition of the Military Accounts Association, Poona Division, on the ground stated, has since been withdrawn.

WAGES, CONDITIONS OF SERVICE AND REPRESENTATIONS ON COMMITTEES OF MINERS.

162. **Mr. N. M. Joshi:** (a) Will Government be pleased to give :—

(i) The average daily wages that a miner (man, woman and child) working both above and below ground, (a) use to get in 1914 before the commencement of the war, and (b) gets to-day? and

(ii) The percentage in the rise, if any, of wages during this period?

(b) Will Government be pleased to give the average percentage in the rise of the cost of living since 1914?

(c) Will Government be pleased to state (i) whether they have considered the question of having a miner's representative or representatives on the Mining Boards, constituted under Section 9 of the Indian Mines Act, 1901; and (ii) if so, whether they intend to amend the said Act so as to make provision for such representative or representatives on the Mining Boards?

(d) Will Government be pleased to state (i) whether they have considered the question of having a miner's representative or representatives on the Committees, constituted under Section 10 of the Indian Mines Act, 1901; and (ii) if so, whether they intend to amend the said Act so as to make provision for such a representative or representatives on the Committees?

(e) (i). Has the attention of Government been drawn to the rise in the number of fatal accidents that took place in mines in the year ending 31st December 1919? (ii) If so, will they be pleased to state whether they have taken, or propose to take shortly, any steps to check this rise, and if they have taken steps to state what they are?

Mr. A. C. Chatterjee: (a) The Government of India are at present in consultation with Local Governments and employers with regard to a wage census. Until the census is taken, it is not possible to give an answer to this question, but I have certain figures collected unofficially which I shall be glad to show to the Honourable Member in confidence. These figures are not representative and cannot be guaranteed to be accurate.

(b) The Government of India are in consultation with Local Governments with regard to the preparation of Cost of Living Index Numbers, and it is not possible at present to give any accurate figures regarding the average rise in the cost of living since 1914.

(c) and (d). The revision of the Indian Mines Act is now under consideration and the Honourable Member's suggestion will be borne in mind.

(e) (i). The Honourable Member is referred to the answer given to Question No. 479, asked by Mr. Sachchidananda Sinha on the 15th of March 1921.

(ii) Rules have now been drafted adapting the existing rules to modern mining practice. In view of the constitutional reforms, it has been necessary to reconsider the position of the Central and Local Governments, as regards the power to make rules and regulations and, accordingly, it will not be possible to issue the new rules until the Act has been amended.

LEGISLATION FOR THE REGISTRATION AND PROTECTION OF TRADE UNIONS.

163. **Mr. N. M. Joshi:** Will Government be pleased to state whether they propose to introduce legislation for the registration and protection of Trade Unions as per Resolution passed by the Legislative Assembly on the 1st of March 1921? If so, when?

Mr. A. C. Chatterjee: The lines of the proposed legislation are at present under the consideration of the Government of India. It is hoped to address Local Governments very shortly and to introduce a Bill, if possible, in the spring of 1922.

RECOMMENDATIONS OF THE INDIAN JAILS COMMITTEE.

164. **Mr. N. M. Joshi:** Will Government be pleased to state what steps they have taken to give effect to the recommendations of the Indian Jails Committee?

The Honourable Sir William Vincent: The Honourable Member's attention is drawn to the papers laid on the table in connection with the Question No. 160 asked by Mr. B. S. Kamat.

LEGISLATION ON THE LINES OF THE ENGLISH WORKMEN'S COMPENSATION ACT.

165. **Mr. N. M. Joshi:** Will Government be pleased to state whether they propose to introduce legislation on the lines of the English Workmen's Compensation Act? If so, when?

Mr. A. C. Chatterjee: I would invite the Honourable Member's attention to the Supplement to the 'Gazette of India,' dated the 6th of August 1921, in which was published a letter from the Government of India No. L-859, dated the 29th July 1921, to all Local Governments and Administrations. This letter asks for the views of the Local Governments on the question of 'Workmen's Compensation.' We hope it may be practicable to introduce legislation early next year.

CONDITION OF LABOURERS IN MINES AND PLANTATIONS.

166. **Mr. N. M. Joshi:** Do Government propose to appoint, at an early date, a Committee to inquire into the conditions of the labourers working (a) on mines, and (b) on Tea, Coffee, and Indigo plantations in India?

Mr. A. C. Chatterjee: The Labour Bureau in the Department of Industries has devoted particular attention to the conditions of the classes of labourers referred to in the Honourable Member's question, by means both of personal investigations and of inquiries through officers of Local Governments. The information so far acquired does not indicate the desirability of the appointment of the suggested Committees which would moreover entail very heavy expense. It should also be remembered that conditions among these classes of labourers vary greatly in different Provinces and if any Committees are required, they ought to be provincial in character.

Mr. N. M. Joshi: May I ask whether the information collected by the Bureau of Labour will be available to the Members of this Assembly?

Mr. A. C. Chatterjee: I should like notice of that question.

PAY OF POSTAL AND TELEGRAPH PEONS, BOMBAY.

167. **Mr. N. M. Joshi:** Will Government be pleased to state whether they propose to reconsider the rates of pay of the postal and telegraph peons in Bombay City, and if so, will they be pleased to state what their proposals are?

Colonel Sir S. D'A. Crookshank: Government do not propose to reconsider the rates of pay of the postmen and telegraph delivery messengers in Bombay City. The present rates were fixed early last year on the recommendation of the Postal Committee.

The second part of the question does not, therefore, arise in their case. The case of telegraph peons other than delivery messengers employed in the Bombay Telegraph Office, is, however, under consideration.

WOMEN VOTERS FOR THE LEGISLATIVE ASSEMBLY.

168. **Mr. N. M. Joshi:** Can Government estimate the number of women who will be qualified to vote in the different territorial constituencies for the election of the Members of the Legislative Assembly if the sex disqualification be removed?

The Honourable Sir William Vincent: The Government of India have no information which would enable them to make an estimate of any appreciable value.

NON-VOTABLE POSTS.

169. **Mr. N. M. Joshi:** Will Government be pleased to state the number of new non-votable posts created in the different Departments of all Presidencies and Provinces and in the Government of India since the beginning of the year 1918?

The Honourable Sir William Vincent: The information is being collected and will be supplied to the Honourable Member in due course.

INDIANS IN IMPERIAL SERVICES.

170. **Mr. N. M. Joshi:** Will Government be pleased to state (a) the percentage of Indians in the various Imperial Services in India to the total strength of those services; (b) the maximum percentage of posts intended to be given to Indians; (c) the ratio at which the appointments are at present being filled by Indians to the total number of appointments filled; (d) the number of years that will be required for the Indians to actually attain the maximum percentage of posts open to them?

The Honourable Sir William Vincent: A statement is laid on the table.

Statement showing the percentage, etc., of Indians in certain Public Services.

Service of Department.	Percentage of Indians to the total strength.	Maximum percentage of posts intended to be given to Indians.	Ratio at which the appointments are at present being filled by Indians to the total number of appointments filled.	Number of years that will be necessary for Indians to attain the maximum percentage of posts open to them.	Remarks if any.
1	2	3	4	5	6
Indian Civil Service	13 per cent.	48 per cent. according to existing orders.	34½ per cent.	9 years.	
Indian Police Service.	5 per cent.	39 per cent. generally. (For N.W.F.P. not higher than 10 per cent. For Burma, the percentage of local recruits has been fixed at 22 of which at least 15 should be Burmans.)	The appointments are not at present being filled in any definite ratio but a number of Indians have been appointed by direct nomination.	In view of what is stated in column (4) it is not possible to give this information. It will depend on the conditions obtaining in the Police cadre in each Province.	
Indian Forest Service.	14·5 per cent.	12½ per cent. for promotion from the Provincial Forest Service. 40 per cent. for direct recruitment (for Burma 25 per cent.)	In 1920 four Indians were found fit for appointment in India as probationers. The number of appointments made in England was 25. In 1921 twenty-one Indians have been appointed in India as probationers. Another 4 may be appointed in England. The number of appointments of Europeans made in England is not yet known. The total number of both classes it is being sought to obtain is 80.	This will depend upon the rate at which the Europeans already in the Imperial Forest Service disappear and upon the number of suitable Indians forthcoming annually. There is no maximum number of posts fixed as open to Indians but a percentage of annual recruitment is reserved for them. This percentage is liable to reconsideration.	
Indian Agricultural Service.	25·7 per cent.	50 per cent. where adequate training facilities are provided for the training of qualified candidates in India.	During the past 17 months 19 appointments have been filled by Europeans and 12 by Indians, i.e., nearly 39 per cent. of the total number of vacancies have been given to Indians and the Government of India are now proposing to fill 8 appointments by Indians who have been reconsidered for appointment to the Service by the Selection Committee which lately sat for this purpose.	Cannot be gauged but the percentage of 50 will be worked up to as soon as qualified Indians are available.	
Imperial branch of the Civil Veterinary Department.	About 2 per cent.	50 per cent. for the present	Five Indian scholars are now proceeding to England for training with a view to appointment to the Department and the present intention is to continue this policy in future years.	Impossible to say.	
Indian Educational Service...	37·6 per cent. excluding Burma. 35½ per cent. including Burma.	50 per cent.	50 per cent. of the annual recruitment to the Indian, exclusive (until 50 per cent. of the total is reached) of Indians who may be transferred in posts transferred from the P. E. S. to the I. E. S.	Nothing definite can be stated but it is hoped that the 50 per cent. will soon be reached.	
Indian Service of Engineers.	38 per cent.	50 per cent. in the provinces in India. 33 per cent. in Burma.	15 out of 23 or 1:1·5	The proportion of 50 per cent. will be attained as soon as possible.	
Indian Medical Service.	Civil 14·18 per cent. Military 28·25 (excluding temporary officers).	No maximum percentage of posts to be given to Indians is laid down. Certain proposals for fixing a proportion are however under reference to the Secretary of State.	39 per cent. in 1919 77 per cent. in 1920 73 per cent. in 1921	Vide remarks in column (3).	
Imperial Customs Service.	About 23 per cent. (excluding Anglo-Indians).	50 per cent. according to existing orders.	According to existing orders every other vacancy must be filled up by Statutory Native of India.	This depends on the number of vacancies occurring annually.	Excluding post reserved for the I. C. S.
Survey of India	There are no Indians of pure Asiatic descent in class I of the Survey of India but see column (3).	16 per cent. of class I appointments are reserved for and held by officers promoted from class II, who must on appointment to class II be Indians of pure Asiatic descent or Statutory Indians; Indians holding commissions in the Indian Army are also eligible for appointment.			
Meteorological Department.	11·1 per cent.	No percentage is laid down for either Europeans or Indians, the intention being to fill as many appointments as possible by Indians.	Vide remarks in column (3)	Vide remarks in column (3).	
Mint and Assay Department.	Mint Side.—No Indian out of a total sanctioned strength of 4. Assay Side.—Including 1 Indian just appointed on probation, there is one Indian out of a total strength of 4 or 25 per cent.	No fixed percentage is reserved, or is intended to be reserved for Indians.	Mint Side.—Appointments are, as a rule, made from the Corps of Royal Engineers as being <i>prima facie</i> , the most suitable incumbents for the post, but the Government are not precluded from selecting for a vacancy any candidate, whether European or Indian, who possesses the necessary qualifications. Assay Side.—Vacancies in this Department are now filled by direct appointment, either in India or in England, of qualified metallurgical chemists. Recourse is had to recruitment in England only if no qualified person is available in India. Vacancies are advertised in the press.	Vide columns (3) and (4).	
Royal Indian Marine	NIL.	No percentage has been laid down.	Vide columns (2) and (3)	Vide columns (2) and (3).	

INDIANS IN THE FOREIGN AND POLITICAL DEPARTMENTS ON RS. 1,000
AND ABOVE.

171. **Mr. N. M. Joshi:** Will the Government be pleased to state (a) the total number of posts in the Foreign and Political Departments carrying a monthly salary of Rs. 1,000 and more and how many of these are held by Indians; (b) their proposals regarding the appointment of Indians to the higher posts of these Departments?

The Honourable Sir William Vincent (on behalf of the Honourable Sir John Wood) : (a) There are 15 posts in the Political Department of the Government of India carrying a fixed salary of over Rs. 1,000 per mensem. The remainder of the officers of the Political Department are on a time-scale of pay rising from Rs. 650 to Rs. 2,500 per mensem. At present 104 officers on the time-scale are drawing Rs. 1,000 or over. There are no Indians in the Political Department of the Government of India, as they have hitherto been admitted into the Political Department only in very exceptional cases.

(b) The Government of India have decided that in future a substantial proportion of Indians will be admitted to the Political Department and an announcement on the subject has recently been made in the Press.

INDIAN TRADE COMMISSIONER IN EAST AFRICA.

172. **Mr. N. M. Joshi:** Will the Government be pleased to state whether it is a fact that Mr. C. F. Andrews has expressed to the Government his approval of its proposal to appoint a European Officer of the Indian Civil Service as the first Indian Trade Commissioner in East Africa; (b) whether any representative Indian in East Africa has also expressed similar approval?

The Honourable Mr. C. A. Innes: It is recorded in the Commerce Department file on the subject that Mr. Andrews in the course of conversation expressed himself in favour of the appointment of a European as the first Indian Trade Commissioner in East Africa. Sir Benjamin Robertson on his return from East Africa, also reported that the Indian commercial community in East Africa felt strongly that a European should fill the appointment for the present, but while they urged that a European should be appointed, they also urged that he should have an Indian Assistant. A private letter from a leading Indian business man in Mombassa also stated that it was the general feeling that a European should be appointed in the first instance.

DIFFUSION OF MEDICAL KNOWLEDGE THROUGH VERNACULARS.

173. **Rai Sahib Lakshmi Narayan Lal:** (a) Has the Government taken any action under the Resolution moved by Dr. M. N. Banerjee in the Imperial Council in 1916 recommending the adoption of measures for the diffusion of sound medical knowledge through the vernaculars for the relief of the rural population which was accepted by the Government? If not, why not?

(b) If any step has been taken, will the Government be pleased to give full information regarding the same?

(c) If no step has been taken, will the Government be pleased to state whether there is any hope of any step being taken to carry the said scheme into effect in the near future?

Mr. H. Sharp : (a) The answer is in the affirmative. The Government of India addressed the Local Governments in the manner proposed by the Honourable Dr. M. N. Banerjee in his Resolution.

(b) and (c). The replies received from the Local Governments and Administrations show that they did not approve the proposal to establish vernacular medical institutions. The Government of India, however, again in December 1918 addressed the Local Governments and Administrations. I should be glad to show the Honourable Member a copy of this letter if he so desires. The Government of India were unable to proceed further in the matter, as the question was one which fell within the province of the local Governments and is now a provincial transferred subject.

MEDICAL DEGREES OF INDIAN UNIVERSITIES TO BE NON-REGISTRABLE IN THE UNITED KINGDOM.

174. Mr. B. S. Kamat : (a) Have Government noticed the indignation caused among the Medical graduates of the Indian Universities by a reported decision of the British Medical Council whereby it is proposed to make the medical degrees of Indian Universities non-registrable in the United Kingdom?

(b) Will Government be pleased to place on the table all the information they may have on the subject as to the action proposed to be taken by the British Medical Council, and the steps Government have taken, if any, to safeguard the interests of Indian Medical graduates, especially their eligibility under the present rules for admission to the Indian Medical Service examination?

Mr. H. Sharp : (a) Yes.

(b) A copy of the Resolutions passed by the Executive Committee of the General Medical Council regarding this subject is laid on the table. The Government of India immediately on receiving intimation of the intentions of the General Medical Council communicated with the Secretary of State and the Local Governments. The question of the eligibility of Indian Medical Graduates for admission to the Indian Medical Service examination forms part of the general question involved. The Government of India realize the importance of the whole question and are giving their careful consideration to it.

Resolutions adopted by the Executive Committee of the General Medical Council at its meeting on the 21st February 1921.

(1) That the Executive Committee having carefully considered the evidence furnished in the replies of the Indian Universities and Colleges to the President's circular letter of June 8, 1920, set forth in the President's Memorandum of December 1920, regarding the course of study in Midwifery pursued by candidates for Indian Medical Diplomas now registrable in the United Kingdom, and entitling practitioners possessing them to practise midwifery in this country, is not satisfied that such diplomas under existing conditions furnish a sufficient guarantee of the possession of the requisite knowledge and skill for the efficient practice of midwifery within the meaning of Section 13 (i) of the Medical Act, 1886.

(2) That the Executive Committee direct that a copy of the above Resolution and of the President's Memorandum be sent to each of the Indian Universities on the list contained in the Medical Register, with the intimation that unless evidence is received by the Executive Committee before the date of its meeting in February 1922 that their respective arrangements and requirements with regard to midwifery have been brought into satisfactory

accordance with the Council's Resolutions with reference to professional education, the recognition hitherto accorded to their respective medical diplomas in pursuance of the above-mentioned Section of the Medical Act, 1886, will forthwith thereafter terminate.

(3) That a copy of the foregoing Resolutions and of the President's Memorandum be forwarded to the Secretary of State for India, for his information.

APPOINTMENT OF PASSENGER SUPERINTENDENTS ON RAILWAYS.

175. Rao Bahadur T. Rangachariar : (a) Will the Government be pleased to state what action has been taken both by the Railway Board and by the various Railway managements to give effect to the Resolution of this Assembly recommending the appointment of Passenger Superintendents mainly to look after the third class passengers?

(b) Do the Government propose to lay on the table a list of Superintendents, if any, so employed showing their nationality, pay and dates of appointments?

Colonel W. D. Waghorn : (a) The attention of Railway Administrations was drawn by the Railway Board to the Resolution referred to and they were requested to give effect to its terms.

The Railway Board also drew the attention of Railway Administrations to the necessity for providing Passenger Superintendents with a training which would enable them to carry out their duties effectively and to the advantage of the public. It will be seen from the statement referred to in part (b) that the more important railways have already appointed Passenger Superintendents.

(b) The Honourable Member is referred to the statement laid on the table in response to part (a) of Lala Girdharilal Agarwala's question on this subject.

APPOINTMENT OF COUNCIL SECRETARIES FROM AMONG MEMBERS OF THE ASSEMBLY.

176. Rao Bahadur T. Rangachariar : Will the Government be pleased to state whether the Governor General proposes to take action under Section 43A of the Government of India Act and appoint from among the Members of the Assembly Council Secretaries so as to give them opportunities of knowledge of the inner workings of the Departments of Government, and if so, when? If no action is intended to be taken, will the Government be pleased to state why not?

The Honourable Sir William Vincent : I have nothing to add to the reply given by me to a similar question asked by Dr. H. S. Gour on the 5th September 1921.

EMOLUMENTS OF THE INDIAN CIVIL SERVICE AND THE IMPERIAL SERVICES.

177. Rao Bahadur T. Rangachariar : Will the Government be pleased to state whether there are any proposals or requests to further enhance the pay or emoluments of the Indian Civil Service and the Imperial Services, and if so, whether the matter will be brought up before the Assembly before any definite commitments are made on behalf of the Government?

The Honourable Mr. W. M. Hailey : No such proposals are at present under consideration ; but the Honourable Member has doubtless seen the Home Department Resolution No. D.-449, dated the 26th July 1921 and the Finance Department Resolution No. 1559-E.A., dated the 16th August 1921, in which the orders of the Secretary of State on the memorials submitted on the subject by officers of the Imperial Services during the past two years have recently been announced. These orders disposed of the matter to which I understand the Honourable Member is referring.

Rao Bahadur T. Rangachariar : Will the Assembly have any voice in revising the proposals now sanctioned ?

The Honourable Mr. W. M. Hailey : I am afraid I do not understand the exact process by which this Assembly would revise orders already passed by the Government of India and the Secretary of State.

MINING CONCESSIONS TO COLONEL FRANK JOHNSON.

178. Rao Bahadur T. Rangachariar : Will the Government be pleased to state whether it is a fact that Colonel Frank Johnson has obtained either directly or indirectly some mining concessions from the Burma Government or any other Local Government ?

Mr. A. C. Chatterjee : No mining concessions have been granted to Colonel Frank Johnson personally in Burma, but concessions for oil have been granted by the Local Government to two Companies in which he is interested. In the Punjab, Colonel Frank Johnson has been granted by the Local Government a prospecting licence for oil over 1½ square miles in the Attock district. A prospecting licence is ordinarily granted for only one year in the first instance in order to enable the concessionaire to test the property.

Development of mineral resources which are Government property, is a provincial subject under the rules issued under Section 45A of the Government of India Act, and Local Governments have full powers to grant prospecting licences and mining leases without reference to the Government of India, provided that they are in accordance with the mining rules prescribed by the Government of India.

The Burma Government have stated that the concessions have been granted to the two Companies in pursuance of the ordinary industrial development of the province that they employ expert staff and have expended money freely investigating the mineral resources of the province, and that in all respects mineral concessions rules and regulations have been scrupulously observed and Colonel Frank Johnson's connection with the administration of martial law in the Punjab was not considered relevant.

The Honourable Member's question and this answer will be communicated to the Local Governments concerned.

Mr. Jamnadas Dwarkadas : Will the Honourable Member be good enough to state when the year expires ?

Mr. A. C. Chatterjee : I should like notice of that Question. I cannot give the reply offhand, but it will probably expire some time next year.

Mr. Jamnadas Dwarkadas : A further question, Sir, is it likely that the licence will be renewed or will it not be renewed ?

Mr. A. C. Chatterjee : That depends on the discretion of the Punjab Government.

Mr. Jamnadas Dwarkadas : Burma Government ?

Mr. A. C. Chatterjee : I thought the question referred to the Punjab.

PROSECUTION OF GENERAL DYER.

179. Rao Bahadur T. Rangachariar : Will the Government be pleased to state whether they have considered the question of the desirability of prosecuting General Dyer or at least of depriving him of his pension and to explain why no such action has been taken hitherto ?

Sir Godfrey Fell : The attention of the Honourable Member is invited to the statement (item 13) laid on the table at the meeting held on the 19th February last, in reply to Question No. 163* asked by Rai Bahadur Bakshi Sohan Lal.

(Question No. 180 was not asked and no reply was given.)

JURY SYSTEM IN FORCE FOR TRIAL OF EUROPEANS.

181. Rai G. C. Nag Bahadur : Having regard to the composition of the jury for the trial of Reed, the Assistant Manager of the Khoreal Tea Estate, do the Government of India propose to amend the jury system, as it now obtains, for the trial of Europeans accused of a criminal offence by an Indian ?

The Honourable Sir William Vincent : The question is under the consideration of Government and I hope to be able to make a fuller statement as to the intentions of Government later.

PAY AND ALLOWANCES OF INDIAN IMPERIAL SERVICES.

182. Rai G. C. Nag Bahadur : Is it true that the Government of India are engaged in considering the question of increasing the pay and allowances of the Indian Imperial Services ? If the answer is in the affirmative, will the Government take the opinion of the Assembly upon the proposals before coming to a final decision ?

The Honourable Mr. W. M. Hailey : I would refer the Honourable Member to the reply which I have already given to a similar question by Rao Bahadur T. Rangachariar.

PROSECUTIONS UNDER SECTIONS 124A AND 153A, INDIAN PENAL CODE.

183. Mr. T. V. Seshagiri Ayyar : (a) What has been the number of prosecutions in all the Provinces in India for offences under Sections 124A and 153A of the Indian Penal Code between April 1921 and August 1921 ?

(b) What are the corresponding figures for the same period in the years 1919 and 1920 ?

The Honourable Sir William Vincent : I place a statement on the table giving the information asked for by the Honourable Member so far as it is available in our records, but the Honourable Member will understand that this is a

* Vide Legislative Assembly Debates, Vol. I, pp. 207-10.

matter with which Local Governments are chiefly concerned, and it would be more appropriate for him to obtain such information from them.

Number of prosecutions instituted under Sections 124A and 153A, Indian Penal Code, between April 1919 and August 1920 and for the same period in the year 1921.

	1919.	1920.	1921.
Madras	...	...	5
Bombay	...	...	5
Bengal	...	...	4
Punjab	76	4	...
United Provinces *	...	...	58
Bihar and Orissa ...	...	...	5
Central Provinces ..	...	1	7
Assam	2	...	3
North West Frontier Provinces *	Not known.		...
Coorg *	...	...	...
Delhi	...	...	...

*These provinces have not reported specifically the number of prosecutions instituted in 1919 and 1920.

Mr. S. C. Shahani: May I ask a Supplementary Question, Sir? I should like to know the number of prosecutions under Section 144 of the Criminal Procedure Code and Sections 124A and 153A of the Indian Penal Code in the Province of Sind.

The Honourable Sir William Vincent: I will obtain the information for the Honourable Member, but I am afraid I have not got it at my fingers' ends.

RAILWAY WORKSHOPS FOR TRAINING APPRENTICES IN MECHANICS AND ENGINEERING.

184. **Mr. K. C. Neogy:** Will Government be pleased to make a statement in regard to the different Railway Workshops where apprentices are trained in mechanics and engineering, showing:

- the number of Indians and Europeans and Anglo-Indians so trained during each of the last five years, and at present;
- the preliminary qualifications for admission in the case of different nationalities;
- the periods of training;
- the different rates of allowances drawn by them, the nature of residential accommodation and comforts provided to the different classes, and the different leave rules and holiday privileges governing them;
- the nature of appointments generally given to passed apprentices of different nationalities, and the maximum and minimum salaries usually attached thereto?

Colonel W. D. Waghorn: Railway Administrations have been asked to furnish the information called for in reply to this question but, with the exception of one or two, it has not yet been received. It will be recognised that to obtain complete information from all railways will take some time and moreover the rules for the training of apprentices are still in their infancy. The Railway Board have, however, got this question under their consideration.

As regards the East Indian Railway apprentices, however, a complete statement of the situation has been received from the Agent and a copy is laid on the table.

Extract of letter No. 980, dated 27th August 1921, from the Agent, East Indian Railway Company, to the Secretary, Railway Board, Simla.

Question 184 (a)—Statement attached.

" (b)—European and Anglo-Indian apprentices have to pass an examination as to their educational qualifications and physical fitness before admission, a copy of rules regarding which is enclosed.

Indians have no educational tests to undergo, but the following qualifications are required in the cases of:

- (1) Special Grade apprentices—B. Sc., or M.A.
- (2) 1st class apprentices—Matriculation passed.
- (3) 3rd class apprentices—Illiterate (No educational qualifications are required).

(c) *Periods of Training:*

Europeans and Anglo-Indians	...	...	... 5 years.
Indians:—			
Special grade	1st class	3rd class.	
3 years.	5 years.	6 years.	

(d) *Rates of allowance:*

	E. and A. I.	Indians Special Grade.	Indians 1st class.	Indians 3rd class.
	Rs.	Rs.	Rs.	Rs.
1st year	45	30	16	7
2nd year	45	45	18	8
3rd year	55	60	19	9
4th year	60	...	20	10
5th year	75	...	23	11
6th year	...	...	...	12

Nature of residential accommodation and comforts.

Almost all the European and Anglo-Indian apprentices are accommodated in the Company's Boarding House and others live with their parents or guardians in the stations. The Boarding House has a Superintendent and a Matron looking after the food and other comforts of the boys.

Hostels.

The question for the provision of hostels for the Indians is at present under consideration. Meanwhile two private houses are rented by the Company for the accommodation of the Special and 1st class Indian Apprentices, who have no guardians or relative to put up with in the stations. The management of these houses is in the hands of a Committee under

the presidency of an officer of the Railway. The Company provides cooks, servants and necessary furniture, cooking utensils, etc.

3rd class Indian apprentices are mostly sons or relatives of the Indian workmen. They reside in their own houses either in the town or in the adjacent villages, except a few Indian Christians, who live in the Fraser Hostel, which is under the management of the Church Missionary Society.

Institutes fitted with libraries and play-grounds are provided both for Europeans and Indians.

Leave Rules and holiday privileges.

Anglo-Indians.—14 days' casual leave and gazetted holidays.

Special Grade Indians.—15 days' casual or casual sick leave in a year.

1st class Indians.—On reaching Rs. 20 per month, they become compulsory Members of the Provident Fund, and are allowed 15 days' casual or casual sick leave in a year.

3rd class Indians.—No leave with pay.

All apprentices get free medical attendances. In addition, pure European apprentices get sick leave under European Leave Rules.

(e) Passed apprentices when considered suitable are appointed as Mechanics.

Europeans and Anglo-Indians.—Minimum pay on appointment Rs. 90 in grade Rs. 250 according to merits and qualifications.

Special Grade Indians.—None have yet completed their training. The pay of those that will be appointed will be fixed according to merits and qualifications.

1st class Indians.—Rs. 45 on probation for 3 months. On completion of apprenticeship, Rs. 60 on confirmation. Maximum Rs. 100.

3rd class Indians.—Rs. 15 minimum, Rs. 36 maximum.

In addition, there are higher grades than those quoted above, to which men are promoted when they are found qualified and on vacancies occurring.

EAST INDIAN RAILWAY.

LOCOMOTIVE DEPARTMENT.

Statement showing the number of European and Anglo-Indian Apprentices and Indian Apprentices, Special Grade, 1st Class and 3rd Class, trained in Jamalpur Works during the last 5 years, that is those who completed their apprenticeship during these years.

Particulars.	1916.	1917.	1918.	1919.	1920.
European and Anglo-Indian	21	11	15	14	10
Indian Special Grade	...	...	...	...	...
Do. 1st Class	2	1	7	10	3
Do. 3rd Class	77	119	79	132	88

	Under training 1921.	Time expired 1921.
European and Anglo-Indian	78	22
Special Grade	13	Nil.
1st Class	28	10
3rd Class	1,079	36

EAST INDIAN RAILWAY.

LOCOMOTIVE DEPARTMENT.

Rules as to selection of Bound Apprentices for the East Indian Railway Locomotive Workshops at Jamalpur.

1. European and Anglo-Indian lads will be admitted to the Workshops as Bound Apprentices as vacancies occur, after having passed a satisfactory examination as to their qualifications and fitness.

2. Candidates must not be under 15 (fifteen) nor over 18 (eighteen) years of age and when applying must submit their Baptismal or Birth Registration certificates and must also produce a certificate of general respectability and good character from some respectable person (not relative) to whom they are personally known. Successful candidates will require to produce a signed agreement from their parent or guardian on the annexed * form A.

3. An examination of candidates will be held by the Locomotive Superintendent at Jamalpur from time to time, due notice being issued of the date fixed and intending candidates will be furnished, on application, with passes over East Indian Railway to Jamalpur and back.

4. The subjects of examination are :

Simple Arithmetic	General knowledge.
" Algebra	Elementary Drawing.
" Mensuration	
" Geometry	

An examination as to physical qualifications, for which marks will be given, will also be made by a Medical Officer.

5. Candidates, who pass these examinations successfully and are nominated to a vacancy, must serve three months' probation before finally signing their agreements on annexed * form B and if found to be in any way unsuitable during that period will be rejected.

6. Boys educated at the Company's School at Mussoorie will have preference over those of equal qualifications who have been educated elsewhere.

LOCO. SUPERINTENDENT'S OFFICE,

JAMALPUR,

The 14th June 1920.

W. J. TOMES,

Loco. Superintendent.

Case No. 31-20.

EAST INDIAN RAILWAY.

LOCOMOTIVE DEPARTMENT.

Apprentices' Night School.

Arithmetic.—Up to Junior Cambridge.

Algebra.—Up to Junior Cambridge.

Geometry.—Practical (drawing with compasses and squares), bisecting lines, angles, erecting perpendiculars, dividing lines into equal parts, parallel lines, construction of squares, triangles, rectangles, rhombus, rhomboid, trapezium, trapezoids, etc., regular hexagons and other polygons, simple scales, tangents to circles, finding centre of circles, etc., all of an elementary nature.

Mensuration.—Areas of all plane figures, rectangles, circles, regular polygons, surface areas of cylinders, cones, frustums, spheres, etc., cubic contents of plane solids, cubes, cylinders (solid and hollow), rings, pyramids, cones, prisms, sphere.

General Knowledge.—Consists of the ordinary subjects taught in School up to Junior Cambridge, i.e., History, Geography, common sense questions in observation, authors and names of popular books, current events, spelling and a short essay on simple subject.

Drawing.—Free hand—Floral scrolls and simple objects.

* Not attached.

RACIAL DISCRIMINATIONS IN RAILWAY WORKSHOPS.

185. **Mr. K. C. Neogy:** Is any discrimination made in the terms and conditions of apprenticeship and the general treatment of apprentices in Railway Workshops on racial grounds?

Colonel W. D. Waghorn: So far as the East Indian Railway is concerned the reply to this question regarding discrimination in terms and conditions of apprenticeship will be found in the statement laid on the table in reply to the previous question. There is no discrimination in treatment.

INDIAN APPRENTICES AT THE JAMALPUR WORKSHOPS.

186. **Mr. K. C. Neogy:** (a) Is it a fact that the Indian apprentices at the Jamalpur Workshops of the East Indian Railway are not given the same opportunities for training as European and Anglo-Indian apprentices?

(b) How many Indian apprentices of Jamalpur have been selected for training in the Sibpur Engineering College, or sent to the Drawing Office during each of the last five years; and how many European and Anglo-Indian apprentices have been selected for the purpose during the same periods?

Colonel W. D. Waghorn: (a) Indian apprentices are given the same opportunities as European and Anglo-Indian apprentices. This of course does not refer to the illiterate apprentices.

(b) The Sibpur class was only started in 1918, and so far those apprentices who have attended it are:

European and Anglo-Indian in 1918 two, 1919 two, and 1920 one.

These apprentices were specially selected for their qualifications. The number of European and Anglo-Indian apprentices receiving instruction in the Drawing Office at Jamalpur during the 5 years ended 1920 were:

1916 five, 1917 two, 1918 two, 1919 three, and 1920 three.

So far, the training of higher grade Indian apprentices being in its infancy, the necessity for sending them to Sibpur or the Drawing Office has not arisen. It is found that at present they need all the practical training in the shops that it is possible to give them.

DIFFERENTIAL TREATMENT OF APPRENTICES AT JAMALPUR.

187. **Mr. K. C. Neogy:** (a) Is it a fact that in regard to allowances, residential comforts, leave and holiday rules, and facilities for Railway travelling, the Indian apprentices at Jamalpur are treated differently from European and Anglo-Indian apprentices?

(b) Is it a fact that these Indian and non-Indian apprentices have to enter the workshops by different gates, that the Indians have to use a passage meant for ordinary workmen, and that they are subjected to search every time they pass through it?

(c) Is it a fact that these Indian and non-Indian apprentices have to use different devices for the purpose of marking attendance, the Indians having to lift brass tickets just like illiterate workmen?

(d) Is it a fact that the Indian apprentices are paid their allowances on the same day as ordinary workmen with whom they have to stand in a line for receiving the same, and that the Indian apprentices like illiterate workmen are not allowed to sign their names on the pay sheet?

Colonel W. D. Waghorn: (a) I would refer the Honourable Member to the answer given to Question 184 (d). As regards facilities for travelling, Indian apprentices of the special grade are allowed one set of inter class passes per year during their three years of apprenticeship. Indian apprentices of the 1st and 3rd class are allowed one set of 3rd class passes a year. European and Anglo-Indian apprentices are allowed inter class passes, one set during the first 3 years of apprenticeship and two sets during their fourth and fifth years. During the Puja vacation, those lads who are proceeding to their homes are given an extra set of passes.

(b) Yes, Indian and non-Indian apprentices enter the shops by different gates. This is due to the fact that the Indian quarters are on the west side of the works and the quarters for Europeans on the east. (Laughter.) It is not a fact that Indians and Europeans are subjected to a search every time they pass through the gates. The staff are all liable to be searched.

(c) Indian apprentices lift brass key tickets and non-Indian apprentices turn keys in Bundy recorders.

(d) All Indian workmen, irrespective of pay (including men on Rs. 200 a month) are paid under the 'Box system of payment' and signatures of the payees are not required under this system. This is the quickest method of disbursement.

LETTER OF MR. GUR PRASAD IN THE 'AJ' AND PUNISHMENT OF STATION SUPERINTENDENT, MOGHUL SARAI.

188. **Munshi Mahadeo Prasad:** (a) Has the attention of the Government been drawn to the letter of Mr. Gur Prasad printed at page 7 of the *Aj* of the 10th June 1921, under the heading 'Goreka apradh, Kale ko dand'?

(b) If so, will the Government please state what punishment, if any, was meted out to Mr. Egan, the Station Superintendent at Moghul Sarai Railway Station, the officer referred to in the above letter?

(c) Is it not a fact that Mr. Gur Prasad has been served with a notice by the East Indian Railway Company to discontinue service?

(d) Has any representation been made by the Railway Indian Staff and the merchants in connection with the same and with what result?

Colonel W. D. Waghorn: (a) The attention of Government has not been drawn to the letter in question and I have not been able to get a copy of it.

(b) Mr. Egan was not considered in any way to blame in the matter and has not therefore been punished. The facts of the case are:

A female passenger died in No. 5 Up Express on the 25th May 1921 and the husband and other relatives of the deceased decided to take the corpse to Benares for cremation. Accordingly, a wagon was attached to No. 5 Up Oudh and Rohilkhand Railway passenger and the husband of the deceased, with a view to having the corpse booked, approached Gur Prasad, Assistant Parcels Clerk. Gur Prasad was evidently not prepared to assist in the matter

unless offered a gratuity by the passenger. A complaint was made to the Station Superintendent, Mr. Egan, who immediately inquired into the matter and had the corpse loaded up and despatched.

Mr. President : I think the rest of this story can be laid on the table.

Colonel W. D. Waghorn : An inquiry was subsequently held and it transpired that Gur Prasad did attempt to obtain a gratuity from the passenger in particularly heartless circumstances and Mr. Egan took Gur Prasad to task for his unseemly conduct. It has been ascertained that there was nothing in what Mr. Egan said that could be misconstrued as an insult to an individual, or a community.

(c) Gur Prasad was given a month's notice of discharge as he was considered an undesirable person to retain in the Company's employ.

(d) Two representations were sent to the Agent, East Indian Railway, one said to be from the mercantile community of Benares and Moghul Sarai, and the other from the Indian staff at Moghul Sarai. No action was taken on these representations.

EXPORT OF FOODGRAINS FROM INDIA.

189. **Rai T. P. Mukherjee Bahadur :** Has the Government taken any steps to remove the restrictions on export of foodgrains from India in accordance with the Resolution of the Council of State, dated 9th March 1921? If so, will the Government be pleased to state what steps have been taken?

Mr. J. Hullah : No steps have been taken.

WAGON DIFFICULTIES ON RAILWAYS.

190. **Rai T. P. Mukherjee Bahadur :** Is the Government aware of the wagon difficulties and its consequences? If so, will the Government be pleased to state what steps have been taken?

Colonel W. D. Waghorn : It is presumed that the Honourable Member refers to general complaint of the shortage of wagons, and consequent difficulty in meeting demands. I am glad to be able to assure him that the position in this respect is at present much improved. Indents for wagons in the coal-fields are being met practically in full and it is anticipated that the demands will shortly be fully met. As regards general merchandise, the present position is equally satisfactory. There has been a slight congestion of traffic on the Bengal and North Western Railway due to a heavy rush of grain and seeds to the ports, but apart from this exception, which is receiving attention, railways generally are reported to be coping satisfactorily with public requirements for wagons.

It is anticipated that some 6,000 wagons will be added to the stock during the current year and these, it is hoped, will assist to mitigate the shortage of wagons when an increased movement of traffic has to be met.

WAITING ROOMS FOR INTER CLASS PASSENGERS.

191. **Rai T. P. Mukherjee Bahadur :** Is the Government aware of the inconvenience of the intermediate class passengers for want of waiting rooms in Railway Stations? If so, do the Government intend to remove the alleged inconvenience by providing waiting rooms for intermediate class passengers, just like the Bengal Nagpur Railway?

Colonel W. D. Waghorn : As a general statement, it may be said, that Government are not aware of the inconvenience suffered by intermediate class passengers for want of waiting accommodation at Railway Stations.

Railway Administrations will, however, be invited to express their views on the subject.

SHORTAGE OF SECOND CLASS ACCOMMODATION.

192. **Rai T. P. Mukherjee Bahadur :** Is the Government aware that in all passenger trains, only two second class compartments are attached, one for females and another for males, but the latter always being monopolised by railway officers, the second class passengers are put to great inconvenience? Does the Government intend to remove the inconvenience by attaching more compartments?

Colonel W. D. Waghorn : It has been ascertained that the number of second class compartments provided on mail and passenger trains in India varies from 13 to 1 according to traffic requirements and considerations affecting train operation. Complaints of shortage of accommodation on any particular section receive attention from the railway administration concerned.

Reserved accommodation for ladies, where not ordinarily provided, can be arranged for on due notice being given to the Station Master concerned.

It is incorrect to say that the second class accommodation for males, where only two compartments are provided, is always monopolised by railway staff to the inconvenience of paying passengers. Orders already exist to the effect that pass-holders should give way to the travelling public.

In the circumstances, Government do not propose to take any action in the matter.

EXPORT OF HIDES, SKINS, ETC.

193. **Haji Wajih-ud-din :** (a) Will the Government be pleased to lay on the table a detailed export statement showing quantities of hides, skins, and guts, class by class, in each month from June 1919 to July 1921 from each port of India, respectively?

(b) When was the export duty on hides first imposed and how many representations have since then been made by the exporters urging removal of the same? Has any attention been paid to them?

(c) Are the Government aware of the fact that the export duty on hides has had a most detrimental effect on the trade in cow and buffalo hides especially in this inopportune time of high rate of exchange which now prevails and it has brought business practically to a standstill and, if so, do the Government propose to remove the same as soon as possible?

The Honourable Mr. C. A. Innes : (a) The Government fear that for the detailed statistics required they must refer the Honourable Member to the monthly statistical accounts of sea-borne trade, which are available in the Library. For the purposes of his question, however, the following information will be sufficient. In the six months ending December 1919 the monthly average export from India of raw cow hides was 3,923 tons; in the first six months of 1920 the monthly average export was 2,178 tons; in the second six months 773 tons, in the first 3 months of this year 1,187 tons; in the second 3 months 1,427 tons. The corresponding figures for goat-skins are :

2nd half of 1919	...	...	...	2,923 tons.
1st " " 1920	...	...	...	1,731 "
2nd " " "	...	...	...	545 "
1st quarter of 1921	...	...	...	772 "
2nd " " "	...	...	...	1,477 "

(b) The export duty was imposed with effect from the 11th September 1919. Numerous representations have been received against the continuance of the tax in the last 15 months and the subject has been under the continuous consideration of the Government of India.

(c) The Government of India do not understand the Honourable Member's reference to the present high rate of exchange. Nor do they accept his statement that the tax has brought the trade to a standstill. The Honourable Member appears to have forgotten that the subject was fully discussed in this House on the 18th March last and that the House negatived an amendment to the Finance Bill that the tax should be removed. The question, however, is one which is under constant examination in the Commerce Department.

ASSAULT ON AN INDIAN WIDOW BY PRIVATE MULLIGAN OF SIALKOT.

194. Rao Bahadur T. Rangachariar : (a) Has the attention of the Government been drawn to the case in which one Private Mulligan of Sialkot was charged with making advances to an Indian widow on the bank of a *Nullah* and with assaulting her on her resistance, before the Cantonment Magistrate of Sialkot ?

(b) Do the Government propose to call for the records of that case, if they have not already got them and peruse the judgment ?

(c) Do the Government propose to take notice of the remarks of the Magistrate in that case ?

(d) Do the Government propose to take such deterrent action as will prevent the repetition of such quests on the part of His Majesty's soldiers stationed in India ?

The Honourable Sir William Vincent : (a) and (b). Government have read the judgment referred to.

(c) The answer is in the negative.

(d) If by 'deterrent action' the Honourable Member means further disciplinary action against Private Mulligan, the reply is in the negative. Private Mulligan has been tried and sentenced by a criminal court for the specific offence with which he was charged, and no further punishment is admissible under military law for the same offence.

If, however, the Honourable Member refers to preventive action with the object of obviating incidents of this kind, the answer is that the local military

authorities have the power to place out of bounds for troops any locality or localities in or in the neighbourhood of cantonments which they consider it undesirable for any reason for soldiers to visit. Any soldier, who, in contravention of orders placing a locality out of bounds, visits such locality, renders himself liable to punishment under military law for disobedience of orders.

THEFTS ON RAILWAYS.

195. Mr. Manmohandas Ramji : Will the Government be pleased to state the number of thefts both in the coaching and goods sections of Railways during the last three years ?

Colonel W. D. Waghorn : The information asked for is not available.

Railways may have statistics to show the number of cases in which the loss of whole or part consignments has been reported. These would not, however, necessarily represent the number of thefts committed. The prevalence of theft and pilferage on railways and the means of remedying these evils have been examined in detail by the Railway Police Committee whose recommendations as embodied in their Report are being taken up with Railways.

REVISION OF PAY OF POSTAL CLERKS, BOMBAY.

196. Mr. B. S. Kamat : (a) With reference to the revision of pay of postal clerks will Government be pleased to say whether the Director-General of Posts and Telegraphs gave an assurance to a deputation of postal clerks in Poona in July 1918, to the effect that war allowance at such rates as might be sanctioned by the Bombay Government for their subordinates in the Bombay Mofussil would be paid to the Post Office officials ?

(b) Is it also true that on the 5th of August 1918 the Director-General of Posts and Telegraphs informed the Honourable Mr. Paranjpye who had interviewed this officer on behalf of the postal clerks in the Bombay Presidency that special consideration would be shown to the Bombay Presidency postal clerks at the time of the general revision of pay then under consideration, with a view to compensate them for the difference in the scales of war allowance as sanctioned by the Bombay Government and the one for the Postal Department ?

(c) Is it not correct that the Bombay Government granted to their subordinates outside Bombay City, war allowance at the rate of 33½ per cent. on salaries from Rs. 20 to Rs. 30 and 25 per cent. on salaries from Rs. 30 to Rs. 70 with retrospective effect from 1st January 1918; and subsequently raised it to 70 per cent. for men up to the Rs. 50 grade ?

(d) If the answers to (a) and (b) are in the affirmative, will Government be pleased to say, if the assurance by the Director-General has been carried out so as to bring up the revision to rates quoted in (c) ? If not, will Government be pleased to state the reasons ?

(e) Are the Government of India aware that the postal clerks in the Bombay Presidency submitted memorials through the proper channels, addressed to His Excellency the Viceroy and Governor General in Council in September 1919 and August 1920, praying for arrears of war allowance from 1st January 1918 to 30th November 1919 at the rate sanctioned by the Bombay Government to their subordinates in the Mofussil ?

(f) Will Government be pleased to say whether they considered the request contained in these memorials for payment of arrears of war allowance, and if so, how they have been disposed of?

Colonel Sir S. D'A. Crookshank : (a) The Director-General of Posts and Telegraphs cannot recall any verbal assurance given by him to a deputation of postal clerks at Poona in July 1918. He may have told them that the question of the extension of the Bombay Government allowance to officials of the Bombay Postal Circle would be recommended by him.

(b) The Director-General informed the Honourable Mr. Paranjpye that special consideration would be shown to the postal clerks in the Bombay Presidency at the time of the general revision of pay then under consideration and that due regard would be paid to the high cost of living in the Bombay Presidency, especially as war allowance at rates higher than those sanctioned for the Postal and Telegraph subordinates had been sanctioned for the subordinates of the Local Government.

(c) Yes.

(d) The rates of pay sanctioned for the postal clerks of the Bombay Presidency at the time of the general revision of February 1920 were higher than the rates sanctioned for other parts of India. The revision sanctioned by Government on the recommendation of the Postal Committee further enhanced the rates of pay for the comparatively dearer localities comprised within the Bombay Postal Circle. As the recommendations of the Postal Committee were framed after careful investigation and with the full knowledge of the fact that special rates of local allowance were paid to the Local Government subordinates no special examination has been made to ascertain whether the rates of pay finally sanctioned in September 1920 are equivalent to the rates quoted in (c).

(e) Yes.

(f) The memorials were considered. As a general revision of pay was then contemplated, the grant of the war allowance was not considered necessary. An interim allowance was, however, granted from the 1st September 1919.

WANT OF WAITING ROOMS AT THE VICTORIA TERMINUS STATION, BOMBAY.

197. Mr. B. S. Kamat : (a) Are the Government of India aware that passengers at the Victoria Terminus, Great Indian Peninsula Railway, Bombay, are put to great inconvenience for want of waiting rooms for men, 1st, 2nd and 3rd class?

(b) Have the Railway Board asked the Great Indian Peninsula Railway Administration to consider the feasibility of at least converting a portion of the large 1st and 2nd class waiting rooms for ladies into some temporary accommodation for men who have to travel through this important Terminus and are seriously inconvenienced during nights while waiting for their trains?

Colonel W. D. Waghorn : (a) Government have received no complaints regarding waiting accommodation at Victoria Terminus, Bombay.

(b) The proposal to convert a portion of the existing 1st and 2nd class waiting rooms for ladies into temporary accommodation for gentlemen is not feasible. It is, however, proposed to provide 1st and 2nd class waiting rooms

for gentlemen when the new station building at Victoria Terminus is constructed; while, as regards third class passengers, a large waiting hall is already provided at the north end of the station and it is not considered that any additional accommodation is required for this class.

PROHIBITION LEGISLATION.

198. Mr. P. P. Ginwala : Will the Government be pleased to state:

(a) Whether legislation for the prevention of intoxicating drinks has been initiated in any Provincial Councils, and if so, in which of them?

(b) Whether it is the fact that a Prohibition Bill which was to be introduced as a private Bill in the Bombay Legislative Council had to be postponed because it required the sanction of the Government of India, and, if so, whether such sanction has been accorded?

(c) The policy of the Government of India with reference to Prohibition Legislation in Local Legislative Councils?

The Honourable Mr. C. A. Innes : (a) It has been reported to the Government of India that a Member of the Legislative Council in the Central Provinces has signified his intention to move for leave to introduce during the current Session a Bill to promote temperance with a view of securing the total prohibition of liquor traffic in the Central Provinces by conferring on voters in prescribed areas power to control the grant of license under the Central Provinces Excise Act, 1915. No similar reports have been received from other Local Governments.

(b) Mr. Gupte, who desired to introduce the Bill in question, was informed by the Government of Bombay that his Bill, the purpose of which was to prohibit the manufacture, sale and import of liquor in the Bombay Presidency, required the previous sanction of the Governor General under Section 80A of the Government of India Act. A letter has been received by the Government of India from Mr. Gupte applying for previous sanction. The question whether such sanction should be accorded is under the consideration of the Governor General.

(c) The Government of India can make no statement on the subject at present.

HIGH COURT IN BURMA.

199. Mr. P. P. Ginwala : Will the Government be pleased to state:

(a) Whether the despatch of the Government of Burma relating to the establishment of a High Court in Burma has been transmitted to His Majesty's Secretary of State for India and, if so, on what date?

(b) The probable date on which the establishment of such High Court may be expected?

The Honourable Sir William Vincent : The despatch has not yet issued. It is hoped that it will issue shortly and revised estimates of the cost of the proposals which have been received from the Government of Burma since the answer was given to a similar question by Mr. O'Donnell will be included in it.

JUDICIAL SERVICES IN BURMA.

200. **Mr. P. P. Ginwala :** Will the Government be pleased to state whether the proposals of the Government of Burma relating to the reorganization of the Judicial Services has been transmitted to His Majesty's Secretary of State for India, and, if so, when a reply may be expected?

The Honourable Sir William Vincent : The case is connected with that relating to the proposed High Court. It is hoped that the recommendations of the Government of India will be forwarded to the Secretary of State very shortly and that the scheme, if sanctioned by the Secretary of State, will be introduced from early in 1922.

RICE AND PADDY TRAFFIC IN BURMA.

201. **Mr. P. P. Ginwala :** Will the Government be pleased to state :

- the market rate of paddy and white rice in Burma on the 30th of April 1921, and every subsequent week thereafter until the 9th of July 1921;
- whether it is not the fact that the Government of India had declared that it would introduce some form of control if the market price of paddy at any time exceeded Rs. 180 per 100 baskets;
- the date on which the order suspending the issue of licenses for export to foreign ports was issued;
- the reasons why it was not issued earlier when the prices of paddy showed a marked tendency towards exceeding the limit of Rs. 180;
- whether any, and if so, what communication or instructions were received from His Majesty's Secretary of State for India with reference to the issue of such order?

Mr. J. Hullah : (a) The statement asked for is placed on the table.

(b) No. The Government of India only declared that they reserved power to do so.

(c) 1st July 1921.

(d) The Government of India saw no reason for action till the amount of rice available for export to foreign countries was approaching exhaustion. The primary object of their action was not to control prices but to conserve, in accordance with their announcement of the 4th December 1920, adequate supplies for India.

(e) No instructions were received from the Secretary of State. On the 27th June, the Government of India received a telegram from him with reference to a question in Parliament, suggesting that the Rangoon rice market had been entirely suspended, owing to the rise in the price of paddy, that supplies had been cornered and that the local merchants were demanding the intervention of Government. He therefore asked for information as to the actual position and what steps were being taken to meet it. This information was supplied to him, and he has not addressed the Government of India further on the subject.

Statement showing the weekly market rate of paddy and white rice from the 30th April to the 9th July 1921.

Week ending	Paddy per 100 baskets.	White rice (Big Mills Specials) per 100 baskets of 75 lbs. each.
30th April	Rs. 190 to 195 ...	Rs. 480 to 487-8.
7th May	" 197 to 198 ...	" 460 to 467.
14th May	" 203 to 205 ...	" 525 to 540.
21st "	" 203 to 206 ...	" 495 to 513.
28th "	" 203 to 206 ...	" 520 to 525.
4th June	" 201 to 206 ...	" 510.
11th "	" 208 to 212 ...	" 555 to 560.
18th "	" 215 to 220 ...	" 550 to 580.
25th "	" 220 ...	" 555 to 565.
2nd July	" 225 to 230 ...	" 585.
9th "	" 225 to 227 ...	" 550 to 570.

NATIONAL AND GOVERNMENT SCHOOLS AND COLLEGES.

202. **Mr. P. P. Ginwala :** Will the Government be pleased to lay on the table a statement showing with reference to each Province, since the 1st of January 1921 :

- the number of 'National' Schools and Colleges opened;
- the number of students in such Schools and Colleges;
- the number of students in Government or aided Schools and Colleges, now as compared with the year 1920?

Mr. H. Sharp : (a), (b) and (c). The information is being collected and will be supplied later.

MUNICIPAL CONTRIBUTIONS TO 'NATIONAL' EDUCATIONAL INSTITUTIONS.

203. **Mr. P. P. Ginwala :** Will the Government be pleased to state whether any and, if so, what Municipalities have made or promised to make contributions towards the maintenance of 'National' Educational Institutions?

Mr. H. Sharp : The full information is being collected and will be supplied later. The information received from Burma, Bihar and Orissa, and the minor administrations shows that in those areas no municipalities have made or promised contributions towards 'National' educational institutions. In the Central Provinces, the municipalities of Raipur and Amraoti have resolved to give Rs. 1,000 and Rs. 475, respectively, to the Tilak Swaraj Fund for national education.

The Government of Madras have no information on this matter.

MUNICIPAL SUPPORT FOR 'NATIONAL' EDUCATION.

204. **Mr. P. P. Ginwala :** Will the Government be pleased to state :

- Whether any Local Governments have defined their policy with reference to Municipal and other local bodies desirous of supporting 'National' Education out of Municipal Funds?
- If the answer to (a) is in the affirmative, the nature of such policy?

Mr. H. Sharp: (a) Only two Local Governments—Madras and Bombay—have so far defined their policy in this matter. The Government of Bihar and Orissa have had to take action in one particular case which came to their notice.

(b) Information regarding the policies adopted by the Governments of Madras and Bombay and the action taken by the Bihar and Orissa Government is laid on the table.

Policies adopted by the Governments of Madras and Bombay and the action taken by the Government of Bihar and Orissa in connection with the support of national education out of municipal funds.

The Madras Government have issued orders under rule 37, Schedule IV of the District Municipalities Act, 1920, prohibiting expenditure of municipal funds on educational institutions not recognised by Government, the District Educational Council or other specific authority. A similar draft rule has been published under the Local Boards Act, 1920. The object is to prohibit expenditure of local and municipal funds on so-called national institutions not conforming to the requirements of the Education Department.

The general attitude of the Bombay Government may be summarised as follows:

- (1) They approve the proposal that a municipality which is able and willing to do so should defray the cost of primary education from its own funds.
- (2) The powers of inspection and control vested in Government by statute must remain unimpaired and unaffected by any such decision on the part of a municipality, and they will be used.
- (3) The rights and emoluments of the existing staff of teachers in municipal primary schools must be fully safeguarded.
- (4) Facilities will be provided by Government for the children of those parents who do not wish to send them to the municipal schools.

It is understood that it is not intended to put into immediate practice the powers mentioned in (2) above.

In Bihar and Orissa, it came to the notice of the Local Government that a municipality was showing sympathy with the non-co-operation movement and that there was a possibility of funds being used for national schools. The Local Government accordingly directed that the grant should not be paid till the municipality had given an assurance that the school would be conducted according to the rules of the Department. Apart from this instance, the Local Government have had no occasion to state a definite policy, but they would not refrain from utilising the powers which are given to them to prevent any assistance being given to 'national schools.'

SALE OF OPIUM BY INDIA TO CHINA.

205. **Mr. P. P. Ginwala:** Will the Government be pleased to state:

- (a) Its policy and how the position now stands with reference to the sale of opium by India to China?
- (b) Whether the Government intends to stop the manufacture and sale of opium for other than medicinal purposes, and if so, when it proposes to give effect to such intention?

The Honourable Mr. W. M. Hailey: (a) The export of opium to China from Indian ports is prohibited, and there is no sale of opium by Government for export to China.

(b) I assume that the second part of the Honourable Member's question refers to the manufacture and sale of opium for export. The use to

which Indian opium may be put in foreign countries which import it is determined by the Governments of such countries and not by the Government of India.

INDIANS IN FOREIGN COUNTRIES.

206. **Mr. K. Ahmed:** (a) How many Indians of all ranks are abroad in Egypt, Persia, Asia Minor, Palestine, Mesopotamia, Turkey, Africa, and other places in connection with British undertakings beyond India?

(b) How many of them are Muhammadans and how many non-Muhammadans of all grades?

(c) Do the Government propose to withdraw the Indians, specially the Muhammadans, employed in the Muhammadan countries abroad without delay?

Sir Godfrey Fell: (a) On the 1st August 1921, the number of Indians of all ranks of the Army serving outside India was approximately:

Combatants	...	...	...	...	54,789
Followers (including Labour Corps)	...	...	...	...	42,182

(b) The Government are not in possession of statistics showing the number of Muhammadans and non-Muhammadans serving in all the units employed out of India. The following figures, however, are available, and the Government trust that they will suffice for the Honourable Member's purpose:

In the Cavalry, Infantry and Pioneers serving out of India on the date mentioned, 37 per cent. were Muhammadans and in the Artillery 38 per cent.

(c) No. A reference is invited to Resolution No. 2 passed at the meeting of the Legislative Assembly held on the 28th March 1921.

STAFF IN THE EAST INDIAN AND BENGAL NAGPUR RAILWAY OFFICES.

207. **Mr. K. Ahmed:** (i) Will the Government be pleased to state the number of officials and the number of clerks (respectively) at present in the:

- (a) East Indian Railway Office at 105, Clive Street, Calcutta, and
- (b) Bengal Nagpur Railway Office at 12, Garden Reach Road, Calcutta?

(ii) How many among them are Hindus, Muhammadans, Europeans and Anglo-Indians, respectively?

(iii) What are the number of appointments made in the last five years among clerks and officials (respectively) in those offices and how many among them are Hindus, Muhammadans, Europeans and Anglo-Indians, respectively, mentioning their grades and their initial salary at the beginning?

(iv) What principle was followed in making those appointments?

(a) Was it notified for filling up such vacancies; or

(b) were individual candidates brought in by some officers or head clerks who were in a position to give such information to the

candidates for such vacancies without the knowledge of the public?

(v) Do Government propose to adopt the above method of securing such appointments and make it a rule that whenever a vacancy occurs in any department it should be notified in the public gazette and that Associations of the important Communities may be informed about such vacancy by sending notices to them as well?

(vi) Are the Government aware of the Bengal Government Circular that in filling up a vacancy preference will be given to Muhammadans until one-third of the entire posts are filled up by Muhammadans?

(vii) Do Government propose to follow that rule in all its departments if the Muhammadan Associations and the Community are in a position to supply such qualified men as may be required for such vacancies?

Col. W. D. Waghorn : The information required in regard to the nationality of the officials and clerks employed in the head offices of the East Indian and Bengal-Nagpur Railway Companies, is not yet ready. When it is received, it will be sent to the Honourable Member.

CIVIL AND CRIMINAL APPEALS, ETC., IN THE CALCUTTA HIGH COURT AND APPOINTMENT OF ARBITRATION COURTS.

208. **Mr. K. Ahmed :** (i) Will the Government be pleased to state how many appeals, motions and references, both civil and criminal, were heard by the Calcutta High Court on the Appellate Side for the last five years and among the parties to those appeals, motions and references, how many of them were Muhammadans and how many Hindus?

(ii) Are the Government aware that arbitration courts have been started in each District and that a very few cases are tried in Government Courts in consequence?

The Honourable Sir William Vincent : (i) A statement, showing the number of cases disposed of by the Calcutta High Court on the Appellate Side during the years 1916 to 1920 under the heads specified therein, is laid on the table. Government have no information as to how many of the parties to the suits were Hindus or Muhammadans.

(ii) Government are aware that arbitration courts have been started in certain districts, but they are not aware that very few cases are tried in Government Courts in consequence.

Statement showing the cases disposed of by the Calcutta High Court (Appellate Side) during the five years 1916-20.

Year.	CIVIL.			
	First appeals.	Second appeals.	Motions.	Reference.
1916	499	2,793	4,806	14
1917	372	2,695	5,575	6
1918	399	3,405	4,981	7
1919	427	2,787	3,184	83
1920	389	2,749	1,477	19

Year.	CRIMINAL.		
	Appeals.	References.	Revision.
1916	261	74	801
1917	207	86	817
1918	250	76	636
1919	165	96	712
1920	195	86	904

EMPLOYMENT OF INDIANS IN HIGHER SERVICES.

209. **Mr. K. Ahmed :** Will the Government be pleased to lay on the table a statement showing in detail what steps have so far been taken to give effect to the recommendation of the Public Services Commission as regards the employment of Indians in the higher grades of the various services in India?

The Honourable Sir William Vincent : The Honourable Member is referred to the statement laid on the table to-day in connexion with Mr. N. M. Joshi's question on the subject.

DIARCHICAL SYSTEM IN THE CENTRAL GOVERNMENT.

210. **Mr. K. Ahmed :** Will the Government be pleased to state whether they propose to introduce the Diarchical System in the Central Government?

The Honourable Sir William Vincent : An Honourable Member of this Council has given notice of a Resolution on the subject of Constitutional Reforms and Government will announce their policy in the debate on that Resolution.

OFFICE OF THE DIRECTOR OF INFORMATION IN BENGAL AND THE CENTRAL BUREAU.

211. **Mr. K. Ahmed :** (a) Are the Government aware that the office of the Director of Information in Bengal is being abolished?

(b) Are the Government aware that the public look upon this Department as an unnecessary burden on the public revenues?

(c) Do Government propose to emulate the example of the Bengal Government and abolish the Central Bureau of Information?

The Honourable Sir William Vincent : (a) The Government of India are aware that the office of the Director of Information, Bengal, has been abolished.

(b) and (c). The answer is in the negative.

ABOLITION OF THE STAFF SELECTION BOARD.

212. **Mr. K. Ahmed :** Do Government intend to abolish the Staff Selection Board, and substitute a scheme for recruitment of officers selected by the official and non-official Members of the Provincial Councils?

The Honourable Sir William Vincent : The answer is in the negative.

EXEMPTION OF BRITISH SHIP COMPANIES FROM INCOME-TAX.

213. **Mr. K. Ahmed :** Will the Government be pleased to state whether any notifications were issued under Section 44 of the Income-tax Act of 1918, exempting British Ship Companies from paying Income-tax and state the reasons for such exemption, if any?

The Honourable Mr. W. M. Hailey : Non-resident shipping companies were exempted from the tax under Section 5 of the Act of 1886. In introducing the Bill which became the Act of 1918, Sir William Meyer, in his speech in the Imperial Legislative Council on the 6th February 1918, stated that the exemption granted in 1886 was due to the difficulty anticipated in estimating the Indian profits of such companies and in collecting the tax, that the provisions of the new Bill might avoid these difficulties, that the exemption was therefore omitted from the Bill in order that the Government might have a free hand to deal with the matter, but that so long as war conditions continued, the Government of India did not propose to take any active steps to tax these companies and that the existing exemption would be maintained by a Notification under clause 44 of the Bill leaving the final decision over for consideration when peace conditions returned. In accordance with this statement a notification was issued on the 28th March 1918 exempting from the tax all non-resident shipping companies. When rules for assessing such companies to the tax were framed, the exemption was withdrawn with effect from the 1st April 1919, except as regards shipping companies incorporated or registered in the United Kingdom or in any of His Majesty's Dominions. The exemption in favour of the latter companies was also withdrawn on the 22nd April 1921, and all shipping companies are now liable to the tax. The reason for not withdrawing the exemption in favour of British and Dominion shipping companies at the time when the exemption was withdrawn in favour of other non-resident shipping companies was that it was decided not to withdraw the exemption in favour of the former until arrangements had been come to with the Government of the United Kingdom for relief from double income-tax where the same income was liable to tax in the United Kingdom and in India.

Mr. K. Ahmed : May I ask a Supplementary Question, Sir? Could not the Honourable Member in charge give an idea regarding the amount per year, if it is available in the office for the last few years?

The Honourable Mr. W. M. Hailey : Will the Honourable Member kindly repeat his question? I did not catch what he said.

Mr. K. Ahmed : Will the Honourable Member be good enough to give an idea to the Honourable Members of this Assembly with regard to the average amount of loss in income per year that India has sustained?

Mr. President : The Honourable Member had better give notice of that Question.

HARDSHIPS OF PORTERS AND COOLIES AT RAILWAY STATIONS AND CORRUPTION OF STATION SUPERINTENDENTS, ETC.

214. **Mr. K. Ahmed :** (i) Are the Government aware that owing to the insufficiency of their income, the porters and coolies of Railway Stations suffer great hardships and miseries?

(ii) Do the Government know that Station Superintendents and Station Masters take a portion of their income?

(iii) Will the Government be pleased to state what is the salary per month of the Station Superintendents of Sealdah and Katihar Railway stations on the Eastern Bengal Railway and how much is their additional income per month from the share of the wages of the coolies and from other sources, if there be any?

(iv) Are the Government aware that beside the Station Masters' and Station Superintendents' percentage the coolies are compelled to pay some portion of their income to the Sirdars and other officers of the railway station?

(v) Are the Government aware that a good many coolies are not taken into the service of the Railway Company because they do not pay bribes to the Railway officers concerned?

Colonel W. D. Waghorn : (i) and (ii). Porters on the Eastern Bengal Railway are paid at a rate of Rs. 1-1-14 per mensem which is considered adequate.

Coolies are engaged by Station Superintendents and Station Masters in their capacity as Contractors for loading, unloading and transhipment of goods, parcels and luggage. At certain of the larger stations, the Station Superintendents or Station Masters also arrange for the supply of licensed coolies for the carriage of passengers' luggage. The supply of labour in Bengal is usually short of the demand and if the wages earned by these coolies were insufficient, it is presumed, they would not undertake this work.

(iii) The pay of the Station Superintendent, Sealdah, is Rs. 600 and the Station Master, Katihar, Rs. 480 per mensem. The former has a contract for the supply of labour for handling luggage, parcels and passengers' luggage, under which he receives Rs. 120 per mensem. The latter supplies labour for loading, unloading and transhipment of goods, luggage and parcels, for which he receives Rs. 337-8-0 per mensem.

(iv) Porters employed by the Railway are certainly not called upon to pay any portion of their income to Sirdars or others. Station Superintendents and Station Masters settle terms with the coolies engaged by them direct. If the coolies are dissatisfied there is nothing to prevent them leaving.

(v) The reply is in the negative.

MESSRS. BIRD AND COMPANY'S INCOME IN RESPECT OF TRANSMISSION OF PARCELS, ETC., FROM RAILWAY WAGONS.

215. **Mr. K. Ahmed :** (i) Will the Government be pleased to state what is the annual income of Messrs. Bird and Company from each station in respect of which they are given contract for transmission of parcels, baggages and goods from the Railway wagons and steamers and at what rate and how much they pay for such transmission to the coolies employed by them?

(ii) Do Government propose to remove Messrs. Bird and Company's service and introduce a more popular method for transmitting passengers' luggage and parcels and goods from wagons?

Colonel W. D. Waghorn : (i) A statement showing the amount paid to Messrs. Bird and Company for handling goods and coaching traffic at each station on the Eastern Bengal Railway for which they had a contract with the

railway during the year ended 31st March 1921 (the latest figures available), is placed on the table. It is not known at what rate and how much Messrs. Bird and Company pay coolies employed by them for this work.

(ii) It is not proposed to cancel Messrs. Bird and Company's contract which is reported to be working satisfactorily.

Statement showing the amount paid to Messrs. Bird and Company, for handling goods and coaching traffic at each station during the year ended 31st March 1921.

Station.	Amount.
	Rs. A. P.
Santahar ...	2,04,801 6 0
Lalgola ...	11,859 7 9
Rupsa East ...	2,106 0 0
Goalundo ...	20,925 1 9
Serajgunj ...	59,871 2 3
Khulna ...	46,152 8 3
Naraingunge ...	10,785 12 6
Jugannathgunge ...	62,986 5 0
Godagari ...	2,193 12 0
Koosthia ...	9,169 1 6
Calcutta ...	28,689 10 3
Cossipur Road ...	15,717 1 0
Chitpur ...	14,137 8 0
Chitpur Ghat ...	9,984 9 9
Ultadanga ...	5,252 2 6
Non-contracted stations for Miscellaneous works ...	32,653 0 0
Total ...	5,32,284 8 6

LICENSES OF VENDORS OF SWEETMEATS, ETC., AT RAILWAY STATIONS.

216. **Mr. K. Ahmed :** (i) Is it a fact that the vendors of sweetmeats, fruits, sundry goods and other articles in railway stations incur extra cost in order to get license from the station authority?

(ii) Are the Government aware that there is always a hard competition among station masters in order to get their transfer to important stations where they get more additional income apart from their salary?

Colonel W. D. Waghorn : (i) The station staff are not authorised to make any charge to vendors for the license or privilege of offering for sale sweetmeats, fruit, etc., on the platforms of railway stations. Government have no information on which deterrent action could be taken, that illicit charges, such as the question suggests, are made.

(ii) Transfers are ordered by the Railway Administration in the interests of the Railway and not of the individual.

PASSENGER SUPERINTENDENTS ON THE EASTERN BENGAL RAILWAY.

217. **Mr. K. Ahmed :** (a) Will the Government be pleased to state how many Passenger Superintendents there are on the Eastern Bengal Railway and

what is their pay per month and since how long they are in the service of the Railway Company?

(b) What are their duties and what service have they rendered and what amount in total have they been paid since their appointment?

(c) Are the Government aware that as a rule these people are very old and on account of their not being familiar with the habits, customs, convenience, comfort and pleasure of the Bengali passengers, they are not of any use to them and the object of keeping them as Passenger Superintendents is frustrated thereby?

(d) Do Government propose to remove the present incumbents and bring in better substitutes to promote the object of these appointments?

Colonel W. D. Waghorn : (a) The number of Passenger Superintendents employed on the Eastern Bengal Railway is 20, of whom 1 is paid Rs. 155, 15 are paid Rs. 150 each, 1 is paid Rs. 145 and 3 Rs. 140 each per mensem.

As regards their service, 8 were employed in 1910, 1 in 1911, 2 in 1912, 5 in 1913, 1 in 1919 and 3 in 1920.

(b) A statement of the duties performed by these Passenger Superintendents is placed on the table. They are recruited from retired Military Officers on the recommendation of the Military Secretary to His Excellency the Commander-in-Chief. Information regarding the total amount paid to them since their appointment is not readily available and it would necessitate a reference to the records of 11 years to compile the figures. The pay of Passenger Superintendents when first appointed in 1910 was fixed at Rs. 105 and the pay drawn at present has been stated in part (a) of this reply.

(c) It has been ascertained that only 3 out of the 20 Passenger Superintendents employed on the Eastern Bengal Railway are over 55 years old and Government are not aware that owing to their age and unfamiliarity with the habits and customs of Bengali passengers they are of little use as Passenger Superintendents.

(d) It is not proposed to remove the present incumbents but to make it a condition in future that Passenger Superintendents should possess some knowledge of English and, if possible, of the language of the province in which they are employed.

EASTERN BENGAL RAILWAY.

DETAILS OF DUTIES TO BE PERFORMED BY PASSENGER SUPERINTENDENTS.

1. To mix freely with passengers in waiting halls, on platforms and in trains, ascertain their wants and, if practicable, have them attended to, and if necessary, report the same to the station master. To also bring to the notice of the Station Master any high-handedness on the part of any railway servant towards passengers.

2. To be present at the ticket issuing windows and to see that not more than the correct fares are realised from passengers, that tickets are issued to the proper destination stations and that the ticket windows are open in good and sufficient time before the arrival of trains.

3. To protect passengers from being harassed by the police or any railway servant, and to see that no illegal gratification is demanded.

4. To see that railway police or other persons entrusted with money for purchasing tickets do not take more than the correct fare.

5. To visit booking offices to see that passengers are being promptly attended to in regard to the issue of tickets.

6. To direct passengers to the class of carriage for which tickets are held, to prevent overcrowding, and to see that Ticket Collectors and other railway servants are attentive and treat the public with proper courtesy.

7. To bring to the notice of the District Traffic Superintendent with the least possible delay any serious high-handedness or 'zoolum' on the part of any railway servant towards the travelling public or any other matter which will tend to the comfort of passengers.

8. Generally to assist passengers and intending passengers, specially those of the lower classes, in all things tending to their convenience and comfort whilst on the railway.

9. To visit parcels and luggage offices and watch the booking.

10. To occasionally re-weigh parcels or small consignments of goods.

11. To make over to Station Masters for realization of excess fare, passengers detected by them travelling without tickets or in a higher class than that for which they hold tickets.

12. To submit reports to the District Traffic Superintendent for information or action whenever necessary, and to see the District Traffic Superintendent or Assistant Traffic Superintendent whenever directed to do so.

Mr. W. M. Hussanally: Sir, may I rise to ask a Supplementary Question? Will the Honourable Member please say whether these Passenger Superintendents are Europeans, Eurasians or Indians?

Colonel W. D. Waghorn: I think without exception they are all Indians.

SALE OF MAGAZINES, ETC., BY MESSRS. WHEELER AND CO., AT RAILWAY BOOKSTALLS.

218. **Mr. K. Ahmed:** (i) Will the Government be pleased to state since how long Messrs. Wheeler and Company's Stalls have been supplying magazines, periodical books and newspapers, etc., and what amount of money for license per year they pay to the Railway Company?

(ii) Is it a fact that the majority of the passengers ask for the *Indian Daily News*, *Bengalee*, *Amrita Bazar Patrika*, *Servant*, *Nayak*, *Bangabasi*, *Hitabadi*, *Sanjibani*, *Bussurmati* and many other vernacular papers and these Stalls sell only the *Statesman* and *Englishman* and sometimes the *Empire* at Sealdah station?

(iii) Do Government propose to keep and maintain popular Stalls on Railway platforms to meet the demand and convenience of the greater bulk of the passengers?

Colonel W. D. Waghorn: (i) The information relating to three railway administrations is laid on the table.

(ii) No representation in regard to this matter has been made to the Railway Administrations.

(iii) Messrs. Wheeler and Co. have already commenced selling vernacular publications at their bookstalls and are now extending in this direction, so that everything possible is being done to make the stalls popular and to meet the needs of all classes of the travelling public. It is in the interests of the Book-Stall Contractors themselves to stock papers, magazines and books that find a ready sale.

In the circumstances explained, Government do not propose to take any action.

Railway.	Since how long Messrs. Wheeler and Coy.'s Stalls have been supplying Magazines, etc.	Payment made by Messrs. Wheeler and Company to Railway for license.
E. I. R. ...	1882	2 per cent. on the gross sales at book-stalls except on the Delhi-Ambala-Kalka section where 5 per cent. is paid.
E. B. R. ...	1901	2 per cent. on the gross sales at book-stalls. In 1920, Rs. 590-11-9 was paid out of Rs. 29,536-13-9 realised from sales.
B. N. R. ...	1902	Nil.

FEMALE BOOKING CLERKS ON THE EAST INDIAN AND BENGAL NAGPUR RAILWAYS.

219. **Mr. K. Ahmed:** (i) Will the Government be pleased to state when and under what circumstances the female booking clerks, ticket checkers, and other assistants came to be first employed in the service of the Railway Company on the East Indian and Bengal Nagpur Railway lines, respectively?

(ii) Are the Government aware what incalculable suffering the third class passengers are put to, when they are to purchase tickets from them?

(iii) Is it a fact that these female booking clerks while selling third class tickets and giving back the balance of the money handed over to them, very often take advantage of the ignorance of the poor passengers and treat them contemptuously?

(iv) Do Government propose to replace these female booking clerks by male clerks?

(v) Is it a fact that the cost incurred by the Railway Company in maintaining the staff of female booking clerks and assistants is much higher than a similar staff of male booking clerks and assistants?

Colonel W. D. Waghorn: (i) Howrah is a joint station between the East Indian and Bengal Nagpur Railways, but the East Indian Railway has entire control over the staff in question. Female Booking Clerks were originally employed on the East Indian Railway in 1906 due to a partial strike of the Indian Clerical Staff. The arrangement in its initial stage was purely temporary, but the employment of European and Anglo-Indian labour clearly illustrated the extent to which the ignorant third class passenger was being over-charged at Howrah by Indian Booking Clerks.

With a view, therefore, to improvement, it was decided to employ female European and Anglo-Indian labour permanently for the purpose. It has been found that women employed in this class of work are more even-tempered and patient than men and treat ignorant third class passengers with greater sympathy.

In regard to ticket checking staff, the necessity for employing Female Ticket Collectors arose as a result of complaints from the public who

objected to the practice of Male Ticket Collectors examining the tickets of female passengers and Purdah ladies in particular.

Such staff were appointed in 1896.

(ii) It is not correct to say that third class passengers are put to an incalculable amount of suffering when purchasing tickets issued by the Female Booking Clerks at Howrah.

(iii) Occasional complaints from the public are received and if found to be correct, the Female Booking Clerk concerned is suitably punished. It may, however, be stated that complaints are not confined to the Female Booking Clerks, as similar complaints in far greater numbers are also received against Indian Booking Clerks employed at other stations.

(iv) No advantage would be gained by replacing the Female Booking Clerks at Howrah by Indian Clerks of the other sex and such is not the intention.

(v) A statement showing the cost incurred monthly in employing Female Booking Clerks at Howrah as compared with the cost of the employment of Indian Booking Clerks at the same station, is laid on the table.

The figures are based on average monthly salaries.

Comparative Statement showing the expenditure involved in maintaining Female Booking Clerks at Howrah and of Indian Booking Clerks at the same station.

	Ra.
45 Female Booking Clerks at Rs. 100 per mensem average monthly salary	4,500
Cost of maintenance of Booking Clerks Home, inclusive of lighting charges and salary of Home staff	155
	4,625
45 Indian Booking Clerks at Rs. 45 per mensem average monthly salary	2,025

Mr. K. Ahmed : Sir, I rise to ask a Supplementary Question, is it not a fact that there have been complaints made against them at the Howrah Criminal Court? Were not references made from the Court of Khan Bahadur Maulvi Fazlul Haq, Deputy Magistrate of Howrah, with regard to it?

Colonel W. D. Waghorn : Sir, I am afraid I cannot answer that question.

PASSENGER TRAINS FROM SEALDAH AND HOWRAH UNPROVIDED WITH ELECTRICAL FANS AND LIGHTS.

220. **Mr. K. Ahmed :** (i) Will the Government be pleased to state how many passenger trains run from Sealdah on the Eastern Bengal Railway and Howrah on the East Indian Railway without fans and electric lights?

(ii) Are the Government aware that many passenger trains running from the above stations stop at many places where no sufficient light and sometimes no light at all is kept burning and that passengers suffer a great deal of inconvenience and particularly lady passengers are unable to travel at all by those trains?

(iii) Do the Government propose to make suitable arrangements for the convenience, comfort and pleasure of the third class passengers in proportion to the income derived from them as compared with the income received from first and second class passengers?

(iv) Are the Government aware that in all the passenger trains running from the above stations, the third class compartments are packed with passengers without a single fan and a single electric light, while the first and second class compartments sometimes with one or two passengers and generally without any passenger, are fitted with a sufficient number of electric fans and lights?

(v) Do Government propose to order fans or at least one fan to be fitted inside each third class compartment without delay?

Colonel W. D. Waghorn : (i) On the Eastern Bengal Railway the majority of carriages on main line trains starting from Sealdah are electrically fitted, the first and second class with electric light and fans, and the intermediate and third class with electric lights only.

The stock of 20 trains running between Sealdah and the Diamond Harbour, Port Canning and Budge Budge branches—distance of 37, 28 and 18 miles, respectively—is not electrically fitted.

On the East Indian Railway first and second class carriages are generally fitted with electric lights and fans. Intermediate and third class carriages are not electrically fitted except those on mail trains which are provided with electric lights.

(i) Government are not aware that the lighting arrangements are insufficient at stations where trains stop nor of the inconvenience to passengers referred to. Platform lamps are provided at all stations at certain intervals prescribed by rules and railway administrations are prepared to consider any specific complaint regarding the lighting arrangements at stations.

(iii) Government and the railway administrations realise the necessity for making suitable arrangements for the comfort and convenience of third class passengers and improvements to this end are made from time to time as far as funds permit.

(iv) Government cannot accept the general statement made in this part of the question as quite representative of the conditions of travelling in the different classes of accommodation provided by railways.

As already stated, first and second class carriages are generally fitted with electric lights and fans and passengers who elect to travel in these classes pay for this and other conveniences in the shape of high fares.

Railway Administrations can hardly be expected to provide the same standard of equipment in carriages of all classes.

(v) Government do not propose to order electric fans to be fitted in third class carriages.

Mr. K. Ahmed : Is it not a fact that there are a large number of Inspectors, Supervisors and officers attached to your office who can give you statistics of the consumption of electricity for light?

Colonel W. D. Waghorn : There are Inspectors in the Carriage and Wagon shops.

Mr. K. Ahmed : Is there not a number of Inspectors and officers who can tell you whether the lights are sufficient or not?

Colonel W. D. Waghorn : I ask for notice of that question please.

CONDITIONS OF SERVICE OF ANGLO-INDIAN AND INDIAN OFFICERS AND
CLERKS OF THE EASTERN BENGAL RAILWAY.

221. **Mr. K. Ahmed:** (i) Will the Government be pleased to state with reference to the answer to Question No. 383 given by Colonel Waghorn at the last Delhi Session on what grades and initial salary the Anglo-Indian officers and clerks of the Eastern Bengal Railway are being appointed and on what grades and initial salary the Hindu and Muhammadan officers are being appointed?

(ii) Will the Government be pleased to state what is the procedure followed in appointing Station Masters and Assistant Station Masters and in promoting the clerks and other subordinates to those grades?

Colonel W. D. Waghorn: (i) As stated before, the grades and initial salary are the same for Anglo-Indian, Hindu and Muhammadan clerks. Occasionally clerks regardless of race or religion are appointed on a higher initial salary owing to superior education or qualifications.

The scale of pay of clerks is:

Combined class A-B,	Rs.	25 - 5- 60
" " C	"	65- 5- 80
" " D	"	85- 5-100
" " E	"	110-10-140
" " F	"	150-10-200
" " G	"	210-10-250
" " H	"	260-10-300

(ii) Station Masters are recruited from the list of Assistant Station Masters who in turn are recruited from among qualified guards, signallers and other station staff.

APPOINTMENT OF HINDU, MUHAMMADAN AND ANGLO-INDIAN OFFICERS AND
CLERKS OF THE EASTERN BENGAL RAILWAY.

222. **Mr. K. Ahmed:** (i) With reference to the answer to Question No. 382 put at the last Delhi Session regarding the appointment of Hindu, Muhammadan and Anglo-Indian officers and clerks on the E. B. Railway, do the Government propose to follow the circular of the Bengal Government that in filling up vacancies preference will be given to Muhammadans until one-third of the entire posts are filled up by them?

(ii) Do the Government propose to follow that rule whenever there will be vacancies and appoint Muhammadans, if the Muhammadan Associations and the Communities are in a position to supply such qualified men as may be required for such vacancies?

(iii) Do the Government propose to notify such vacancies in public gazettes and send copies of such notifications to Muhammadan Associations?

(iv) Will the Government be pleased to state what principle has hitherto been followed in making such appointments?

(a) Were notifications issued for filling up such vacancies? Or

(b) Were individual candidates brought in by officers or clerks who were in a position to give information to the candidates for such vacancies without the knowledge of the public?

Colonel W. D. Waghorn: (i) No. It is proposed that in future officers shall be appointed by Selection Committees from passed students of Colleges and Muhammadan candidates have to take their chance with other candidates.

It is not practicable to fill vacancies in the clerical staff of the Eastern Bengal Railway by appointing a proportionate number of Hindus and

* Vide Legislative Assembly Debates, Vol. I, p. 593.
† Ditto ditto ditto p. 593.

Muhammadans. But the Railway Administration is quite willing to employ more Muhammadans if suitable men present themselves.

(ii) It is not possible to ask the Muhammadan Association to nominate candidates on the occurrence of vacancies, but if the Association is prepared to make recommendations, the candidates so recommended will be registered and their qualifications considered by the Railway authorities when making appointments.

(iii) The reply is in the negative. It is not practicable to notify vacancies to the Muhammadan Association and other denominational bodies. In the interests of work, it is usually necessary that vacancies should be filled up immediately.

(iv) Vacancies are filled by the selection of the most suitable candidates from the large number of applicants constantly on the list.

(a) The reply is in the negative.

(b) A register of qualified candidates is maintained and on the occurrence of a vacancy the best qualified men available is selected.

INCONVENIENCE TO PASSENGERS ON THE JORHAT RAILWAY.

223. **Rai D. C. Farua Bahadur:** (a) Are the Government aware that great inconvenience is felt by the travelling public to and from stations on the Jorhat (Provincial) Railway, in the absence of the system of issuing 'through tickets' in connection with the Assam Bengal Railway and other railway connections? If so, will the Government be pleased to take early steps in the matter to remove this inconvenience?

(b) Are the Government aware that great delay and loss take place in goods transports along the Jorhat (Provincial) Railway, at the terminal junctions at Moriani and Titubar due to difference in gauge of the Jorhat (Provincial) Railway and the Assam Bengal Railway?

(c) Do the Government propose to take into consideration the question of conversion of the present narrow gauge on the Jorhat (Provincial) Railway to one of metre gauge in order to facilitate through goods transport with the Assam Bengal Railway?

Colonel W. D. Waghorn: The Jorhat (Provincial) Railway is under the administrative control of the Government of Assam and this question should accordingly have been put in the Provincial Council. The views of the Assam Government have, however, been obtained and are as follows:

(a) No complaints have been received and the Government are unaware that the inconvenience felt by the travelling public for the reasons alleged is appreciably great. The matter was fully considered in 1917 and the decision arrived at was that receipts from passenger traffic on the Jorhat (Provincial) Railway were insufficient to justify the expenditure which through booking would involve.

(b) Where transshipment has to be resorted to, a certain amount of delay is inevitable but no complaints have been received either in regard to loss or delay.

The Agent, Assam Bengal Railway, who was also addressed, states that that administration is not aware that loss takes place in goods passing to and from the Jorhat (Provincial) Railway at Moriani and Titubar Junctions.

- (c) In the present state of the finances of the province, the Government of Assam are not prepared to consider the proposal to convert the gauge of the line; nor, in their opinion, do the volume of traffic and the earnings of the line justify conversion.

DISCONTENT AMONG OFFICERS SUBJECT TO INDIAN SERVICE LEAVE RULES.

224. **Rai D. C. Barna Bahadur :** (a) Are the Government aware that great discontent prevails among the officers subject to the Indian Service Leave Rules on account of the restrictions imposed upon their privilege of commuting furlough on half average salary into furlough on average salary?

(b) Will the Government be pleased to explain why the privilege has been extended only to those officers who proceed on leave out of India or Ceylon, or who take furlough on medical certificate?

(c) Do the Government propose to take early action to remove these restrictions, and place the officers subject to the Indian Service Leave Rules on the same footing with the officers of European Services and to extend the provisions of Article 316A of the new Leave Rules to them with necessary modifications of clause (e)?

The Honourable Sir William Vincent : (a) The existence of such discontent has not been brought to the notice of Government.

(b) and (c). The attention of the Honourable Member is invited to my speech in connexion with the Resolution moved by the Honourable Sardar Jogendra Singh in the Council of State on the 9th March 1921.

As a result of the recommendations of the Public Services Commission, Government intend to restate the criteria according to which officers are brought under one or the other set of rules, and the matter is now under consideration.

TRANSFER OF THE PROTECTORATE OF ADEN.

225. **Mr. M. K. Reddi Garu :** (a) Has the attention of the Government been drawn to a speech of Mr. Winston Churchill, Secretary of State for the Colonies, wherein it is stated that the protectorate of Aden will be taken over under the Colonial Office?

(b) Will the Government be pleased to state if they have been consulted in the matter and if this proposal has been accepted by them?

(c) Will the Government be pleased to lay on the table the papers connected with the transfer of Aden to the Colonial Government?

(d) Will the Government be pleased to furnish a tabular statement showing :

- (i) the date when Aden came under the Indian Government,
- (ii) the annual cost debited to the Indian exchequer in the administration of the Protectorate from the time of its having been taken over,
- (iii) the total cost of capital works and all improvements done in the Protectorate during the period of its administration by the Indian Government.

The Honourable Dr. T. B. Sapru (on behalf of the Honourable Mr. Denys Bray) : (a) Yes. As the control of the Aden Protectorate, which consists of the territory of Arab Chiefs in treaty relations with His Majesty's Government, was transferred to His Majesty's Government during the war and matters connected with it are no longer the concern of the Government of India, the Honourable Member presumably refers to the Aden Settlement, and if that is correct, I would refer the Honourable Member both generally and as regards (b) and (d) (i) and (ii) to my reply to Question No. 129 on the 10th September 1921, and also to the reply given by the Honourable Mr. Bray to a similar question in the Council of State on the 26th March.

(c) The whole question, including the future incidence of expenditure, is still under discussion, and the correspondence cannot be laid on the table at present.

(d) (iii). It is regretted that complete information is not readily available but the present book value of the Government buildings in the Settlement is, civil buildings Rs. 20 lakhs; permanent military buildings Rs. 60½ lakhs; and temporary (war) buildings Rs. 5½ lakhs.

CONSTRUCTION OF OFFICES AND QUARTERS NEAR EGMORE RAILWAY STATION, SOUTH INDIAN RAILWAY.

226. **Mr. M. K. Reddi Garu :** (a) Will the Government be pleased to state if it is a fact that the South Indian Railway Company have contemplated the acquisition of house and land sites near the Egmore Railway Station, for the construction of offices and quarters now located at Trichinopoly?

(b) Do the Government propose to advise the Railway Company that in view of the already congested condition of the city and dearth of proper housing accommodation, they should not sanction any such proposals, but should locate their offices outside the Municipal limits of the City?

Colonel W. D. Waghorn : (a) The South Indian Railway Company have at present no intention of acquiring house and land sites near the Egmore Railway Station (Madras) for the construction of offices and quarters now located at Trichinopoly. It may, however, be necessary to acquire a small area of land at that station to build quarters to house local staff.

(b) In view of the answer given in (a) above, Government do not propose to take any action in the matter.

PAY AND PROSPECTS OF THE INDIAN CIVIL SERVICE AND OTHER SERVICES.

227. **Mr. M. K. Reddi Garu :** Will the Government be pleased to lay on the table a statement showing the pay and prospects of the Indian Civil Service, Indian Medical Service, Indian Educational Service, Posts and Telegraphs, Engineering, Police and Forests, as they stood in the year 1917 and as they stand now?

The Honourable Mr. W. M. Hailey : I lay on the table a statement giving the required information.

Service.	1917.			1921.			REMARKS.
	Appointments.	No.	Pay.	Appointments.	No.	Pay.	
Imperial Customs Service.	Collectors	1	Ra. 2,500	Collectors	1	Ra. 3,000	*Under the old scale, Collectors on Ra. 2,500 and Ra. 2,250 were entitled to a local allowance of Ra. 250, and those on Ra. 2,050 of Ra. 200 when posted to Calcutta, Bombay or Bangoon. These local allowances have been absorbed in the new scale. The Collector of Customs at Bangoon, however, draws a Burma allowance of Ra. 165 a month.
	Do.	2	2,250*	Do.	4	2,250-100-2,750	
	Do.	2	2,050				
	Civilian Assistant Collectors.	3	1,000-100-1,300- 20-1,400.	Civilian Assistant Collectors.	3	1,000-100-1,500	
	Non-Civilian Assistant Collectors.	19	300-50-1,150-20- 1,400.	Non-Civilian Assistant Collectors.	21	350-50-1,500	
Indian Audit Department.	Comptroller and Auditor General.	1	4,500	Auditor General	1	5,000	†Temporary appointments (the present incumbent of one of these appointments is an Accountant General who draws his pay as such in the regular line.)
	Controller of the Currency.	1	3,000-125-3,500	Controller of the Currency.	1	3,000-125-3,500	
	Accountants General, Class I.	2	2,750	Accountants General, Class I.	4	3,000	
	Accountants General, Class II.	3	2,500	Accountants General, Class II.	9	2,250-100-2,750	
	Accountants General, Class III.	4	2,250	Deputy Controller of the Currency.	1	2,000-100-2,500	
	Chief Examiners, Class I.	2	2,000	†Deputy Controllers of the Currency.	2	1,500-60-1,800	‡Officers who were serving on 23rd June 1920 draw their old pay plus an addition to pay of Ra. 300.
	Chief Examiners, Class II.	1	1,800				
	Class I—Enrolled List ...	7	1,500-60-1,800	Class I—General List ...	9	1,500-60-1,800†	
	Public Works List	4		Public Works List	5		

Service.	1917.			1921.			REMARKS.
	Appointments.	No.	Pay.	Appointments.	No.	Pay.	
State Railway Engineering Service.	Classes II and III—Enrolled and Public Works Lists.	143	300-50-1,250- 50-1,500.	Classes II and III—General List ...	108	350-50-1,400\$	§Officers who were serving on 23rd June 1920 draw their old pay plus an addition to pay ranging from Ra. 100 to Ra. 300.
	Chief Engineers, 1st Class.	2	2,750	Chief Engineers	5	2,750-125-3,000	
	Chief Engineers, 2nd Class.	3	2,500				
	Superintending Engineers, 1st Class.	4	2,000 Imperial.	Superintending Engineers.	13	1,750-100-2,150	
	Superintending Engineers, 2nd Class.	5	1,700 Imperial.				
	Superintending Engineers, 3rd Class.	4	1,400 Imperial.				Under new scales European recruited Assistant Executive and Executive Engineers draw in addition to these rates Ra. 75 per mensem technical pay and overseas pay of Ra. 150 per mensem from 1st to 7th year of service, Ra. 200 from 8th to 11th and Ra. 250 from 12th year and onwards until promoted to administrative rank.
	Executive Engineers	102	750-50-950, 950-50-1,200, 1,200-1,250, 1,250-1,300.	Executive Engineers	102	750-50-950, 950-50-1,200, 1,250-1,300.	
	Assistant Executive Engineers.	85	335-35-850 Imperial. 380-40-700, 750 Imperial. 250-25-475 Provincial.	Assistant Executive Engineers.	60	300-50-450, 450-50-550, 550-600.	
	Agency Department.			Agency Department.			
	Agents ...	2	3,000	Agents ...	2	3,500	
Superior Revenue Establishment of State Railways.	Deputy Agents ...	1	2,500	Deputy Agents ...	1	3,000	Under the new scales European recruited District and Assistant officers get in addition overseas pay of Ra. 150 from 1st to 7th year of service, Ra. 200 from 8th to 11th and Ra. 250 from 12th year onwards until promoted to administrative rank.
	Do.	2	1,750	Do.	2	1,750-100-2,150	
	Do.	2	1,500	Do.	2	1,650-50-1,900	
	Traffic Department.			Traffic Department.			
	Traffic Managers	3	2,000	Traffic Managers	1	2,500	
	Deputy Traffic Managers.	9	1,500	Deputy Traffic Managers.	2	2,300-100-2,500	Under the new scales European recruited District and Assistant officers get in addition overseas pay of Ra. 150 from 1st to 7th year of service, Ra. 200 from 8th to 11th and Ra. 250 from 12th year onwards until promoted to administrative rank.
	District Traffic Superintendents.	41	700-1,100	District Traffic Superintendents.	48	750-50-950, 950-50-1,200, 1,250-1,300.	
	Assistant Traffic Superintendents.	79	200-550	Assistant Traffic Superintendents.	75	200-250, 300-50-450, 450-50-550, 550-600.	

Service.	1917.			1921.			REMARKS.
	Appointments.	No.	Pay.	Appointments.	No.	Pay.	
Locomotive and Carriage and Wagon Establishments.	Locomotive Superintendent.	1	2,500	Locomotive Superintendent.	1	2,500	
	Locomotive Superintendents.	2	2,000	Locomotive Superintendents.	2	2,300-100-2,500	
	Carriage and Wagon Superintendent.	1	1,750	Carriage and Wagon Superintendent.	1	2,000-100-2,300	
	Deputy Locomotive Superintendents.	5	1,500	Deputy Locomotive Superintendents.	6	1,750-50-2,000	
	Deputy Carriage and Wagon Superintendents.	1	1,250	Deputy Carriage and Wagon Superintendents.	1	1,750	
	District Superintendent.	36	700-100-1,100	*District Superintendent.	37	750-50-950, 950-50-1,200, 1,200-1,250, 1,250-1,300.	*Under the new scales European recruited District and Assistant officers get in addition Rs. 75 a month technical pay and Rs. 150 overseas pay from 1st to 7th year of service, Rs. 200 from 8th to 11th and Rs. 250 from 12th year onwards until promoted to administrative rank.
	Assistant Superintendents.	34	300-350	*Assistant Superintendents.	41	300-50-450, 450-50-550, 550-600.	
Stores Establishment, State Railways.	Controller of Stores	1	1,500	Controller of Stores	1	1,750-50-2,000	
	Ditto	1	1,400	Ditto	1	1,650-50-1,900	
	District Officers	11	600-850	District Officers	14	1,500-50-1,750	
	Assistant Officers	8	200-500	Assistant Officers	8	750-50-950, 950-50-1,200, 1,200-1,250, 1,250-1,300.	
	Signal Engineer	1	1,000-1,250	Signal Engineers	2	50-550, 550-600.	
	Ditto	1	700-1,000	†Senior Assistant Signal Engineers.	3	750-50-950, 950-50-1,200, 1,200-1,250, 1,250-1,300.	
	Senior Assistant Signal Engineers.	3	700-900	†Junior Assistant Signal Engineers.	6	300-50-450, 450-50-550, 550-600.	
	Junior Assistant Signal Engineers.	6	400-600				†Under the new scales European recruited officers get in addition Rs. 75 per mensem technical pay and overseas pay of Rs. 150 per mensem from 1st to 7th year of service, Rs. 250 from 12th year onwards until promoted to administrative rank.

State Railways Coal Establishment and Mining Managers.	Mining Engineer	1	900-50-1,500	Mining Engineer	1	2,000-100-2,500	
	Mining Manager	1	1,000-100-1,400	Mining Manager	1	1,200-50-1,500	
	Coal Superintendent	1	950	Coal Superintendent	1	1,500-100-1,800	
	Senior Assistant Coal Superintendents.	4	600-50-860	Senior Assistant Coal Superintendents.	3	1,000-50-1,200	
	Junior Assistant Coal Superintendents.	4	450-50-600	Junior Assistant Coal Superintendents.	7	700-50-900	
	Assistant Mining Manager.	1	375-25-500	Assistant Mining Managers.	2	700-50-900	
Mint and Assay Departments.	Senior Mint Master	1	3,000	Senior Mint Master	1	2,000-200-3,000	
	Junior Mint Master	1	2,000	Junior Mint Master	1	1,250-50-1,750	
	Deputy Mint Master	1	1,250-50-1,500	Deputy Mint Master	1		
	Assay Masters	2	1,750-100-2,250	Assay Masters	2	1,400-80-1,800	
	Deputy Assay Masters.	2	600-100-1,500	Deputy Assay Masters	2	500-30-560 during probation. 600-50-1,200 when confirmed.	
Geological Survey of India Department.	Director	1	2,000	Director	1	3,000	
	Superintendents	3	1,000-80-1,400	Superintendents	6	1,500-100-2,000	
	Assistant Superintendents.	16	350-30-500-50-1,000.	Assistant Superintendents.	22	400-50-1,200 plus overseas pay ranging from Rs. 150-250.	
	Chemist	1	500-50-1,000	Chemist	1	400-50-1,200 plus overseas pay 150-250.	
Indian Political Department.	Residents.			Residents.			
	1st Class	7	4,000	1st Class	7	4,000	† Includes temporary appointment of Resident, Waziristan.
	2nd Class	8	2,750	2nd Class	46	3,000	
	Appointments on time-scale.			Appointments on time-scale.			
	Superior	47	450-2,400	Superior	48	†650-2,500	† Includes overseas pay of 150-250.
	Inferior	39		Inferior	40		

Posts and Telegraphs (Post Office).	Tele-grams (Telegraph Engineering).	Posts and Telegraphs (Telegraph Engineering).	Chief Engineer	Superintendents, Telegraph Engineering.	Divisional Engineers	Directors, Telegraph Engineering.	Postmasters (Gazetted).	Superintendents of Post Offices.	Assistant Director General, Post Office.	Deputy Post Masters General.	Ditto	Post Masters General	Indian Civil Service officers, on time-scale in regular line <i>plus</i> extra pay Rs. 250.	Officers of the Department on Rs. 1,750-100-2,250 with one selection post on Rs. 2,500.	Officers of the Department on Rs. 1,200-40-1,400	One temporary.
1	1	1	1	1	28	6	2	2	2	2	4	5	5	2	5	1
3,500-100-4,000	3,500-100-4,000	3,500-100-4,000	2,750	380-40-700-50-1,250 (Imperial Service).	550-550-50-650-650-50-950-950-50-1,200-1,200-50-1,250-1,250-1,300 (senior scale).	1,750-100-2,150	1,000-40-1,200	500-20-600	1,000	1,200-40-1,400	1,000	1,000	1,000	1,750-100-2,250	1,200-40-1,400	1,000
Director General	Director General	Director General	Chief Engineer	Superintendents, Telegraph Engineering.	Divisional Engineers	Directors, Telegraph Engineering.	Postmasters (Gazetted).	Superintendents of Post Offices.	Assistant Director General, Post Office.	Deputy Post Masters General.	Ditto	Post Masters General	Indian Civil Service officers, on time-scale in regular line <i>plus</i> extra pay Rs. 250.	Officers of the Department on Rs. 1,750-100-2,250 with one selection post on Rs. 2,500.	Officers of the Department on Rs. 1,200-40-1,400	One temporary.
Post Masters General	Post Masters General	Post Masters General					Ditto	Ditto	Ditto	Ditto	Ditto	Ditto				
Ditto	Ditto	Ditto					Ditto	Ditto	Ditto	Ditto	Ditto	Ditto				
Ditto	Ditto	Ditto					Ditto	Ditto	Ditto	Ditto	Ditto	Ditto				
Ditto	Ditto	Ditto					Ditto	Ditto	Ditto	Ditto	Ditto	Ditto				
Ditto	Ditto	Ditto					Ditto	Ditto	Ditto	Ditto	Ditto	Ditto				
Ditto	Ditto	Ditto					Ditto	Ditto	Ditto	Ditto	Ditto	Ditto				
Ditto	Ditto	Ditto					Ditto	Ditto	Ditto	Ditto	Ditto	Ditto				
Ditto	Ditto	Ditto					Ditto	Ditto	Ditto	Ditto	Ditto	Ditto				
Ditto	Ditto	Ditto					Ditto	Ditto	Ditto	Ditto	Ditto	Ditto				
Ditto	Ditto	Ditto					Ditto	Ditto	Ditto	Ditto	Ditto	Ditto				
Ditto	Ditto	Ditto					Ditto	Ditto	Ditto	Ditto	Ditto	Ditto				
Ditto	Ditto	Ditto					Ditto	Ditto	Ditto	Ditto	Ditto	Ditto				
Ditto	Ditto	Ditto					Ditto	Ditto	Ditto	Ditto	Ditto	Ditto				
Ditto	Ditto	Ditto					Ditto	Ditto	Ditto	Ditto	Ditto	Ditto				
Ditto	Ditto	Ditto					Ditto	Ditto	Ditto	Ditto	Ditto	Ditto				
Ditto	Ditto	Ditto					Ditto	Ditto	Ditto	Ditto	Ditto	Ditto				
Ditto	Ditto	Ditto					Ditto	Ditto	Ditto	Ditto	Ditto	Ditto				
Ditto	Ditto	Ditto					Ditto	Ditto	Ditto	Ditto	Ditto	Ditto				
Ditto	Ditto	Ditto					Ditto	Ditto	Ditto	Ditto	Ditto	Ditto				
Ditto	Ditto	Ditto					Ditto	Ditto	Ditto	Ditto	Ditto	Ditto				
Ditto	Ditto	Ditto					Ditto	Ditto	Ditto	Ditto	Ditto	Ditto				
Ditto	Ditto	Ditto					Ditto	Ditto	Ditto	Ditto	Ditto	Ditto				
Ditto	Ditto	Ditto					Ditto	Ditto	Ditto	Ditto	Ditto	Ditto				
Ditto	Ditto	Ditto					Ditto	Ditto	Ditto	Ditto	Ditto	Ditto				
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Ditto	Ditto	Ditto					Ditto	Ditto	Ditto	Ditto	Ditto	Ditto				
Ditto	Ditto	Ditto					Ditto	Ditto	Ditto	Ditto	Ditto	Ditto				
Ditto	Ditto	Ditto					Ditto	Ditto	Ditto	Ditto	Ditto	Ditto				
Ditto	Ditto	Ditto					Ditto	Ditto	Ditto	Ditto	Ditto	Ditto				
Ditto	Ditto	Ditto					Ditto	Ditto	Ditto	Ditto	Ditto	Ditto				
Ditto	Ditto	Ditto					Ditto	Ditto	Ditto	Ditto	Ditto	Ditto				
Ditto	Ditto	Ditto					Ditto	Ditto	Ditto	Ditto	Ditto	Ditto				
Ditto	Ditto	Ditto					Ditto	Ditto	Ditto	Ditto	Ditto	Ditto				
Ditto	Ditto	Ditto					Ditto	Ditto	Ditto	Ditto	Ditto	Ditto				
Ditto	Ditto	Ditto					Ditto	Ditto	Ditto	Ditto	Ditto	Ditto				
Ditto	Ditto	Ditto					Ditto	Ditto	Ditto	Ditto	Ditto	Ditto				
Ditto	Ditto	Ditto					Ditto	Ditto	Ditto	Ditto	Ditto	Ditto				
Ditto	Ditto	Ditto					Ditto	Ditto	Ditto	Ditto	Ditto	Ditto				
Ditto	Ditto	Ditto					Ditto	Ditto	Ditto	Ditto	Ditto	Ditto				
Ditto	Ditto	Ditto					Ditto	Ditto	Ditto	Ditto	Ditto	Ditto				
Ditto	Ditto	Ditto					Ditto	Ditto	Ditto	Ditto	Ditto	Ditto				
Ditto	Ditto	Ditto					Ditto	Ditto	Ditto	Ditto	Ditto	Ditto				
Ditto	Ditto	Ditto					Ditto	Ditto	Ditto	Ditto	Ditto	Ditto				
Ditto	Ditto	Ditto					Ditto	Ditto	Ditto	Ditto	Ditto	Ditto				
Ditto	Ditto	Ditto					Ditto	Ditto	Ditto	Ditto	Ditto	Ditto				
Ditto	Ditto	Ditto					Ditto	Ditto	Ditto	Ditto	Ditto	Ditto				
Ditto	Ditto	Ditto					Ditto	Ditto	Ditto	Ditto	Ditto	Ditto				
Ditto	Ditto	Ditto					Ditto	Ditto	Ditto	Ditto	Ditto	Ditto				
Ditto	Ditto</															

Service.	1917.			1921.			REMARKS.
	Appointments.	No.	Pay.	Appointments.	No.	Pay.	
Posts and Telegraphs (Telegraph Traffic).	Assistant Superintendents, Telegraph Engineering.	18	Rs. 250—25—450—500—35—850 (Provincial Service.)	Assistant Divisional Engineers.	24	Rs. 330—50—450—450—50—550—550—50—900 (Junior scale). 1,025—50—1,525	
	Superintendent, Telegraph Workshops. Chief Storekeeper	1 1	700—50—1,250 600—40—800	Superintendent, Telegraph Workshops. Assistant Superintendent, Telegraph Workshops.	1 1	600—50—1,000	
	Officer attached for Wireless.	1	380—40—700—50—1,250	Director of Wireless Traffic Manager, Wireless, Research Officer. Wireless Divisional Engineer. Wireless Instructor Assistant Engineers Assistant Electricians.	1 1 1 1 12 3	2,500 800 925 750 350—20—550—30—700 350—20—550—30—700	Temporary.
	Deputy Director General, Telegraph Traffic. First Division	1	1,750—50—2,000	Deputy Director General, Telegraph Traffic. First Division	1	1,750—100—2,150	
	Ditto Ditto Second Division	4 6 27	1st grade—1,200—40—1,400 2nd grade—1,090 3rd grade—830 250—15—400—20—600	Do. Second Division	2 36	800—50—1,200 830 (temporary) 350—20—550—30—700	
Indian Educational Service.	Educational Commissioner. Directors, Public Instruction.	1 3	2,500—100—3,000 2,000—100—2,500	Educational Commissioner. Directors, Public Instruction.	1 3	2,500—100—3,000 2,500—100—3,000	
Indian Forest Service.	Ditto	2	2,000	Ditto	4	2,250—100—2,750	* In addition overseas pay of Rs. 150—250 is admissible to officers of non-Indian domicile and to existing members who joined before the 1st December 1919.
	Ditto	1	1,750—50—2,000	Ditto	1	2,000—100—2,500	
	Ditto	2	1,500—100—2,000	Ditto	1	1,750—50—2,000	
	Ditto	2	1,250—50—1,500	Ditto	1	2,000—50—2,250	
	Appointments on the time-scale.	234	500—50—1,000, with allowances of Rs. 100 after fifteen years' service to officers whose total salary did not exceed Rs. 1,000 and 16 junior and 10 senior personnel allowances of Rs. 200—10—250 and Rs. 250—50—500, respectively.	When a higher selection grade post is created in that province. 1,500	378	400—50—1,250, 15 per cent. selection grade on Rs. 1,250—50—1,500, 5 per cent. selection grade on Rs. 1,550—100—1,750.	
	Inspector General of Forests.	1	2,650	Inspector General of Forests.	1	3,250	
	Chief Conservators of Forests.	3	2,150	Chief Conservators of Forests.	7	2,500—125—2,750.	
	Conservators of Forests.	22	1,500—1,700—1,900	Conservators of Forests.	30	1,750—100—2,150.	
	Assistant and Deputy Conservators of Forests.	209	380—40—700—750—50—1,250	Assistant and Deputy Conservators of Forests.	304	325—50—725—800—850—900—900—50—1,350.	
		1155	See Government of India's Home Department, Resc. lution No. 361-375, dated the 17th April 1905.		331	See Government of India, Home Department, Resc. lution No. 206, dated the 3rd March 1921.	
Indian Medical Service (Civil).							† In addition overseas pay of Rs. 150—250 is admissible to those of non-Indian domicile. ‡ Includes 15 retired Indian Medical Service officers re-employed and 6 officers on leave. Note.—A detailed answer would require more time than the notice allows.

Service.	1917.			1921.			REMARKS.
	Appointments.	No.	Pay.	Appointments.	No.	Pay.	
Superior Staff of the Military Accounts Department.	Military Accountant General.	1	Rs. 2,500	Military Accountant General.	1	Rs. 2,500	
	Military Deputy Auditors General.	2	2,200	Military Deputy Auditors General.	2	2,200	
	Senior Controller of Military Supply Accounts.	1	2,200	Senior Controller of Military Supply Accounts.	1	2,200	
	Deputy Military Accountant General.	1	1,900	Deputy Military Accountant General.	1	1,900	
	Junior Controller of Military Supply Accounts.	1	1,900	Junior Controller of Military Supply Accounts.	1	1,900	
	1st class Military Accountants.	3	1,650	1st class Military Accountants.	3	1,650	
	2nd class Military Accountants.	48	300—50—1,250—1,500	2nd class Military Accountants.	48	350—50—1,400 plus overseas pay of Rs. 150—250 to officers of non-Indian domicile.	
	Inspectors General of Police.	7	2,500—100—3,000	Inspectors General of Police.	7	2,500—125—3,000	
	Ditto	1	2,250—100—2,750	Ditto	1	2,250—125—2,750	
	Ditto	1	2,250	Ditto	2	2,250—125—2,500	
Indian (Imperial) Police.	Deputy Inspectors General of Police.	14	2,000	Deputy Inspectors General of Police.	40	1,750—100—2,150	
	Ditto	20	1,500	Ditto	40	1,750—100—2,150	
	Commissioners of Police.	1	1,800—90—2,250	Commissioners of Police.	2	2,000—100—2,500	
	Ditto	1	1,800	Ditto	2	2,000—100—2,500	
	Ditto	2	1,500 or 1,800	Ditto	1	1,700—100—2,150	
	District Superintendents of Police.	17	1,200	District Superintendents of Police.	1	1,800—100—2,000	
	Ditto	51	1,000	Ditto	1	1,800—100—2,000	
	Ditto	51	1,000	Ditto	347	450—1,600, including overseas pay of Rs. 125 to Rs. 250.	
	Ditto	51	1,000	Ditto	347	450—1,600, including overseas pay of Rs. 125 to Rs. 250.	
	Ditto	51	1,000	Ditto	347	450—1,600, including overseas pay of Rs. 125 to Rs. 250.	
Indian Civil Service	District Superintendents of Police.	85	900	District Superintendents of Police.	324	450—1,600, including overseas pay of Rs. 125 to Rs. 250.	
	Ditto	85	800	Ditto	324	450—1,600, including overseas pay of Rs. 125 to Rs. 250.	
	Ditto	104	700	Ditto	324	450—1,600, including overseas pay of Rs. 125 to Rs. 250.	
	Assistant Superintendents of Police.	126	500	Assistant Superintendents of Police.	324	450—1,600, including overseas pay of Rs. 125 to Rs. 250.	
	Ditto	131	400	Ditto	324	450—1,600, including overseas pay of Rs. 125 to Rs. 250.	
	Ditto	67	300	Ditto	324	450—1,600, including overseas pay of Rs. 125 to Rs. 250.	
	Ditto	67	300	Ditto	324	450—1,600, including overseas pay of Rs. 125 to Rs. 250.	
	Ditto	67	300	Ditto	324	450—1,600, including overseas pay of Rs. 125 to Rs. 250.	
	Ditto	67	300	Ditto	324	450—1,600, including overseas pay of Rs. 125 to Rs. 250.	
	Ditto	67	300	Ditto	324	450—1,600, including overseas pay of Rs. 125 to Rs. 250.	
	Ditto	67	300	Ditto	324	450—1,600, including overseas pay of Rs. 125 to Rs. 250.	
Indian Civil Service	Posts UNDER LOCAL GOVERNMENTS.			Posts UNDER LOCAL GOVERNMENTS.			
	(Superior.)			(Superior.)			
	Lieutenant-Governors	4	8,333	Lieutenant-Governors	1	10,000	
	Members of Council	6	5,333	Members of Council	1	8,333	
	Ditto	2	5,000	Ditto	1	5,000	
	Chief Commissioner	1	5,166	Chief Commissioner	1	5,500	
	Ditto	1	5,000	Ditto	1	5,333	
	High Court Judges	18	4,000	High Court Judges	7	5,000	
	Chief Judges	2	4,000	Chief Judges	3	5,000	
	Judges, Chief Court	2	3,500	Judges, Chief Court	1	4,000	
Indian Civil Service	Members, Board of Revenue.	2	3,750	Members, Board of Revenue.	1	3,500	
	Ditto	2	3,500	Ditto	1	3,500	
	Ditto	2	3,500	Ditto	1	3,500	
	Chief Secretaries	4	3,000	Chief Secretaries	21	4,000	
	Ditto	3	3,750	Ditto	1	4,000	
	Secretaries	4	3,000	Secretaries	2	3,500	
	Ditto	1	3,125	Ditto	2	3,750	
	Do.	1	3,000	Do.	4	3,500	
	Secretaries	1	3,000	Secretaries	2	3,000	
	Secretary	3	2,750	Secretary	3	3,750	
Indian Civil Service	Commissioner in Sind	1	3,750	Commissioner in Sind	5	3,000	
	Financial Commissioner	1	3,750	Financial Commissioner	1	3,125	
	Divisional Commissioners.	4	3,500	Divisional Commissioners.	1	3,000	
	Commissioners	3	3,500	Commissioners	1	3,000	
	Ditto	19	2,916	Ditto	4	3,500	
	Ditto	20	2,750	Ditto	1	3,500	
	Commissioner, Kumaon Division.	1	2,500	Commissioner, Kumaon Division.	1	3,500	
	Commissioner of Customs, Salt and Excise.	1	3,000	Commissioner of Customs, Salt and Excise.	3	3,500	
	Ditto	1	3,000	Ditto	41	3,000	
	Ditto	1	3,000	Ditto	41	3,000	

Service.	1917.			1921.			REMARKS.
	Appointments.	No.	Pay.	Appointments.	No.	Pay.	
Indian Civil Service —contd.	POSTS UNDER LOCAL GOVERNMENTS—contd. <i>Superior—contd.</i>		Rs.	POSTS UNDER LOCAL GOVERNMENTS—contd. <i>Superior—contd.</i>		Rs.	
	Municipal Commissioner.	1	3,000	Municipal Commissioner.	1	3,000	
	Commissioner of Settlements, and Director of Land Records.	1	2,750				
	Ditto	1	Grade pay <i>plus</i> allowance of Rs. 250.				
	Commissioner of Coorg.	1	1,800—50—2,000				
	Chairmen, Calcutta Corporation and Improvement Trust	2	3,500	Chairmen, Calcutta Corporation and Improvement Trust.	2	3,500	
	Judicial Commissioners.	3	3,500	Judicial Commissioners.	4	3,500	
	Ditto	1	3,000	Additional Judicial Commissioners.	4	3,000	
	Additional Judicial Commissioner.	1	3,333½	Ditto	1	3,333½	
	Ditto	2	3,000	District and Sessions (or Divisional) Judges, 1st grade.	13	3,000	
	District and Sessions Judges.	9	3,000	District and Sessions (or Divisional) Judges, other than 1st grade.	155	Pay on the superior time-scale for the Indian Civil Service <i>plus</i> the allowances and subject to the maximum indicated in the Government of India, Home	
	Ditto	5	2,750				
	Ditto	45	2,500				
	Ditto	26	2,250				
	Ditto	29	2,000				
	Ditto	6	2,325				
	Ditto	29	1,800				
	Ditto	10	1,833½				
	Ditto	5	1,666½				
	Ditto	8	1,500				
	District Judges and Subordinate Judges.	4	1,200	District Judges	9		
	Judge, Small Cause Court, Simla.	1	1,250	Assistant Judges, exercising, Appealate and Additional Sessions powers.	3	Department Resolution No. 286, dated the 13th February 1920.	
	Inspectors-General of Police.	6	2,500—100—3,000	Opium Agent	1	2,500—100—3,000	
	Ditto	1	2,250—100—2,750				
	Opium Agent	1	2,500—100—3,000	Political Appointment	1	3,000	
	Resident of Travancore.	1	2,800	Collectors or Deputy Commissioners.	344		
	Political Appointment	1	3,000 or 2,350	Commissioner of Coorg.	1		
	Collectors, Magistrates and Collectors or Deputy Commissioners.	9	2,500	Commissioner, Agency Tracts.	1		
	Ditto	105	2,250	Commissioner of Settlements and Director of Land Records.	1		
	Ditto	97	1,800	Commissioner, Kumaon Division.	1		
	Ditto	13	2,315	Excise Commissioner.	1		
	Ditto	79	1,500	Deputy Commissioner, Upper Sind Frontier.	1		
	Ditto	21	1,833½	Deputy Commissioner of Salt and Excise.	1		
	Ditto	16	1,666½	Secretaries to the Commissioners, Land Records and Salt and Abkari Revenues.	5		
	Ditto	2	1,000	Registrars, High Court.	2		
	Ditto	1	1,200	Registrar, Chief Court.	1		
	Secretaries to the Commissioners of Land Revenue and Salt and Abkari.	2	1,500—60—1,800	Private Secretaries to Governors.	3		
	Registrars, High Court.	1	1,500—60—1,800	Sub-Collectors, 1st grade, Madras.	23		
	Ditto	2	1,700				
	Ditto	1	1,600				
	Ditto	1	1,400				
	Registrar, Chief Court.	1					

Service.	1917.			1921.			REMARKS.
	Appointments.	No.	Pay.	Appointments.	No.	Pay.	
Indian Civil Service —contd.	Registrar, Chief Court.	1	Rs. 1,250	Assistant Remembrancer, Legal Affairs.	1	Rs.	Pay on the superior time-scale for the Indian Civil Service <i>plus</i> the allowances and subject to the maxima indicated in the Home Department Resolution No. 286, dated the 13th February 1920.
	Private Secretaries to Governors.	3	1,500	Assistant Commissioner in Sind.	1		
	Superintendent, Dehra Dun.	1	1,500	Judge, Small Cause Court, Simla.	1		
	Deputy Chairman, Calcutta Corporation.	1	1,500				
	Assistant Remembrancer, Legal Affairs.	1	1,250—50—1,500				
	Tahkudari Settlement Officer.	1	1,100				
	Assistant Collectors	10	1,200				
	Under Secretaries	2	1,250				
	Sub-Collectors and Joint-Magistrates.	19	1,200				
	<i>Inferior.</i>						
	Under Secretaries	18	1,000	Assistant Commissioners, Assistant Collectors, Sub-Collectors, Joint Magistrates, etc., including certain special appointments classed as inferior.	734	Pay on the inferior time-scale for the Indian Civil Service.	
	Ditto	1	800				
	Sub-Collectors and Joint-Magistrates or Assistant Collectors or Assistant Commissioners.	26	1,000				
	Ditto	92	900				
	Ditto	8	800				
	Ditto	126	700				
	Ditto	10	600				
	Ditto	1	1,000				
	City Magistrate, Lucknow.						

Registrar, Judicial Commissioner's Court.	1	Grade pay <i>plus</i> local allowance of Rs. 100.	1,000	Posts UNDER THE GOVERNMENT OF INDIA. (Superior.)	3	6,666½	6	Pay on the Superior scale for the Indian Civil Service <i>plus</i> a duty allowance of Rs. 400.
1st Class Sub-Judges	2	1,000	800	Members of Council	9	4,000	9	
2nd " " " " " "	423	400, 450 (475 in Burma), 500.		Deputy Secretaries	6		6	
Reserve posts, i.e., Assistant Collectors and Magistrates.								
POSTS UNDER THE GOVERNMENT OF INDIA.		Rs.						
(Superior.)								
Members of Council	3	6,666½						
Secretaries	7	4,000						
Secretary	1	3,500						
Deputy Secretaries	2	2,250						
Ditto	2	2,000						
Director, Criminal Intelligence.	1	3,000						
Superintendent of Port Blair.	1	2,500—100—3,000						
Chief Commissioner of Delhi.	1	3,000		Chief Commissioner, Delhi.	1	3,000 <i>plus</i> a local allowance of Rs. 250.	1	Pay under the Superior scale for Indian Civil Service. 2,500—100—3,000
Deputy Commissioner of Delhi.	1	Pay on the Political Department time-scale (maximum Rs. 2,400).		Deputy Commissioner, Delhi.	1		1	
				Chief Commissioner, Andamans and Nicobars.	1	3,000	1	
Financial Adviser, Military Finance.	1	3,000		Financial Adviser, Military Finance.	1	5,000	1	
Comptroller and Auditor General.	1	4,500		Auditor General	1		1	
Controller of the Currency.	1	3,000—125—3,500		Controller of the Currency.	1	3,000—125—3,500	1	
Accountants General	3	2,250—2,500 and 2,750		Accountant-General	1	3,000	1	
Officers of the Indian Finance Department.	2	1,500—60—1,800		Ditto	2	2,250—100—2,750	2	
Political Officers	23	Pay on the Political Department time-scale (1,100—4,000).		Political Officers	23	Pay on the Political Department time-scale.	23	
Director General of Posts and Telegraphs.	1	3,500—100—4,000		Director General of Posts and Telegraphs.	1	3,500—100—4,000	1	

Service.	1917.			1921.			Remarks.
	Appointments.	No.	Pay.	Appointments.	No.	Pay.	
Indian Civil Service — <i>contd.</i>	Postmasters General	5	1,750, 2,000, 2,250 and 2,500.	Postmasters General	5	Indian Civil Service time-scale <i>plus</i> extra pay of Rs. 250.	
	Commissioner, Northern India Salt Revenue Department.	1	2,500				
	Collectors of Customs	8	2,050, 2,250 & 2,500	Collectors of Customs.	3	3,000, 2,250—100—2,750.	
	Assistant Collectors of Customs.	2	1,000—100—1,300 — $\frac{2}{3}$ —1,400	(<i>Inferior</i>). Under Secretaries ...	6		
	Ditto	1	1,500	Personal Assistant to Director, Intelligence Bureau.	1		
	Personal Assistant to the Director, Criminal Intelligence	1	1,300—100—1,600 Salary in the regular line <i>plus</i> a local allowance of Rs. 300 subject to a maximum of Rs. 1,300.	Personal Assistant to Chief Commissioner, Delhi.	1		Pay under the Indian Civil Service inferior time-scale with the allowances and subject to the maxima indicated in the Home Department Resolution No. 286 dated the 13th February 1920.
	Assistant Commissioner employed as Additional District Magistrate, Delhi.	1	Pay on the Political time-scale subject to a maximum of Rs. 1,600.	Assistant Commissioner employed as Additional District Magistrate, Delhi.	1		
	Ditto	1	Pay on the Political time-scale subject to a maximum of Rs. 1,050.	Assistant Commissioner employed as City Magistrate, Delhi.	1		
	Assistant Commissioner employed as Secretary to the Municipality, Delhi.	1	Pay on the Political time-scale subject to maximum of Rs. 900.	Assistant Commissioner employed as Secretary to the Delhi, Municipality.	1		
	Posts in the Political Department.	9	650—1,250				
	Assistant Collector of Customs, Imperial Customs Service.	1	1,000—100—1,300—50—1,400				

POSTAL ADVERTISEMENT AND THE ALLIANCE ADVERTISING ASSOCIATION.

228. **Mr. M. K. Reddi Garu:** Will the Government be pleased to state on what consideration the 'sole advertising agency' has been conferred on the Alliance Advertising Association, by the Postal Department in respect of advertisement on stamp booklets, and whether it is the intention of the latter to extend the concession to the same Association or any other body in respect of booklets of stamps of other values which the department issues?

Colonel Sir S. D'A. Crookshank: (1) The consideration is that the sum to be paid by the Alliance Advertising Association to the Postal Department should be 3 pies per complete booklet which is expected to cover the present cost of manufacture of the booklets.

(2) The intention is to give any other firm the opportunity to obtain such advertisements if the Alliance Advertising Association fails to secure advertisements for all the booklets within a reasonable time.

Mr. President: Order, Order. In the case of questions requiring answers of the length of Nos. 214—222, the entire answers should be laid on the table in accordance with the arrangement made in the last Session of this Assembly.

I now ask the Leader of the House to make a statement of Government business to be set down for this House on the 19th of September.

STATEMENT OF GOVERNMENT BUSINESS.

The Honourable Sir William Vincent: Sir, on the 19th September we propose to introduce a Bill to consolidate and amend the law relating to Income-tax and Super-tax.

The following Bills will probably also be taken into consideration:

- (1) Bill further to amend the Carriers Act, 1865;
- (2) Bill to provide for the levy of a customs duty on lac exported from British India.

Reports of the Joint Committee on the Indian Factories (Amendment) Bill and the Indian Electricity (Amendment) Bill will be presented if ready.

THE MAINTENANCE ORDERS ENFORCEMENT BILL.

The Honourable Sir William Vincent: Sir, I beg to present the Report of the Select Committee on the Bill to facilitate the enforcement in British India of maintenance orders made in other parts of His Majesty's Dominions and Protectorates and *vice versa*.

THE INDIAN PENAL CODE (AMENDMENT) BILL.

The Honourable Sir William Vincent: Sir, I beg to present the Report of the Select Committee on the Bill further to amend the Indian Penal Code, 1860.

THE NEGOTIABLE INSTRUMENTS (AMENDMENT) BILL.

The Honourable Mr. C. A. Innes: Sir, I beg to move that the Bill further to amend the Negotiable Instruments Act, 1881, be taken into consideration.

I explained the objects, Sir, with which we have introduced this small Bill into the Assembly in full detail in my opening speech on the 5th of this month. The Bill has got, so far as I know, the commercial community in India entirely behind it, and I hope that it will be regarded by this House as an entirely non-controversial Bill.

The motion was adopted.

The Honourable Mr. C. A. Innes: I now move, Sir, that the Bill be passed.

Clause one was adopted.

Lala Girdharilal Agarwala: I am advised not to move the amendment to clause two, Sir.

Clause two was adopted.

Clause three was adopted.

The Honourable Mr. C. A. Innes: I now move, Sir, that the Bill be passed.

The motion was adopted.

THE INDIAN POST OFFICE (AMENDMENT) BILL.

The Honourable Mr. C. A. Innes: I move, Sir:

'That the Bill further to amend the Indian Post Office Act, 1898, be taken into consideration.'

Here again, I explained the reasons for this Bill very fully on the 5th of September. I pointed out that the practice of sending articles liable to Customs duty by the letter mail had been forbidden by two International Postal Conventions, and that the prohibition had been embodied in a rule in the Postal Guide. I pointed out also, Sir, that we had reason to believe that this prohibition is being, and has been for many years consistently evaded. I further pointed out that the loss of revenue which was accruing to Government from the evasion of this prohibition was likely to increase very considerably in the near future owing mainly to the large increase in our import duties.

After consulting the Collector of Customs at Bombay I ventured to make the estimate that the loss might amount to something like Rs. 20 lakhs per annum. The Government of India did not feel themselves entitled to take the responsibility of continuing to acquiesce in a loss of this kind.

Consequently in this Bill we have made a suggestion to remedy the evil for the consideration of the House. I explained in my previous speech that we had no intention of holding up the ordinary foreign mail in any way at all and that I had every hope that we will be able to make arrangements with the London Post Office and the Colonial and Continental sorting offices by which the delay to the registered foreign letter mail would be reduced to a minimum. I move, Sir, that the Bill be taken into consideration.

Mr. President: The question is that the Bill to amend the Indian Post Office Act, 1898, be taken into consideration.

The motion was adopted.

Clauses 1, 2, 3 and 4 were adopted without debate.

The Honourable Mr. C. A. Innes: I move, Sir, that the Bill be passed.

Mr. President: The question is that the Bill further to amend the Indian Post Office Act, 1898, be passed.

The motion was adopted.

THE INDIAN MARINE (AMENDMENT) BILL.

Sir Godfrey Fell: Sir, I move:

'That the Bill further to amend the Indian Marine Act, 1887, be taken into consideration.'

Mr. President: The question is that the Bill further to amend the Indian Marine Act, 1887, be taken into consideration.

The motion was adopted.

Clauses 1, 2 and 3 were adopted without debate.

Sir Godfrey Fell: I now move that the Bill be passed.

The motion was adopted.

THE INDIAN WORKS OF DEFENCE (AMENDMENT) BILL.

Sir Godfrey Fell: I move that the Bill further to amend the Indian Works of Defence Act, 1903, be taken into consideration.

Mr. President: The question is that the Bill further to amend the Indian Works of Defence Act, 1903, be taken into consideration.

The motion was adopted.

Clauses 1, 2, 3 and 4 were adopted without debate.

Sir Godfrey Fell: I move that the Bill be passed.

The motion was adopted.

THE INDIAN LAC CESS BILL.

The Honourable Mr. C. A. Innes: Sir, I move for leave to introduce:

'A Bill to provide for the levy of customs duty on lac exported from British India.'

I hope, Sir, that this is another entirely non-controversial Bill. Shellac is one of our most important trades and the total value of the exports of shellac amounted in 1917-18 to 2½ millions sterling and in 1918-19 to nearly 2 millions sterling. Apart from small quantities of somewhat indifferent lac grown, I believe, in Indo-China, India may be said to have a monopoly of lac and shellac. Shellac is being used in increasing quantities for various purposes

[Mr. C. A. Innes.]

notably the manufacture of gramophone records. The demand has exceeded the supply and during the war a great feature of the trade was the extraordinary fluctuations in the price of shellac. Before the war, the price of what is ordinarily known as T. N. shellac varied from between Rs. 30 and Rs. 40 a maund. In January 1920, the price touched Rs. 250. At the present time, it is something like Rs. 135 a maund. Now these high prices induce a very real danger, namely, the danger that some synthetic substitute may be found. As far as I know, no satisfactory substitute has yet been found, but Mr. Lindsay, the Director-General of Commercial Intelligence, informs me that distinct progress has been made in that direction. We have had this question under consideration for some time now, and in 1919, the whole question was considered by a Committee of Forest officers and of representatives of commercial firms interested in the shellac trade. On the recommendation of that Committee, we put two officers on special duty to inquire into the whole matter, namely, Mr. Lindsay and Mr. Harlow of the Forest Department. These two officers wrote a very valuable report which was published in May of this year in the series of Indian Forest Records. They tell us that for the present state of affairs in the shellac trade there are two main remedies. In the first place, the production of the best quality of lac must be stimulated. The effect of the present high prices is to encourage indifferent output and premature collection, with disastrous results to quality. Their recommendation here is to extend the cultivation of lac in Government forests and the distribution of good brood lac. That of course is entirely a matter for the Local Governments and it has been taken up by two Governments who are chiefly concerned, namely, the Governments of the Central Provinces and Bihar and Orissa. The other suggestion they made was this. They say that a scheme of research is required on the chemical and entomological side and in Appendix III of their Report a comprehensive scheme of research has been outlined by the late Mr. Howlett. They recommended that for the purpose of this research the trade should organise itself into a research association and that the research should be financed by a small export cess on lac. I am glad to say, Sir, that the trade took up this suggestion warmly. A representative committee of 7 gentlemen, four of them representing Indian brokers and manufacturers and 3 of them representing shippers and European manufacturers, was appointed in July to work out a scheme for an association and as the result of their labours an Indian Lac Association for Research has been formed by the trade itself. Its object is to promote improvements in the breeding of lac and its manufacture by means of scientific research. It has been organised on the most democratic lines and as far as we can see provision has been made for the representation of every branch of the lac trade. All firms or individuals interested in the trade whether as a cultivator, manufacturer or shipper, dealer or broker are eligible for election; and the rules provide for a committee of 8 to be elected by the various sections of the trade, two members by Indian manufacturers, two by Indian brokers, two by Calcutta shippers and one by European manufacturers and one by European brokers. This Association by a unanimous Resolution has approached the Government with a request that a small cess should be placed on exports of lac at the rate of 4 annas per maund for shellac and 2 annas per maund for refuse lac.

I may mention that the incidence of the cess proposed is so light as to be almost nominal. The price of shellac at the present time is Rs. 135 per maund.

We propose a cess of only four annas a maund. On the other hand, we hope that the cess will yield an income of about one lakh of rupees a year.

I do not think I need say very much about the Bill itself. It has been drawn up on the lines of the Indian Tea Cess Act of 1903.

We propose, as a safeguard, in clause 5 of the Bill that the Lac Association must keep accounts and that these accounts shall be examined and audited by auditors appointed by Government, and we also provide that the accounts shall be published. It is also suggested that, in the first instance at any rate, the Bill should remain in force for only five years.

I hope, Sir, that this Bill which has been recommended by the trade itself by an unanimous vote will be accepted as unanimously by this House.

I move, Sir, for leave to introduce the Bill.

Mr. President : The question is :

‘That leave be given to introduce a Bill to provide for the levy of customs duty on lac exported from British India’.

The motion was adopted.

The Honourable Mr. C. A. Innes : I now introduce the Bill, Sir.

THE LAND ACQUISITION (AMENDMENT) BILL.

Mr. J. Hullah : Since the beginning of this morning's Session certain circumstances have been brought to my notice which indicate that the Government themselves may have to propose amendments in the Bill. I have also received copy of a notice of amendment from Sir Sivaswamy Aiyer. I do not wish to object to the shortness of the notice, but, in all the circumstances, I would ask that further consideration of the Bill to amend the Land Acquisition Act may, if possible, be postponed.

Mr. President : Do you move that as a motion?

Mr. J. Hullah : I will, Sir. I move, Sir :

‘That further consideration of the Bill further to amend the Land Acquisition Act, 1894, be postponed?’

The motion was adopted.

THE PRESS LAW REPEAL AND AMENDMENT BILL.

The Honourable Sir William Vincent : Sir, I move for leave to introduce :

‘A Bill to repeal the Indian Press Act, 1919, and the Newspapers (Incitements to Officers) Act, 1908, and to make certain provisions in regard to the liability of editors of newspapers, and to facilitate the registration of printers and publishers and to provide for the seizure and disposal of certain documents.’

I confess, Sir, that after the warning I received on the last date this Assembly met, I make this motion with some apprehension. For various reasons I was unable to circulate a copy of the Bill which I move for leave to introduce until late yesterday, and I was of two minds at the time as to

[Sir William Vincent.]

whether it was advisable to make the motion to-day or to ask the Assembly to postpone it. But Government have always felt that it was a matter of the utmost importance that their intentions in regard to the report of the Press Committee should be made known to this Assembly and, as this was only a first reading, I thought possibly the Assembly might overlook the fact that the Bill has been in their hands only a short time. Even now, however, if it is the general sense of the Assembly, I shall be quite willing to postpone consideration of the Bill, but I can promise the Assembly a full opportunity of discussing it at a later stage. The subject matter is one which so many Members of the Assembly have at heart, that I hope they will not treat me to-day in the way they treated my Honourable Colleague the other day.

The Assembly are aware, that a Resolution was moved in this Assembly during the last Session, and that later the Government of India appointed a Committee on which there were a majority of non-officials, men, who, if I may say so, were well qualified to undertake this task, to examine the Press Act, the Press and Registration of Books Act, and the Newspapers (Incitements to Offences) Act. That Committee made certain recommendations which have been published, and copies of the report have, I believe, also been supplied to all Members of this Assembly. The Government of India have decided to accept those recommendations in full. (Hear, hear.) The Bill, in fact, does nothing but give effect to the report of the Committee. It repeals certain Acts which are regarded by many educated Indians as obnoxious, namely, the Press Act, 1910, and the Newspapers (Incitements to Offences) Act, 1908. Power is, however, retained to confiscate openly seditious documents though that power is subject to this safeguard, that any person, who has an interest in a document which is seized, may make an application to a High Court, in which case the onus will be on the Government to show that the document is of the seditious character alleged by Government. If the Government fail to make that point good, then the order will be set aside. A necessary corollary of that is a provision for the prevention of the import of seditious documents by the ports of India, and of their transmission by post. If the law is to be effective, we must have power to seize openly seditious documents either in transmission through the post or at the time of import, but that seizure is also subject to the scrutiny of the High Court, and, if the case is taken to the High Court, then, again, the onus is on Government to show that the document is of the character stated.

The Press and Registration of Books Act has been retained with modifications, the most important of which are, firstly, that we prescribe that persons registering under that act must have attained majority—that, I think, is a reasonable recommendation—and, secondly, we come to a more contentious proposition, namely, the suggestion that in the case of newspapers the name of the editor should be clearly printed on the front page of each issue. That provision has excited a good deal of comment and will have to be examined in Select Committee carefully later. Minor amendments are that the term of imprisonment prescribed under the Press and Registration of Books Act has been reduced—I think that this change is made at the instance of one of the witnesses before us—Mrs. Besant—and technical changes have been made in the method of registration to suit both the printer and the publisher.

I think that this Assembly will endorse the bold policy that was embarked upon and will express their approval of the work of this Committee,

Mr. President : The question is :

‘That leave be given to introduce a Bill to repeal the Indian Press Act, 1910, and the Newspapers (Incitements to Offences) Act, 1908, and to make certain provisions in regard to the liability of editors of newspapers, and to facilitate the registration of printers and publishers and to provide for the seizure and disposal of certain documents.’

The motion was adopted.

The Honourable Sir William Vincent : Sir, I now introduce the Bill.

RESOLUTION *RE* THE DISTINCTIONS BETWEEN INDIANS AND NON-INDIANS AND THE REMOVAL OF THEIR MODE OF TRIAL.

Mr. N. M. Samarth : Sir, I beg to move the following Resolution :

‘This Assembly recommends to the Governor General in Council :

- (a) that all distinctions between Indian and European members of the Indian Civil Service in regard to criminal jurisdiction over European British subjects be abrogated ; and
- (b) that subject to the provisions of sub-section (3) of Section 65 of the Government of India Act, all distinctions in the Criminal Law of India as between Indians on the one hand and European British subjects, Europeans who are not European British subjects and Americans on the other, in regard to mode of trial, sentence to be passed and right of appeal, be removed.’

Sir, this Assembly will remember that during the last Session, that is to say, the first Session of this Assembly at Delhi, I had given notice of a Resolution on this subject in general terms. That Resolution, however, was not reached, and consequently under the rules it lapsed. I have brought this Resolution again before this Assembly, and if it had to be ballotted for, I am afraid, I would have had hardly any chance of moving it ; and I must say that I am thankful to Government for the courtesy that they have shown me in putting it on an official day. It is a subject in which every Member of the Assembly is interested, European and Indian and I take it that the Government themselves are keen on a proper solution of the subject. We all remember that at the inauguration of this Assembly at its second Session by His Excellency the Viceroy that. His Excellency gave expression to his views on the subject in terms which could hardly be mistaken ; he said, he brought to our notice in particular the fact that his attention had been directed to the differences in the legal procedure applicable to Europeans and Indians, and he added that Local Governments had been consulted and an opportunity would be taken in the course of the present Session to lay before the Assembly the proposals of the Government as to the steps which would be taken for further examination of this question, and he trusted that in the result means would be found to satisfy public opinion that justice would be done both to Europeans and Indians. I, Sir, will not say or do anything which will make this Assembly going into any concrete instances of what may be called miscarriages of justice. I for one do not think that any useful purpose will be served by a discussion of that character. In the first place, every concrete case has its *pros and cons*, and the moment I start a concrete case of that character, it will side-track the discussion of the main subject and unnecessarily cloud the issues. I would beg my European colleagues as well as my Indian

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colleagues in this Assembly not to introduce, and I am sure they will not introduce, any heat into the discussion of this Resolution. I hope my Indian friends will bear in mind the European point of view, and I hope my European friends will bear in mind the Indian point of view, and, in a spirit of cordiality and good-will, arrive at a solution which will be satisfactory to all Members of this Assembly. I propose, Sir, shortly to pick out two or three incidents in the past history of this subject which have a direct bearing on the subject matter of this Resolution, and which perhaps are not so widely known as they should be.

In the days of the East India Company, before 1833, every European, who had to go into the interior of the country, had to go under sufferance and under a license; he was in the mufassil practically under police surveillance. When Lord William Bentinck came as Governor General, he thought that it necessary to do away with that policy and to make provision by law to allow Europeans to settle in the country as traders or planters in order that the material condition of the country may be improved. He, therefore, made proposals to that effect to the Court of Directors and to the Crown, but at the same time he took care to lay down the condition that if these restrictions were to be removed, it should be made obligatory on the Governor General in Council to make laws and regulations so as to prevent any injustice being done to the natives of the territories by insulting conduct on the part of European settlers. Accordingly, afterwards, what is known as the Charter Act of 1833 was passed, *viz.*, 3 and 4 William IV. Chap. 85; and in that statute two provisions were introduced which are of importance as having a direct bearing upon this question. One of them, Section 85, laid down as follows:

'Whereas the removal of restrictions on the intercourse of Europeans with the said territories will render it necessary to provide against any mischiefs or dangers that may arise therefrom, he it therefore enacted that the said Governor General in Council shall, and he is hereby required by laws and regulations to, provide with all convenient speed for the protection of the natives of the said territories from insult and outrage in their persons, religions or opinions.'

And Section 87 which is famous laid down:

'And be it enacted that no native of the said territories nor any natural born subject of His Majesty resident therein shall, by reason only of his religion, place of birth, descent, colour or any of them, be disabled from holding any place, office or employment under the said Company.'

This Charter Act of 1833 was followed by a Despatch from the Court of Directors in 1834 in which they explained the provisions of the Act and conveyed to the Governor General in Council their orders as to how effect was to be given to those provisions. I shall refer, if time permits, to some passages later on in connection with another aspect of the question, but I may here state that the Court of Directors laid down that the provisions of the statute made it obligatory on the Governor General in Council to make laws and regulations in such a way, now that these restrictions on the residence of Europeans in the interior of the country were going to be removed, as to make them liable and amenable to the civil and criminal jurisdiction of the country tribunals of the Company throughout the land equally with the native inhabitants. They said so in specific terms; and, in accordance with their Despatch, legislation was undertaken and enacted in 1836 whereby all European British subjects or European foreigners were placed under the civil jurisdiction of the civil courts of the country throughout, in the same manner as the natives of the territories of the East India Company were. Perhaps some of those who are acquainted with the history of the subject will

remember that that legislation was denounced by the European residents at the time as Lord Macaulay's Black Act of 1836, and the agitation at that time was more opprobrious than at a later period in the history of the subject; but I am concerned with the arguments advanced at the time. European residents, some of them, I mean, who were more clamorous, said: 'You are going to subject us to country tribunals, that is to say, the Indian civil courts, which are courts both of law and fact. We have no juries here to whom the adjudication of facts could be entrusted, and the law only applied by the Judge. This is, therefore, an infringement of our birth-right and we are not going to submit to it and it is wrong that such a law should be enacted.' They further said, in effect that justice could not be expected from Indian Judges any more than you can expect figs from thistles or grapes from brambles. However, the statesmen of the period were great men, who had founded and consolidated the British Empire, great men indeed in British Indian history, and those men had a long sight and a judgment which was not warped by any considerations of class privileges and they enacted the Act of 1836.

There were gloomy forebodings at the time and it was said that this Act would prove a great handicap on British trade in India. No British trader or planter or other settler would care to risk his capital and personal liberty by going into the interior of the country where he will be subjected to the civil tribunals presided over by Indian Judges. Nothing of the kind ever came true. Trade has prospered, English traders and planters have settled and British factories have been started in great numbers throughout the country. Human nature is such that people are apt to look on the black side of things rather more prominently than they look on the bright side and this oftentimes blinds and clouds the perception of those who are called upon to decide large issues. That is applicable not only to Europeans, but to Indians also, and I make that observation in regard to all generally.

Well, that Act having been passed in 1836, the next question was to give effect to the directions contained in the Despatch of 1834 in regard to criminal jurisdiction; and in 1849, Lord Dalhousie's Government drafted an Act which practically placed all Europeans, in regard to criminal jurisdiction, in the same category as the natives of this country, that is to say, the Government of the day wanted to do for the Criminal Courts what they had done for the Civil Courts.

The draft Act, however, was postponed for consideration on account of a Minute written by Lord Dalhousie in which he stated that while he was wholly in agreement with the principle of the draft, he wished to postpone consideration of it until the criminal law of the land had been brought into line with the criminal law of England. As lawyers know, before the Penal Code was enacted, in the Presidency Towns the criminal law of England was in vogue, but outside those towns it was not. The law administered in the mufassil was the law of the Nizam, that is to say, what was practically Muhammadan criminal law; and, I think, it was quite natural and reasonable on the part of the English people at that time who were living outside Presidency Towns to say that, 'While we are quite ready to submit ourselves to the criminal jurisdiction of competent courts, surely the law administered by those courts must be of such a character as to be more or less the same as that administered in Presidency Towns.' That was a reasonable objection and consequently the draft Act was postponed, and in 1860 the Penal Code was enacted and made applicable all over British India. Then, naturally, the question cropped up again of giving effect to the terms and

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orders which the Court of Directors had conveyed in their Despatch of 1834, and in the year 1861 the Code of Criminal Procedure was being enacted and a Section in that draft Code was introduced which gave power to the Magistrates, of whatever grade, to have jurisdiction over European British subjects in the same manner as they had over the natives of the land. However, after due consideration, that Section was deleted and the matter came up again in 1872 when the Code of Criminal Procedure was being re-considered and amended, and in that year there was an amendment of the Bill in Select Committee moved by the Honourable Mr. Ellis to the effect that in any case you must place both the Indian and the European members of the Covenanted Civil Service on a footing of perfect and absolute equality so far as criminal jurisdiction over European British subjects was concerned. Unfortunately, that amendment was lost by a very narrow majority, but the minority comprised the majority of the Viceroy's Executive Council of that period, and, if only one vote in favour of the amendment had been given the other way, the amendment would have been carried by the casting vote of the Governor General himself.

Well, Sir, I do not wish to weary this Assembly by reading out the arguments then urged by the Honourable Mr. Ellis and those who supported him, but one observation and one argument I can scarcely resist citing here. It was made by the then Commander-in-Chief in India, Lord Napier of Magdala. With the frankness, straight forwardness and directness of outlook and expression which are the characteristics of a fine soldier, he put forward these views in regard to the matter :

'The native members of the Covenanted Civil Service having been to Europe, having become acquainted with European feelings, ideas and customs, and having qualified themselves to take their places with the European members of the Civil Service, he would frankly accept them as real members of the Covenanted Civil Service and allow them to exercise all the functions which the European members exercised.'

The first clause of my Resolution is moved with a view to reviving the old amendment of the Honourable Mr. Ellis which he made nearly 50 years ago. At that time there was only a very small percentage of Indians who would have been affected by that amendment, but since then, as everybody knows, the number of Indians in the Civil Service has increased, is increasing and will be increasing every year as the rate of 33 per cent. with $\frac{1}{2}$ per cent. added from year to year. Now, I put it to the Assembly, is it fair, is it wise, is it politic, is it just to make these young men feel as they are bound to feel, that in this respect, they are treated practically as outlanders in the land of their birth? I trust that the sense of this Assembly will be in favour of abrogating these distinctions between Indian members of the Civil Service on the one hand, and European members on the other, in regard to criminal jurisdiction.

It is with the object of bringing to prominent notice this controversy of 1872, and the battle that was fought by the Honourable Mr. Ellis and the Governor General and the Commander-in-Chief on behalf of the Indian members of the Civil Service, that I have brought out specially in my Resolution this first clause which will, I hope, attract the notice of both the Government and the public. But that does not mean that I do not wish to give the powers to anybody else.

The second part of my Resolution is comprehensive enough and I might as well have omitted the first, but I put it with a view to bringing to the notice of the Government the old controversy of 1872 in regard to putting

the Indian members of the Civil Service on a footing of equality with the European members.

Now, in coming to the second part of my Resolution which is before the Assembly, I wonder how many people outside the legal profession are aware of the curious definition of a 'European British subject' as given in the Code of Criminal Procedure. A European British subject means not only a subject of His Majesty born in England or in Europe, but also any subject of His Majesty born, naturalised or domiciled in the United Kingdom of Great Britain and Ireland or in any of the European, American or Australian Colonies or possessions of His Majesty, or in the Colony of New Zealand or in the Colony of the Cape of Good Hope or Natal, or any child or grand-child of any such person by legitimate descent. It will be seen that the definition is arbitrary and absurd. It includes persons who are neither British nor European. An Aya by giving birth to a child in London, although of Indian parentage, makes that child a British born subject, and an Indian child born in Natal would be a European British subject. As I said, it includes those who are neither European nor British and excludes those who are to all intents and purposes Englishmen, although not of legitimate descent. Now, I wish that some great satirist or some great master of the English language had brought this definition to prominent notice, or that he had even modified the definition. Well, Sir, although such is the definition in this Code of a European British subject, in my arguments I will take the ordinary meaning of the term 'European British subject' as understood in common parlance and show what anomalies result from the provisions of the Criminal Procedure Code in which distinctions are made between Europeans on the one hand and Indians on the other. Chapter 33 of the Code is the Chapter to which I desire to refer, but of course there are other provisions in the Code which also have a direct bearing on the matter, but Chapter 33 is the main one.

The Chapter, however, is improperly worded in the authorised edition by Government as Criminal proceedings against Europeans and Americans. The whole of the Chapter excepting two Sections refers to European British subjects only. So far as Europeans who are not European British subjects and Americans are concerned, they are amenable to the same jurisdiction as Indians except that they have the right of trial by a jury in which not less than half shall be Europeans or Americans. But in so far as the jurisdiction of the tribunal is concerned, there is no distinction between Europeans who are not European British subjects and Americans and Indians. They are all triable by the same courts. Nor is there any distinction in the punishment to be inflicted on them. But so far as European British subjects are concerned, according to the Chapter excepting those two Sections already referred to, the differences are many. By a Section, Section 443, it is laid down that no Magistrate of the first class unless he is a European British subject and a Justice of the Peace, can Enquire into or try a charge in which a European British subject is involved. In other words, Magistrate, unless he is a District Magistrate or Presidency Magistrate, has jurisdiction over the offence but he has no Indian jurisdiction over the offender if he happens to be a European British subject. That is the position to which the Code of Criminal Procedure reduces us. Now, by another Section, Section 22 of the Criminal Procedure Code, it is practically laid down that in the mufassil, no person, unless he is a European British subject, can be appointed a Justice of the Peace. Therefore, an Indian member of the Civil Service cannot be appointed a Justice of the Peace, although by the provisions of Act II of 1869 which the Government of India passed

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before the Criminal Procedure Code of 1872 was passed, it was laid down that the Governor General in Council shall appoint in the mufassil Justices of the Peace who will be either European British subjects or members of the Covenanted Service, no distinction being made between Europeans and Indians. That Act practically remained a dead-letter so far as this point was concerned, but three years subsequently, this Section 22 was inserted in the Criminal Procedure Code preventing Government from appointing Indians as Justices of the Peace in the mufassil. In 1882, some additional privileges were given, namely, a District Magistrate, although an Indian, was given jurisdiction to try a European British subject. The Sessions Judge, that is to say, the particular Sessions Judge of the District, who is called under the Criminal Procedure Code 'the Sessions Judge' was given power to try a European British subject. Section 444 was accordingly enacted, and they were made *ex-officio* Justices of the Peace by another Section, Section 25, and they were given power to try European British subjects. Here, again, I bring to the notice of Government that the marginal note to Section 444 in the authorised edition of the Code is absolutely wrong. The marginal note says, 'Sessions Judge to be an European British subject,' but the Section itself says that the Sessions Judge need not be a European British subject in order to have that jurisdiction. In regard to criminal jurisdiction over European British subjects the matter now stands thus. An Indian High Court Judge can try a European British subject and give him capital punishment if the offence so deserves. A Presidency Magistrate, although an Indian, can inquire into and try a European British subject and give him punishment within his jurisdiction, including the punishment of solitary imprisonment and whipping. In the mufassil, the Sessions Judge, even if he is an Indian, has the power; the District Magistrate has the power and certain Assistant Sessions Judges, if they have been specially empowered in this behalf, have the power to try a European British subject. But take the case of an Additional Sessions Judge who happens to be an Indian. Now he is not 'the Sessions Judge' under that Section, and he does not get the power, although he presides over the court in a Court of Sessions, he has not the power to try a European British subject, though, in all other respects, he is on a level practically with the Sessions Judge. Another anomaly is that the Additional Sessions Judge, as I have said, has not the power to try a European British subject, although his Assistant who may be a Joint Judge, or an Assistant Sessions Judge who is a European British subject, can inquire into and try such cases. The Additional Sessions Judge, who is an Indian, has, however, the power to hear appeals from him in such cases but not to try the original cases!

These are some of the anomalies arising on account of the jurisdiction of the court; but the mode of trial leads to more anomalies and involves greater hardship. Very often, rustics, who may have legitimate cause of complaint against certain European British subjects, who may have offended their feelings or insulted them, or committed any other offence against them, are dragged on to long distances. Any Magistrate under the Code can take cognizance of the case, but he cannot inquire into and try it unless he is a European British subject or unless he is a Sessions Judge or a District Magistrate. The rustic has therefore to go 40 miles or 50 miles, or perhaps more, with all his witnesses, to where the District Magistrate may be, and as you know, the District Magistrate is an itinerary officer going about from

place to place, touring all over the district. You can imagine the hardship to which people are subjected in order that they may get justice in a court of law against offences which may have been committed by European British subjects. The hardship is then on account of their having to go to a District Magistrate or a Sessions Court. If, for instance, within the limits of jurisdiction which are permissible to Magistrates, they are authorised not only to take cognizance but to deal with petty cases by fine or something of the kind as an adequate punishment, then, at any rate, this great hardship would be removed for the class of litigants to whom I refer.

As to the mode of trial, the European British subjects have the right to ask for a Jury or Assessors if the case is tried by Assessors in which not less than half shall be either Europeans or Americans or both as the case may be. Well, I am not going now into the question whether that is a correct procedure, whether that is a proper provision, or whether anything could be done in regard to this matter to bring the law of British India into conformity with the notions which prevail at present in England with regard to jury trials and petty cases.

Then, again, if you go to the powers of Sessions Judges and District Magistrates, you will find that the Sessions Judge cannot inflict a punishment of more than one year upon European British subjects, and if at the time of writing the judgment he thinks that the offence is such that it requires a higher punishment, then he can send up the case to the High Court. Now, taking human nature as it is, even if the Sessions Judge thinks that something more than a year is needed, he may naturally say to himself, 'Well, I had better decide this case within my powers. What is the good of sending this rustic complainant and his witnesses all the way to Bombay or to Calcutta or to Madras, as the case may be, that is to say, to the High Court of the Province, and put them to all this unnecessary hardship and annoyance?' So he decides it within his powers and gives one year to the offender. The ordinary public do not understand that it is on account of these limitations upon his powers of giving punishment that what they call miscarriage of justice has taken place. The public do not realise that the Sessions Judge, whether he is a European or an Indian, has done his best under the circumstances and given such punishment as he can under the law, and that he has no power to inflict a higher punishment. But if power is given to him to inflict punishments to the extent to which he has power under the Code, so far as Indians are concerned, then complaints about miscarriage of justice would, I think, be considerably reduced.

I now come to the right of appeal. A European British subject, although he may be fined a pie or given a day's imprisonment, has the right of appeal, and he can go in appeal at his option either to the Sessions Court or to the High Court. Take another case. Suppose a European British subject and an Indian are tried together as co-accused, and the European is sentenced say, to a day's imprisonment. He has the right to go in appeal either to the Sessions Court or to the High Court, whereas a day's imprisonment, or it may be two days or three days, is non-appealable by the Indian co-accused and he has no right of appeal.

It may be that he has to rot in jail, whereas his co-accused gets off in the High Court. It may be 3 days or 30 days. I am taking an extreme case. Another thing is that even if the sentence was appealable, the Indian co-accused can only appeal to the lowest tribunal of appeal. Supposing he has been convicted by the District Magistrate, he can go up in appeal to the Sessions

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Court. If the Sessions Court confirms the conviction and sentence, then he can go up to the High Court only by way of revision and, as every lawyer knows, the High Court rarely interferes in revision unless there is a substantial question of law involved. On facts, nothing could be done, whereas his co-accused goes to the High Court and he has a hearing on facts and on points of law and it may be he gets off, and the Indian co-accused rots in jail.

Mr. President : Under Standing Order 62 I must ask the Honourable Member to bring his remarks to a close.

Mr. N. M. Samarth : I did not notice that I had exceeded the time. Sir, I will now conclude my remarks. I need not go into detail but I will say one thing. I would draw attention to the Despatch of the Court of Directors of the year 1834 and, if I remember aright, in paragraphs 58, 59 and 60 of that Despatch directions are given to the Governor General in Council speedily to put European British subjects on the same footing in regard to criminal jurisdiction as British Indian subjects, that is to say, to subject them to the ordinary tribunals of the country equally, without any preference or distinction in favour of either. I keep an open mind on the subject. And though I have my own view as to the proper solution of the question, I trust, Sir, that every one concerned in this subject will look at it dispassionately and calmly and, in accordance with what the Viceroy told us, try to arrive at a conclusion satisfactory to both the communities in India, Indian and European.

Mr. C. W. Rhodes : Sir, in rising to make my first speech in this Assembly, I consider myself fortunate in commanding that sympathy always shown on such occasions when I have to deal with such a difficult and controversial subject and that I can appeal, if on that ground alone, to a hearing amongst my friends here. The mover of the Resolution has given us a very interesting historical resume of the subject. I do not intend to waste the time of this Honourable House by attempting to paint the lily or follow him upon those attractive paths of historical research. In fact, I think that what this House is most concerned with is not the reasons which led to the enactment of certain legislation, but whether it now presses heavily on any one or safeguards any one.

Although I speak from a very different standpoint, I have no fault to find with the tone of the Honourable Mover's speech. He feels strongly on the subject, but so do we. But strong feelings do not necessitate strong words and I intend to follow his excellent example to the best of my ability. I ask him and the Assembly to realise that I speak under a grave sense of responsibility, a responsibility accentuated by the knowledge that I am speaking both to and on behalf of people beyond these walls.

I know that many throughout India will open their papers to-morrow morning, expecting to read of violent speeches in this House and not a few are hoping for signs of parties splitting and of racial illwill. They will I trust be disappointed. All who have sacrificed not only time and money, but in some instances popularity also, to join this Assembly have a sense of responsibility which will enable them to rise above the language and the passions of the market place. I trust we shall prove to-day that the Reform Scheme has done something to moderate the old bitter animosities of the Ilbert Bill days. But outside, bitter racial feelings still exist, to be killed only by the calmness and courage with which this Assembly faces one by one the chief causes of our differences.

I will not add a single word to that bitterness and illwill, but this I must say, does anyone here present imagine for one moment that the bitter anti-British tone of a portion of the press and of politicians outside these walls, is calculated to allay the feelings of many of our community in regard to the repeal of these Sections of the Criminal Procedure Act at the present time? In such an atmosphere, how can we convince our fellow countrymen that the time has come to relax precautions considered necessary during the past 150 years? Do not forget that there are extremists on both sides, at one only in their determination to wreck the reforms, as all of us in this house are at one to make those reforms a success.

In this Assembly there are doubtless some who honestly believe that these clauses of the Act cast a slur on the Indian races. Others with equal sincerity believe them to be a necessary safeguard to meet exceptional circumstances. Let us agree, however, on two general principles, firstly equal and impartial justice for all members of the British Empire and for the stranger within our gates, and secondly, a mutual desire to respect the feelings and sentiments of our fellow citizens. I have frankly admitted the bitterness both of the past and present for nothing is to be gained by minimising the gravity of the situation. But the two principles I have mentioned will guide all I have yet to say. I have laid down the standard of equal justice, but does this imply identical laws and identical procedure for all? Certainly not. Only the other day in this House, I was impressed by the warmth with which our Hindu friends cried 'Hands off our ancient and peculiar Hindu Law.' That, of course, was civil law, but in regard to criminal law also, is the Hindu or Muhammadan to be punished for observing his own marriage laws, performing what in him is a virtue, in me an offence punishable with imprisonment.

The customs, beliefs and prejudices of the peoples of this land have not been stereotyped into one dead weight of common law, pressing heavily on one and lightly on another. All nations beside the Indian affirm that the British are a difficult race to understand. I agree, but does not that very fact require that we should be tried, at least in a last recourse, by those that do understand us?

Remember that in these days a European committing any offence is pursued, relentlessly, not only by the law but also by the administration right up to the British House of Commons. The Honourable Member told us that in the old days, a European, when he went upcountry, went under police surveillance. He goes up, to-day, under the surveillance of the police, the executive power and the press. I do not complain. Any European who cannot behave himself has no right to be in this country. Any European, if there are any, who fails in his duty on a jury is doing a greater disservice to his own fellow countrymen than to anyone else. But I may be told that if the average Indian does not understand the average European, the converse is also true. I am under no necessity to contest the point. If the Legislature will relieve us of the irksome and disagreeable obligation of sitting as jurymen in judgment on our Indian fellow citizens, we shall be truly grateful. If not, we are prepared to accept the responsibilities of citizenship and do our duty to the best of our ability.

But may I press another aspect of the question and one which affects not only the question of justice but also the equally important question of national sentiment. For, I frankly admit, that in the past these protective clauses, imposed on the Indian people as they were from outside, and against their will, have caused feelings of resentment and irritation. But do we abolish these

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feelings by transferring them from the Indian to the European? Times have changed. The government of the country now lies within these walls. The laws now on the Statute Book remain there by the will of the people as expressed by this Assembly. What our Indian friends deny to the European as a political right, may they not now, with the power in their own hands, and of their own free-will, grant as a measure of justice. It is a new ideal, but in it lie the seeds of all mutual understanding and good-will in the days that are to come. In itself of course it is no new principle, for special laws have been made for Hindu and Muhammadan, as well as for the European. We, Europeans, have entered wholeheartedly into the Reform Scheme (Hear, hear) in full confidence, that though in a minority, any appeal to justice and reason will not be made in vain. I can assure the Honourable Mover, that if he will withdraw this Resolution in the spirit I have indicated, the impression created in the public mind will be such as to close the chapter which began with the Ilbert Bill and to open a new era in the history of India.

But, whilst I must oppose this sweeping Resolution, I make no claim for the retention of any particular legal formula. If the interests of justice to the European can be safeguarded in any way more in consonance with Indian sentiment, by all means let us explore new avenues. But, above all, Sir, let us do so in a spirit of good fellowship and mutual trust, with the single idea of equal, even-handed justice for all.

Mr. Harchandrai Vishindas : Sir, I am quite sure that I shall follow the exhortation which the Honourable Mover of this Resolution has held out to the whole of this Assembly and also follow the very excellent example of good temper that has been shown by Mr. Rhodes, so that no heat may be imported into the discussion of this question. Those of us who remember the controversies that arose on the well-known Ilbert Bill will be perfectly anxious that the bitterness and racial antipathy that had been produced in those days should not at all be repeated now. I think Europeans and Indians, both in this House and outside, will have recognised that there has been a material change of atmosphere so far as the equality of races is concerned and that, although a veiled dissentient note was struck by the last speaker, I think the majority of his co-religionists and Europeans will rather be of opinion that the inequality which the law has laid down in the Criminal Procedure Code should be removed in the interests not only of Indians but also of Englishmen themselves. Therefore, it is with confidence that I think that the other Members of the Assembly will not join with Mr. Rhodes in asking Mr. Samarth to withdraw his Resolution.

Now, Sir, pardon me for challenging some of the assertions that have been made by Mr. Rhodes. He says that these provisions which are intended to be removed by this Resolution are a kind of protective safeguard. I do not understand that language at all, because, if you go through the provisions which have been properly analysed by Mr. Samarth in his speech, and the definitions, you will find that it is not a question of personal law, in which you have to observe one law for Hindus, another for Muhammadans, another for Christians. It is criminal law which has to be administered towards all the people who come before the courts in an equal manner. Now, you cannot say that a man belonging to one race is not guilty of the offence of assault if, under similar circumstances, you make a man of another race guilty of assault. How are the positions entirely divergent? I think that this distinctive restrictive chapter in the Criminal Procedure Code should not have found a place in that

legislation at all. It has been productive of great harm but productive of no good at all. On the contrary, a civilised Government like the British Government should set an example to the world that they are above all racial prejudice and that in the eyes of their law the European and Indian are alike. I think that from the change of atmosphere that we have been observing of late, the Government's angle of vision has also altered and that they seem to think, from the pronouncements we have been hearing from time to time, that the time has come when equality in this respect must be established. Otherwise, the Reforms which have been ushered in with so much *eclat* would be to a certain extent a mockery. If, as Mr. Rhodes says, that now the Government of the country rests within the four walls of this House, and if that Government is conducted with these racial distinctions on the Statute Book, how can it be said to be the Government within the hands of this House?

I think that after the exhaustive speech of Mr. Samarth no further arguments are required to support the Resolution. The only flaw that I found in Mr. Samarth's Resolution, for which purpose I have sent notice of an amendment which appears on the agenda, was that he confined the removal of the distinction only as regards the Covenanted Civilians of the two races, but, after the explanation that he has given in his speech that this restriction was intended to bring out the episodes that took place about 50 years ago, that even so far back as half a century ago, the feeling of the most intelligent portion of the Council was that there should be no distinction between the European and the Indian Covenanted Services, I say the explanation that he has offered just now shows that he is in perfect accord with my amendment, to which I shall be speaking later on and to which it will be premature to refer now.

All that I say is that if this Resolution is now withdrawn or in any way whittled down, the moral effect in the country will be disastrous. People have been aware from time to time that Questions and Resolutions on this subject have been put and moved respectively, and also of the pronouncements that we have had from His Excellency the Viceroy and Members of Government; and I say that if this Resolution is withdrawn or in any way whittled down as is suggested, the result would be disastrous, in so far as the country will lose confidence in the Assembly, and think that the Assembly is not able to accomplish one of the most essential duties that lie upon it. Now, Sir, let me remind Mr. Rhodes that a very unhappy belief has been fostered among the Indian people, which may not be entirely justified, but which has received impetus from certain cases which have been brought to the notice of the public of late, that these provisions are designed for the purpose of letting European offenders escape justice altogether. The various provisions that have been pointed out by Mr. Samarth go to show that there is a most glaring and barefaced inequality in the treatment that has to be accorded in the criminal courts to Europeans and to Indians and that in these days of Reform it is an anomaly which must be removed at once. Now, one cannot see why an Indian Presidency Magistrate, as has been pointed out by Mr. Samarth, should be competent to try a European justly and why an Indian of an equal or even higher status in the mofussil should be incompetent. Now, it might be lurking in the minds of some European gentlemen here, which out of good taste they do not think it advisable to give expression to, that Europeans cannot expect to receive the same kind of justice at the hands of Indian Magistrates as at the hands of European Magistrates. But I would certainly disabuse them of this belief entirely if they entertain that. If there is any Indian Magistrate who is not capable of doing justice to a

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European, then he is not fit to hold his post at all. Very often in criminal cases applications for transfer are made to higher courts in order that a case might be transferred from one Magistrate to another. Oftentimes a Hindu complains that a particular Magistrate is a Muhammadaz and therefore he does not expect to receive justice at his hands and that the case should be transferred to some other Magistrate; yet the reply of the High Court is, 'We have the fullest confidence in our Magistrates. We expect a Hindu Magistrate to do as much justice to a Muhammadan or a Christian or a Parsee as to a Hindu.' Now, if in the abstract you recognise this principle, then, Sir, I fail to see what is the justification for the continuance of this unfortunate provision on the Statute Book at all. Therefore, Sir, without laying very great stress upon this point, because the moment you go into the question it is very likely that we may import some racial feeling into the subject, as people in this Assembly and outside are perfectly familiar with the various aspects of this question, with the history of the whole trouble from the beginning to the end, I wish only to impress upon this Assembly that they will be doing their duty not only to one race but to all the races here by passing this Resolution. I would appeal also to my European brethren in this Assembly that it is in their interests that these distinctions should be removed and that this Resolution should be passed, and the feeling should go abroad in the country that the Government at this juncture, after the introduction of the Reforms, are quite prepared to accord equality to all the races and not in any way be partial in the administration of their law to one community as against the others. With these few words, Sir, I entirely support the Resolution.

Munshi Iswar Saran: Sir, I have listened with much interest to the calm and temperate speech of the Honourable Member on my right; but I feel rather inclined to think that the picture which he has drawn of Europeans in this country is a bit over-drawn. He tells us that a European now goes into the country not only under police surveillance, but under the surveillance of the executive and of the press. If that be so—and I submit it is not so—then our hearts go out in sympathy to the unhappy miserable unfortunate Europeans whose lot is cast in this country. The speech of the Honourable gentleman on my right, Sir, is like a quinine pill with a sugar coating; he has given expression to those very sentiments here which were given expression to in former days in offensive and aggressive language, but he has now put them forward as gently, as kindly, as calmly and as temperately as he could. Sir, we hear a good deal about the Reforms. I appreciate the Reforms as very many people do; but I wish to make it perfectly clear that we do not wish to seek the co-operation of anybody either in this House or outside it on any ground other than that of perfect equality. What I submit, Sir, is this: whether the Reforms succeed or whether they fail, Indians now demand that they and others in the country should be treated on terms of perfect and absolute equality. We want justice for ourselves and we want justice for those who happen to be in this country, be they Europeans or others. The Honourable Member said: 'Please consider this question in two aspects: does this press heavily on any one? Does it safeguard the rights of any one?' I agree to accept these two standards of judgment, and I shall beg the House to consider the question from these two points of view.

Sir, does this press heavily on any one? Most assuredly, most certainly it does; it is a constant reminder to the Indian people that there is a distinction

in law between the trial of Europeans and Indians, which in other words is a hall-mark of our inferiority in our own country. It is, therefore, that you find not only in this Assembly, but also outside it, a strong feeling that all these distinctions must go. As regards the safeguarding of their interests, I may assure the Honourable gentleman on my right that very many Indians now understand the English people much better than they used to do before.

Men who have been to England, men whose business it is to study English literature, English manners and customs, English thoughts and English ways of living, surely they should be considered to be competent to try cases in which Europeans appear as the accused. Has the Honourable Member on my right ever taken into consideration this fact that if a civil case between two Europeans comes before a Court—a case full of legal difficulties and intricacies it comes before a Civil Court presided over by an Indian, and an Indian is called upon to pronounce his decision on most intricate points of personal and English law. Why not then say, 'this man cannot understand us, he cannot understand our customs, he cannot understand our ways of living and therefore he is incompetent to try our case'. I submit, Sir, that if the argument of the Honourable gentleman on my right applies to criminal cases, with much greater force should it apply to civil cases, but as the Honourable gentleman on my right is fully aware, there is no objection, either here or elsewhere to-day and indeed there has been none at any time before to Indian judges having jurisdiction over such cases. Sir, the Honourable gentleman on my right said that 'Indians do not understand us' and by implication he admitted that Europeans did not understand Indians, and speaking on behalf of an important Association he said, 'Oh! relieve us of our duty of serving as jury men in cases where Indians were the accused'. But he forgets that so many cases of Indians come before European Magistrates, is it his desire that these Europeans should be relieved of their duty to deal with cases in which Indians are the accused? Surely not, because if that be so, then the whole fabric will crumble to pieces if we are to proceed on the assumption that Europeans are not to try Indians and Indians are not to try Europeans. Let us quite clearly understand the position now. The position has most assuredly changed, you have got before you a changed and changing India, and you must recognise that fact and take it into account; the feeling of that changed and changing India is that we will not submit to any racial distinction whatsoever. We claim perfect freedom and equality of treatment, and, at the same time, we are anxious that equality of treatment and of justice should not only be enjoyed by us alone but by all those Europeans who happen to be in this country. The freedom we are seeking is not for the purposes of self aggrandisement, we desire freedom for ourselves, for the Europeans, and indeed for all the races that are to be found in this country.

I humbly wish to ask this House to take this changed feeling into account and to remove all these distinctions. Only then can there be any possibility of a peaceful, friendly and brotherly feeling which fosters sympathy between Indians and Europeans and which, I am sure, we all sincerely hope, will come about in course of time.

Mr. Muhammad Yamin Khan: Sir, I do not wish to take up too much of the valuable time of this House in supporting the Resolution which has been moved by my Honourable friend, Mr. Samarth, because he has fully explained, and other speakers who have spoken in favour of it have fully explained, the principle and the ideas from an Indian point of view. But I

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should like to refer to a portion of a speech which was made by my Honourable friend, Mr. Rhodes, in which he said that Indians may marry a second time and have two wives but they could not be held guilty of a criminal offence for so doing, while if he were to do likewise, he would be held to be guilty of a criminal offence. I submit, Sir, that this view is a very narrow one because wherever an Indian goes, his personal law goes with him. Even if an Indian goes to England he takes his personal law. Hindus and Muhammadans go there and they have to take their personal laws. If an Indian does marry a second time, he goes scot-free in this country and he would not be liable for punishment even in England.

Then there is another aspect of the question; if an Indian commits a crime in England, he is tried by an English Magistrate, who perhaps does not know anything at all about Indian ways and customs. In the same way, as stated by my Honourable friend who has just sat down, that some of the English Magistrates who are appointed to serve in this country, in fact nearly all when they first come out, know very little about Indian ways and manners, but they are called upon to try Indians in the Criminal Courts of the country. If such differences do exist that Englishmen should try only their fellow-countrymen, and Indians should try only Indians, then the whole fabric of the Government must surely crumble away.

For the good will of the people, Europeans should remember and consider that they are living in the same atmosphere as Indians, and they are holding the same position in the Empire as Indians, and they must at least recognise that equality of treatment is only fair and just and a matter of the first importance. If Indians are not properly treated in their own country, how can they expect to receive fair treatment outside their own country. I have been practising as a lawyer for many years on the Criminal side and I know that the Magistrates who hold office to-day are not the same Magistrates who held office 20 years ago. Certain provisions in the Code of Criminal Procedure may have been all right 20 years ago when we had Magistrates in this country who did not know English at all and if an Englishman came up before a Magistrate who did not know English, he could not properly try him because he would not understand him. Nowadays, nearly 90 per cent. of Indian Magistrates are graduates and they have been trained in the atmosphere of English culture and English ideas. The Magistrates of to-day are superior to those of twenty years ago and to let those provisions remain in the Code of Criminal Procedure is considered at present a slur on the Indian community and on those Indian Magistrates who are quite fit to try an Englishman. As Mr. Harchandrai Vishindas said, if an Indian Magistrate is not fit to try an Englishman, I think it stands to reason that he is not fit to try an Indian and therefore not fit to hold his post. The Government should be careful to select those persons who are quite fit to try both English and Indian, in which case, I suppose, there would be no objection to my Honourable friend, Mr. Rhodes, in regard to this matter. I will not take up any more of the time of this Assembly.

Mr. President: I think it will be convenient to the House if I take the adjournment now and call upon the Honourable Home Member to move his amendment at 2-45.

The House is therefore adjourned till 2-45 P.M.

The Assembly re-assembled after Lunch at a Quarter to Three of the Clock. The Honourable the President was in the Chair.

The Honourable Sir William Vincent: Sir, I move that:

‘For sub-clauses (a) and (b) of the Resolution, the following be substituted, namely, that a Committee be appointed to consider the desirability of amending those provisions of the Code of Criminal Procedure, 1898, which differentiate between Indians and European British subjects, Americans and Europeans who are not British subjects, in criminal trials and proceedings and to report on the best methods of giving effect to their proposals.’

I have reason to believe, Sir, that one or two words in this amendment have been criticised by certain Members of this Assembly. After consulting one of the leading Members of the Assembly I am quite prepared to substitute, with your permission, Sir, for the words ‘the desirability of amending’ the words ‘what amendments should be made in.’ I do not know how far this meets the objections of those who think that the wording of my amendment is defective. Turning to the Resolution itself, I may say that we have heard in this Assembly speeches admirable for quality and moderation on the question under discussion, and I can only trust that Members will continue to adopt the same temperate note in dealing with this very difficult question. I have every confidence that this will be the case and I hope that I myself shall not be guilty of any extravagant expression which can give offence to anybody.

Sir, the Honourable Mover has every reason for saying that the law is anomalous on many points at present. It is particularly so in regard to officers of the Indian Civil Service and equally so in regard to Presidency Magistrates. If Members of this Assembly will examine the law, they will find for instance that this special right of appeal, which is so highly treasured by many Europeans in this country, does not extend to sentences awarded by Presidency Magistrates, who may be, and indeed very often are, Indians. Similarly, the Honourable Member is on very strong ground indeed when he attacks the definition of the term ‘European British subject;’ we have been well aware of the inconsistencies arising from the definition for a long time but, for obvious reasons which I think would commend themselves to this Assembly, we have not in the past attempted any amendment of it. At the same time, the defects do indicate the necessity for a modification of the law.

Before, however, I proceed to consider the particular subject of my amendment, I should like Honourable Members of the Assembly to be quite clear on what really the differentiation and the distinctions between Europeans and Indians are. The Honourable Mover put several of them before us, but not all. I shall enumerate them as shortly as I can. In the first place, the provisions of the Code regarding security for good behaviour do not apply to European British subjects who come within the mischief of the European Vagrancy Act. Then, as the Honourable Mover said, European British subjects have more extensive rights of appeal. They also have an option of appealing either to the High Court or to the Court of Sessions. They have more extensive rights in the matter of *habeas corpus*. They are not triable by second or third class Magistrates or even by a Magistrate of the first class unless he is a Justice of the Peace. The jurisdiction of Assistant Sessions Judges, District Magistrates and Presidency Magistrates over European British subjects has already been dealt with; also the question of sentences. Then finally, in cases of trials before a High Court, a Sessions Court or a District Magistrate, European British subjects are entitled to be tried by a jury of which not less than half shall be European British subjects. I think that exhausts the most important of the privileges. I have left out minor points because they would not interest

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the Assembly. But in connection with this last privilege, the Assembly ought not to overlook the fact that under Section 275 of the Code of Criminal Procedure, in a trial by jury before a Court of Session, an Indian accused may, if he so desires, require that the majority of the jury shall consist of persons who are neither Europeans nor Americans. I do not pretend for one moment that that privilege is co-extensive with the privilege of European British subjects, because it is not. But it does go some way in the direction of an equality of privileges. Then there is another matter which is important, and that is the fact that in many districts now this racial discrimination does not arise because many District Magistrates and Sessions Judges, who are *ex-officio* Justices of the Peace are Indians. I have the figures here for one province, but I really do not think that I need draw attention to them.

The position, I may say, is generally that Europeans are, without objection or criticism, in many cases triable by Indians and therefore much of the feeling about such trials appears to me to be based on sentiment.

I turn now to the reasons for these privileges and I may say at once as I understand the facts, that in my opinion they are not those which were put forward by the Mover of the Resolution. I have made some study of this matter and I trace the differentiation rather to the jealousy with which in the 18th Century and much later, the jurisdiction of the East India Company's courts was regarded. For many years in this country the courts of the East India Company had no kind of jurisdiction over European British subjects. Civil and Criminal jurisdiction was vested in such courts as the Mayor's Court, the Recorders' Court, Courts of Justices of the Peace, Courts of Oyer and Terminer and finally the Supreme Court and the High Court. It is quite true that the earlier Charters gave extensive powers to the East India Company as regards the administration of justice over all subjects of His Majesty, but, as a matter of fact, an examination of the records will show that the powers were not exercised effectively and actually up to 1872 criminal jurisdiction continued to be vested in Crown Courts. Up to 1861, for instance, European British subjects could not be bailed or committed for trial except by Justices of the Peace. Now the origin of this system was, as I understand it, in the desire of the Crown from the earliest period that English settlers in this country should receive justice on some system analogous to that which prevailed in their own country. Indeed, it is rather interesting to see that up to 1813, this privilege extended to civil cases also and even then when a civil case was decided in the *muffassil* by one of the Company's courts the appeal in the case of Europeans lay to the Supreme Court whereas in the case of Indians it lay to the *Suddar Diwani Adalat*. I cannot be sure about the year, but my recollection is that this continued till 1836.

Now when these privileges were originally conceded, there was good deal of reason for this distinction, because the powers of administering criminal justice were vested in Muhammadan courts according to Muhammadan Law, at least in Bengal. I am speaking of that province. The Court of *Suddar Nizamat Adalat* was not indeed instituted till 1772 and it was left entirely under the control of the Nawab Nazim until 1793. In view of recent discussions as to the separation of Judicial from the Executive, I may note also that the Governor General and his Council used to sit as Members of that Court until 1808. After that, separate judges were appointed, but even then the court had no jurisdiction over Europeans until 1861, when the High Court was

created. Later in 1870, various anomalies in the system regarding the trial of Europeans were apparent, and it was proposed to amend the Code. I do not wish to go into details as to what the proposals were, save to say that they were more extensive than those finally adopted, but the law then enacted was very much as it stands now and here I will quote to the Assembly the words of Professor Cowell who has written the best work on this subject that we have had for many years on this subject. Professor Cowell says:

'The system by which the exemption of Europeans from liability to the criminal jurisdiction of the *Muffassal Courts* was secured was considered to work a great and real political injury. It ensured to English wrongdoers practical immunity from punishment; the inconvenience and expense and difficulties attending their trial serving to render conviction uncertain and improbable. Two extreme opinions seemed to prevail upon this subject: one that to maintain any distinction at all between European and Native in respect of criminal offences was a great injustice, and contrary to the principles on which the British Government ought to rule; the other that Englishmen were entitled to trial by an English jury, before an English Judge, in all cases of a degree above the class of petty offences with which a Justice of the Peace could deal in a summary manner.'

On the same point, Mr. Fitz-James Stephen, who was then Law Member, expressed his views in the following words:

'In countries situated as most European countries are, it is no doubt desirable that there should be no personal law; but in India it is otherwise. Personal, as opposed to territorial laws, prevail here on all sorts of subjects, and their maintenance is claimed with the utmost pertinacity by those who are subject to them. The Muhammadan has his personal law. The Hindu has his personal law.'

And so on.

It is clear therefore that at that time there was a good deal of feeling on both sides in regard to this question and it is to illustrate that that I have read the extracts put before you, one being the opinion of Professor Cowell who voiced the Indian view and the other that of Mr. Fitz-James Stephen.

Now this discussion brings me at once to the question of the desirability of retaining or abrogating these privileges, for many of the arguments that applied in 1870, I think, apply with equal force now. Indians claim that the existence of the privilege really is a great political evil. They say that such a system, as I understand it, is not consistent with their self-respect and finally they add that it results in grave miscarriages of justice. I am not quoting the arguments used in this Assembly, but arguments which I have gathered from discussions with people outside and also from an examination of various speeches in the past. And so far as jury cases are concerned, I am bound to say that in certain trials there is a good deal of justification for this view. I myself as a Sessions Judge have asked the High Court to transfer to its own file cases of this kind and have myself tried such cases. I have examined the records of others and it does seem to me that it is not infrequently a matter of some difficulty to get a fair and reasonable verdict. I do not want to go into recent cases and I hope that other speakers who follow me will take my example and avoid what is really a very dangerous topic particularly as such a course might be unfair to individuals. At the same time while I admit that the results are not always satisfactory, I believe miscarriages of justice are not nearly as numerous as people seem to think. The real truth is that a few cases are brought prominently before the public. They excite a lot of controversy and feeling while the many cases which are tried perfectly fairly escape notice. I have got some figures from the Legislative Department on this point and I find for instance that the Allahabad High Court figures for 1896 show that 14 Europeans were convicted in Sessions trials and 12 acquitted. In an earlier

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period in the Punjab the number of Europeans convicted was very much larger, 60 being convicted against 11 acquitted. Now let me take the case of jury trials of Indians in Bengal. Then I find that in two years, in trials at Sessions, the numbers were 3,700 convicted and 2,300 acquitted. If that indicates anything, it indicates that Punjab European juries were no more lenient to criminals than Bengal Indian juries.

But I do not want to pin my faith to those statistics at all because it is really the rarer cases of what are believed to be unfair acquittals that are much criticised in the Press and that occasion great resentment in the minds of educated Indians, particularly in cases of violence by Europeans to Indians; it is those cases that I had in my mind when I said quite frankly that I had known instances in which I could not honestly say that I thought justice had been administered. I do not believe however that in the case of trials before Magistrates there is any cause for complaint. I speak with some experience. I was a Magistrate myself for many years and also a Sessions Judge and I have dealt with a great number of cases in which Europeans were complainants and Europeans were accused, and my belief is—and I offer this as a considered opinion—that Magistrates deal with these cases very fairly and honestly.

Further, as regards jury trials, it is very difficult to say whether an Indian jury would be much better in most of the cases than an English jury or a European jury. I am told that Magistrates are fully cognisant of the customs of Europeans indeed. One gentleman said to me that they have made it a study of their lives. I do not think in any case that the same can be said of Indian jury men, nor do I think that it is quite fair to compare civil and criminal trials, because in one case a man's property may be at stake but in the other case his life and his liberty may be in danger. Then we cannot overlook the peculiar difficulty in regard to European women. One of the great essentials in any system of criminal justice is that the person accused should have absolute confidence in the tribunal by which he is being tried, and that is the consideration which every one who has to examine this subject will have to bear in mind in connection with this question particularly in regard to women.

I think the Assembly will give me credit for having approached this subject in an unprejudiced manner and with a desire to do what is fair and right; but it is one of very great difficulty. I am well aware that Indian feeling is much exercised on the subject, that they believe that the present system is entirely unfair and that it is based on a racial mistrust which is inconsistent with any co-operation with Europeans. I think the history of the privileges arises from different causes. I have explained, it mainly arose from the desire of the Crown to give to His Majesty's British subjects in this country the same method of justice to which they were accustomed at home. And if Indian opinion on this matter is disturbed, European opinion is equally so. Englishmen regard, rightly or wrongly, the present system as conferring on them an ancient and valued privilege and when in 1885 it was proposed to amend the law and the Ilbert Bill was introduced, the most acute feeling was roused over this subject. In dealing with a subject of this kind, I may, therefore, fairly appeal for a great deal of patience and forbearance both to Europeans and Indians, and I am confident, I shall not appeal in vain. (Hear, hear.) The question is one of great importance and highly controversial. It is, at the same time, necessary that the Government should face it; it is the more necessary, if I may say so, in view of His

Excellency the Viceroy's frequent declarations as to his intentions in regard to racial equality in this country. (Hear, hear.) It is, and will be, the duty of the Government to give effect to those sentiments to the utmost degree in their power. At the same time, I have said that Europeans in this country value their privileges very highly. For many years, there has been an impression for the correctness of which I do not vouch, that Englishmen carried with them their personal law wherever they went in British India. You will find that statement made by the greatest authorities from the middle of the 18th century to the end of last century and it is a serious matter to tinker with such a valued privilege. At the same time, as I said, we had to face this difficulty and knowing the question would be raised, before this Resolution was moved, the Government of India addressed a letter to all Local Governments inviting their opinions on it. The replies to that letter are not complete, in fact comparatively few Local Governments have answered, and we are in some difficulty in arriving at a final decision on a difficult question of this kind in the absence of the views of those whose interests are affected. Further, I do not think, it would be possible to discuss in the full Assembly a delicate, complicated and controversial question of this character in a reasonable and satisfactory manner. There is always a difficulty in the public discussion of a question of this kind, but I think that Honourable Members who have sat on Committees with me and with other Europeans this year will bear me out when I say that difficulties which arise and would seem to be insuperable in a public discussion can often be solved in a friendly discussion across the table (Hear, hear), particularly if the Members of the Committee approach the subject in a genuine spirit of cordiality, with a desire to meet one another and to do justice; I hope that this will be the case in reference to this matter also. I have explained that we have not received the full replies of Local Governments and that has increased our difficulties. What I therefore propose in this amendment is that we, the Government, should appoint, on the recommendation of this Assembly a Committee consisting of Europeans and Indians, officials and non-officials, on which Indian opinion should be adequately represented to examine the whole question. This Committee would not necessarily be a Committee of this Assembly but might well include eminent judges and lawyers who will be able to give the greatest assistance. The idea is that this Committee should consider the question of amending these provisions in the Code to which I have referred and should report to the Government the best manner in which their proposals might be effected. I hope that will meet the wishes of the Assembly; I feel that the subject is a very difficult one and that any hasty decision to take immediate action may cause great rancour, resentment, bitterness and even worse in various parts of the country. It is for Honourable Members of this Assembly—I have often said this before, and I cannot help reminding them of it again—remembering their responsibility for the peace and good government of this country, remembering the influence, the very great influence which they exercise upon the Government now, to consider whether the appointment of a Committee such as I propose is not the best method of dealing with the question, whether it will not meet the ends of justice and satisfy all fair requirements in this matter.

I have only to say one thing more and that is, that in any case, whatever be the decision of this Assembly on this amendment, Government are determined that the law shall be so framed as to prevent, so far as is humanly possible, all failures of justice either in the case of Europeans or Indians. It is our desire that equal justice should be meted out to both, and that those who commit offences

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under the law, be they Europeans or Indians, should receive sentences adequate and commensurate with their guilt.

Mr. President: The original question was that :

'This Assembly recommends to the Governor General in Council :

(a) that all distinctions between Indian and European members of the Indian Civil Service in regard to criminal jurisdiction over European British subjects be abrogated ; and

(b) that subject to the provisions of sub-section (3) of Section 65 of the Government of India Act, all distinctions in the Criminal Law of India as between Indians on the one hand and European British subjects, Europeans who are not European British subjects and Americans on the other, in regard to mode of trial, sentence to be passed and right of appeal, be removed.'

Since which an amendment has been moved that for sub-clauses (a) and (b) of the Resolution the following be substituted, namely :

'That a Committee be appointed to consider what amendments should be made in those provisions of the Code of Criminal Procedure, 1898 which differentiate between Indians and European British subjects, Americans and Europeans who are not British subjects in criminal trials and proceedings and to report on the best methods of giving effect to their proposals.'

The question I have to put is that that amendment be made.

Mr. P. P. Ginwala : Sir, I rise to a point of order. I have got an amendment* standing in my name. Would I be in order in moving this amendment while speaking on the amendment moved by the Honourable the Home Member ?

Mr. President : As regards the point raised by the Honourable Member from Burma : the proposal which he makes is substantially covered by the proposal made by the Honourable the Home Member, further it cannot be moved at this stage because it is not an amendment to the amendment. As regards other amendments, the amendment standing in the name of Mr. Kabir-ud-din Ahmed is, I think, covered by the Resolution. In any case I should take that point when the Honourable Member's opportunity comes.

Mr. J. Chaudhuri : I rise to a point of order, Sir. I have given notice of an amendment. I got Sir William Vincent's amendment last night and I gave notice of my amendment this morning. I find that it has been admitted. This is a substantive motion of Sir William Vincent, and I should like to know whether I am entitled to move my amendment now.

Mr. President : The amendments handed in by the Honourable Member are in order. Has he any reason to suppose they are not ?

Rao Bahadur T. Rangaohariar : May I move my amendment, Sir ?

Mr. President : The Chair is placed in some difficulty in dealing with amendments of which such short notice has been given. I am aware that framers of the amendments are not always to blame, for reasons of which the Assembly is aware, but meanwhile I shall have to take into consideration those

amendments of which short notice has been given and deliver my opinion upon them at a later stage in this debate.

Mr. B. S. Kamat : With reference to this point of order, Sir, I wish to invite your attention to rule No. 118, at p. 40 of this book, which says that when an amendment of a Resolution is moved or when two or three amendments are moved, the President shall take the sense of the meeting. I gather from that, that two or three amendments must be moved before any particular amendment could be put to the Assembly. Personally, I do not wish to move my amendment after the statement which the Honourable Sir William Vincent has made ; but I just draw the Chair's attention to this rule, especially emphasising the point that two or three amendments must be moved before any particular amendment can be put to the House.

Mr. President : There is no rule or standing order obliging the Chair to permit discussion of two or three amendments simultaneously. If there be such a rule it would have to be abrogated at once.

Mr. S. C. Shahani : I rise to oppose the amendment that has been proposed by the Honourable Sir William Vincent, and the reason is this. The opinion of the House has not been well defined. Before the opinion of the House on this question has been well-defined, this amendment has been proposed. In order to substantiate my argument I would refer to what transpired the other day when my friend, Mr. Joshi, moved a Resolution with regard to the Workmen's Breach of Contract Act. Sir William Vincent on that occasion said that the Government accepted in principle and in theory the arguments that had been advanced by Mr. Joshi. I know that this created a wrong impression upon the House. I and many of my friends considered that the principle on which Mr. Joshi's Resolution was based was wrong. It is all very well to say that when a labourer who has accepted advances refuses to repay the advances or to perform the work undertaken, he only breaks a civil contract and therefore should not incur criminal liability ; but my long experience has taught me to believe that if we go in for legislation of the kind suggested we shall only teach dishonesty to the labourer and make right organisation of Indian society impossible.

Precisely on these grounds I wish that the opinion of the House on this occasion should be clearly defined. We have listened to my Honourable friend, Mr. Samarth, on the one hand, and my Honourable friend, Mr. Rhodes, on the other. Mr. Samarth does not believe in any distinction whatever being made in Criminal Law between Europeans and Indians. Mr. Rhodes has come forward to say that the special proceedings for Europeans are justifiable on the ground firstly that they serve as a necessary safeguard for Europeans, and secondly that their repeal would argue want of respect for European sentiment. In support of his contention he has referred to certain customs, prevailing in India not being adequately understood by Europeans. A Muhammadan can marry two or more wives. If this can offer any difficulty in the case of any European Magistrate in deciding a case in which a point of monogamous marriage is involved, then I would say, that such cases ought not to be sent to them at all. To take another instance, the law of adultery is viewed differently both by the Indians on one hand and by Europeans on the other. So much so that in the Upper Sind Frontier, I see, that the present Indian Criminal Law is greatly resented by some of my constituents. When I went about canvassing their votes,

* The amendment was : 'After clause (b), the following clause be inserted, namely : (c) that a Committee consisting of European and Indian Members of both Houses be appointed to make suitable detailed proposals, to give effect to the principles involved in clauses (a) and (b).'

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I was given to understand that I should make a point of bringing up this question in this House, and having it properly discussed. I do not believe that differences of customs would operate as an incapacity to try certain cases on the part of Judges. Magistrates and Judges are ordinarily highly cultured and they should be assumed to have the requisite ability to try these cases. Mr. Rhodes added that the atmosphere of India was surcharged with political hatred. I would come forward to say, 'examine the causes of it.' I think one of the chief causes of the present condition of things is the differential treatment that is being meted out to the different sections constituting the Indian people; so that it is very necessary to understand whether, in any form whatever, this differential treatment should be tolerated. I have liked very much my Honourable friend, Mr. Samarth's bringing up this question for debate. He has some influence with the Government and he has persuaded the Government to include this—his Resolution, in the agenda for an official day. I am thankful to him for all that. But when he distinguishes between major anomalies and minor anomalies, I must say I am not at one with him. The principle, which is incorporated in the second clause of this Resolution, should be accepted and accepted wholeheartedly. So far as I have been able to gauge the feeling of the Members of this House, I feel that they are all agreed that all distinctions between Indians and Europeans in the matter of criminal jurisdiction should be abolished. If this House does clearly recognise this principle, I should not have the slightest objection to accepting the amendment that has been proposed by my Honourable friend, Sir William Vincent.

Real safeguards for different sections constituting a society are mutual regard and mutual respect. The appointment of a Committee will be calculated to do harm, if first the principle of abolishing the distinction is not clearly recognised. The political atmosphere of India is surcharged with political hatred, and the only remedy for this evil that I can see is for different sections to fraternize, to unite as brothers in all matters, and then and only then will the present difficulties disappear.

Mr. T. V. Seshagiri Ayyar: I take Sir William Vincent's amendment to mean that the Honourable the Home Member recognises that all distinctions of race should be put an end to and that he requests that a Committee may be appointed for the purpose of deciding in what way effect should be given to that principle. If I understand the language of the amendment correctly, I take it that that is what he is really aiming at. Well, if that is so, then most of the objections that have been put forward by my Honourable friend, Professor Shahani, fall to the ground. The Honourable the Home Member has given one very excellent reason for the step he has taken, and that is that the Head of the Government, His Excellency the Viceroy, has expressed in public that there should be equality as regards the status in this country between the races inhabiting it. After this reference to the opinion of His Excellency the Viceroy, the words 'what a amendment should be introduced into the Code of Criminal Procedure,' make it quite clear that the Home Member accepts the principle and wants a Committee to report in detail the various amendments which should be introduced into the Acts which have from time to time been passed. If I may say so, one more reason might be advanced by the Honourable the Home Member, namely, while we are agitating—and the Government are in sympathy with us—that all distinction of race should be abolished in the Colonies, how can we go to the Colonies with a good face if we perpetuate

racial distinctions in our own country between Indians on the one hand and Europeans on the other. I am glad that principle that we should claim equality elsewhere has been recognised by the Government and given expression to. I take it, therefore, the Honourable the Home Member has framed his amendment in order to meet these two contentions—he has therefore recognised the principle and asks that a Committee may be appointed, as I said before, to work out the details and report what amendments should be introduced into the various Acts so as to give effect to the principles of racial equality.

Mr. E. L. Price: I have never intervened in a debate in this Assembly with more reluctance than I do now. I have been a regular attendant at the meetings of this Assembly, and I am afraid I have spoken pretty frequently, but if you turn up my record you will find that I have never spoken before on a racial question, and I should be very thankful if I never have so to speak again. I dislike these sort of questions intensely; but I do want very keenly to ask the House to accept the amendment proposed by the Honourable Sir William Vincent, and I beg of the House to do that on the lines, I think, of following its own precedent. There was nothing, I venture to say, when we first met that was more in the public eye, and a keener cause of dissatisfaction, perhaps, than the Press Laws. The original proposition ran as follows:

'This Assembly recommends to the Governor General in Council that a Committee of officials and non-officials be appointed to examine the Press and Registration of Books Act, 1867, and the Indian Press Act, 1910, and report what modifications are required in the existing law.'

And after a very interesting debate the amended Resolution ran:

'This Assembly recommends to the Governor General in Council that a Committee, of whom not less than two-thirds shall be non-officials, to examine the Press and Registration of Books Act, 1867, and so on.'

The point about it is that there was no opinion expressed to that Committee other than the opinions contained in the debate. Let me put it this way; if, as a matter of fact, the House had first given its verdict on the principle at stake and then merely referred the whole question to the Committee which was appointed; practically for drafting purposes, the House could not have obtained the services of such men on that Committee as it did obtain, nor could it have secured such a thorough investigation of the whole question, from a judicial as well as an administrative point of view, as it did secure. The results are known.

Now, Sir, there is a precedent from the Assembly, and I must admit with a certain amount of patriotism for this Assembly, that I am very anxious that we should, when we have a good precedent, keep to it. But I would like to give the House another example from the Council of State, if that is in order, and that was in regard to the question of Repressive Laws which was one of the most burning questions in India, probably more burning than even the Press Laws were. The Resolution was moved by the Right Honourable Mr. Sastri and ran as follows:

'This Council recommends to the Governor General in Council that a Committee be appointed to examine the Repressive Laws now on the Statute Book and report whether all or any of them should be repealed, and, in cases where repeal is not desirable, whether the laws in question should be amended, and, if so, how.'

That proposal was discussed fully and passed without amendment in the Council of State, and, as the result, a very fine Committee was appointed that did splendid work examining the whole question. The deliberations of that Committee will very soon be before this House for the necessary legislation.

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Sir, I ask the House, is it not best to follow those precedents, to accept the amendment of the Honourable the Home Member and not to tie the hands of your Committee and make it a mere drafting Committee, for, if you do, you will never get the services of the right men, and I don't see how they can very well be expected to take evidence on a point which the House has already decided in a very wholesale way.

Sir, if I thought that I carried the sympathy of the House with me in this matter, I would very willingly sit down at once in my seat, but I understand that there are a certain number of Members who came to this House to-day with a pre-conceived idea that it was absolutely necessary in the interests of the country, and of the peace of the country, that they should come with a most tremendous, inclusive and conclusive assertion and statement on this point. I would therefore venture to say a few more words.

The Members who have spoken have spoken with great moderation. May I tell these Members that there have been Indian colleagues of mine in this House who came to me and said, they thought it was a great pity that this Resolution was raised at this time. They considered it inopportune because of the racial hatred that undoubtedly had been stirred up, and they thought that the issue might well be postponed till Mr. Gandhi's folly had subsided. Well, Sir, I told them that from my point of view, though no man would be more pleased to see Mr. Gandhi betake himself and his campaign of 'envy, hatred, malice and all uncharitableness' to the Himalayas, and even allowing for all the racial hatred that has been engendered, I was certainly not prepared to see any public issue suspended or postponed for his sake or for the sake of his works. And I hope, Sir, that I understand the Indian point of view, not on historical grounds, not even on the grounds of legal history, but as a plain matter of fact, of things as they are. The fact of the matter is that these legal remains—you might call them distinctions in the law—whether now necessary or not, are looked on, I think, by Indian gentlemen, especially the intelligentsia, as something in the nature of *capitulations*. Now Members of this House will be perfectly well aware that it is only about 20 years ago that capitulations existed in Japan whereby our British subjects, rather any European subjects or American subjects, were not liable to be tried at all by the Japanese Courts. They were tried by special Consular Courts. Of course, when Japan, at the expense of great tribulation and sacrifice, such as, thank God! India has not yet had to sustain, found her place as an equal in the comity of nations, the first thing she did was to change those treaties and to abolish the capitulations—a very natural thing. But I put it to this House that during the long years that Japan was working up to that point, she had entirely remodelled her juridical and judicial principles and she had changed her administration. So she had entirely won world-confidence when she asked Europe to agree the change. And it must follow—I am sorry if some of my own community cannot agree with me, but I say it must follow—that in the progress of India there must come a point when the same thing happens too, and when all distinctions disappear. The only question is, has that moment arrived yet? Well, I think I must frankly say that I think the sense of Government expressed by the Head of the Government and expressed by its representatives here is, and I must honestly say also that on the tone of this debate, I think that it is the view of this Assembly, that the time has come. But how are you going to do it? Are you going to do it by means of a political debate

where people are divided? Are you going to leave ill-will and bitterness behind because people think that what ought to be a great judicial question has been settled politically? Or are you going to follow your own precedents and refer this matter—with your intention clear if you like—in the most general terms to the ablest Committee that Government can secure for us, that we may have put before us the full necessary steps by which we may take this move? I remind you also, that at the moment Japan was in a happy position of being able to get the capitulations denounced, she was also in a position to say to Europe that the law within her territories was one and universal and applicable to every one of His Imperial Majesty the Mikado's subjects in Japan. Now, Sir, I would ask Members to recognize the fact, that even eliminating the European question altogether, you cannot say that of India. In my own province I know a Hindu *Bawa* who is exempted from having to give evidence in any court of law. The assertion may seem extraordinary, but I am fully certain of my facts. I was the foreman of a Jury. When the evidence of that *Bawa* would have been most valuable in a most serious criminal case, it was unobtainable. There is a Muhammadan *Pir* with even greater legal privileges. Compare these distinctions with the reign of law in England! In my own memory, I remember the Heir to the Throne being summoned to court on an ordinary *subpoena* to give evidence; he duly attended in court, gave his evidence, and so did his duty. You do not happen to get such equality of law anywhere in India on those lines. Now, Sir, I have no wish—I hope I am not annoying anybody or breaking, as it were, the truce that has been called between the parties over this matter,—but may I give a few brief illustrations of what Europeans who do not entirely agree with me have said to me? I hope if I do that, it will not be taken as expressing my own view, but simply as giving the House information that perhaps it ought to have. A man says to me: 'It is all very well, Mr. Price, but you know how dreadful a place mat court-house is. My poor wife is called down there and kept two whole days in all the heat to give evidence. They would not do that to an Indian lady.' Well, you could not treat a *pardahnashin* lady like that; the law forbids.

Now, as to the personal law and procedure in connection with it in criminal matters, Sir William Vincent has told us about the clauses of the Code whereby an Indian accused can claim a majority of Indians in the jury. There are also clauses in the Frontier Acts whereby people can exempt themselves entirely from the ordinary Criminal Procedure Code and elect to go before a *Sirga*. There again is another extraordinary exception to the reign of law in India. But I do think that India wants to adopt the principle of the reign of law, still it is possible that even with the reign of law, certain broad exceptions may be found necessary not only for an infinite minority like Europeans, but also in some Indian cases as at present. What I think therefore is most desirable is that the whole question should be considered by a Committee in this way. There is also, I put it to the House, the question of Americans. It seems rather curious that Americans alone should be included. It has been suggested to me by a learned Member of this House—I have not been able to verify the fact—that it is the result of a treaty. Whether it is or not, evidently it is a point that should be investigated very carefully by a strong Committee. And, after all, the great point in all this will be that the European, whatever his opinion about it, will feel that the House has followed its own precedents, and that the final verdict on the case has been a judicial and not a political one. And I know my people well enough to know that however much they may fight politically, it is not their habit to resist or

[Mr. E. L. Price.]

dispute a judicial decision. Their training is against it. It is too much like disputing the umpire.

If any Member feels that I am making demands on his generosity in this matter, well, I will agree with him. I am making demands on his generosity. I have often made demands on the generosity of this House.

When there are four of us present in an Assembly of this size and we are so few and therefore powerless for voting, what can we do but throw ourselves on your generosity? I do not therefore hesitate to ask it and I ask it for this reason, Sir, finally, that if Sir William Vincent's amendment is accepted, this question will be settled and will leave no bitterness behind on either side, and that is the sole object of my speech.

Rao Bahadur T. Rangachariar: Sir, my task in opposing the amendment of Sir William Vincent and proposing an amendment to his amendment has become somewhat difficult after the very passionate appeal made by my most esteemed friend, Mr. Price. If all Englishmen in this country were like Mr. Price, we would have had no racial questions at all. Sir, notwithstanding that strong appeal made to me, I am sorry, I cannot accede to the request made by my Honourable friend. It is a case where justice wounded by injustice is appealing to this House and the authority—namely, the Assembly—by not removing the dart by which the wound is created—is fatally wounding itself. That is the view I take of this question. It has been a wonder how the non-co-operator has found a fertile field in this land for his activities. Sir, this is one of the grounds on which he has traded and traded successfully. Sir, it is no use blinking matters. While I am a believer in moderation in language and a believer in temperately voicing our grievances, I am not a believer in hiding my thoughts. Sir, on a point like this, the real grievance is not the sentimental one which has been hitherto voiced forth, namely, that Indians are considered disqualified to try European British subjects but rather, Sir, the feeling that justice has more often failed when an Indian or an European happens to be the complainant or accused or *vice versa*. The whole difficulty arises from the system maintained for conducting the trial of European British subjects. Sir, a gentleman, who had considerable experience in these matters, I refer to Sir Henry Cotton of great fame, speaking in 1903 in London, said:

When Englishmen were put upon their trial for these crimes, what was the general result? In the great majority of cases it could only be described as a judicial scandal. He was not particularly anxious that any one should find his way to the gallows but he was bound to say that there were innumerable cases in which men charged with most brutal murders for which no other punishment than hanging was suitable had escaped through the failure to administer justice fairly and fully. What was that? In the first place, these offenders were tried by a jury of their own countrymen. It was, of course, a very sound principle in law that a man should be tried by his peers and equals, but it was hardly necessary for him to point out that in a country like India where Englishmen were widely scattered, and where one of them, say, a tea planter was charged with causing the death of an unfortunate cooly, and was arraigned before other tea planters in the same position as himself, it was natural and even inevitable that the jury should be biassed and should find the accused guilty of the smallest cognisable offence under the law, namely, simple hurt for which a fine of a few rupees was only imposed. Decisions of that kind did not commend themselves to the judgment of the natives of India and in consequence a strong and bitter feeling was aroused by such cases. Suppose that the Government interfered and took up the prosecution, the result might be the infliction of a term of imprisonment instead of the imposition of a fine, but immediately that happened, a storm of protest was raised, the greatest anger and indignation were given vent to at every European breakfast table and tea table, and no stone was left unturned to get the sentence either cancelled or modified.

And he proceeds further on these lines. However I will not refer to particular cases. Those cases have not become rarer now. The recent instances have been severely commented upon, and therefore the real evil consists not so much in Indians not being competent to try European British subjects but under the option given or rather in the compulsory system of trial by jury. By all means let them have the option of trial by jury, but if they take the option of trial by jury let them also take the risk of the jury being composed in a way in which it could be drawn by lots. Does not the law impose that so many people shall be Europeans or Americans or Indians as the case may be? That is really the root cause of this discontent and there is no use of our trying to consider this question apart from the root cause. I therefore think that this Assembly ought to give its verdict upon the main and broad issue of the case, namely, whether it is not necessary to remove all racial distinctions in the matter of the mode of trial and also in the matter of the sentences which are to be imposed under the law. Reference has been made to the personal law of the people. Sir, if I am to be restored to my personal law under the Code of *Manu* I, as a Brahmin, am immune from the sentence of death. Are you willing to concede that? I, as a Brahmin, can only be fined 24 *pagodas* if I defame a Kshattriya. If I defame a Vaishya I can only be fined 12 *pagodas*. If I defame a Sudra I pay a lesser penalty, whereas Sir, if a Kshattriya defamed a Brahmin he was fined 100 *pagodas*. So also, the fine became larger and larger as you go down the scale of castes. Sir, so far as criminal law is concerned since the English system of jurisprudence came into this country personal law found no favour with the Englishman. Why should it find favour only so far as Englishmen are concerned? Sir, I was surprised to hear from Mr. Price that the judicial system in this country has not approached the tone of Japan. It is news to me. It is startling news to me.

We approximate day by day to the British system of jurisprudence, and dare anybody say that there is any other higher system of jurisprudence which civilised nations can adopt? Sir, we have adopted the British system and let us adopt it in its entirety. We are not averse to it; we Brahmins have not complained that we have been deprived of our personal laws so far as crimes are concerned. Therefore, let not Englishmen complain that they are deprived of their personal law under their own system of jurisprudence.

Then, the Honourable Sir William Vincent quoted certain figures as regards convictions and acquittals of Europeans. Do those statistics include offences of not carrying lights behind their motor cars? They are also grouped under the class of crimes. How many cases has he investigated really of disputes between Europeans and Indians?

The Honourable Sir William Vincent: May I rise to make a personal explanation. The figures were of a time before motor cars were used extensively in this country. They were in fact also figures of serious crime.

Rao Bahadur T. Rangachariar: I therefore think these figures do not tell the real tale. Let us face the facts of the situation. I look upon this day as a red letter day in the annals of the British Government. The Honourable Sir William Vincent referred this morning to a very bold action which he has taken in repealing the Press Laws. I warmly and heartily congratulate the Honourable the Home Member and his Government on the step they have taken, and I can assure him that they run no risk thereby. On the other hand, no amount of aggressive propaganda to combat the non-co-operation movement will be more effective than these steps which you take in this

[Rao Bahadur T. Rangachariar.]

Assembly; and this will be another signal step which you will take. I am glad the Honourable the Home Member has spoken in the strain he did in connection with this very important subject. Sir, I am reminded of the words of Mr. Gladstone when he said :

'No nobler spectacle than that which we think is now dawning upon us'.

I echo that sentiment. We also think that is now dawning upon us, namely that this Assembly is set on the removal of injustice, is deliberately determined to break, not through terror, not in haste, but in the performance of its duty whatever still remains of an evil tradition, and to consult by a bold, wise and good act its own interests and its own honour.

Sir, I therefore confidently appeal to this House to accept this amendment which I have. It is a very modest amendment; it does not commit us to details; it commits us to an incontrovertible principle. I do not think that there is anybody here in this Hall who now maintains that there should be racial distinctions maintained now. If that is the verdict of this Assembly, and, if that is the verdict, as I have heard from the Honourable Sir William Vincent, of the Government also, namely, that they are determined to put an end to all these racial distinctions, I say there is no harm in this House committing itself to that, and I therefore would add only :

'That the Committee should be appointed in order to remove all racial distinctions between Indians and Europeans in the matter of their trial and punishment for offences.'

My second amendment is instead of the words 'to consider the desirability'.....

Mr. President : Order, order. Do I understand that the Honourable Member is proposing to amend an amendment which he proposes to vote against?

Rao Bahadur T. Rangachariar : Yes, with your permission, Sir, if you have no objection. My second amendment is :

'That instead of the words to consider the desirability of what amendments should be made' the words 'to consider the desirable amendments to effect that object' be inserted.

A third thing I want is to fix a time within which this Committee should report, and at the end of the clause I say :

'Before the next Session of the Assembly.'

Sir, I do not think we had a stronger Viceroy than Lord Curzon. Lord Curzon began, I think, by attempting to remedy this defect, but the interests were too strong even for a Lord Curzon. I am sure Lord Reading is also bent upon this task but, unless he is armed with a Resolution of this Assembly emphatically repudiating the distinction which is now maintained under the existing law, he too may find it difficult to carry out his intentions. I therefore ask this House to affirm this principle about which there can be no doubt whatever. But, when we are asking for justice, I can assure my European friends here, we are equally anxious that they should get justice; we are not anxious that they should be unjustly punished, but we are also anxious that they should not unjustly escape punishment. That is our idea and, therefore, I am quite willing to leave the whole matter of details in the hands of an expert Committee, I will not fetter the hands of the executive by suggesting who should form the Committee; I leave it entirely to the Government and I am perfectly confident that they will choose the best men to compose this Committee. Therefore, I commend this amendment to the Assembly.

Mr. President : Amendment moved :

'That in line 2 after the word 'that' the following words be inserted, namely 'in order to remove all racial distinction between Indians and Europeans in the matter of their trial and punishment for offences.'

The amendment was put and carried.

Rai J. N. Majumdar Bahadur : Sir, since the passing of the Reform Act, I think Indians and Europeans in this country have made a determined effort to sail in the same boat. Neither of the parties, I believe, wants any special privilege of its own. If I know the minds of the Europeans in this country, I think they are perfectly prepared to share all our privileges as well as all our disabilities. They have assured us of their co-operation and we also, in return, assure them of our co-operation (Hear, hear) : but in order to be able to co-operate with each other, I think it is of the utmost importance that there should be no racial distinctions between the two communities, because, if there is, there can be no co-operation. It is known to all that in the past there have been miscarriages of justice in cases where Europeans and Indians were concerned. I know of a case in my own district in which a European District Magistrate was boycotted by his own community for having sentenced a European to imprisonment. I was also in the Council Chamber when the Ilbert Bill was under discussion and we all know what heat was engendered in the country in the minds of Europeans by that Bill. But all those days are gone. Since the passing of the Reform Act Europeans have begun to co-operate with us and I believe there is not a single educated European, either in this House or outside it, who does not agree that all racial inequalities should be removed from the Statute Book. If that is so, the only question is how that is to be done. It cannot be done in a big House like this, and it can only be done effectually by a Select Committee, as proposed by my Honourable friend, Sir William Vincent. Therefore, I think, when the object is to remove all distinctions and when the Government has already pledged itself to remove all distinctions, we, in this House, should not only maintain harmony in the House but also outside of it and should not object to the appointment of a Committee in order to remove all distinctions that at present obtain between Indians and Europeans in this country in respect of the Criminal Procedure Code.

I think this is the best solution and I hope we shall be able to carry out this proposal of the Honourable Sir William Vincent with unanimity, taking care of course that the thing may not be shelved; and as has been proposed by my friend, Mr. Rangachariar, we might suggest that the Committee should report at an early date, say, before the next Assembly meets. With these few remarks I hope that we will not carry the discussion to any stage which may lead to bitterness. We should be prepared to enter into each other's feelings and sentiments and not to do anything to offend anybody. Therefore, I say that we should be calm and not unnecessarily offend the feelings of our European brethren in India who have shown the greatest consideration to us in every matter. It is their privilege now to accede to our request. So long they were the rulers, and as rulers I wonder that they had not created more anomalies than what they have already done in the past. Our own people created many anomalies in ancient times. But now the Europeans are prepared to give up their privileges, and we should be kind and considerate to them, just as they have listened to our appeal to create equal opportunities for all. We should not therefore ride rough-shod over their feelings and do whatever we like with them. At the same time I am convinced that none of the

[Rai J. N. Majumdar.]

European Members here or any respectable European wants to take his stand upon any special privileges which other communities do not enjoy. All that they want is justice, and I think this Committee that will be appointed will be able to do justice to all, and I hope that the House will be prepared to accept the recommendations of the Honourable Sir William Vincent.

Mr. Abul Kasem : I move that the question be now put.

Mr. J. Chaudhuri : I rise again to a point of order. My amendment was not put before the House at all. I understand that under the ordinary practice, after Mr. Rangachariar put his amendment, my amendment should have been put before the House, and the last amendment put to the vote of the House first, and the previous amendments afterwards. So I want a ruling on the point, if this is not so.

Mr. President : If the Honourable Member would be more explicit, I could follow him better and give a ruling.

Dr. H. S. Gour : I shall be more explicit, Sir, on my amendment which is exactly like that of Mr. Chaudhuri. I have been reading these rules with a view to enlighten myself but they afford me no enlightenment: the point is this. When there are a series of amendments to a Resolution what is the practice of this House? Is it that the last amendment is taken up first, or that the amendments are taken up in the order in which they are printed on the agenda? If the last amendment is taken up first, I stand last, No. 9, and I believe both by reason of the fact that my amendment was last and also by reason of the fact that my amendment is the most comprehensive of all the amendments placed upon this paper, my amendment is entitled to the priority of discussion and vote.

Mr. President : The Honourable Member's amendment is so comprehensive that it is out of order. We are discussing a Resolution which asks for the removal of distinctions between Indians and Europeans in regard to criminal jurisdiction. Therefore the limits of the Resolution, the limits of the amendments, and the limits of the debate are set by the words 'criminal jurisdiction.' The Honourable Member proposes to widen the field considerably beyond those words by his amendment.

It is therefore out of order and would have to be moved as a substantive Resolution by itself.

As regards the order in which amendments are taken up, that is settled by the order in which they come in the Resolution or the amendment of which they are amendments in their turn. I have taken the amendment of the Honourable Member from Madras because it comes in the second line and no amendment comes before it. The case put before me by the Honourable Member from Bengal I have not been able to understand; if he explains it perhaps I may.

Mr. J. Chaudhuri : I mean this, Sir, that I gave notice of an amendment to the amendment of the Honourable Sir William Vincent and I expected that I should be called upon to move my amendment after he had spoken and divide the House, if necessary.

Mr. President : The Honourable Member's expectation is not yet defeated. We have not yet reached the stage in Sir William Vincent's amendment when the Honourable Member's amendment comes in; but I would ask him to consider this, that the substantial amendment which he wished to move,

as far as I can judge, has already been met by the change which the Honourable the Home Member himself has made in his amendment.

Mr. P. P. Ginwala : May I know how I stand?

Mr. President : The Honourable Member's amendment is not in order at this stage.

Chaudhri Shahab-ud-Din : Sir, though the Resolution before the House purports to seek a change in certain provisions of the criminal law regarding the trial of Europeans in India and though a lawyer by profession, yet I want to make a few remarks on the question under discussion, not from a legal or lawyer's point of view, but from a practical man's point of view. All laws apply to facts. So let us see what is it that we require in fact; it is nothing but equality in treatment. Differential treatment, let me assure the Honourable Members of this House, is one of the root causes of unrest and dissatisfaction in India. I hope not only the Indian Members of this Honourable House, but also the European Members will agree with me when I say that it is the racial distinction and differential treatment, not only in the matter of trials for criminal offences but also, for example, in the matter of possession of arms and in the matter of higher salaries, it is such invidious distinctions, observed by the Government of India which have to a very great extent created dissatisfaction in India. Being subjects of the same King, owing allegiance to the same Crown, I fail, Sir, to see why one section of His Majesty's subjects should be tried by one procedure and other sections of the community by another procedure. I do not mean to say that Europeans should be necessarily subjected to the procedure which is at present applicable to Indians; no; let it be just the other way; but give us equality. Those who live in India must be subject to Indian law; that is, the law which governs Indians and not the law which applies to an exceptional or special community in India. Sir, if a European were to commit an offence in Japan, surely he would be tried by the law obtaining in Japan, that is, the law of the country where the offence is committed; he would not be allowed to say that he is an Englishman and that therefore he must be tried by English law with a jury of his country men. Why, I ask, should there be differentiation in treatment? Why do not the Government trust Indian Judges to dispense equal justice to Indian and European offenders alike? Have we not entered upon the Reforms with the greatest wish to make them a success? The Government should trust us, and I hope, we will do full justice to Europeans. It is in the interest not only of the Ruled, but also of the Rulers that there should be perfect equality in treatment; and equality in treatment, Sir, does not only mean equality in certain social matters—though there is also a difference in that respect—but equality in treatment means equality in matters political. Indians are Indians not only in this House, but even outside the House. They want equality of status in the British Colonies and other countries. But as my Honourable friend, Mr. Seshagiri Ayyar, said just now, they may be told 'How can you come to us and claim equality of treatment when in your own land different courts and different Judges try Englishmen and Indians; you have certainly no right to expect equality in treatment from us'.

Sir, for practical reasons, and not for any legal or historical reasons, would I strongly recommend to this House, and especially to the Honourable Members of Government, that they must accept at once the principle of the Resolution moved by my Honourable friend, Mr. Samarth, and, as regards the details, they should certainly go before a Select Committee and be afterwards threshed

[Chaudhri Shahab-ud-Din.]

out in this House, but the principle should be accepted now and here. You say that a Committee may be appointed, to do what? To discuss the desirability of (cries of 'No! No!') If the intention of Government is to accept the principle in its entirety, let the Honourable the Home Member say so. But if the object in the appointment of a Committee is to retain the present inequality of treatment, then, I think, we should be perfectly justified in sticking to the Resolution as proposed by the Honourable Mr. Samarth.

There is only one other point, Sir, on which I should like to say a word. The Honourable Sir William Vincent in the course of his speech made an observation that the Committee which will be appointed by the Government to consider the question now before the House will not consist wholly of the Members of this House, but will also comprise some outsiders. Sir, let me warn the Government and its Members, that whoever those outsiders may be, both Englishmen and Indians, unless they are responsible to this House, their report will not carry much weight in the House. However able and competent they may be to deal with the question, it is we who are responsible to the Government and to the country. Therefore a Committee which has amongst its members, persons who are not Members of this House, can never command the confidence of this House. I hope the Honourable Sir William Vincent will bear this in mind. With these remarks, Sir, I strongly support the principle of the Resolution which has been moved by my Honourable friend, Mr. Samarth, and oppose the amendment which reserves to a Select Committee the power to discuss the principle and decide the extent to which it should be accepted and acted upon.

Mr. P. P. Ginwala: Sir, I regret that I feel compelled to oppose the amendment which has been moved by the Honourable Sir William Vincent, in spite of the amendment to it that has been moved by my Honourable friend opposite and has been accepted by the House. I think it must be clearly understood that what this House desires is an acknowledgment in unequivocal terms and as clear as possible this principle of the equalisation of status. On that point, so far as I understand the sense of this House, its opinion is unanimous. There are no Indians that I know of who are prepared to make any sort of compromise, however small, which would leave open for discussion this principle in the least and it would be unwise for the House, knowing that the country at large also insists upon its recognition, not to acknowledge it in so many words. Now, Sir, for the purpose of my argument, I do not wish to go into any historical questions at all, nor do I wish to go into details regarding the Code of Criminal Procedure, for the real point on which this question turns is: has the time arrived in this country when every British subject, be he an Indian or a European, should submit to the same jurisdiction and to the same court of law? If the time has arrived,—and no Indian doubts that it has—then it is the duty of this House to express that opinion, and when the House has once expressed that opinion, it will be time enough for the experts of the Government or of this House to formulate proposals to give effect to that opinion. Unless that is done, neither the House nor the country will be satisfied.

Reference has been made by Mr. Price and other speakers to the distinctions that exist at present in other departments of law, but the only instances given were those of the personal law of various classes. If there is any other department of law in which such distinctions exist, let them also be abolished.

But do not let us dispute the principle which, it is high time, was definitely acknowledged and given effect to.

The amendment which I wish to move is unlike that moved by the Honourable Sir William Vincent, and I would like to draw attention to the fact that in my amendment I assume the two principles involved in the Resolution which has been moved by Mr. Samarth.

Mr. President: The Honourable Member's amendment is not an amendment to that moved by the Honourable the Home Member; it is an amendment to the original Resolution and therefore not in order at this stage unless the Honourable Member chooses to move it in such a form as to bring it in order.

Mr. P. P. Ginwala: It is immaterial to me, Sir, whether I move it now or later on, or in this or any other form, so long as I explain to the House the difference between the amendment which is now before the House and my own amendment. I assume the soundness of the principles contained in the first two clauses of Mr. Samarth's Resolution, and that is what I want the House first to emphasize, and when that is done I suggest that a Committee be appointed to give effect to the principles involved in those two propositions. This is clearly a different thing from the amendment moved by the Honourable Sir William Vincent and when the House comes to vote on the amendment, I beg it to remember this difference between his amendment and the amendment standing against my name, and to reject on that ground, the amendment moved by the Honourable the Home Member.

Mr. Harchandrai Vishindas: May I rise to a point of order, Sir. I find that the amendment of my Honourable friend, Mr. Rangachariar, as against the amendment of the Honourable the Home Member, places us in a peculiar situation. If the amendment of the Honourable Sir William Vincent is thrown out and the amendment of my Honourable friend, Mr. Rangachariar, stands.....

Mr. President: The situation in which we now are is that the amendment moved by Sir William Vincent has been amended by the amendment of Mr. Rangachariar. The amendment, as amended by Mr. Rangachariar, will be put from the Chair in the form of a question as against the original Resolution.

Mr. Harchandrai Vishindas: One more point, Sir. Supposing that the Resolution is carried as against the amendment, then the other amendments that are a rider to the Resolution, namely, the amendment of Mr. Ginwala that a Committee be appointed and my amendment that for the words 'members of the Indian Civil Service' the words 'Judges and Magistrates' should be substituted will have to be put to the vote.

Mr. President: The question I shall put from the Chair at the end of this part of the debate is that the original Resolution be amended as proposed by the Honourable the Home Member. If the House decides that the amendment be made, then the Honourable the Home Member's words are substituted for the entire Resolution of Mr. Samarth. But if the House decides that the amendment be not made, then the Resolution as moved by Mr. Samarth stands, and is subject to further amendments as on the paper.

The Honourable Sir William Vincent: I should like to know, Sir, whether I can speak on Mr. Ginwala's amendment.

Mr. President: Mr. Ginwala has not moved his amendment.

Mr. P. P. Ginwala : I have already asked for a ruling from the Chair as to whether I can move my amendment while speaking on the Honourable Sir William Vincent's amendment.

Mr. President : It is perfectly open to the Honourable Member to move his amendment in a form which would bring it as an amendment of Sir William Vincent's amendment ; but, as on the paper, it is not an amendment of Sir William Vincent's amendment. If the Honourable Member wishes to have the decision of the Assembly on his amendment, he can move it in the form of an amendment to Sir William Vincent's amendment.

The Honourable Sir William Vincent : I am myself in some doubt as I do not understand exactly the present position. If I am allowed to speak either on my own amendment or on Mr. Rangachariar's amendment of my amendment, I should like to do so.

Mr. President : The amendment moved by Mr. Rangachariar has already been carried.

The Honourable Sir William Vincent : I mean my amendment as amended by the amendment of Mr. Rangachariar.

Mr. President : Yes ; but the Mover of an amendment has no right of reply as far as I read the rules.

The Honourable Sir William Vincent : Then I do not see I have any right to speak at all.

Rao Bahadur C. S. Subrahmanayam : I request that the amendment (now before the House) may be read out in full. There is some misapprehension in the minds of Members.

Mr. President : The amendment, as amended originally by the substitution of words by the Honourable the Home Member himself for his original words, and by the further amendment of Mr. Rangachariar, reads as follows :

'That for sub-clauses (a) and (b) of the Resolution the following be substituted, namely 'that in order to remove all racial distinctions between Indians and Europeans in the matter of their trial and punishment for offences, a Committee be appointed to consider what amendments should be made in those provisions of the Code of Criminal Procedure, 1898, which differentiate between Indians and European British subjects, Americans and Europeans who are not British subjects, in criminal trials and proceedings and to report on the best methods of giving effect to their proposals.

Mr. R. A. Spence : Mr. President, I had hoped that after what had been said by my Honourable friend, Mr. Price, there would have been no necessity for me to speak at all. But there does seem to be some reason for me to speak as there seems to be a feeling that we should not accept Sir William Vincent's amendment because it does not lay down definitely a principle. I think from what has been said before in this House that there is undoubtedly very strong feeling—I might say a universal feeling that—the time has arrived when consideration should be given to this question, and I think that what my Honourable friend, Mr. Price, said is what should weigh with this Assembly. We have come to the opinion that the time has now arrived when we should consider the removal of all these disabilities. But let us go about it in a judicial manner and not as a political matter. The European has looked upon these privileges, may be privileges of the past, but he has looked upon them as judicial privileges. They come to him as from Magna Charta. Whether that view is right or wrong I do not know, but it is one which appeals to the minds of many. If the question of doing away with these old privileges is going to

be considered, let it be considered on the grounds of justice and right and not as a political question. I had hoped that after what Mr. Price had said nothing more need be said. I was surprised indeed to find my Honourable friend, Mr. Rangachariar, speaking as he did. But I was also surprised to find my Honourable friend, Mr. Rangachariar, quoting Mr. Gladstone as an argument in his favour. Well, I think the words that he quoted from Mr. Gladstone are an argument in favour of Mr. Price and of the European Members' view in this House, namely, that this amendment should be accepted and that we should consider this matter purely from a judicial point of view and not from a political one.

Mr. Jamnadas Dwarkadas : Sir, on rising to take part in the debate on this most important question I feel the diffidence which is consequent upon the fact that I am not a lawyer, and therefore not competent to deal with the subject from the point of view of a lawyer. But, Sir, as the discussion has concentrated on the question of the acceptance by the Honourable the Home Member of the principle of equality, I believe I shall be justified in giving some information to this House which will probably convince the House that this principle does not need to be recognised now in this year 1921, but that it was recognised so far back as the year 1834, when the Directors drafted the Despatch to the Governor General in Council. In that Despatch it was clearly laid down in these terms :

'First, we are decidedly of opinion that all British-born subjects throughout India should forthwith be subjected to the same tribunals with the Natives. It is, of course, implied in this proposition that, in the interior, they shall be subjected to the Mofussil Courts. So long as Europeans penetrating into the interior held their places purely by the tenure of sufferance, and bore in some sense the character of delegates from a foreign power, there might be some reason for exempting them from the authority of those judicatures to which the great body of the inhabitants were subservient. But now that they are become inhabitants of India, they must share in the judicial habitudes as well as in the civil rights pertaining to that capacity, and we conceive that their participation in both should commence at the same moment.'

And further :

'It is not merely on principle that we arrive at this conclusion. The 85th clause of the Act to which we have before referred, after reciting that the removal of restrictions of the intercourse of Europeans with the country will render it necessary to provide against any mischiefs or dangers that may thence arise, proceeds to direct that you shall make laws for the protection of the Natives from insult and outrage, an obligation which in our view you cannot possibly fulfil unless you render both Natives and Europeans responsible to the same judicial control. There can be no equality of protection where justice is not equally and on equal terms accessible to all.'

Sir, these terms in the Despatch were referred to by the Honourable Mr. Ilbert when he introduced his Bill in the year 1882. Unfortunately these sentiments have not yet been given effect to by the Government of India. I ask the Honourable the Home Member what objection he has in publicly recognising the principle that underlies the Resolution of Mr. Samarth, which would probably make his own amendment to that acceptable to this House. The principle, as I have already said, has been recognised in the past by the most eminent statesmen of England. The principle has been recognised by our present Viceroy, His Excellency Lord Reading, immediately after his arrival in India. I shall remind my Honourable friend, the Home Member, of the speech that His Excellency delivered at the Chelmsford Club when the Members of that Club entertained him to a dinner, the speech in which Lord Reading pointed out, and emphatically pointed out, that he had made up his mind and that his colleagues shared his opinion that so far as he could help it no race inequality would be allowed to exist in this country. At that moment when

[Mr. Jamnadas Dwarkadas.]

Lord Reading gave expression to that sentiment it was welcomed throughout the length and breadth of the country. Many of us realised that it was a task too difficult to accomplish, especially because there was not only the question of legal inequalities to be considered but also social inequalities. Sir, the motion that we are discussing to-day deals with the question of legal inequalities, and while the removal of social inequalities is a matter of time and is bound to be accomplished, I feel that in consideration of what His Excellency Lord Reading has said, it is the bounden duty of the Government to accept the principle that underlies this Resolution, namely, the removal of all legal inequalities that exist in this country. Sir, I feel that it is perhaps the feeling in this House that if this principle were recognised by the Honourable the Home Member here and now, this House would have no difficulty in acceding to the terms of amendment as moved by the Honourable the Home Member. Sir, Mr. Rangachariar has pointed out that things of this character make non-co-operation possible in this country. I beg leave also, Sir, to say this—that if a principle which has been recognised by the Head of the Government is not recognised here in this Assembly by the representatives of the Government, we shall not be acting wisely and we shall be giving food to a movement which the interests of the country demand should necessarily be starved. I hope, Sir, the Honourable Home Member will find no difficulty in accepting the principle that underlies this Resolution.

Dr. H. S. Gour: I rise to a point of order, Sir. I understand Sir William Vincent's amendment as amended by the Honourable Mr. Rangachariar has been accepted by this House. If the amended amendment has been accepted by the House, I take it that this House has also accepted the principle of equality. That being the case, I submit all discussion of the principle of equality is now quite out of order and I ask you, Sir, to rule whether I am not right.

Mr. President: The discussion might be out of order if Government had put upon the words used by Mr. Rangachariar the interpretation put upon them by the Honourable Member who has just made this point of order. Those words can be so interpreted, but it is not the business of the Chair to interpret them either way. If Honourable Members choose to continue the debate, the Chair cannot rule the discussion out of order, unless an agreement is arrived at as to the political meaning of the words.

Mr. Jamnadas Dwarkadas: So far as the terms of Mr. Rangachariar's amendment are concerned, I want to inform this House that I myself interpret the terms of that amendment in the manner in which my friend, Dr. Gour, would interpret them. But what I insist on, Sir, and what I am trying to impress upon my Honourable friend, Sir William Vincent, is this—that if he would rise and publicly recognise the principle that underlies this Resolution, there would be an end to all discussion and he would be only doing the thing that perhaps the Head of the Government wants him to do.

Dr. H. S. Gour: I again rise on a point of order. I wish to make it clear that the Honourable Mr. Rangachariar's amendment to Sir William Vincent's amendment was intended to enunciate the principle in favour of equality of all people. If that was his intention, it is with that object in view that this House passed his amendment. If the Honourable Mr. Rangachariar intended it in that sense and this House passed it in that sense, I submit, a further discussion on the question of principle would be out of order.

Mr. President: It still remains a point of interpretation as to the political meaning of the words into which, as I have already told the Honourable Member, I do not propose to go now.

The Honourable Sir William Vincent: Sir, I rise to offer a few words of explanation to meet the Honourable Mr. Jamnadas with particular relation to one point. The words that he used towards the end of his speech indeed make it incumbent upon me to speak, because there is a suggestion there. I do not think any unpleasantness was intended, but there is a suggestion that the Government of India are in some way departing from principles which have been accepted and expressed by the Viceroy. Now there is no foundation for that statement at all. The policy of the Government of India in regard to this Resolution was settled at a meeting of the Executive Council in which there was complete unanimity and there is no question of going back on anything that has been said. The real difference is not one of principle so much as one of practical application. The principle that it is desirable that there should be equality of status in this country in the matter of criminal trials is to my mind one that is indisputable.

No one can conceive of this country arriving at the status of Dominion Self-government and of any differentiation being allowed in such a matter. The only question between us is that raised by my Honourable friend, Mr. Rangachariar, and that is the particular motion to which I take exception, i.e., when he says that Government is to give effect to this principle at once without regard to time or method or to the attendant difficulties. The Committee is according to him to report to Government by next Session. These are recommendations which, speaking on behalf of the Government, I am not authorised to accept. I have no authority to do it, nor would I do it willingly if I had the authority, because the question is one of great difficulty which will require careful consideration. I want to make my meaning quite clear. The Government of India, as I understand it, accept the principle that it is desirable that there should be racial equality. They will appoint a Committee to examine this question. How far it will be possible to give effect to that principle, in what manner, or in what time is a matter that must be left for the consideration of that Committee (Hear, hear). The Honourable Mover spoke of equalizing the rights of Europeans and Indians, actually went on to suggest that the Government should take away the privilege of trial by jury now enjoyed by European British subjects. That is the sort of proposal that I think it would be improper and positively wrong for the Government to accept and indeed I have no authority to do it. I hope now that I have made the position clear; at any rate, that I have made this point clear that the Government of India intend in no way to deviate from the principle laid down by His Excellency.

Mr. N. M. Samarth: As the Mover of the Resolution, I rise, Sir, to accept the amendment, as amended.

Dr. H. S. Gour: I again rise to a point of order. The Honourable Member, I submit, is not entitled to reply on the principal Resolution. That is not under discussion. The only thing under discussion now is the Honourable Sir William Vincent's amendment, as amended by Mr. Rangachariar.

Mr. President: The Assembly is well aware of that point. The Honourable Member on my left (Mr. Samarth) was exercising a perfectly legitimate parliamentary right, when a change has occurred in the character of the debate, in rising to accept or refuse the proposal made.

Mr. N. M. Samarth : Sir, I think the discussion that has taken place as also the statement that has been made by the Honourable the Home Member has clarified the position. There was, to my mind, even at the beginning, when I moved the Resolution, absolutely no doubt whatever that after the clear expression of opinion by His Excellency the Viceroy on this subject the Government of India surely was not going to depart from it and throw it overboard, and I was convinced that the Government of India did want to give effect to the principle of this Resolution. As to how it is to be done, what is the *modus operandi* to be observed, or resorted to, is a matter which was not covered by my Resolution. When I moved the Resolution I stated that there are various solutions which are proposed by expert opinion. As I have already said I keep an open mind upon that matter. I have my own line of thought, but I will not force it upon this Assembly. This matter is to be gone into by a Committee; all I hope is that the Committee will be a strong Committee on which there will be representation of an Indian High Court Judge or two, a European High Court Judge or two, and eminent men belonging to the Bar who have had great criminal practice and experience, men who will bring to bear upon the consideration and solution of this question all the legal talent and experience that they have.

The Honourable Sir William Vincent : We will put the Honourable Member on it himself.

Mr. N. M. Samarth : I am a humble man and, although I may not be on the Committee, all I claim is that the Committee should be of such a character as to inspire public confidence

Mr. E. L. Price : On both sides.

Mr. N. M. Samarth : And in that hope, and fully believing that the Honourable the Home Member will form the Committee in the manner suggested, I accept his amendment as amended by Mr. Rangachariar.

The amendment* was put and agreed to.

Mr. President : The question is :

'That the Resolution as amended be passed'.

Rao Bahadur T. Rangachariar : I move, Sir :

'That the following words be added at the end of the amended Resolution :

'before the next Session of the Assembly.'

I do not think I need say much to justify this amendment and I hope it will be carried.

The Honourable Sir William Vincent : Sir, I submit to this Assembly that this is an unreasonable amendment. It is quite impossible for us to gather materials on a complicated question of this kind, on which European and Indian opinion throughout the country has to be consulted, a question which affects the life and liberty of many of His Majesty's subjects before November or December as suggested by the Honourable Member. It

is quite impossible for us to formulate our views or to secure opinions from Local Governments, or to secure adequate and careful examination of the subject in that time. The last time Government appointed a Committee we were not negligent, or dilatory in giving effect to the recommendations of the Assembly. Committees in two cases have put in reports already, and I have said that the question (on the terms that I have clearly expressed already and on no other terms) will be examined at the earliest possible moment; but I hope that this Assembly will not ask us to decide a question of this kind on insufficient data in an unreasonably short time.

Mr. President : The meaning of the word 'Session' is not perhaps perfectly clear.

Rao Bahadur T. Rangachariar : I meant February; but in view of the warmth exhibited by Sir William Vincent I withdraw my amendment.

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

The Resolution*, as amended, was adopted.

Mr. President : I have to announce that the ballot for establishing the precedence of Bills and Resolutions to be taken on the non-official days, viz., 27th and 28th, will be held to-morrow at 11 A.M. in this Chamber.

The Assembly then adjourned till 10-30 A.M. on the 19th September.

* This Assembly recommends to the Governor General in Council :

'That in order to remove all racial distinctions between Indians and Europeans in the matter of their trial and punishment for offences, a Committee be appointed to consider what amendments should be made in those provisions of the Code of Criminal Procedure, 1898, which differentiate between Indians and European British subjects, Americans and Europeans who are not British subjects, in criminal trials and proceedings and to report on the best methods of giving effect to their proposals'.

* * That for sub-clauses (a) and (b) of the Resolution the following be substituted, namely :

'That in order to remove all racial distinctions between Indians and Europeans in the matter of their trial and punishment for offences, a Committee be appointed to consider what amendments should be made in those provisions of the Code of Criminal Procedure, 1898, which differentiate between Indians and European British subjects, Americans and Europeans who are not British subjects, in criminal trials and proceedings and to report on the best methods of giving effect to their proposals'.

LEGISLATIVE ASSEMBLY.

Monday, 19th September, 1921.

The Assembly met in the Assembly Chamber at Half Past Ten of the Clock. The Honourable the President was in the Chair.

MEMBERS SWORN :

Mr. Muhammad Ahsan Khan, M.L.A. (in Urdu).

Mr. Crewe Armand Hamilton Townsend, M.L.A.

QUESTIONS AND ANSWERS.

PROCEEDINGS OF RAILWAY COMMITTEE.

229. **Sir P. S. Sivaswamy Aiyer :** (a) Has the attention of the Government been drawn to the letter of the Special Correspondent of the *Hindu* (Madras) in its issue of the 7th July 1921, containing a report of the proceedings of the Railway Committee?

(b) Is it a fact that the evidence of Sir William Meyer before the Railway Committee goes to show that stores were not being purchased for India in the cheapest market and that the British firms with whom contracts were placed were, to a certain extent, subsidised at India's expense?

(c) If the answer to (b) is in the affirmative, will the Government be pleased to state whether they propose to issue any instructions to the High Commissioner for India on the subject of 'Purchase of Stores'?

Mr. A. C. Chatterjee : The answer to (a) is in the affirmative.

(b) I lay on the table a copy of papers received from the High Commissioner, consisting of extracts from a Minute on the subject of the purchase of stores in England for Indian railways; extracts from Sir William Meyer's evidence before the Railway Committee, a note on the procedure of the Stores Department, and two statements showing (1) cases in which British tenders have been accepted although lower satisfactory tenders have been received from foreign firms; and (2) cases where foreign firms' tenders have been accepted for the whole of a contract, or the order divided between British and foreign firms, where British firms have been given an opportunity to reduce their prices. These statements are for the period commencing from the 1st October 1920 to the 8th August 1921. It will be seen from these papers that it is true that in a limited number of cases, such purchases have, for particular reasons, been made in England, where they could have been made at cheaper rates abroad. It does not, however, follow that purchases abroad would have been more economical in the long run.

With regard to (c) of the Question, the matter will be discussed in connection with the Resolution of Sir Vithaldas Thackersey.

Extract from a Minute by Sir W. S. Meyer, dated 8th August 1921.

1. The printed note on the procedure of the Stores Department in respect of the purchase of stores for India annexed to this Minute gives a full statement of (a) the manner in which tenders are invited, and (b) the considerations which guide the acceptance of tenders. My evidence before the Railway Committee, which is attached, affords a commentary on certain features of the procedure and policy adopted, and it is only necessary for me to supplement it on points not already made clear or calling for revision.

2. I shall first deal with the question of calling for tenders. Tenders are usually invited by advertisement when large supplies are needed and the amount involved is considerable, e.g., demands for railway materials such as steel rails, etc. Advertisements are inserted in important newspapers and technical journals published in the United Kingdom. Most important foreign manufacturing firms have agents in this country who keep them in touch with business openings, and it has not in the past been found necessary to bring our requirements to the special notice of foreign firms, unless articles of a special nature obtainable only from such firms are required. In other cases recourse is had to "limited" tenders or to individual firms direct. Paragraphs 2—5 of the printed note explain the procedure in calling for tenders.

3. The next point is the policy which has been laid down to control the acceptance of tenders. I may summarise this briefly in a series of propositions explaining later the considerations which led to the adoption of principles which might be considered likely to give rise to criticism:

(i) As a general rule, the lowest satisfactory tender is accepted. The term "satisfactory" covers matters such as quality of article tendered, reliability of tendering firm, date of promised delivery, etc. This rule is, however, subject to the following qualifications:—

(a) In present abnormal circumstances and for the reasons explained in my evidence before the Railway Committee, I am willing to accept a satisfactory British tender in preference to a foreign tender when the gap between the two is not excessive. As a general starting point, I have laid down that this gap should not exceed 10%. But each case has to come before me personally on its merits, and while sometimes no preference at all may be found necessary, in others there may be valid reasons for going beyond 10%. In the case of the wheels and axles referred to in my evidence, a preference up to about 20% was allowed to a British firm for the special reasons there stated.

(b) Among British tenderers, preference is given to a firm on the King's roll, i.e., one which has on its staff at least 5 per cent. of disabled ex-service men, over a non-King's roll firm unless the latter tenders materially lower or undertakes to deliver more expeditiously where time is an essential factor.

(ii) When a British and a foreign tender are equally satisfactory, the preference is invariably given to the former.

(iii) When a foreign tender is much below a British tender, the terms of the former are confidentially communicated to the British firm to enable it, if possible, to come down to within a reasonable limit of preference. The use of this lever has often resulted in a material reduction of the original British prices.

4. I have explained in my evidence before the Railway Committee the reasons for the policy I have adopted which, I again reiterate, has been adopted by me as only a temporary measure in view of the present abnormal conditions in the industrial world. When the Stores Department came under me, I reviewed the position most carefully, and came to the conclusion that it would not at present be to the real ultimate advantage of the Indian Government to take into account nothing beyond the prices at the moment. Having regard to the Exchange and existing industrial conditions in Germany, for instance, British firms would in sundry cases not be able to compete on equal terms with German manufacturers, but the placing of all orders in the cheapest market might, by helping to destroy British industries, place us ultimately at the mercy of their foreign competitors. There are other considerations which sometimes militate against the acceptance of foreign tenders, e.g., the difficulty involved in the inspection of foreign materials before they can be passed for shipment, and in any case, inspection abroad is more expensive than it would be in England and occasionally the difficulty of obtaining delivery within the time specified in the indent. It must also be emphasised that, in the case of certain classes of material, e.g., Railway wheels, axles, etc.,

where reliability is a matter of public concern, it is inexpedient to attach too much importance to cheapness and to overlook the special reliability of a firm that has been in the past tried and found trustworthy, even at some extra cost to public revenues.

5. I enclose two statements, one showing the cases in which since 1st October 1920 a higher British tender has been accepted in preference to a lower foreign tender, and the other showing the foreign tenders accepted during this period.

W. S. MEYER.

The 8th August 1921.

Extracts from Minutes of Evidence given by Sir William Meyer, G.C.I.E., K.C.S.I., before the Railway Committee.

8190. May I first ask you about some matters that you know of in your present position? As I understand it, it is your business to be responsible for the purchase of stores, materials, and so forth, for Government departments generally?—Yes.

8191. And that includes the three State Railways?—Yes.

8192. I understand that the Government are setting up, if they have not already set up, a corresponding Purchase Department in India?—The question of the actual shape in which it is to be set up and its scope is still under consideration, but there was a Committee appointed on the subject on which your Secretary, Mr. Ryan, sat.

8193. But the policy of doing it is settled: is that right?—I think you may take it that that is so.

8194. At present, however, there is not a corresponding department in India with which you can dovetail?—No.

8195. The function of the High Commissioner will be to get things in England that could not be got in India; that will be the theory, I take it?—It is rather like this. The Indian Government and the departments determine what things they require in England. The present policy is that whenever possible they shall purchase things in India at, of course, a reasonable price compared with England. They make up their minds as to what they can purchase in India, and then they indent for the residue, which is either stuff which is not procurable in India, or could only be procured at prohibitive expense or entirely through the agency of private firms. They do not want to employ middlemen. In all those cases they send me instructions to buy.

8196. Who are they—separate departments or a stores organization?—No, there is as yet no collective stores organization in India. My orders may come from the Army Department of the Government of India as regards particular army stores, or possibly, for the sake of convenience, from the Director General of Ordnance. Similarly, they may come from the Post Office as regards Post Office and Telegraphs, and from the various Public Works Departments as regards ordinary public works matters, and from the Railway Board, usually, as regards railway purchases.

8197. I assume that an urgent order on a small scale might come to you directly by cable from the Agent of the North-Western Railway?—That is so. On many matters there is direct communication between my Director General of Stores and the local people.

8198. You have to buy engines, rolling-stock, and things of that kind?—Yes.

8199. You have a firm of consulting engineers?—Yes.

8200. Do you make much use of them?—Considerable.

8201. They do the inspection for you during construction, I suppose?—In certain highly technical matters the consulting engineers come in, but the Stores Department has also got its own people to refer to.

8202. The Stores Department has its own experts?—Its own inspecting experts, I should say, rather than consulting experts. For a large number of purchases of relatively small things and local stores those experts are quite sufficient. One of the matters in which the consulting engineers are useful is this. One of the questions we have to consider at present is the purchase of stores in Germany, say—if we can get the material at a considerably cheaper price there. Before we consider the cons and pros of that, we often refer to the consulting engineer as to the status of a particular German firm or company that has tendered, as to the character of the goods they turn out, and as to the likelihood, where time is of the essence, of their being turned out promptly.

8203. Would you trust to your own knowledge as to the status and capacity of a firm in England?—I certainly should not trust to my own individual knowledge, but the Director General of Stores and the Stores Department have, of course, got very large information. They have dealt with firms for many years, but if there was any difficulty we would certainly go to the consulting engineer.

8209. (Chairman).—I do not know whether you have any views on the question of the purchase of stores. One of the complaints that was made in India, in somewhat general terms as far as I can remember, was that the English companies gave a preference to England, although stuff might be bought cheaper and equally well in America or in Germany, and that thereby the Indian tax-payer has suffered. That is the case as stated. Have you any opinion on that, from your experience?—I cannot say what the companies do, but I can tell you as regards my own department, which includes the purchases of State Railways. One is rather between Scylla and Charybdis in these matters. You have got the Indian opinion demanding, from their point of view quite reasonably, that you should purchase absolutely in the cheapest market. I have a good deal of pressure put on me on various sides in England to deal with British firms and companies; they say it is very hard that they should be penalized by the abnormal advantage obtained by Germany through the rate of exchange and so on; that they have served India well in times past, and that if they have to shut up shop things will be worse for us in the future. I have always taken up the position that it is not the business of the Indian tax-payer to subsidise British industries or British labour, but that within certain limits one might give a bit of a preference especially to people who have formerly dealt with us. The Director General of Stores deals with the mass of contracts, but at present cases in which it is proposed to deal with a foreign firm come up to me. The general principle I have laid down (it is subject to specific and possibly different applications in particular cases) is that if the lowest British tender is within 10 per cent., say, of the German or Belgian tender, I give it to the British firm. Of course, time is sometimes of the essence of the contract. Sometimes the British firm can turn out the goods required within the time that the Government of India or the department that requires the goods, specifies, and the foreigner cannot. I also adopt the principle on occasion that if the lowest German tender, say, is considerably lower than the lowest British tender, I communicate confidentially the terms of the German tender to the Britisher, and ask him if he will come down. Sometimes he comes down to an extent that justifies me in giving the business to him; sometimes he does not. Of course, as you understand, the Secretary of State is subject to various questions in Parliament about these matters and, although I am subordinate to the Government of India and not to him, I have explained my policy to him, and he so much approved of it that he said he thought of asking the companies to follow it also.

8210. You have raised a point there that I think is worthy of notice. You are an officer of the Government of India?—That is so.

8211. You happen to be temporarily housed, I understand, at the India Office?—I was, but I have got an office of my own now. I am a neighbour of yours: I am at 42 and 44, Grosvenor Gardens.

8212. The only way in which the Secretary of State can deal with you, so to speak, is through the Government of India?—Yes. If I were doing things that he considered objectionable, he might instruct the Government of India to instruct me to abate my actions, but no such case has arisen hitherto.

8213. I think we fully understand your attitude. The giving of a certain preference to England as a country that has supplied material, and to individual firms that have served you well, you regard as a businesslike and proper thing to do?—Exactly.

8214. You do not think it is contrary to the interests of India in the long run if you sacrifice 500*l.* or 5,000*l.* on an individual contract?—I think it is entirely to the interests of India in the long run. Perhaps I might bring to your notice, if it has not been already brought to your notice, one question with reference to the loan of 7½ millions that was floated here a little time ago. There was a guarantee given by the India Office, on behalf of the Government of India, that all the proceeds of that loan would be applied to the purchase of railway material in this country. Of course, it is quite easy to carry out that policy without any infringement of the other line of policy to which I was referring just now, because we shall spend about 14,000,000*l.* this year for the purchase of railway material, and in any case at least 7½ millions—probably very much more—will come from British undertakings.

8215. Thank you very much. I do not think I appreciated before the point of purchase in Great Britain as distinct from purchase in Europe. That is, of course, a distinct difference.

8399. I do not propose to ask you any questions on the technical side at all. I will read out the question in order that the Committee may know what it was. Question No. 3 was: "Are tenders for supplies from foreign countries freely invited and received, and if so, will the Director-General kindly state the number of foreign tenders received during the periods 1912-13, 1913-14 and 1919-20?" The reply is: "The usual method of inviting tenders from foreign countries is by advertising the requirements. This is done whenever it is thought that the requirements are such as to attract foreign competition. Thirty-nine foreign tenders were received during 1919-20. The numbers for 1912-13 and 1913-14 are not available." Who exercises the discretion as to whether "the requirements are such as to attract foreign competition" or not?—The Director General of Stores.

8400. What guides him in his decision?—The past. He would look up to see what foreign companies in the past had offered for like requirements.

8401. Whether stores of that nature can be obtained in foreign countries or not—is that what would guide him?—Either that they cannot be obtained in foreign countries, or that for a series of years, let us say, Canada did not send in any tenders. Then he might reasonably conclude that it was not of any particular use advertising the requirements in Canada. Another point you have to bear in mind is that very often he is asked to get stores urgently, and to advertise in foreign papers necessarily means a little delay.

8402. In reply to No. 5 two examples are given. The answer says: "In a few instances foreign tenders from 30 per cent. to 50 per cent. lower than British tenders have been received, and have been dealt with in accordance with the policy indicated in the answer to Question 4. One or two recent examples are given below:

Rails.—Foreign price, 10*l.* 10*s.*

British price 17*l.*, subsequently reduced to £11 10*s.*

Wheels and Axles.—Foreign price, 45*l.*

British price, 83*l.* 15*s.*, subsequently reduced to 67*l.*

Is it possible that what happened in those two cases of rails and wheels and axles may have happened in the case of other materials in regard to which the Director General of Stores exercises his discretion? You see, the difference is enormous?—I explained at the outset to the Chairman the policy which I have laid down in respect to foreign tenders. This case of wheels and axles I know about personally. The 45*l.* was a German price. The original British tender was nearly 84*l.* In accordance with the policy I indicated to the Chairman, the German price was communicated to the company which offered it and they were asked whether they could reduce. They said they could reduce to 67*l.* I said that was not enough, but that I was willing, as a special case, to give them the tender at 55*l.*, having regard to the fact that they had done very good work for us in the past, and that they might be supplying us with wagons later on for debentures instead of for cash. They are still thinking over the offer; I gave them time to consider it. The foreign price for the rails was 10 guineas and, in the first instance, the British price was 17*l.* It was subsequently reduced to 11*l.* 10*s.* I imagine that the reduced British price was accepted.

8403. (Mr. Purshotamdas.) I should like to put this question arising out of the answer you have just given. If you call for tenders and if, instead of giving the order to the lowest tenderer, you send for the next lowest competitor and tell him you have got a lower tender, does it not discourage the lowest tenderer from tendering again? Will he not say: "Our tender is only called for in order to get the others to reduce their prices?" There is not what is called in ordinary business (I do not at all mean it is so in this case) fair tender facilities available to all. Does it strike you that, by the adoption of this method, the foreign tenderer may absolutely cease to tender at all?—Your criticism would be absolutely just in normal times. One would not think of adopting this system in normal times, but we have to face a very abnormal situation in which the Germans, thanks to the exchange position and to their necessity of having to pay a huge amount of reparations, are putting up what you may call an artificial price. We do not want to see the British firms ruined by German artificial prices; the result would probably be that you might get a German monopoly. On the other hand, as I said to the Chairman, it would not be legitimate to use the Indian tax-payer to any material extent to subsidise British firms, so I have adopted a medium position—a moderate amount of preference to British firms which will only last while the present abnormal economic situation continues.

8404. I take it that this policy did not prevail before the war, and that it will stop in the near future as soon as the other circumstances to which you have referred adjust themselves?—I was not responsible for the administration of the Stores Department before the war; I have become responsible only lately. I understand that before the war they went on the general principle of going to the cheapest market, and hereafter (in normal conditions) they will do the same. Of course, you must take it that in certain cases, as I explained to the Chairman, time is of the essence of the demand, and foreign people may not be able to supply within the requisite time.

Procedure of the Stores Department in the purchase of stores and engagement of freight to India.

1. Action in regard to purchase is only taken on receipt of indents of telegrams from India. Each indent must be accompanied by a certificate showing that funds have been provided to meet the proposed expenditure.

2. 'Draft Orders' are prepared in the precise terms of the indent, each order including such items as will have to be obtained from one class of manufacturer. The draft orders are then referred to the Superintendent of the Dept., the Consulting Engineers, or other officer appointed to undertake the inspection of the stores, and are completed by him, with the necessary specifications, departmental pattern numbers, if any, such other information as may be necessary to guide the supply. They then form the basis on which tenders are invited for supply.

3. There are three ways in which tenders are obtained:

- (1) By advertisement ('open tender').
- (2) By invitation to a limited number of firms ('limited tender').
- (3) By invitation to one firm only 'single tender' or ('private purchase').

It is left to the discretion of the Department to decide which of these three ways shall be adopted, as explained in the following extract from a Minute by the Under Secretary of State, dated the 9th December 1918:

'In 1874, a Committee of the House of Commons (of which Mr. J. Holms was Chairman) sat and reported on the purchasing Departments, War Office, Admiralty, India Office, etc. They made no special recommendations, with respect to the India Office, but, on the general question, they were of opinion that it would be 'unwise to restrict the purchasing officer to any one of these modes of purchase' (viz., open tender, limited tender, purchase by broker, or private purchase) 'to the exclusion of the others.' 'In all cases,' they say, 'where the circumstances will admit of it, public tender is the best and safest mode of buying, but the Committee are not prepared to recommend any restriction upon the discretion of the heads of the purchasing Departments. To enable them to buy to the fullest advantage, they must, within certain limits, be left untrammelled.'

'The practice of purchasing privately does not prevail to any great extent in any department. The purchasing officers appear to be aware of the danger of indulging in it when it is not necessary; but to prohibit it absolutely, under all circumstances, your Committee would deem to be unwise.' These remarks apply to the present system.'

4. When 'limited tender' is adopted the names of the firms to be invited are, as a rule, determined as follows:

A register is kept, under the various heads of supply, of firms known to be willing and able to execute contracts. Every effort is made to have full, and, at the same time, efficient lists, and every encouragement is given to firms desirous of being recorded; but, before noting new firms in the register, inquiry is made by reference to other Government Departments, or to large private firms, to ascertain the ability of the applicants to execute contracts satisfactorily. In many instances the firm is also asked to send samples of its work for examination and its works are visited. Firms are also required to give an undertaking that they

will comply with the terms of the Fair Wages Resolutions of the House of Commons, dated the 13th February 1891, and 10th March 1909. When thought necessary names are removed from the register.

From this register the names of firms to be invited are selected by the Director General of Stores or the Deputy Director General.

5. Competitive tenders are generally invited, except in the case of:

- (a) Patents and specialities.
- (b) Comparatively small supplies.
- (c) Highly finished work such as surgical and scientific instruments. For these it is not unusual to invite single tenders from thoroughly reliable firms, as it has been found by experience that competition is liable to result in lower prices at a sacrifice of quality.

6. Single tenders are opened as received, and, if considered reasonable and satisfactory, are accepted, subject to the rules as to acceptance shown below.

7. Competitive tenders are appointed to be sent in by a fixed day and hour. They are opened under the supervision of the Director General of Stores, or the Deputy Director General, and of a junior clerk. Each tender received is initialled by both the officers, and a list enumerating the tenders received is kept for record.

8. The quotations having been checked, an abstract of each set of tenders is prepared, and, when necessary, is referred with the tenders to the Inspection Branch for report.

9. Tenders are accepted under the authority of the Director General of Stores, subject to the following limitations:

- (a) The acceptance of any tender over 50,000*l.* requires the approval of the High Commissioner.
- (b) If the tender proposed to be accepted is not lowest complying with the requirements of the Stores Department and of the indenting Department, the acceptance requires the approval of the High Commissioner, except that when the amount involved does not exceed 5,000*l.* and the acceptance of the tender is justified on such ground as superior quality, superior trustworthiness of the firm tendering greater facility of inspection, quicker delivery, etc., the Director General may authorise the acceptance, a weekly abstract of such cases being submitted to the High Commissioner.

10. The acceptance of foreign tenders is governed by Rule 9, subject to the conditions that:

- (a) When a British and a foreign tender are equally favourable, the British tender is to be preferred.
- (b) No German or Austrian tender is to be accepted without the special sanction of the High Commissioner, except that the Director General of Stores may accept a tender from a British firm which includes German goods of a value not exceeding 100*l.* provided that he is satisfied that suitable article cannot be obtained at a reasonable price of British manufacture.

11. The firms whose tenders are not accepted are informed to that effect.

12. Tenders for freight are generally invited by advertisement, and are dealt with in consultation with the Shipping Agents.

The acceptance of freight tenders is subject generally to the same rules as those governing the acceptance of tenders for stores.

13. A weekly list of the contracts entered into for stores and freight is submitted for the information of the High Commissioner.

December, 1920.

G. H. C.

Cases in which British tenders have been accepted although lower satisfactory tenders have been received from foreign firms (for period commencing 1st October 1920).

Name of firm receiving order.	Contract number.	Stores.	Price at which order was placed.	Lower tender from foreign firms.	Difference in price as percentage of lower tender.	REMARKS.
B1	784-6678, dated 16th February 1921.	Axles ...	£ 12,574	F1. (German) £11,668.	78%	The delivery offered by the British firm was quicker than that offered by the German firm, and the former firm was considered to be more reliable. The British firms reduced their price by £1,944 as a result of negotiations.
B2	484-6688, dated 2nd February 1921.	Tyres, steel.	6,600	F1. (German) £6,025. F2. (Swedish) £6,375.	9.5%	The delivery offered by the British firm was 4-7 weeks, that of the German firm 20 weeks. The cost of inspection abroad would be £250 more than in this country. As a result of negotiations the British firm reduced their price by £1,400.
B2	Z4871-5857, dated 16th November 1920.	Do. ...	14,882-15	F1. (German) £10,432-16.	38%	British firm accepted on ground of superior trustworthiness and in view of Consulting Engineers' report that the state of the German works was not known or whether they could obtain the high grade ores necessary (German phosphoric ores not being suitable). The British firm were asked to reduce their price but could not do so.
B3	1697-887, dated 21st April 1921.	Spikes, dog.	4,089	F3. (Belgium) £3,680.	11.1%	The extra cost of inspection in Belgium would be 3 per cent. of the cost of the stores. As the result of negotiations the British firm reduced their price by £1,073.
B4	3127-6766, dated 28th July 1921.	Wheels and axles.	44,000	F1. (German) £36,000.	22.2%	The British firm's price was reduced by negotiation from £83.15 per pair to £55 per pair.
B5	1705-265, dated 21st April 1921.	Keys, steel.	7,812-10	F4. (Belgium) £6,908-10-0.	13%	The British tender was accepted on the grounds of superior quality and superior reliability.

Cases where Foreign Firms have been accepted for whole contract or order divided between British and Foreign Firms where British Firms have been given an opportunity to reduce their prices (for period commencing 1st October 1920).

Name of firm receiving order and nationality.	Contract number.	Stores.	Rate per ton or total value of contract.	Reasons for giving the order to firm.
F-3 (Belgian)	Z-46-41-4996 of 22nd October 1920.	1,250,000 Dog spikes.	At 1,820 francs per ton f.o.b. Antwerp (at 50 francs to £36-8-0 per ton).	88 Total weight—tons approx. Divided Order. Lowest quotation F-3 delivery six months. A British firm (on behalf of Belgian firm) next lowest but passed over in favour of firm B-3 for portion on score of urgency. B-3 delivery ten weeks. In view of coal strike not possible to place whole order with British firm though British makers promised greater output when strike settled.
B-3 (representing British firm.)	Z-4643-4996 of 22nd October 1920.	1,400,950 Dog spikes.	At £41 per ton, Liverpool.	
F-5 (Belgian)	No. 176-5982 of 13th January 1921.	3,000 Axle boxes.	Total = 510,000 francs (at 56 to £9,107 approx.)	Divided Order. Firm F-5 lowest tender. Firm B-6 lowest British tender, price reduced by negotiation
B-6	No. 177-5982 of 13th January 1921.	1,200 Axle boxes.	Total £4,905	
B-7 (For German made cups).	No. 3085-1423 of 23rd July 1921.	255,000 Insulator cups.	Total £8,490	Delivery of both firms long. Order divided in order to meet, as far as possible, India's requirements in respect of delivery. The lowest tenders for British made goods were received from Firms B-8 and B-9 who quoted equal prices. Both firms reduced price of item 1 from £95 per 1,000 to £94 per 1,000 against £93 per 1,000 for German made insulators. The total cost of British made goods would have been £24,237 or 187 per cent. above the cost of the German. The order was consequently given to the firm B-7 on account of their much lower prices.

PROVINCIAL SERVICE IN THE NORTH-WEST FRONTIER PROVINCE.

230. Sir P. S. Sivaswamy Aiyer: Will the Government be pleased to state:

- (a) Whether any appointments to the Provincial Service in the North-West Frontier Province are made by an open competitive examination?
- (b) Out of the total cadre of 50 in the Provincial Service of the North-West Frontier Province how many are graduates and how many have been recruited from the Bar and what was the length of standing of each at the time of his recruitment?

The Honourable Dr. T. B. Sapru (on behalf of the Honourable Mr. Denys Bray): (a) No appointments have been made by open competitive examination.

(b) (i). Out of the total cadre, 11 are graduates, 5 of whom are permanent, and 6 temporary additional Extra Assistant Commissioners.

(ii) Five in all have been recruited from the Bar, of whom 2 are permanent, and 3 are temporary additional Extra Assistant Commissioners.

(iii) The length of their standing at the Bar before recruitment was as follows:

- (1) Six years.
- (2) Four years.
- (3) }
- (4) } Approximately two years each.
- (5) }

JIRGA SYSTEM IN THE NORTH-WEST FRONTIER PROVINCE.

231. Sir P. S. Sivaswamy Aiyer: Is the *jirga* system in the North-West Frontier Province applicable to cases against non-Pathans also; and, if so, do the Government propose to arrange that the system should be restricted to cases against Pathans only leaving the non-Pathans to be tried by the ordinary Courts?

The Honourable Dr. T. B. Sapru (on behalf of the Honourable Mr. Denys Bray): The answer to the first part of the question is 'Yes.' Certain sections of the Frontier Crimes Regulation are of general application and under Section 1 (4) the Chief Commissioner has declared the following classes of persons to be subject to the remainder:

- (1) all persons born or ordinarily resident in the districts to which the Regulation applies, or in the foreign territory bordering on those districts to the west, or in any part of Afghanistan or Baluchistan;
- (2) all persons dependent upon persons of the preceding classes whether as tenants, servants, clansmen, or retainers of any kind;
- (3) all persons accused or being jointly concerned in the commission or abetment of an offence with persons of the preceding classes.

The answer to the second part is 'No.' To restrict the *jirga* system to cases against Pathans only would be a matter of great practical difficulty

as not all who have adopted Pathan customs and belong to the Pathan tribal system are Pathans by descent and would also inflict grave hardship upon the general community.

The Frontier Crimes Regulation is not a repressive measure as its implicit title might imply. It is in essence an instrument for giving legal sanction to the settlement and composition of blood-feuds, serious offences and civil offences, whether by adjustment, compromise or punishment, according to the ancient customs of the country.

In the selection of the *jirga*, the tribe and caste of the parties is always considered, and when Hindus are concerned, Hindu members are invariably appointed to the *jirga*.

LOCAL LAWS AND REGULATIONS FOR THE NORTH-WEST FRONTIER PROVINCE.

232. Sir P. S. Sivaswamy Aiyer: Will the Government be pleased to state whether any non-officials are consulted when making or altering the local laws and regulations applicable to the North-West Frontier Province and if not, whether the Government propose to consider the expediency of such consultation?

The Honourable Dr. T. B. Sapru (on behalf of the Honourable Mr. Denys Bray): Local laws and regulations applicable to the North-West Frontier Province can only be made or altered by the Governor General in Council. I understand that it is usual for the Local Administration to consult non-official opinion before making any such recommendations.

OFFENCES AND BORDER RAIDS IN THE NORTH-WEST FRONTIER PROVINCE.

233. Sir P. S. Sivaswamy Aiyer: (a) With reference to the answer* of the Government to Question No. 473 (b) of Mr. S. Sinha in March last, regarding the number of offences and border raids in the North-West Frontier Province, will the Government be pleased to state whether before the formation of the Province, no information was being supplied to the Punjab Government by the Commissioner and the Deputy Commissioners of the five Frontier districts regarding the number of raids and outrages by trans-frontier tribesmen and the number of serious crimes by others committed in the districts under their charge?

(b) If the answer to (a) be in the affirmative, will the Government be pleased to call for a return from the Administration concerned of such raids, outrages and serious crimes for each of the 10 years preceding the separation of the North-West Frontier Province?

The Honourable Dr. T. B. Sapru (on behalf of the Honourable Mr. Denys Bray): (a) The answer is presumably 'Yes.' But the old records may have been destroyed after the amalgamation of the statistics with those of the Punjab as a whole.

(b) A return has been called for from the Punjab Government who report that they possess no further material beyond that contained in the Punjab Police Administration Reports for the years in question. These reports are public, but it has been found impossible to extract from them the information

the Honourable Member desires. A further endeavour will be made to trace the required data from old Punjab records made over to the North-West Frontier Province in 1901, but as I have said the records may have been destroyed.

RAIDS IN THE NORTH-WEST FRONTIER PROVINCE.

234. **Sir P. S. Sivaswamy Aiyer:** With reference to the answer of the Honourable Mr. Dobbs furnished on the 11th of February 1920, to the Honourable Mr. Sachchidananda Sinha in the Imperial Legislative Council regarding the number of raids, etc., will the Government be pleased to lay on the table a similar statement for the years 1919-20 and 1920-21?

The Honourable Dr. T. B. Sapru (on behalf of the Honourable Mr. Denys Bray): A statement showing the number of raids committed in the Frontier districts of the North-West Frontier Province during the years 1919-20 and 1920-21 is laid on the table.

	1919-20.	1920-21.
Raids and other border offences ...	611	391
Losses sustained:		
(a) on account of cash, property, etc., ...	Rs. 21,30,209*	Rs. 2,86,285
(b) number of live-stock ...	Not available.	
Killed ...	298	153
Injured ...	392	157
Men, women and children kidnapped and returned on payment of ransom.	94	56

* Approximate and probably exaggerated.

PERSONS KIDNAPPED AND RANSOMED IN THE NORTH-WEST FRONTIER PROVINCE.

235. **Sir P. S. Sivaswamy Aiyer:** Is it a fact that two Indian telegraph operators, who were kidnapped last year by trans-frontier people in the North-West Frontier Province, have not been ransomed by Government, while certain British other ranks captured at the same time have been so ransomed?

The Honourable Dr. T. B. Sapru (on behalf of the Honourable Mr. Denys Bray): It is contrary to the policy of Government to pay ransoms for persons kidnapped by trans-frontier people, and no ransoms were paid either for the Indian telegraph operators or for the British other ranks, all of whom have been released.

ALLOWANCES TO TRANS-FRONTIER TRIBES ON NORTH-WEST FRONTIER.

236. **Sir P. S. Sivaswamy Aiyer:** Will the Government be pleased to furnish a return showing the allowances paid to the different trans-frontier tribes on the North-West Frontier in the years 1900-01 and 1920-21, respectively?

The Honourable Dr. T. B. Sapru (on behalf of the Honourable Mr. Denys Bray): Detailed figures are not yet available.

PAY OF STAFF OF SECRETARIAT ATTACHED OFFICES.

237. **Sir P. S. Sivaswamy Aiyer:** (a) With reference to Question No. 594 of Rai Bahadur Bakshi Sohan Lal and the answer of Mr. S. P. O'Donnell, will the Government be pleased to say if it is a fact that in the case of some Services, the revision of whose pay was considered at a later date than that of the Secretariat staff, the revised pay took effect from 1st December 1919, and if so, whether there is any reason for not giving effect to the revision of pay of the staff of the Attached offices from the same date?

(b) Will the Government be pleased to say why the stage at which each of the employees of the Attached offices was to enter on the revised scale was fixed on the present pay or salary plus a certain percentage of it, while in the case of the Secretariat the total number of years of service in the lower or upper division was allowed to count for increments?

(c) Is it a fact that while the staff of some of the Attached offices are receiving house rent allowance, no such allowance is paid to the staff of the other Attached offices like the staff of the Meteorological office?

(d) Is it a fact that in the opinion of the Staff Selection Board the duties of the lower division clerks are the same in the Attached offices as in the Secretariat; and, if so, why has not the principle of similar pay for similar labour been adhered to in revising the pay of the clerical staff of the Attached offices at Simla?

(e) Is it a fact that on account of the difficulty of getting candidates to accept appointments in the Attached offices, the Staff Selection Board have submitted a fresh scheme of pay for the Secretariat and Attached offices; and, if so, what will be the financial effect of the scheme and do the Government intend to accept the same?

(f) Has the Secretariat scale of pay been sanctioned by the Secretary of State for any, and, if so, which of the Attached offices?

(g) Is it a fact that the scale of the clerical staff of the Medical Services in the Army Headquarters is nearly double that of the clerical staff of the Director-General of Indian Medical Service and, if so, is there any reason for the differentiation?

The Honourable Sir William Vincent: (a) If the Honourable Member will kindly state what Services he has in mind I will ascertain the bearing of the decision as to date of effect upon the case of the Attached offices.

(b) The stage at which the employees of the Attached offices were to enter the new scale was fixed at a certain percentage above the amount drawn by them under the old scale in order to assure them of an immediate increase of pay in every case, as the method adopted for the Secretariat had resulted in several instances in a reduction of emoluments, which had to be made up for by the grant of personal allowances.

(c) The following Attached offices receive house-rent allowance while in Simla:—

(i) Office of the Private Secretary to His Excellency the Viceroy,

(ii) Office of the Military Secretary to His Excellency the Viceroy,

(iii) Office of the Director-General, Posts and Telegraphs,

(iv) Office of the Military Accountant General ;

(v) Office of the Accountant General, Railways ;

because the headquarters of these offices are not at Simla and they are put to extra expense while residing there.

(d) and (e). The correspondence to which the Honourable Member refers is confidential. Without disclosing the contents of that correspondence I may say the Staff Selection Board have addressed letters to the Government of India which are under consideration.

(f) The answer is in the negative.

(g) The difference in the scale of establishment is not as great as the Honourable Member appears to think. The sanctioned strengths of the Director, Medical Services, and Director-General, Indian Medical Service's offices, respectively, are 67 and 50. Owing to the different nature of the duties to be performed it is impossible to base the establishment of one office on that of the other.

Mr. T. V. Seshagiri Ayyar : As regards the answer to Question No. 237 (a), will the Honourable Member state whether, in the case of the Indian Deputy Commissioner of Police, Madras, whose pay has been revised since December 1919, the revision will effect from an earlier date ?

The Honourable Sir William Vincent : This question does not arise. The original Question deals with officers attached to the Government of India only.

NAUTICAL TRAINING OF INDIANS FOR ROYAL INDIAN MARINE AND MERCANTILE MARINE.

238. **Sir P. S. Sivaswamy Aiyer :** Will the Government be pleased to state whether they have any intention of making arrangements for the nautical training of Indians as seamen for employment in the Royal Indian Marine or in the Mercantile Marine ; and, if so, whether they will be pleased to furnish particulars of the scheme and state when it will come into operation ?

Sir Godfrey Fell : As regards the Mercantile Marine, the Honourable Member is referred to the answer given by the Honourable Mr. A. C. Chatterjee to Question No. 52, which was asked by the Honourable Raja Promoda Nath Roy in the Council of State on the 14th February last.

As regards the training of seamen for the Royal Indian Marine, it is expected that the training vessel will reach India early in the cold weather. It is hoped to afford on this training ship general nautical training such as is required to make a good practical seaman, of the man or boy who joins the Royal Indian Marine. This training will include practical work with rope or wire, sailmaking, the use of compass, helm and load, boatwork under oars and sail and a knowledge of signals, besides general knowledge, reading and writing, etc. For young stokers, the training will include instruction in engine-room and boiler-room work, in stoking and coal trimming, tending auxiliary machinery, and in the use of oil fuels and turbines.

DIFFERENTIAL TREATMENT UNDER ARTICLE 408 OF THE CIVIL SERVICE REGULATIONS.

239. **Dr. H. S. Gour :** (a) Is the Government aware that Article 408 of the Civil Service Regulations makes a distinction between officers spending their leave out of India and those spending their leave in India, the former being allowed to count as service 4 years of their leave against 2 years allowed to be counted as service by the latter in a total service of 30 years ?

(b) Do the Government propose to modify the above Article so as to do away with the differentiation ?

The Honourable Sir William Vincent : (a) Yes.

(b) I can promise the Honourable Member that the question will be considered, but I cannot hold out any very great hope that we shall be able to meet his wishes. The existing system does not involve racial discrimination, seeing that the concession to which the Honourable Member refers is granted to both Indians and Europeans alike. It has always been the policy of Government to encourage both classes of officer to take leave in Europe, as they consider that visits to Europe add to the efficiency of the officer in both cases.

DISSATISFACTION OF OFFICERS UNDER INDIAN SERVICE LEAVE RULES.

240. **Dr. H. S. Gour :** (a) Is the Government aware that among officers who come under Indian Service Leave Rules great dissatisfaction exists on account of their being debarred from getting furlough on full average salary unless they can produce medical certificate or spend the leave out of India none of these two conditions applying to officers who come under European Service Leave Rules ?

(b) What step does the Government propose to take to remove the above grievance ?

The Honourable Sir William Vincent : The Honourable Member is referred to the answer given on the 15th September to Rai Bahadur D. C. Barua's question on the subject.

ASSESSMENT TO INCOME-TAX.

241. **Lala Girdharilal Agarwala :** Will the Government very kindly state how many new persons have been assessed to Income-tax this year ?

The Honourable Mr. W. M. Hailey : I regret that the information is not available.

EXTERNEES FROM CANTONMENTS.

242. **Lala Girdharilal Agarwala :** (a) Will the Government be pleased to give a detailed statement of all externees from the different Cantonments throughout India during the last five years, with the causes of their externment, showing also the period of their externment ?

(b) Is the Government aware that Section 216 of the Cantonment Code operates harshly on the civil population of Cantonments and do the Government propose to modify the Section ?

Sir Godfrey Fell : (a) As the Honourable Member is no doubt aware, persons may be excluded from a cantonment under either Section 215 or Section 216 of the Cantonment Code, in addition to Section 179 or Section 209, which relate primarily to prostitutes or persons suffering from infectious or contagious disorders. Presumably the Honourable Member is not interested in expulsions

from cantonments under the two last quoted Sections. As regards Section 215, the power to remove disorderly persons from a cantonment and to prohibit them from re-entering it can only be exercised as a result of a judicial inquiry by the Cantonment Magistrate and with the approval of the Commanding Officer of the cantonment. The Government have prepared a list of persons who have been ordered, during the last two years, to leave cantonments under Section 215 of the Cantonment Code, and if the Honourable Member so desires, a copy will be furnished to him. Government have not thought it necessary, in view of the heavy clerical labour involved, to prepare a list for so long a period as 5 years. With regard to the application of Section 216 of the Cantonment Code, the Honourable Member will see that the Commanding Officer of the cantonment can remove from the cantonment, within a time to be specified in the notice, and prohibit from re-entering it, any person whom he thinks it expedient to exclude from the cantonment, and need not assign any reason therefor, subject, however, to the provision that unless he considers immediate action to be necessary, he shall obtain the previous sanction of the Officer Commanding the Division or, in some cases, of the Commander-in-Chief. The Government have prepared a list of persons removed from cantonments during the past two years under this Section of the Cantonment Code, and have included these persons in the list already referred to. In some cases, owing to changed circumstances or for other reasons, persons have been permitted to return to the cantonments from which they had been excluded. In many cases, it would not be in the public interest to publish in detail the reasons which led to action being taken under this Section. The power was exercised only in cases where the Commanding Officer of the cantonment was satisfied that the presence of the person in the cantonment was dangerous to good order or military discipline.

(b) Government are aware that exception has been taken in certain quarters to the method in which Section 216 of the Cantonment Code is applied. The Government have just received the recommendations of the Committee appointed to consider what reforms are necessary in the Cantonment Law, and are considering what modification of Section 216, if any, should be made.

CREATION OF A RAILWAY ADVISORY BOARD.

243. **Lala Girdharilal Agarwala :** Do the Government propose to create a Railway Advisory Board consisting of big merchants, traders and other gentlemen to help the Railway Administration in removing the grievances of the public and suggest improvements and extensions of Railways?

Colonel W. D. Waghorn : The Honourable Member is referred to the reply given to Haji Wajih-ud-din's question on the same subject.

MALE CALVES IN GOVERNMENT MILITARY DAIRY FARMS.

244. **Lala Girdharilal Agarwala :** Will the Government be pleased to state :

- (a) Whether it is a fact that male calves on their birth in the Government Military Dairy Farms throughout India are sold for a few annas each or even given away sometimes, and if so, why?
- (b) What is the total number of calves so disposed of and the total income derived from their sale during the last three years?

Sir Godfrey Fell : (a) As a rule male calves born on Government Military Dairy Farms are either sold or given away within one month of birth but never at birth. The reason for this is that the dairies cannot afford to rear male calves except such as may be required for study or for draught purposes.

(b) In the Northern Districts, the total number of calves either given away or sold during the past three years, is 2,416. The income derived therefrom is reported to be negligible.

In the Southern Districts, the number is 1,153 and the income Rs. 9,434.

STRENGTH OF ROYAL ARMY MEDICAL CORPS AND INDIAN MEDICAL SERVICE OFFICERS.

245. **Mr. B. S. Kamat :** Will Government be pleased to give the latest figures as regards the following :

- (a) the total strength of R. A. M. C. Officers serving with British troops in India, and the cost of their monthly salaries and allowances ;
- (b) the total strength of I. M. S. Officers, permanent and temporary, serving on the military side, with their cost as above ;
- (c) the total strength of I. M. S. Officers serving on the civil side, with their cost as above ?

Sir Godfrey Fell : (a) There are 321 R. A. M. C. Officers, (including administrative officers) serving with British troops in India, the monthly cost is approximately Rs. 3,70,070.

(b) The total strength of I. M. S. officers, permanent and temporary, serving on the military side is :

Permanent (including administrative officers)...	...	...	407
Temporary	...	...	450
Total			857

The approximate monthly cost is :

				Rs.
Permanent officers	...	...	...	4,93,570
Temporary officers	...	...	...	2,47,500

(c) On the 1st July 1921, there were 331 I. M. S. officers serving on the civil side. The approximate monthly cost is Rs. 3,58,500.

DIARCHY IN THE CENTRAL GOVERNMENT.

246. **Lala Girdharilal Agarwala :** (a) Do the Government propose to recommend to the English Parliament to introduce the system of Diarchy in the Central Government?

(b) In view of the delay likely to be caused in the process, do the Government intend to make such a recommendation at an early date to enable the Diarchy form of Government to be introduced in 1923 if not earlier?

The Honourable Sir William Vincent : The attention of the Honourable Member is invited to the reply given on the 15th September to Mr. K. Ahmed's Question No. 210 on the same subject.

REVISION OF PERSONNEL AND EXPENDITURE OF THE GOVERNMENT.

247. **Lala Girdharilal Agarwala :** Do the Government propose to appoint a mixed committee of officials and non-officials to revise the personnel and expenditure of the Government and report, what, if any, reduction is desirable?

The Honourable Sir William Vincent : The answer is in the negative. The attention of the Honourable Member is invited to the answer given by the Honourable Mr. W. M. Hailey to Babu K. C. Neogy's Question No. 417 on the 8th March 1921.

MUKHTARS.

248. **Lala Girdharilal Agarwala :** (a) How long have Mukhtars been recognised as a class of lawyers in India?

(b) What is the total number of Mukhtars in India and how are they provincially divided?

(c) In what courts can a Mukhtar practise as of right?

(d) What are the rights and duties of Mukhtars?

(e) What is the minimum qualification of the Mukhtar of the present day?

The Honourable Sir William Vincent : (a) Mukhtars have been recognised as a class of lawyers since 1865.

(b) The Government of India have no information.

(c), (d) and (e). The Honourable Member's attention is invited to Sections 9—11 of the Legal Practitioners Act, 1879, and to the rules specifying the functions, powers and duties of Mukhtars framed by the various High Courts under the authority vested in them by Section 11, and as regards their qualifications to the rules similarly framed under Section 6. The matter is scarcely one which concerns the Governor General in Council.

ANNUAL INCOME AND EXPENDITURE OF THE INDIAN GOVERNMENT.

249. **Lala Girdharilal Agarwala :** Will the Government be pleased to lay on the table a comparative statement for the last 20 years showing the annual income and expenditure of the Indian Government, sub-divided under various heads of budgets as far as possible?

The Honourable Mr. W. M. Hailey : The information asked for by the Honourable Member is available in the statistics compiled from the Finance and Revenue Accounts, copies of which are available in the Library.

HIS EXCELLENCY THE VICEROY'S SPEECH AT THE CHELMSFORD CLUB.

250. **Lala Girdharilal Agarwala :** (a) Are the speeches of His Excellency the Viceroy, delivered at the dinner given by the Chelmsford Club and in answer to the address presented by the United Provinces Liberal League, public documents?

(b) If so, in what official book or journal have they been printed or are proposed to be printed and what steps have the Government taken to bring those speeches to the notice of illiterate and half-educated masses of India?

(c) What steps do the Government propose to take to bring into practice the declarations of policy contained in those speeches?

The Honourable Sir William Vincent : (a) The speeches in question or records of them are not public documents within the meaning of Section 74 of the Indian Evidence Act. They are public in the sense that they have been made known to the public.

(b) The speeches have not been published in any official book, but it is thought that they may possibly be published later in the collected volumes of His Excellency's speeches. They have already been widely published in the Press and Government do not propose to take any action with regard to their further circulation.

(c) If the Honourable Member will indicate what particular declarations of policy he refers to and will give further notice, an attempt will be made to supply him with such information as is available.

NAVY FOR INDIA.

251. **Lala Girdharilal Agarwala :** (a) Does India possess any Navy of its own; if so, what is its strength, and how many Indians are employed as officers?

(b) If not, do the Government propose to establish a Navy for India?

Sir Godfrey Fell : (a) No.

(b) The Government of India have no immediate intention of establishing a Navy for India. Financial grounds alone would make it impossible at the moment.

AEROPLANES IN INDIA.

252. **Lala Girdharilal Agarwala :** (a) How many aeroplanes are owned by India and how many more are proposed to be added to the Indian fleet of aeroplanes during the next year?

(b) How many Indians have been trained and how many are under training as pilots of aeroplanes?

Sir Godfrey Fell : (a) The number of aeroplanes belonging to the Royal Air Force, to which the Honourable Member is understood to refer, is 184. It is not proposed to make any additions to this number during the next year.

(b) No Indians have been trained as pilots by the Royal Air Force in India nor are any being trained at the present time. Owing to lack of training facilities, it is not possible for the Royal Air Force in India, nor is it their function, to undertake the training of pilots *ab initio*.

(Question No. 253 was not asked and no reply was given.)

NURSES IN INDIAN TROOPS HOSPITALS.

254. **Mr. Harchandrai Vishindas :** (a) Have the Government of India in the Army Department taken any steps for the provision of a cadre for nurses in Indian Troops Hospitals?

(b) If so, is there any differentiation in the rates of pay and status allowed or proposed for the various grades of nurses in Indian Troops Hospital as compared with British Troops Hospital or the Queen Alexandra's Nursing Service?

(c) If the answer be in the affirmative, will Government be pleased to place on the table a statement showing what precisely is the differentiation and the reasons therefor?

Sir Godfrey Fell: (a) As a war measure, a cadre of temporary nurses was created for the service of all General Hospitals maintained for Indian troops on active service. In extension of this policy, a number of nurses recruited in India on temporary engagements have been employed since the war in certain Indian Station hospitals, as a tentative measure.

The question of creating a permanent nursing service for these hospitals is under consideration.

(b) and (c): No differentiation is made in the official status of these temporary nurses and that of nurses employed in British Troops Hospitals.

I lay on the table a statement giving the rates of pay drawn by (1) temporary nurses employed with Indian Troops hospitals and (2) the permanent members of the Queen Alexandra's Military Nursing Service for India.

Statement showing the rates of pay for temporary nurses employed in Indian Troops Hospitals and permanent members of the Queen Alexandra's Military Nursing Service for India.

		<i>Temporary Nurses.</i>	
		Rs.	
On appointment	...	175 per mensem	+ Gratuity of Rs. 203 a year, i.e., approximate Rs. 192 per mensem.
After 6 months' service	...	200 per mensem	+ Gratuity of Rs. 200 a year, or approximate Rs. 217 per mensem.
After 18 months' service	...	225 per mensem	+ Gratuity of Rs. 200 a year, or approximate Rs. 242 per mensem.
On selection for Assistant Matron	...	250 per mensem	+ Gratuity of Rs. 200 a year, or approximate Rs. 267 a month.
On selection for Matron	...	275 per mensem	+ Gratuity of Rs. 200 a year, or approximate Rs. 292 a month.

Permanent Nurse of the Queen Alexandra's Military Nursing Service for India.

		Rs.	
Nursing Sister on appointment	...	250	per mensem.
Nursing Sister after five years' service	...	275	" "
Nursing Sister after 11 years' service	...	300	" "
Senior Nursing Sister	...	325	" "
Senior Nursing Sister after 5 years' service in that grade	...	350	" "

Note.—The scale of pay allowed to the temporary nurses is comparatively liberal. If such nurses serve for more than 18 months and prove themselves really capable, they receive approximately Rs. 242 a month, and, if selected for the post of matron, may receive approximately Rs. 292 a month. On the other hand, a permanent member of the regular Nursing Service cannot receive more than Rs. 280 a month during her first five years of service, and her engagement in the Queen Alexandra's Military Nursing Service for India involves expatriation, a minimum period of 5 years' service, and a penalty of £30 and forfeiture of passage to the United Kingdom in the event of her terminating her engagement before the expiration of that period. The temporary nurses engaged for Indian Troops Hospitals are all persons domiciled in India and are free to terminate their engagements on the expiration of six months' duty.

COLONIAL NURSES IN INDIAN MILITARY HOSPITALS.

255. **Mr. Harchandrai Vishindas:** Will Government be pleased to state if any, and if so, how many nurses recruited from or trained in the Colonies or the Dominions which restrict the immigration of Indians into their territories are employed in any Military Hospitals in India?

Sir Godfrey Fell: None of the nurses employed in Military Hospitals in India were recruited in the Colonies or Dominions.

Of the nurses permanently employed in Military Hospitals in India two were trained in Australia; and two nurses who are temporarily employed in Military Hospitals also received their training in that Commonwealth, but were engaged in India.

EMPLOYMENT OF INDIANS IN HIGHER OFFICES IN INDIA.

256. **Mr. Harchandrai Vishindas:** (a) Is it a fact that with a view to the more extensive employment of the children of the soil to higher offices in India, executive orders were passed by the Secretary of State prohibiting the employment of persons not statutory natives of India to posts carrying a salary of Rs. 200 and upwards per mensem without his previous sanction, and that this power was subsequently delegated to the Government of India?

(b) Is it a fact that these orders have not been given effect to in practice and appointments have been made by Local Governments contrary to these instructions and that the Government of India's orders have been subsequently obtained formalising their actions?

(c) Will Government be pleased to place on the table a list of posts carrying salaries of 200 rupees and upwards per mensem filled during the past three years in India by persons not statutory natives of India with the rates and designations of the posts so filled?

(d) Will Government be also pleased to place on the table similar information regarding Port Trusts?

The Honourable Sir William Vincent: (a) A rule to this effect was previously in force, and was embodied in the Civil Account Code as Article 773(b). As, however, it was not incorporated in the rules framed under Sections 45-A and 129-A of the Government of India Act, it has automatically been cancelled.

(b) A number of Departments were excluded from the scope of this rule, and the article in question empowered Local Governments in certain circumstances to appoint persons other than statutory natives of India to posts on a pay of Rs. 200 and over subject to subsequent confirmation by the Government of India. Otherwise the rule was, so far as the Government of India are aware, observed by Local Governments so long as it was in force.

(c) The information is not available and should be obtained, if necessary, from the Local Governments.

(d) The information is being collected and will be supplied to the Honourable Member when possible.

INDIANS IN HIGHER APPOINTMENTS IN POLITICAL AND FOREIGN DEPARTMENTS OF THE GOVERNMENT OF INDIA.

257. **Sir P. S. Sivaswamy Aiyer:** With reference to the statement of the Honourable the Law Member on page 1104 of the Legislative Assembly Debates,

that the principle of taking Indians into higher appointments in the Political and Foreign Departments of the Government of India had been conceded by the Government and that a scheme was being prepared to give effect to the said principle, will the Government be pleased to state :

(a) whether the scheme is ready and if so whether the Government will be pleased to publish the same and state when it will be carried into effect ? and

(b) if the scheme is not ready, when it is expected to be ready ?

The Honourable Sir William Vincent (on behalf of the Honourable Sir John Wood) : The Honourable Member is referred to the answer given to Question No. 171 put by Mr. N. M. Joshi.

COST OF INDIAN ISLAMIC DEPUTATION.

258. **Mr. M. K. Reddi Garu** : Is it a fact that the cost of the Indian Islamic Deputation which recently waited on the Prime Minister of England, to discuss the Khilafat questions, has been met by the Government of India ? If so, will the Government be pleased to state if there is any precedent on which this policy has been pursued by the Government ?

The Honourable Sir William Vincent : The answer to the first part of the question is 'Yes'; and to the second 'No, but the circumstances were exceptional.'

PROBATIONERSHIP IN THE IMPERIAL FOREST SERVICE.

259. **Mr. N. M. Joshi** : (i) Is it a fact (a) that applications for probationership in the Imperial Forest Service are entertained from those only who have taken a degree in the First Division ? (b) That in the United Provinces of Agra and Oudh out of 450 students who passed the B. A. Examination not a single person got a first class ?

(ii) Does Government propose to modify the above mentioned qualification ?

Mr. J. Hullah : (i) (a) The qualification required in the 1921 regulations was the possession of an Honours or first class degree in any subject.

(b) Yes, but two candidates from the United Provinces with the required qualification have been appointed this year, while another, otherwise ineligible, applied.

(ii) The regulations for recruitment in 1922 have not yet been prepared. It must be borne in mind that it will be useless to appoint candidates who are insufficiently qualified to follow the prescribed course of studies ; it is most undesirable that probationers should fail and thus lose their appointments after causing considerable expenditure to Government and incurring similar expenditure themselves. The qualifications required are less exacting than those required of candidates recruited in England, where only an Honours degree in Science is accepted.

MILCH AND AGRICULTURAL CATTLE.

260. **Lala Girdharilal Agarwala** : (a) Have the Government seen a copy of the Resolutions passed by the All-India Hindu Conference held at Hardwar on 10th April 1921, relating to the protection of milch and agricultural cattle ?

(b) And, if so, will the Government be pleased to lay the same on the table ?

(c) What action, if any, has been or is proposed to be taken by the Government in the matter ?

(d) Are the Government aware that there is a widespread feeling in the country about protection of milch and agricultural cattle ?

Mr. J. Hullah : (a) Yes.

(b) A copy is laid on the table.

(c) As regards the action which Government have taken or intend to take, they have already asked Local Governments whether the export of any breeds of cattle should be stopped, and if such recommendation is made, will give effect to it, as was promised by the Honourable Member in the Revenue and Agriculture Department during the last Session of the Council of State. They do not consider that they would be justified in taking any general measures for prohibiting the slaughter of cattle but they are investigating the extent and conditions of the Burma Meat Trade. Efforts for the improvement of breeds and the supply of pasturage are primarily matters for the Local Governments to undertake, but the advice of the Imperial Dairy Expert is at the disposal of Local Governments, local bodies and private enterprise, and he is freely consulted by them. The Government of India have under consideration proposals for establishing an Imperial Dairy School, but here again, as agriculture is a provincial and transferred subject, they consider that efforts in this direction are primarily the concern of Ministers in the Provinces.

(d) Yes.

Copy of Resolution passed by the All India Hindu Conference, Hardwar, dated 10th April 1921.

RESOLUTION No. 14.

Resolved—

(a) That this conference expresses its strong protest and resentment against the callous disregard of the deep seated and most cherished religious sentiments of the Hindus displayed continuously by the present Government in the matter of allowing slaughter of cows for the Military and export of beef to Burma and cows and bullocks to other countries, and is deliberately of opinion that the time has come when Hindus should realise that the responsibility to protect their Dharma in this matter lies with them and them alone and they should be prepared to make all legitimate constitutional and peaceful efforts and undergo all sufferings and sacrifices for the achievement of their objects.

(b) That strong propaganda work should be started at once to get slaughter of cows in India and their exports to other countries stopped immediately and in case their deep religious sentiments are not heeded to by the Government before that date, a special conference of the All India Hindu Maha Sabha be held at the holy place of Brindaban on the sacred day of the birth of Bhagwan Shri Krishna with a view to decide the future line of action in the matter.

(c) That a propaganda Committee consisting of the following gentlemen with power to add to their number be formed to carry on the above resolutions under the guidance of the All India Hindu Sabha.

- | | |
|--|---|
| 1. Shri Swami Bharti Krishna Tirth, Jagat Guru Shri Shankracharya of Sharda Pith. | 18. Babu Bhagwan Das. |
| 2. The Honourable Maharaja Bahadur Sir Mahindra Chandra Nandi of Kasimbazar, Calcutta. | 19. Pandit Krishna Chandra Asad. |
| 3. The Honourable Lala Sukhbir Sinha of Muzaffarnagar. | 20. Swami Viveka Nand. |
| 4. Pandit Din Dayalu Sharma. | 21. Pandit Hari Prasad Misra. |
| 5. Swami Mangal Nath. | 22. Sardar Lukshmi Narayan of Jwalapur. |
| 6. Shri Narain Swami. | 23. Narayan Jagannath Badhe. |
| 7. Pandit Deo Ratan Sharma. | 24. Chobey Baij Nath. |
| 8. Pandit Harihar Swaroop Shastri. | 25. Pandit Bhola Nath Sharma. |
| 9. Swami Jagdishwara Nand Bharti. | 26. Pandit Hira Lal Shastri. |
| 10. Pandit Girdhar Sharma of Lahore. | 27. Lakshman Rao Gordey. |
| 11. Pandit Hari Datt Sharma of Tehri. | 28. Brij Nath Sharma of Agra. |
| 12. Pandit Lakshmi Narayan. | 29. Mr. Ganesh Singh of Calcutta. |
| | 30. Pandit Prem Narain of Bareilly. |
| | 31. Harsa Nand of Liloh. |
| | 32. Seth Kanhaya Lal Gonika of Ferozabad. |

Lala Sukhbir Sinha to act as Convener.
 Pandit Prem Narain and Pandit Deo Ratan Sharma to act as Assistant Conveners.
 Moved by Jagat Gurn Shri Shankracharya, seconded by Maharaja Kasimbazar and the Honourable Lala Sukhbir Sinha of Muzaffarnagar.

Supported by—Choudhri Raghubir Sinha, Pandit Girdhar Sharma, Pandit Harihar Swaroop Shastri, Pandit Nardeo Shastri and Shajjada Nashin Shah Abdulmajid of Prankilyar.

SLAUGHTER OF CATTLE.

261. **Lala Girdharilal Agarwala:** In what way have the Government put into practice, if at all, the declaration of their policy made in the following terms:

The Government of India have no intention of associating themselves with any measure that may be deemed to encourage the slaughter of useful cattle or are likely unnecessarily to wound the religious feelings of the people (*vide* Government Gazette, dated 2nd October 1920, pages 1201-1202).

Mr. J. Hullah: The declaration asserts not that Government will take action but that they will refrain from action. This the Government have done.

BEEF AS MILITARY RATION.

262. **Lala Girdharilal Agarwala:** Are the Government prepared to reconsider the answer given to my Question No. 124 and order some other diet to be substituted for beef as an item of military ration?

Mr. J. Hullah: The Government regret that this is impracticable.

MEMORIAL FROM THE ALL-INDIA COW ASSOCIATION.

263. **Lala Girdharilal Agarwala:** (a) Have the Government seen and carefully examined the memorial dated 25th February 1921, signed at 10, Old Post Office Street, Calcutta, by the Honourable Sir John G. Woodroffe, Kt., M.A., B.C.L., Bar-at-Law, President of the All-India Cow Association?

(b) What action, if any, has been taken or is proposed to be taken on that memorial?

Mr. J. Hullah: (a) and (b). The Government of India received the memorial, and at the request of the Association agreed to receive a deputation. The Association however failed to send a deputation.

The Honourable Member is also referred to the answer given to his Question No. 23 (c).

REPORTS OF THE ALL-INDIA COW CONFERENCE.

264. **Lala Girdharilal Agarwala:** Have the Government read the reports of the All-India Cow Conference from the date of its formation up to the present day?

Mr. J. Hullah: The Government of India do not know whether they have received all the reports.

PROTECTION OF CATTLE.

265. **Lala Girdharilal Agarwala:** Have the Government seen a book issued by the Humanitarian Society on the subject of the protection of

cattle and if so what action (if any) has been taken or is proposed to be taken in the matter?

Mr. J. Hullah: Government have seen this publication and, with regard to the latter part of the question, the Honourable Member is referred to the answer given to his Question No. 23 (c).

RESOLUTION *re* CATTLE AND PASTURE LANDS.

266. **Lala Girdharilal Agarwala:** (a) Have the Government seen a copy of the Resolutions passed on 13th March 1921, at 30, Banstolla's Lane, Calcutta, at a meeting of *Niskam Arta Sava* *re* slaughter of cattle and pasture lands?

(b) If so, what steps do the Government propose to take in the matter?

Mr. J. Hullah: (a) Yes.

(b) The Honourable Member is referred to the answer given to his Question No. 23 (c).

SOLDIERS' RATIONS.

267. **Lala Girdharilal Agarwala:** What are the ordinary rations of soldiers (Indians and Europeans) and what variations, if any, are made in each case when they are on active service?

Sir Godfrey Fell: I will furnish the Honourable Member with statements giving the information required.

LICENSED FIRE-ARMS.

268. **Lala Girdharilal Agarwala:** (a) Will the Government be pleased to lay on the table a comparative statement showing the number of licensed fire-arms in each province held by the public within the year before the New Arms Rules came into force, and after the passing of the New Arms Rules and what was the income from license fee in one year preceding and succeeding the New Arms Rules?

(b) Have the Government of India read a copy of the Resolutions passed by the United Provinces Council on the subject of exemption from Arms Act, and what action has been taken or is proposed to be taken by the Government thereon?

The Honourable Sir William Vincent: (a) The information will be collected and supplied to the Honourable Member in due course.

(b) The Government of India have not received from the United Provinces Government a copy of the Resolutions mentioned.

FIRING ON CROWDS.

269. **Lala Girdharilal Agarwala:** Will the Government be pleased to lay on the table the information promised to be given regarding the firing on crowds after the Punjab disturbances of 1919 up to the present day with the time, place, circumstances and result of each occurrence?

The Honourable Sir William Vincent: I lay a statement on the table giving the information required and I draw particular attention to it because it shows the extent to which disorder has been prevalent in the country in the last 18 months.

Province.	Date.	Place of disturbance.	Brief description.	Casualties.
Madras	22nd September 1919.	Nellore	In an attempt to enforce a decree obtained in the civil court the Hindus with police protection took a procession with music through the main bazaar where there are mosques. They and the police were attacked by Muhammadans and the police were compelled to fire.	Two Muhammadans killed and two wounded.
Do.	April 1920	Perungamanallur, Madurai district.	The attempt to register the kallars under the Criminal Tribes Act brought about a serious collision between them and the police. On account of their defiant and aggressive attitude, the police had to open fire.	Eleven killed.
Do.	May 1920	Muthupet in Tanjore district.	A Hindu marriage procession passing a mosque, came into conflict with the Muhammadans. A fight ensued and to clear the street the police had to open fire.	One man was slightly wounded.
Do.	17th May 1920	Madras	During a strike in the Burma Oil Company some Pathans were brought from Bombay to carry on the work. An altercation between them and the local coolies resulted in a riot which required the presence of the armed police reserve to quell it.	One Pathan was killed; there were also minor casualties on both sides.
Do.	9th December 1920.	Do.	Buckingham Mills, Perambur. The police lorry which was taking the coolies from the mills to the harbour was subjected to persistent and violent stoning by strikers. The police opened fire.	Sixteen persons were wounded, two of whom died.
Do.	3rd April 1921	Kumbakonam	Cartmen and hotel-keepers struck work as a protest against increase of municipal taxes. The leaders of the movement indulged in a good deal of high-handed action and when the police arrested one of the ring-leaders, a mob attacked the police station and the police in self-protection were compelled to fire.	One man was killed and six wounded, of whom one died subsequently.
Do.	25th August	Karur	The Khilafat party asked a theatrical company to give the proceeds of their last performance to the Khilafat Fund. The company declined and was attacked at night. The police arrived on the scene and used fire arms.	One killed and two wounded.

Bombay	26th May 1919	Godhra, Mahals.	Panch	A leading wealthy member of the Ganchi community was celebrating the marriages of some of his sons and nephews. It appears that feeling was running high between the two sections of the community as some of the brides had previously been betrothed or promised to persons of the other party. The trouble began when one of the party let off potash bombs. The Ganchis then began to assemble and an altercation ensued which ended in a fight in which broken bricks and pieces of wood were freely used. The police on the spot finding that the fracas became serious, had to resort to firing. On arrival of more police, the crowd dispersed. The District Magistrate succeeded in getting both the parties reconciled to each other.	Two rioters were injured; six policemen received injuries from bricks.
Do.	11th June 1919	Deesa Cantonment		Some military sepoya on duty purchased liquor, and when the police constable on duty demanded the name of the purchaser in accordance with the Cantonment Magistrate's orders, they refused to give the name and beat the constable. When one sepoy was arrested, the others interfered and attacked the constable. Three sepoyas were then arrested and put in the lock-up. The Sub-Inspector of Police persuaded about 200 of the men to leave the bazaar but not before the lock-up was broken, the prisoners released and several policemen were injured.	Six policemen were injured, two of them being in a serious condition.
Do.	18th June 1919	Kanoda, Mahals.	Panch	One Sania Dipsing of Kanoda was terrorizing the neighbourhood, committing robbery, frequently though mostly of trivial articles. When warrants were issued for his and his brothers arrest he openly defied the authorities and even threatened to kill the police or anyone who tried to arrest him with a <i>dharia</i> . As he could not be persuaded to surrender, the District Magistrate ordered the arrest of the brothers, by using force if necessary. Sania's brothers and parents all armed with <i>dharias</i> , clubs and pickaxes, and Sania armed with a gun resisted the arrest. The police were compelled to fire in self-defence with fatal results.	Sania's mother and two brothers were killed. Sania himself was wounded.
Do.	30th January 1920.	Nandvaji village, Bijapur district.		A police party was engaged in protecting a faction in the village against the attacks of the rival faction when it found itself in the presence of a large body of rioters with sticks, axes and stones and fearing attack on themselves the police fired two shots in the air and one on the men in front.	Three wounded.

Province.	Date.	Place of disturbance.	Brief description.	Casualties.
Bombay— <i>contd.</i>	16th February 1920.	Sholapur	During the strike of mill-hands at Sholapur some 8,000 mill-hands who had struck work surrounded the District Magistrate and refused to disperse when ordered to do so by the District Magistrate. They became violent and began to stone officers and troops. The District Magistrate was compelled to order firing. It was only after the military arrived that the disturbance ceased.	Four killed. Huzur Deputy Commissioner was injured.
Do.	20th January 1920.	Bombay	Abnormal conditions in Bombay due to general strike of mill-hands and other industrial unrest.	One striker killed. One seriously wounded, 8 policemen, 1 police officer, 1 lorry driver and a Magistrate injured. One private individual killed and one woman injured by strikers stoning trams.
Do.	26th January 1920.	Bombay	* Renewed attack made by strikers, police were compelled to fire.	* One striker was wounded.
Do.	14th April 1920	Jalalani Nawabshah.	A fracas took place in the Hur Criminal Tribes settlement of Jalalani Nawabshah, Sind, in the course of which one Fatu Mari was attacked by a number of Hurs who belaboured him with <i>lathis</i> and blows. As his wife was in danger a Sub-Inspector ordered the mob to stop. The crowd made an attempt to attack the Sub-Inspector who finding his own life in danger ordered firing in self-defence and also with the object of quelling the disturbance.	Six wounded.
Do.	29th May 1920	Dubai, Sukkur District.	On the 29th May an affray took place between the police and certain Jagirans near Dubai in the Sukkur district, Sind. The police received a complaint that two buffaloes had been stolen by some Jagirans. A police party went in search of the criminals and having found them seized and arrested the offenders. On their return journey they were attacked by about 30 Jagirans, two of whom were armed with guns. Those guns were fired at the police party and the Jagirans closed in with their <i>lathis</i> . A general free fight ensued and the police seeing that they were overwhelmed by weight of numbers, fired in self-defence. The Jagirans then ran off, leaving their wounded.	One killed, one wounded, also five policemen injured.

Do.	9th January 1921.	Kolaba District	A riot occurred between two parties of Muhammadans in the Kolaba district during the course of a flag procession. The Sub-Inspector of Police who was in charge lost his head and fired in the air.	No casualties.
Do.	19th April 1921	Shikarpur, Sind	Disturbance at the anniversary celebration of Pritam Dharma Sabha of Shikarpur.	A number of people and sixteen police were injured.
Do.	April 1921	Malegaon, Nasik district.	On 25th April several Momin volunteers were prosecuted for carrying arms at a mass meeting in contravention of an order of the District Magistrate. Shortly after a mob collected and attacked the City Sub-Inspector and drove him and the three armed constables with him to seek refuge in the house of a merchant. The mob attacked and set fire to the house killing the Sub-Inspector and one constable. The following day some looting was indulged in by the rioters. Troops arrived on the scene on the 26th and their prompt arrival succeeded in quietening the rioters who dispersed.	The Sub-Inspector and one constable killed, three rioters killed and nine wounded.
Do.	25th and 26th April 1921.	Do.	A very serious disturbance arose out of the trial and imprisonment of some Khilafat volunteers. The mob determined to retaliate by making a clean sweep of all the police and Magistrates in the town. Unarmed constables and other wearers of Government uniform were stripped and beaten: and two Magistrates were mobbed and hunted out of the town. A Sub-Inspector of Police was beaten to death and his body burnt and four constables were killed, a Hindu temple was destroyed, telegraph lines were cut and roads picketed. Order was only restored on the arrival of troops.	
Do.	21st July 1921	Matiani, Sind	A meeting of the Aman Sabha was convened by Khan Sahib Hasan Ali, but the Khilafatists determined to prevent it. The members of the Sabha were subjected to abuse; brickbats were thrown throughout the meeting. Owing to the menacing attitude of the agitators, the police were summoned to escort the members home. The police were eventually attacked: the Sub-Inspector who was knocked down by brickbats, ordered a solitary armed constable to fire in the air. Eight shots were fired. The crowd subsequently dispersed.	One killed and nine wounded.

Province.	Date.	Place of disturbance.	Brief description.	Casualties.
Bombay—continued.	1st July 1921	Dharwar	On 1st July judgment was delivered by the Mamlatdar and first class Magistrate of the town on two paid Muhammadan "volunteers" who were charged with having robbed a drinker. The convicts were escorted to jail followed by a crowd which seemed to increase as they went along. The crowd threw some stones at the jail gates and at some Parsee liquor shop-keepers. Everything was quiet for a while. Later, the Superintendent of Police received intimation that there was a riot in the town which had been set on fire; and armed police were summoned. The Collector and Superintendent of Police, when they arrived on the scene, found they were confronted by a large crowd, dis- tant some 1000 yards or so down the street. On proceeding down the street, one policeman was found to be unconscious and a little further two bodies of policemen were discovered. The first Sub-Inspector who was in command, was bleeding from the nose; he said he had to fire because the mob had twice charged the police after being prevented from setting the liquor shops on fire; which they had already stoned and broken it.	Three rioters killed.
Bengal	18th February 1921.	Calcutta	In the forenoon of the 18th February last a disturbance occurred near the Calcutta Tramways Company's depot at Kalighat. Some European Sergeants of the Calcutta Police fired their revolvers for the suppression of the disturbance and it was found that a man had received gunshot wounds at the fringe of the locality where the disturbance had occurred. The wounded man succumbed to his injuries very shortly after his removal to Sambhunath Pundit Hospital.	One.
United Provinces.	23rd September 1920.	Philibhit	During the Muharram festival an attack was made on a Hindu temple at Philibhit. The police fired a few rounds in the air.	One wounded who subsequently died.
Do.	January 1921...	Rae Bareilly district.	Serious agrarian riots occurred in the course of which the police were forced to fire. These riots had been preceded by acts of lawlessness on the part of the mob, e.g., the burning of crops, the looting of shops, etc.	At Fursatgunj— Killed ... 4 Wounded ... 3 At Munshigunj— Killed ... 3 Died in hospital ... 3 Wounded ... 14

Do.	29th January 1921.	Goshainganj Railway station, Fyzabad district.	A large crowd held up a train with the object of rescuing a man arrested for his complicity in the agrarian riots. The police who were attacked fired, wounding one man, several others were hit with stray pellets.	One rioter wounded.
Do.	20th and 21st March 1921.	Kachaiya, Rae Bareilly district.	In the course of the riots which took place on the 20th March, the police were compelled to fire on two occasions. The riot started by the arrest of two men who had been prohibited from speaking and who were haranguing the crowd.	Killed ... 4 Wounded ... 12
Do.	5th July 1921.	Aligarh	Serious disturbances occurred arising out of trial of Mr. Sherwani, Bar-at-Law, a political agitator, who had been sentenced to a year's imprisonment. A mob attacked the police guard and re-serves in bungalow but was driven back. As the development was serious, troops were summoned from Agra. The Kotwali Post Office and other buildings were burnt. Number of rioters were killed by armed police and a number with gunshot wounds. Thirty arrests have been made, chiefly rioters who were caught red-handed at the Kotwali.	One constable was killed and one dangerously wounded. Casualty among rioters, one killed.
Bihar and Orissa.	15th March 1920.	Jamshedpur	A general strike of the workers at the Tata Iron and Steel Works, Jamshedpur, began on the 24th February and continued for nearly a month. As the strike proceeded, the attitude of the strikers grew more hostile, those men who wished to work were intimidated, the gates of the works were picketed and the guards at the gates more than once stoned. The local Government despatched a large body of armed and military police to the spot for the protection of life and property and were compelled also to obtain assistance of regular British troops from Calcutta. On the 15th March the strikers obstructed the railway lines between the works and Tatanagar Railway Station and made a most determined attack on the armed police sent out to clear the obstruction. The police were compelled to fire in self-defence and to fall back towards the works.	Killed ... 5 Wounded ... 23
Do.	24th April 1921	Girdih	A non-co-operator against whom a criminal charge had been brought, appeared before the Sub-divisional Magistrate of Girdih on 24th April. As he declined to give bail or personal recognizance for his appearance, the Magistrate remanded him to jail. A large crowd of sympathisers assembled and accompanied the accused to the jail, endeavouring to prevent his admission, failing in this, they made a determined attack obliging the police officers to take shelter in the jail. Later in the day, the police station was attacked and the Sub-Inspector was compelled to fire on in self-defence.	Wounded one.
Central Provinces.	March 1921	Nagpur	Rioting during excise sales. Five liquor shops wrecked.	Mob fired on by police, one policeman killed and 15 injured, 9 rioters killed and 14 wounded. Killed one Mhujafr.
North-West Frontier Province.	8th July 1920	Kachagathi	At Kachagathi a collision occurred between troops and Muhajarina.	

PRACTICE OF *RASAD* AND *BEGAR*.

270. **Lala Girdharilal Agarwala** : What steps are the Government taking to stop the practice of *Rasad* and *Begar* during tours of officers in the mufassal ?

Mr. J. Hullah : In reply to a question by Mr. Joshi in the last session of the Assembly, Government said :

'So far as provinces which have Legislative Councils are concerned, the Government of India do not propose to take the initiative in effecting reforms or changes in the laws and orders regarding compulsory labour or the provision of supplies and conveyances. They, however, undertake to investigate the subject in so far as it concerns territories which have no Legislative Councils.'

In pursuance of this undertaking, the Government of India addressed the Administrations of the last mentioned territories. The replies are now being received and the matter is under consideration. The Government of India hope shortly to make a statement on the subject.

INDIAN AS PROVINCIAL GOVERNOR.

271. **Lala Girdharilal Agarwala** : Do the Government propose to recommend the appointment of an Indian to fill the next temporary or permanent vacancy of Governorship of any province in India ?

The Honourable Sir William Vincent : Government is not in a position to make any statement. The appointments referred to are made by His Majesty.

LISTED POSTS IN THE INDIAN CIVIL SERVICE.

272. **Mr. W. M. Hussanally** : (a) Will the Government be pleased to state what action has been taken on my Resolution, dated 17th February 1921 ?

(b) If no action has been taken, will the Government please state what action they propose taking in the matter of throwing open to the Provincial Service a larger proportion of the appointments now reserved for the Indian Civil Service, in the Revenue, Judicial, Police, Forests and Educational Departments ?

The Honourable Sir William Vincent : The Honourable Member is referred to the answer given on the 15th September to Rai Bahadur Giris Chandra Nag's question on the subject.

SUKKUR BARRAGE.

273. **Mr. W. M. Hussanally** : With reference to the answer to Question No. 49, dated 15th February 1921, and to No. 108, dated 17th February 1921, in regard to the Sukkur Barrage, will Government state if the sanction of the Secretary of State has now been obtained ? If the sanction has been received, has the Bombay Government made arrangements to find funds for the project and made other arrangements to start the work ?

Colonel Sir S. D'A. Crookshank : The Sukkur Barrage and Canals Project has been approved by the Secretary of State both administratively and technically but final sanction has been withheld pending receipt of the detailed proposals of the Government of Bombay as to how the scheme will be financed.

EXPORT DUTY ON FOODSTUFFS AND RAW MATERIALS.

274. **Mr. W. M. Hussanally** : With reference to the answer to Question No. 55, dated 15th February 1921, do Government propose to levy an export duty on all foodstuffs and raw material exported out of India ?

Mr. J. Hullah : As at present advised, the Government of India do not propose to embark on the policy suggested.

HYDERABAD-BADIN RAILWAY.

275. **Mr. W. M. Hussanally** : (a) With reference to the answer to Question No. 106, dated the 17th February 1921, will Government state if the Hyderabad-Badin Railway has now been restored and re-opened to traffic ? If not, what progress has been made ?

(b) Why has the work been delayed ? When is it expected that the line will start working again ?

Colonel W. D. Waghorn : (a) The line in question has not yet been restored or re-opened to traffic. The following progress has been made. Preparation of ballast for the whole line and repairs to staff quarters and buildings at certain stations completed and a certain amount of work on minor bridges carried out. Tools and plant, and certain engineering stores have been collected and are held in readiness for relaying the line.

(b) The work has been delayed for want of requisite material. It is not possible to say when the line will be ready for opening ; but every endeavour will be made to relay it as soon as the material is available.

REGISTRATION OF MUHAMMADAN MARRIAGES.

276. **Mr. W. M. Hussanally** : Do Government propose to consider the question of undertaking the registration of Muhammadan marriages ?

The Honourable Sir William Vincent : The answer is in the negative. The registration of marriages is a provincial transferred subject.

TRAIN SERVICES BETWEEN KARACHI AND LAHORE, ETC.

277. **Mr. W. M. Hussanally** : (a) Are Government aware that the train service on the North-Western Railway between Karachi and Lahore and Karachi and Quetta is inadequate ?

(b) Is it a fact that in consequence, frequently Railway carriages except the 1st class, are made to carry a number of passengers greatly in excess of the carrying capacity of such carriages ? If so, do Government propose to remedy the defect either by adding extra carriages or running extra trains ?

(c) Do Government propose to advise the Railway Administration to run extra local trains between large towns in Sind according to a time table made after consulting local convenience ?

Colonel W. D. Waghorn : (a) According to the Railway Administration, the train service on these sections is regarded as adequate.

(b) There is far less overcrowding in passenger trains on the Karachi-Lahore and Karachi-Quetta sections than on many other sections of the North-Western Railway, and when the Railway Administration has sufficient rolling stock to put on additional trains, sections on the Northern Division must

certainly get prior consideration. It may be mentioned that an additional train has been put on from the 1st July between Lahore and Multan, and that from September an alteration has been made with a view to dividing the Punjab and Karachi traffic from Quetta more equally between the two trains available.

(c) Great difficulty is experienced by the Railway Administration in combining satisfactorily through connections and local travelling convenience. Every alteration made in the time table to suit one class of passengers immediately results in protests from others. Local trains are run to suit local traffic which is not conveniently served by the through trains.

Any suggestions put forward by the public for improving the train service receive very careful consideration of the Railway Administration and when feasible, they are adopted.

INCONVENIENCE TO PASSENGERS AT KOTRI RAILWAY STATION.

278. **Mr. W. M. Hussanally**: Are Government aware that since Question No. 158 was answered on 19th February 1921, a third and Inter class carriage is run through between Karachi and Hyderabad on Quetta mail trains, yet the accommodation provided is so small that many passengers including women and children are required to tranship at Kotri to their great annoyance and inconvenience?

Colonel W. D. Waghorn: A through bogie composite carriage is attached to the Quetta mail trains for the convenience of Inter and third Class passengers travelling from Hyderabad to Karachi and *vice versa*.

It is possible that the accommodation provided is not sufficient for the number of passengers on some occasions but no complaint has been received on this score locally. It is not considered that there is any great hardship to passengers in having to change at Kotri. The *raison d'être* of the Karachi-Quetta mail trains is to provide accommodation for through passengers between Karachi and Quetta and as no more carriages can be taken on these trains without reducing the number provided for the through Karachi-Quetta traffic, it is not possible to increase the provision of through carriages between Karachi and Hyderabad.

INCONVENIENCE TO PASSENGERS AT MARWAR.

279. **Mr. W. M. Hussanally**: (a) Are Government aware that all classes of passengers between Bombay and Karachi are required to tranship at Marwar to their inconvenience?

(b) Will the Government advise the J. B. R. and B. B. and C. I. R. to run through carriages between Hyderabad and Ahmedabad?

Colonel W. D. Waghorn: Government has not received any representation regarding the inconvenience caused to passengers between Bombay and Karachi by having to tranship at Marwar. They understand, however, that the question of running through carriages between Hyderabad and Ahmedabad *via* Marwar Junction is already under the consideration of the Railway Administration concerned.

DIRECT MAIL SERVICE BETWEEN KARACHI AND ADEN.

280. **Mr. W. M. Hussanally**: (a) With reference to the answer to Question No. 268, dated 22nd February 1921, will the Government state if they have ever received any representation from the Karachi Chamber of Commerce or any other body recommending a direct mail service between Karachi and Aden?

(b) Do the Government intend providing for such a service in any new contract with the Peninsular and Oriental or any other Company on the expiry of the present contract?

Colonel Sir S. D'A. Crookshank: (a) The answer is in the affirmative.

(b) The idea of instituting a link service from Aden to Karachi was abandoned in 1913. The Government of India have, however, considered the introduction of a mid-weekly service between London and Karachi as soon as circumstances allow of it. But they are informed by the British Postmaster-General that there is little prospect of arranging such a service at present at a reasonable cost. In the circumstances the idea has been dropped.

COST OF NEW DELHI.

281. **Mr. W. M. Hussanally**: Will the Government please state:

- What has been the total cost of New Delhi so far?
- What is the recurring cost of maintenance, repairs, etc.?
- What is the total income from rents and all other sources?
- What is the percentage of nett income realized on the total outlay after deducting recurring cost?
- Is the value of land under buildings, intended for rental purposes, calculated in the total outlay?
- Do tenants pay any taxes in the nature of house-tax, water-supply charges, sanitation-tax, electricity, wheel-tax and the like besides the rent they pay, or are such charges included in the rents they pay?

Colonel Sir S. D'A. Crookshank: (a) The total gross expenditure on the New Capital up to the 31st March 1921, was close on Rs. 490 lakhs and a further expenditure of Rs. 133 lakhs is anticipated during the current year.

(b) The expenditure on maintenance to the end of 1920-21, was Rs. 25.6 lakhs and a further expenditure of Rs. 9.1 lakhs is anticipated this year.

(c) The total amount realised and treated as reduction of outlay to the end of 1920-21, was Rs. 12.2 lakhs, and a further credit of Rs. 3 lakhs is anticipated this year.

(d) The expenditure on maintenance being in excess of the amount realised there is no net income.

(e) The answer is in the affirmative.

(f) Tenants pay for the cost of water and electric current supplied to them in addition to the rent paid. Tenants also pay rent on the cost of water, electric and sanitary installations in addition to the rent of the building. There is at present, no house-tax, sanitation-tax or wheel-tax assessed by the Imperial Delhi Municipal Committee.

INCREASE OF PENSIONS.

282. **Mr. W. M. Hussanally :** (a) Have Government received any representations from any Pensioners Associations in India, praying that their pensions be increased?

(b) Is it a fact that ' Pension ' is defined in the Civil Service Regulations as ' deferred pay ' ?

(c) Is it a fact that pensions of some classes of Civil Pensioners have been enhanced? If so, by how much and on what grounds?

(d) Is it a fact that in other cases enhancement of pensions has been refused? If so, on what grounds?

(e) What action does Government propose to take on the representations recently received?

The Honourable Mr. W. M. Hailey : (a) Yes.

(b) No.

(c) The pensions of all pensioners drawing less than Rs. 45 have been enhanced according to a graduated scale. The reasons for this step and the amount of increase are shown in the Government Resolution of 14th January 1921, which I lay on the table. Further, as a result of the recommendations of the Public Services Commission, the maximum pension of a number of gazetted officers was increased in 1919 from Rs. 5,000 a year to Rs. 6,000 a year according to length of service and additional pensions up to a maximum of Rs. 2,500 a year have also been instituted for the holders of certain appointments involving high responsibility. These increases were given with reference to existing and future conditions of service, and not with the intention of giving relief to those who had already retired, but, in pursuance of what was considered to amount to a pledge given when memorials on the subject were presented in 1913, these benefits have been extended to those who have retired since 23rd July 1913.

(d) The Resolution to which I have referred gives the reasons why Government have been unable to extend pecuniary concessions in other cases.

(e) The representations more recently received were of the same class as those referred to in the first part of my answer, and I have already given in detail the action taken by Government. No further action is at present contemplated.

No. 55-C.S.R.
GOVERNMENT OF INDIA,
FINANCE DEPARTMENT.

Delhi, the 14th January 1921.

PENSIONS AND GRATUITIES.

RESOLUTION.

The question of ameliorating the condition of those pensioners in India who are dependent on small pensions has been engaging the attention of the Government of India for some time past and careful consideration has been given to various appeals for aid received from pensioners individually and from pensioners' associations. From the outset it has been recognised that those same economic conditions which necessitated a revision of pay in the case of Government servants must press hardly upon the class of pensioners with small pensions though other considerations are often present to mitigate in the latter case the immediate hardship of high prices. At the same

time the Government of India were forced to recognise that an increase of pensions on a comprehensive scale was a matter of the greatest difficulty owing to the large numbers of pensioners affected and the heavy increase of expenditure thus involved. It was therefore necessary to consult local Governments whose resources were already depleted by the heavy charges for revision of pay, as upon them would fall a very considerable part of the contemplated expenditure. The local Governments are unanimous in their opinion that some relief should be given to poorer pensioners, although they are equally impressed with the difficulty of providing for the consequent expenditure even though that relief is strictly confined to cases of greatest necessity. After the most careful consideration of all the interests involved, the Government of India have reached a decision to which the approval of the Secretary of State has been accorded and they are therefore pleased to announce the following scheme which will be applicable to pensioners in receipt of pensions granted under the Civil Service Regulations.

At the outset, it is necessary to consider the effect upon pensions of recent revisions of pay and it is provided that the scheme shall not apply to pensioners in receipt of superior pension who retire after three years from the date of introduction of revised rates in the establishments to which they belong. These pensioners will receive the full pensionary consequences of the revised rates of pay in the shape of an enhanced pension and it is therefore not considered necessary to grant them any relief. In the case of establishments which have been sanctioned since 1914 the local Governments will decide which of them should be treated as establishments the pay of which has been revised. Any establishment, the pay of which has been fixed either on the analogy of the revised rates of pay sanctioned for similar establishments or after taking into account the increased cost of living, should be treated as an establishment the pay of which has been revised.

2. (1) For purposes of the scheme pensioners will be divided into the following classes :

(i) *Class A.*—Pensioners in receipt of a superior pension who have retired before the introduction of revised rates of pay. Those who were on long leave on the date of the introduction of the revised rates of pay and have retired on a pension calculated on the old rates [vide Article 60, and rule 1 (a) under Article 487 of the Civil Service Regulations] should be treated as having retired before the pay of the establishments, in which they were employed, was revised.

(ii) *Class B.*—Pensioners in receipt of a superior pension who have retired after the date of the introduction of the revised rates of pay but who, not having since that date put in 3 years' service qualifying for pension, have not received the full pensionary benefit of the revision.

(iii) *Class C.*—Pensioners in receipt of an inferior pension.

(iv) *Class D.*—Pensioners in receipt of a pension granted under the rules in Part VI of the Civil Service Regulations or under Articles 679, 684 and 685 of the same Regulations.

(2) (a) Pensions of those in Class A will be raised on the following scale :—

(i) Pensions up to R10 a month by R2.

(ii) Pensions over R10 and up to R20 a month by R3.

(iii) Pensions over R20 and up to R30 a month by R4.

(iv) Pensions over R30 and up to R40 a month by R5.

(v) Pensions over R40 and up to R45 a month by an amount which will bring the pension up to R45 a month.

(b) Pensions of those in Class B will be raised on the scale given in clause (a) above reduced by one-sixth for every completed six months of service qualifying for pension from the date of the introduction of the revised rates of pay.

(c) Pensions of those in Class C who retired before the introduction of the revised rates of pay, as well as of those who retired after the introduction of the revised rates of pay, but on pension calculated on the old rates, will be raised on the scale given in clause (a) above. In the case of those retiring after the introduction of the revised rates of pay the maxima limits of pensions in Article 481 (b) of the Civil Service Regulations will be enhanced in accordance with the same scale.

(d) Pensions of those in Class D will be enhanced on the scale given in clause (a) above.

(3) In cases in which a portion of the pension has been commuted the increase will be calculated on the original amount of the pension as it existed before commutation.

3. The scheme will apply to pensions beginning with those falling due for payment on the 1st December 1920 and will be subject to reconsideration at the end of 3 years. Political and Literary pensioners may be granted, at the discretion of the local Governments, an increase on the scale given in clause 2(a) of paragraph 2 above, provided that their pensions have not already been increased in consequence of the rise in prices.

4. The Government of India regret that in view of the very heavy financial commitment involved it has been found impracticable to sanction relief on a larger scale or with retrospective effect.

ORDERED that the Resolution be communicated to the several Departments of the Government of India (including the Financial Advisers and the Board of Industries and Munitions), all Provincial Governments and Minor local Governments, the Comptroller and Auditor General, the Heads of Departments subordinate to the Finance Department, all Accountants General, the Comptroller, Assam, the Chief Auditors of State Railways and Government Examiners of Railway Accounts, the Examiner of Accounts, Military Works Services, the Examiner, Government Press Accounts, the Controller of War Accounts, the Audit Officer, Delhi Province, the Examiner of Customs Accounts, and the Deputy Accountant General, Central Revenue, Delhi.

ORDERED also that the Resolution be published in the *Gazette of India*.

E. M. COOK,

Secretary to the Government of India.

No. 56-C.S.R.

Copy forwarded to the several Departments of the Government of India (including the Financial Advisers and the Board of Industries and Munitions), all Provincial Governments and Minor local Governments, the Comptroller and Auditor General, the Heads of Departments subordinate to the Finance Department, all Accountants General, the Comptroller, Assam, the Chief Auditors of State Railways and Government Examiners of Railway Accounts, the Examiner of Accounts, Military Works Services, the Examiner, Government Press Accounts, the Controller of War Accounts, the Audit Officer, Delhi Province, the Examiner of Customs Accounts, and the Deputy Accountant-General, Central Revenue, Delhi.

By order, etc.,

J. C. NIXON,

Under Secretary to the Government of India.

EXTENSION OF KARACHI.

283. **Mr. W. M. Hussanally:** (a) Are Government aware that the large cantonment area at Karachi is blocking the way of the expansion of the city?

(b) Are the Government aware that the area known as Artillery Maidan has been demanded by the Municipality of Karachi for years past for city expansion: and last year His Excellency the Governor of Bombay laid the foundation stone of the new buildings for the Court of the Judicial Commissioner of Sind on that site? Has this area been transferred to the civil authorities and the Artillery removed? If not, what is the reason?

(c) Do the Government contemplate removal of the cantonment as a whole to outside Municipal limits with a view to the civil town being extended? If so, when?

Sir Godfrey Fell: (a) Representations to this effect have been made by the local civil authorities and the Government of India are endeavouring, in consultation with the Government of Bombay, to provide an outlet for expansion in the direction desired.

(b) The battery of Artillery was removed in October 1920 and the greater part of the Artillery Maidan has already been handed over to the civil

authorities. The balance will be transferred when the Government of Bombay have provided facilities for the accommodation on other sites of certain necessary military institutions which at present occupy part of the maidan.

(c) No. The removal of the entire cantonment from its present position would be impracticable on financial and other grounds.

EXTENSION OF HYDERABAD SIND.

284. **Mr. W. M. Hussanally:** (a) Is it a fact that the cantonment area in the city of Hyderabad Sind is blocking the way of the extension of that town in the only direction available?

(b) Is it a fact that this city is heavily congested and as a result it has become very insanitary with high mortality from phthisis and other diseases?

(c) Is it a fact that for several years past the Municipality have asked for the removal of the cantonment and transfer of the area to the city for expansion? Have the Local Government supported their prayer?

(d) What decision have the Government arrived at in connection with this demand?

Sir Godfrey Fell: (a) It is true that the cantonment area in the city of Hyderabad Sind is blocking the expansion of the city in one direction, but this is not the only direction in which the city can be expanded.

(b) The Government are aware that the congested state of the city is conducive to insanitary conditions.

(c) Various suggestions, including one for the removal of the cantonment, which was supported by the Bombay Government, have been put forward by the Municipality with the object of relieving the congestion, but all of them have been found to present serious difficulties.

(d) The Government of India have recently directed that the question should be examined by the local civil and military authorities concerned, and thereafter by the Government of Bombay in communication with the General Officer Commanding-in-Chief, Western Command. The Government of India have not yet had any final report regarding the result of these discussions. A report has, however, been received from the General Officer Commanding-in-Chief, Western Command, which shows that there is no other site near Hyderabad which can be compared with the present site either in altitude, in freedom from mosquitoes, or in space available for parade grounds.

INCONVENIENCE TO PILGRIMS AT HARDWAR.

285. **Dr. Nand Lal:** (a) Is the Government of India aware that a large number of respectable Hindu ladies go to Hardwar as pilgrims, and that owing to the want of separate 1st and 2nd class waiting rooms for ladies, they are put to great inconvenience? If the answer be in the affirmative, do the Government propose to remove this inconvenience?

(b) Is the Government aware that the Station Master, Hardwar, in order to reserve 1st and 2nd class berths or compartments from Hardwar to other stations, has got to communicate with the Station Master, Dehra Dun, and that his inability to allow such reservations direct is the cause of great inconvenience to respectable Hindu pilgrims, and if so, would the Government be pleased to remove this inability?

Colonel W. D. Waghorn: Government are aware that a number of Hindu ladies on pilgrimage have travelled to Hardwar recently as first and second class passengers. There is no waiting accommodation for such passengers at Hardwar at present, but it is proposed to provide it as soon as funds can be made available.

(b) The practice on most railways is for reserved accommodation to be arranged by the Station Master at the station from which trains start. The inconvenience complained of has been brought to the notice of the authorities of the Oudh and Rohilkhand Railway, and steps are being taken to remove it as far as possible.

THIRD CLASS ACCOMMODATION ON RAILWAYS IN THE PUNJAB.

286. Dr. Nand Lal: Is the Government aware that the third class accommodation on lines passing through the newly established colony towns in the Punjab is still far from being comfortable, and if so, would the Government be pleased to take the necessary steps in the matter?

Colonel W. D. Waghorn: Government is aware that there has been some over-crowding in the accommodation provided for third class passengers on trains on certain sections of the North-Western Railway. The Railway Administration has given the matter very special attention and has lately increased the number of passenger coaches on trains and added extra trains as coaching stock has become available.

MEMORIAL FROM THE ASSOCIATION OF QANUNGOS, LUDHIANA.

287. Dr. Nand Lal: Is it a fact that a memorial has been submitted by an Association of Qanungos from Ludhiana to the Governor General of India? If so, will the Government be pleased to state what action has been taken thereon?

Mr. J. Hullah: Yes. A collection of a large number of memorials was received and has been returned for submission through the Local Government.

MEDICAL GRADUATES OF THE PUNJAB.

288. Dr. Nand Lal: Is it a fact that a copy of proceedings of the general meeting of medical graduates of the Punjab, held on 17th July 1921, in the S. P. S. K. Hall, Lahore, was submitted to the Education Member of the Government of India, and if so, will the Government be pleased to inform this Assembly as to what step has been taken by the Government in that connection?

Mr. H. Sharp: A copy of the proceedings of the meeting referred to has been received.

As regards the latter part of the Question the Honourable Member is referred to the reply given to Question No. 174 asked by Mr. Kanat.

BANGALORE PENSIONERS' ASSOCIATION.

289. Dr. Nand Lal: Is it a fact that the Bangalore Pensioners' Association has submitted a memorial to the Viceroy and Governor General of India praying for an adequate increase of pension? If so, what action has been taken thereon?

The Honourable Mr. W. M. Hailey: I would refer the Honourable Member to the answer which I have given to Question No. 282 by Mr. Wali Mahomed Hussanally.

SECURITY UNDER THE FRONTIER CRIMES REGULATION.

290. Dr. Nand Lal: Is it a fact that Abdul Jalil, Melap Singh, Jan Mohamad and Mohamad Salim were ordered to give security under the Frontier Crimes Regulation, and if so, will the Government be pleased to state why they were not proceeded against under the ordinary law?

The Honourable Dr. T. B. Saprú: (on behalf of the Honourable Mr. Denys Bray): Yes, all four, being ordinarily resident in the Peshawar district, were ordered to give security under Section 40 of the Frontier Crimes Regulation, which expressly provides for the taking of security for the purpose of preventing the dissemination of sedition. The Local Government considered that a prosecution for sedition under the Indian Penal Code would have been inexpedient owing to local conditions.

ADMINISTRATION OF N.-W. F. PROVINCE.

291. Dr. Nand Lal: Will the Government be pleased to place on the table the two circulars issued by Sir Hamilton Grant last year in summer on the subject of the present working of Frontier Crimes Regulation and laying down rules for the future administration of the North-West Frontier Province?

The Honourable Dr. T. B. Saprú (on behalf of the Honourable Mr. Denys Bray): Sir Hamilton Grant issued only one circular order in July 1920, regarding the working of the Frontier Crimes Regulation and copies of this are laid on the table. A confidential demi-official letter issued on the same subject on the same date, to which the Honourable Member possibly refers as the second circular, cannot be laid on the table as it is not a public document.

CIRCULAR ORDER.

To

ALL OFFICERS EXERCISING POWERS UNDER THE FRONTIER CRIMES
REGULATION IN THE NORTH-WEST FRONTIER PROVINCE.

Dated Nathiagali, the 19th July 1920.

1. The attention of the Chief Commissioner has been drawn to the number and diversity of the instructions which have from time to time been issued by various authorities for the working of the Frontier Crimes Regulation: and he now considers it desirable in the succeeding paragraphs to lay down, in supersession of all previous instructions so far as they conflict with these, the lines on which the main provisions of the Regulation should be carried out and the powers conferred by the Regulation should be exercised.

Some of the instructions here conveyed undoubtedly involve a departure from existing practice, and some may be regarded as tending to weaken the criminal administration of the Province. But a careful review of the criminal statistics for the past 20 years does not indicate that the present method of working the Regulation has resulted in an appreciable reduction of crime, and Sir Hamilton Grant feels that the time has come to try the experiment of working the Regulation more on the lines that were originally intended with the object of associating the tribal leaders more effectively with the punishment and settlement of offences and of securing the co-operation and support of public opinion.

This circular, I am to add, is not to be regarded as an academic essay to be read and laid aside. Sir Hamilton Grant desires that every officer exercising powers under the

Frontier Crimes Regulation should keep it on his table and consult it for guidance as required. It has the same binding force on officers exercising powers under the Frontier Crimes Regulation as Judicial Circulars of the High Court or Judicial Commissioner have upon ordinary Courts of Justice, and it will be published in vernacular as well as in English. The effect of these orders will be closely watched.

2. References under Section 8, Frontier Crimes Regulation :

- (a) Very free use should be made of this Section, except in urban areas.
- (b) Before passing a decree under Section 8, Frontier Crimes Regulation, the Deputy Commissioner* should satisfy himself that the defendant possesses sufficient property to satisfy it. The Council should always be advised to limit their recommendations accordingly as far as possible.
- (c) Compromises should be referred *pro forma* to a Council of three persons, and on their finding a decree should be passed.
- (d) Section 36, Frontier Crimes Regulation, should only be used to enforce a decree under Section 8, Frontier Crimes Regulation, when the finding of the *jirga* specifically recommends this course or for most exceptional reasons.
- (e) Special attention should be paid to the protection of the interests of minors against whom a decree under Section 8 is proposed.

3. References to Council of Elders in criminal cases :

- (a) The Deputy Commissioner should never refer a case to a *jirga* under Section 11, Frontier Crimes Regulation, unless he is satisfied that there is reasonable ground for proceeding : or unless he thinks that a settlement of the offence in accordance with tribal custom is probable. Section 18, Frontier Crimes Regulation, should be employed, where necessary, to embody this settlement in a decree under Section 8. There is occasionally a tendency to refer cases to Councils where there is practically no evidence at all against the accused on the chance of the Council discovering some. This is obviously wrong. In such cases the accused should be forthwith discharged.
- (b) References under Section 11, Frontier Crimes Regulation, should be made, not only for heinous offences, but also freely for other offences, especially personal injury, rioting without murder, damage to property not disclosing professional or habitual crime, and cases relating to women. These cases, though brought on the criminal side and referred under Section 11, can frequently be satisfactorily disposed of by a decree under Sections 18 and 8, Frontier Crimes Regulation.
- (c) The order of reference under Section 11, Frontier Crimes Regulation, should always state clearly the grounds of reference and the issues upon which the Council are to enquire and give a finding. No typed or printed forms of reference should be used.
- (d) In references under Section 11, Frontier Crimes Regulation, the Council should always be instructed either verbally or in writing (i) to state clearly the facts and evidence upon which they base their finding ; (ii) to suggest, in case of conviction, the punishment that should be awarded or the manner in which, the case should be settled in accordance with tribal usage.
- (e) Cases should not be withdrawn under Section 15, Frontier Crimes Regulation from the Sessions Court once the trial has commenced without the previous sanction of the Chief Commissioner or of an officer empowered by him in this behalf.
- (f) References to a second Council under Section 11 (3) (b), Frontier Crimes Regulation, should not be made without the sanction of the Chief Commissioner or of an officer empowered by him in this behalf.

4. Finding of the Council :

- (a) When the Council find the accused not guilty, the finding should be accepted unless there are definite grounds for believing that the finding is dishonest or that there has been an obvious miscarriage of justice.
- (b) When the Council convict the accused, the Deputy Commissioner should carefully consider whether 'the facts so found show the accused to be guilty.' Unless he is satisfied of this, he has no right to accept the conviction, and he must discharge or acquit the accused. There must be definite facts beyond mere opinion or secret enquiries to support a conviction. In certain cases the facts may amount to little more than customary oaths by compurgators, and, where it is the custom, these may be accepted as evidence. But without at any rate

this amount of evidence a conviction should not be accepted. It is hardly necessary to point out that it is infinitely better that a guilty man should go unpunished than that an innocent man should be unjustly convicted.

5. Punishment :

- (1) It is most necessary to remember that offences on the frontier fall into two categories—

- (a) ordinarily recognised crime, e.g., crime for the sake of gain, especially when coupled with violence, and crime indicating professional or habitual addition ; and
- (b) offences committed in pursuance of tribal custom or the Pathan code of honour which are rather law breaking than crime.

Offences falling within the first category should be severely punished whatever the recommendation of the *jirga* may be. Offences falling within the second category, where not marked by special deliberateness or brutality, should be punished or settled so far as possible in accordance with tribal usage. Where, however, there are special features of deliberateness or brutality, the case is different, and the offence must be punished severely on its merits. While anxious to admit tribal usage as far as possible, the Chief Commissioner has no wish to assist in crystallising it in its more violent and callous forms, or in countenancing acts which are repugnant to civilisation.

- (2) In punishing the first class of offences, viz., ordinarily recognised crime, though severe and deterrent sentences are called for, they must not be extravagant or savage. There is occasionally a tendency to mete out sweeping sentences without full consideration of their full purport. Sometimes, for instance, a sentence of ten years is awarded where a sentence of two or three years would be adequate. The Chief Commissioner thinks the standard of punishment might be considerably reduced without losing its deterrent or reformatory effects. We can alone secure the co-operation of the general public in suppressing crime by giving sentences of which they approve and by getting public opinion with us.
- (3) In dealing with the second class of offences, viz., those committed in pursuance of tribal custom or honour, the Deputy Commissioner should be primarily guided by the recommendation of the Council, and, where he can not accept that recommendation, he should in his order expressly detail his reasons for not accepting it. In this connection attention is called to the following important points :—
- (i) Under Section 12, Frontier Crimes Regulation, no minimum penalty is prescribed. There is nothing to preclude the substitution of tribal or customary penalties for those prescribed by the Indian Penal Code.
- (ii) There is nothing in Section 12, Frontier Crimes Regulation, to preclude the compounding of an offence (even murder) not compoundable under the Criminal Procedure Code.
- (iii) Under Section 18, Frontier Crimes Regulation, the Deputy Commissioner may treat the recommendation of a Council under Section 11, Frontier Crimes Regulation, as if it were a civil finding under Section 8, Frontier Crimes Regulation.
- (4) In inflicting a sentence of fine whether in addition to or without imprisonment, the Deputy Commissioner should consider carefully the status and means of the offender and regulate the fine accordingly. Fines should not be inflicted which are obviously not likely to be payable. When imprisonment in default of a fine has been suffered, the fine should always be remitted unless it is payable as compensation to an injured person.

6. Constitution of Councils of Elders :

- (a) The Council appointed should so far as possible be tribal in character. To this end Deputy Commissioners, instead of keeping the present lists of gentlemen qualified to serve on *jirgas*, Raikes, Khans, retired officers, civil and military, etc., should keep lists arranged according to tribal areas. It happens, of course, sometimes that the parties belong to different tribes or to no particular tribes. In such cases mixed *jirgas* are inevitable. But for this purpose the *Shahi Jirga*, which should certainly be maintained, is obviously suitable.
- (b) The parties should always be given ample opportunity of challenging any of the members it is proposed to appoint. Where the objection is overruled, the reasons for so doing should be recorded.
- (c) A charge of bribery or corruption brought against a *jirga*, if there are reasonable grounds for thinking it justified, should be thoroughly investigated.

7. Action under Section 21, Frontier Crimes Regulation :

The cases of tribesmen arrested and detained under Section 21 (b), Frontier Crimes Regulation, should be constantly reviewed, and such persons should not be indefinitely kept in custody without the special sanction of the Chief Commissioner. In this connection attention is directed to Circular No. 86—96-P. N., dated 5th July 1920, on the subject of monthly statements regarding these prisoners.

8. *Action under Sections 22 and 23, Frontier Crimes Regulation:*

Communal fines, though often deserved and salutary, should not be proposed merely because a conviction is not obtained. There must be definite reasons for believing that the inhabitants are guilty in one or other of the ways indicated in these Sections, and these reasons must be clearly demonstrated.

9. *Action under Section 36, Frontier Crimes Regulation:*

The expulsion of persons mentioned in Section 36 (d), Frontier Crimes Regulation, should only be ordered or recommended when the cause of quarrel is really definite and serious. The Chief Commissioner has noted cases where it was proposed to expel a woman because she was a prostitute or a bad character. This is obviously entirely beyond the intentions of the Regulation. There must be a specific cause of quarrel between definite persons likely to lead to bloodshed.

10. *Action under Section 40, Frontier Crimes Regulation :*

Security under Section 40, Frontier Crimes Regulation, for preventing the dissemination of sedition should not be taken except after full enquiry, which must show that there is real danger that the accused is disseminating or is likely to disseminate sedition, and must be clearly recorded.

11. *Action under Section 41, Frontier Crimes Regulation:*

This Section is, in the opinion of the Chief Commissioner, much too freely used. This is due in a great measure to constant criticisms of the Police by the Magistracy and superior Police officers implying that a particular offence could have been prevented by timely security proceedings. Such comments are not only improper, but they are usually untrue in fact. There are cases undoubtedly where the danger of bloodshed is obvious and imminent and cases where one or both of the parties apply for security to be taken, and in such cases security under Section 41, Frontier Crimes Regulation, is called for. But in many hundreds of cases where security of this kind is taken the proceedings have merely served to give publicity to private and domestic unpleasantnesses which would otherwise be amicably settled, and to afford a handle to unscrupulous persons to dishonour their opponents. If security under this Section were really a deterrent, there would have been a general reduction in violent crime proportionate to the number of securities taken, but this has emphatically not been the case. The excessive use of this Section causes considerable private distress and alienates the community, and the Chief Commissioner desires that the experiment should at once be made of reducing its operation to a minimum.

12. Inspections :

When a Deputy Commissioner in his capacity of District Magistrate or an Additional District Magistrate inspects the court of a Magistrate exercising powers under the Frontier Crimes Regulation, he will prepare a separate Inspection note dealing with the Magistrate's working of the Frontier Crimes Regulation in addition to that submitted on the ordinary Criminal working to the Sessions Judge and Judicial Commissioner. Such Inspection notes on Frontier Crimes Regulation working will be submitted to the Chief Commissioners by Deputy Commissioners direct, and by Additional District Magistrates through the Deputy Commissioners to whom they are subordinate. A separate circular will also issue to this effect.

13. In order to satisfy himself that these instructions are being duly carried out, the Chief Commissioner directs that a statement in the form attached shall be sent to him by the 15th day of each month direct by all Deputy Commissioners showing details of cases under the Frontier Crimes Regulations disposed of by them and by the officers serving under them during the month.

P. J. G. PIPON,

*Secretary to the Chief Commissioner,
North-West Frontier Province.*

Statement of cases decided under the Frontier Crimes Regulation by _____, a Magistrate of the _____ District, in the month of _____
Class, in the _____

1	2	3	4	5	6	7	8	9
No. of case in Register.	Names of complainants and accused or petitioners and respondents.	Offence referred under Section 11, Frontier Crimes Regulation.	Dispute referred under Section 8, Frontier Crimes Regulation.	Other proceedings under Frontier Crimes Regulation.	Result of proceedings, sentence or other order.	Remarks explaining facts or heavy sentence or other abnormal feature of the case.	Remarks by Deputy Commissioner.	Remarks by Chief Commissioner.

TRANSFER OF ADEN FROM THE GOVERNMENT OF INDIA.

292. **Dr. Nand Lal:** Is it a fact that a memorial, on behalf of the British Indian Colonial Merchants' Association, Bombay, was submitted to the Viceroy and Governor General of India praying that the contemplated transference of the administration of Aden from the Government of India to the Colonial Office be prevented? If so, would the Government be pleased to enlighten this Assembly as to what action has been taken thereon?

The Honourable Dr. T. R. Sapru (on behalf of the Honourable Mr. Denys Bray): I would refer the Honourable Member to my reply on the 10th September, to Question No. 129 asked by Rai Bahadur Bakhshi Sohan Lal.

MEMORIAL FROM THE PUBLIC WORKS ACCOUNTANTS OF THE PUNJAB.

293. **Dr. Nand Lal:** Has any memorial, on behalf of the Public Works Accountants of the Punjab, been submitted to the Government of India, praying for an increase in their salary? If so, what action has been taken thereon?

The Honourable Mr. W. M. Hailey: Yes. Memorials were received in March 1921 from some senior Accountants of the Public Works Department in the Punjab (borne on the All-India list of Accountants) regarding their pay. The question raised therein cannot be treated separately and will be considered in connection with the general question of the adequacy of pay in Accounts Offices which is now under review.

MALE CALVES IN GOVERNMENT MILITARY DAIRY FARMS.

294. **Dr. Nand Lal:** Will the Government be pleased to state:

(a) Whether it is a fact that male calves, on their birth in the Government Military Dairy Farms throughout India, are sold for a few annas each or sometimes given away without any price, and if so, what is the reason for this?

(b) The total number of calves so disposed of, and the total income derived from the sale during the last three years?

Sir Godfrey Fell: (a) As a rule male calves born on Government Military Dairy Farms are either sold or given away within one month of birth, but never at birth. The reason for this is that the dairies cannot afford to rear male calves, except such as may be required for study or for draught purposes.

(b) In the Northern Districts the total number of calves either given away or sold during the past three years is 2,416. The income derived therefrom is reported to be negligible.

In the Southern Districts, the number is 1,153 and the income is Rs. 9,434.

REFORMS AND THE NORTH-WEST FRONTIER PROVINCE.

295. **Dr. Nand Lal:** Will Government be pleased to state as to why the North-West Frontier Province has not been given the benefit of the Reforms, namely, why it has not been allowed to send representatives to the Legislative Assembly?

The Honourable Sir William Vincent: When the Reforms were introduced it was considered desirable that the administration of the North-West Frontier Province should remain in the hands of the Government of India, and that the claims of the province to representation on the Indian Legislature could be met by occasional nominations to the Assembly. The Chief Commissioner has been pressing for some time for the nomination of a North-West Frontier Province representative to the Assembly. As the number of nominated Members is limited, it was found difficult to include a representative of that Province. An opportunity has, however, recently occurred, and His Excellency the Viceroy has taken advantage of it to nominate Mr. Abdul Rahim Khan, Bar-at-Law, to be a Member of this Assembly.

ASSAM-BENGAL RAILWAY.

296. **Rai S. C. Sen Bahadur:** (a) Does the Assam-Bengal Railway enjoy a guarantee of profit by the Government?

(b) Will the Government be pleased to state the total amount of loss, if any, that has been sustained by the Assam-Bengal Railway up to the end of July 1921, on account of the recent strike?

(c) Will the Government be pleased to state how much of such loss will have to be borne out of the public revenue?

(d) Is it true that certain terms were offered on behalf of the strikers and the Assam-Bengal Railway authorities declined to accept or discuss them?

(e) Are the Government aware that great inconvenience was and is being felt by the public and merchants on account of the strike in the Assam-Bengal Railway?

(f) Will the Government be pleased to state what steps, if any, the Government have taken up to 31st July 1921, to put an end to the strike?

Colonel W. D. W. Ghorn: (a) The Government guarantee interest in sterling at 3 per cent. on the Company's share capital of 1,500,000.

(b) It is impossible to state with any accuracy what amount of earnings have been lost owing to the strike. Naturally a large proportion of the traffic held up will be carried now that the line is again open.

(c) Any loss which is incurred will fall on Government as the Assam-Bengal Railway earnings do not cover the guarantee.

(d) Terms involving extravagant demands which could not be conceded were put forward a day or two after the men had ceased work.

(e) and (f) Government are fully aware of the inconvenience caused and while the strike lasted every effort was made to induce the men to return. Most of them resumed duty at the end of July except the workshop staff at Pahartali, who have now been largely replaced from outside.

INSPECTORS OF MINES.

297. **Rai S. C. Sen Bahadur:** Will the Government be pleased to state:

(a) When the posts of Inspectors of Mines were first created?

- (b) If it is a fact that the posts of Inspectors of Mines have always been held by persons other than Indians?
 (c) How the Inspectors of Mines are recruited?
 (d) If they will throw the appointments of Inspectors of Mines open to Indians?

Mr. A. C. Chatterjee : (a) The first Inspector of Mines was appointed in November 1893, and he was borne on the cadre of the Geological Survey Department. The present posts of Inspectors were created by the Indian Mines Act, 1901, the first appointment being made on 23rd January 1902.

(b) Yes.

(c) Appointments in the grade of Inspectors are ordinarily made by the promotion of Junior Inspectors, who are at present selected by the Secretary of State on behalf of the Government of India as candidates with sufficiently high qualifications have not so far been available in this country.

(d) There is no bar to the appointment of Indians possessing the necessary qualifications. With a view to providing local instructional facilities for the training of Indians for these appointments, steps have been taken to open a School of Mines and Geology at Dhanbad. When students trained in this institution are available, appointments will be made in India as far as possible. Meanwhile steps will be taken to advertise these appointments in India when they fall vacant in order that Indian candidates with suitable qualifications may have an opportunity of competing with candidates from elsewhere.

SCALES OF SALARIES OF VARIOUS SERVICES.

298. **Babu B. P. Singh :** (a) Did the Royal Commission on Public Services in India express the opinion that service conditions make it desirable that a superior officer should not draw less pay than an officer who is actually under his orders, and has the above principle been accepted by the Government of India in fixing scales of salaries for the different services?

(b) Is it a fact that 2nd Class Head Postmasters whose maximum pay has been fixed at Rs. 350 have to work under the orders of Superintendents of Post Offices? And that the minimum pay of Superintendents of Post Offices has been fixed at a rate lower than the maximum pay of their direct subordinates? If so, will Government state the reasons?

(c) Did the Postal Officers' Association, India, petition the Government of India on behalf of Superintendents asking for a scale of pay with a minimum of Rs. 350, and is it a fact that the request has been rejected summarily, and the Postal Officers' Association was not informed of the reasons for this rejection of their prayer?

(d) If the principle mentioned in (a) has not been accepted by the Government of India, will Government mention the departments in which and the class of officers in whose case the pay of subordinates is higher than the minimum pay of their direct superiors?

Colonel Sir S. D'A. Crookshank : As the replies to these questions right down to No. 304 involve a fairly vast amount of detailed figures and the replies are somewhat dull, I propose with your permission, Sir, to lay them on the table.

(a) The Royal Commission on Public Services in India made the remark quoted by the Honourable Member in paragraph 57 of their Report. But

they laid no special stress on the point, and did not affirm it as a general principle to be followed in all cases. The Government of India have not accepted the principle as one of universal application in fixing scales of salaries for the different services.

(b) Yes, second class head postmasters on a day of Rs. 250—20—350 are under the immediate control and supervision of the Superintendents of post offices whose scale of pay is Rs. 250—25—300—20—700. This is a long established practice of the Department which has hitherto worked without friction.

(c) The attention of the Honourable Member is invited to parts (a) to (d) of the answer to his Question No. 300.

(d) In the Post Office the maximum pay of certain postmasters is higher than the minimum pay of their direct superiors, viz., Superintendents of post offices, and in the Railway Mail Service also certain Record Clerks, Accountants and Head Sorters draw more than their immediate superiors, viz., Inspectors, Railway Mail Service, the grades of the former being Rs. 175—10—225 and Rs. 145—5—170, and that of the latter Rs. 100—5—175.

On the Telegraph side the minimum pay of 2nd Division officers in the Superior Traffic, Engineering and Technical Branches is less than the maximum pay of Deputy Superintendents, the grade of the former being Rs. 350—20—550—30—700 whereas Deputy Superintendents, 1st class, draw Rs. 500—20—600 and 2nd class Rs. 350—20—450. This has not been represented by the staff as a grievance.

As regards other Departments the information will be found in the statement laid on the table.

Statement.

Department (or Service).	Grade or class of subordinates whose maximum pay is more than the minimum of their direct superiors.	Designation of grade or class of direct superiors.
Imperial Customs Service ...	Chief Inspectors and Inspectors, Preventive Service. Head Appraisers and Appraisers. Superintendents of clerical establishment.	Assistant Collectors of Customs.
Government Press, Calcutta	Computer ...	Head Computer.
Government Press, Simla ...	Overseer ...	Assistant Superintendent.
Indian Audit Department ...	1. Assistant Accounts officers (Civil and Railways.) 2. Members of the Subordinate Accounts Service. 3. Railway Accountants	Officers of the General List of the Indian Audit Department.
Merit and Assay Department	1st Assistant to Assay Master ...	Deputy Assay Masters.
State Railway Engineers ...	Sub-Engineers, Senior Permanent Way Inspectors and Inspectors of Works and Maintenance, Senior Bridge Inspectors.	Assistant Engineers, Provincial Service and Assistant Ex-Engineers of the Indian Service of Engineers.
State Railway Loco. and Carriage and Wagon Departments.	Senior Loco. and Carriage and Wagon Foremen.	Assistant Loco. and Carriage and Wagon Superintendents.
State Railway Traffic ...	Traffic Inspectors, Senior Station Masters and Station Superintendents, Yard Masters, Goods Supervisors, etc.	Assistant Traffic Superintendents of local services and Assistant District Traffic Superintendents.
State Railway Signal Department.	Senior Signal Inspectors ...	Assistant Signal Engineers.
State Railway Stores Department.	Depôt Storekeepers ...	Assistant Controllers of Stores.
Post Office ...	Certain Postmasters ...	Superintendents of Post Offices.

Department (or Service).	Grade or class of subordinates whose maximum pay is more than the minimum of their direct superiors.	Designation of grade or class of direct superiors.
Railway Mail Service .. Telegraphs ...	Certain Record Clerks, Accountants and Head Sorters. Deputy Superintendents	Inspectors, Railway Mail Service. Officers of the 2nd Division in the Superior Traffic, Engineering and Technical Branches.
Civil Service ...	Provincial Civil Service	Indian Civil Service appointments on superior scale.
Police Department ...	Provincial Police Service	Indian Police Service appointments on superior scale.
Civil Veterinary Department	Deputy Superintendents	Assistant Superintendents or Superintendents.
Forest Department ...	Laboratory Assistants (upper grade) in Muktesar. Extra Assistant Conservators (Provincial Service).	Imperial Veterinary Service Officers. Assistant Conservators and Deputy Conservators (Imperial Service).
Indian Agricultural Department. Extra Assistant Commissioners, Ajmer-Merwara.	Provincial Agricultural Service Officers. Additional District and Sessions Judge. Extra Assistant Commissioner, 1st grade.	Political Department. In all these cases the maximum pay of the subordinate officers is more than the minimum pay of the Political Department time-scale, which is Rs. 500 per mensem plus overseas pay of Rs. 150 per mensem.
Provincial Civil Service, Baluchistan and North-West Frontier Province.	Extra Assistant Resident, Hyderabad District and Sessions Judge, Bangalore, Personal Assistant to His British Majesty's Consul for Sistan and Kain, British Trade Agent, Yatung.	

PAY OF POSTAL AND TELEGRAPH SERVICES.

299. **Babu B. P. Singh** : (a) Will the Government lay on the table a statement showing :

(1) the average pay of each of the following classes of officers in July of 1913, 1914, 1920 and 1921 :

- (i) Postmasters-General,
- (ii) Deputy Postmaster-General,
- (iii) Assistant Director-General,
- (iv) Superintendents of Post Offices,
- (v) Telegraph Officers, Imperial,
- (vi) Telegraph Officers, Provincial,
- (vii) Superintendent, Telegraph Traffic,

(2) the percentage of increase of the pay in July 1921 on that in July 1913,

(3) the rates of pay in force on each of the above dates,

(4) the number of officers in each of the above classes on each of the dates mentioned above ?

(b) What has been the additional annual expenditure to the Department by the increases in the scale of pay sanctioned for each of the class of officers mentioned above in 1914, 1919, 1920 and 1921 ?

Colonel Sir S. D'A. Crookshank : The statement asked for by the Honourable Member is placed on the table.

Posts and Telegraphs (Post Offices).

Service.	AVERAGE PAY IN JULY OF				Percentage of increase of the pay in July 1921 on that in July 1913.	RATES OF PAY IN JULY OF				NUMBER OF OFFICERS IN JULY OF		ADDITIONAL ANNUAL EXPENDITURE BY THE INCREASES IN PAY IN		REMARKS.	* Includes one Director Telegraph Engineering.	† Additional appointments created in the lowest grade.	‡ 1 temporary in the lowest grade.
	1913.	1914.	1920.	1921.		1913.	1921.			1913.	1921.	1913.	1921.				
(i) Postmasters-General.	Rs. 1,316	Rs. 2,075	Rs. 2,366	Rs. 2,866	90 for I.C.S. Officers, 15 for departmental officers.	1st GRADE. 1,750-40-2,000 with one special post on 2,250-50-2,500. 2ND GRADE. 1,500-50-1,750	Rs. I. C. S. OFFICERS. Salary on time scale plus extra pay Rs. 250.	DEPARTMENTAL OFFICERS. 1,750-100-2,250 with a selection post on Rs. 2,500.	1st GRADE. 1,200-40-1,400 2ND GRADE. 1,000 3RD GRADE. 800	10	10*	Rs. 30,996	No increase up to November.	Rs. 17,240	No increase.	Rs.	
(ii) Deputy Postmaster-General.	1,037	1,037	944	944	No increase	1st GRADE. 1,200-40-1,400 2ND GRADE. 1,000 3RD GRADE. 800	1st GRADE. 1,200-40-1,400 2ND GRADE. 1,000 3RD GRADE. 800	Same as for Deputy Postmaster-General.	Same as for Deputy Postmaster-General.	9	13†						
(iii) Assistant Directors General, Post Office.	1,033	1,033	987	987	No increase					4	5‡						

TIME-SCALE OF PAY OF SUPERINTENDENTS OF POST OFFICES.

300. **Babu B. P. Singh:** (a) Did the Government of India receive last year memorials from Superintendents of Post Offices and petitions from the Postal Officers Association asking for the introduction of the following time-scale of pay for Superintendents of Post Offices:

Rs. 350—30—560—40—1,000.

(b) Will the Government lay on the table a copy of the reply sent to these communications?

(c) Is it a fact that a further representation was submitted in June last by the Postal Officers Association to His Excellency the Viceroy urging for a reconsideration of the matter?

(d) Has any reply been sent to this representation? If so, will the Government lay on the table a copy of the representation as also a copy of the reply that has been sent?

(e) What will be the additional annual expenditure if the pay of the Superintendents of Post Offices be raised as asked for by the Postal Officers Association?

(f) Will the Government of India lay on the table a copy of the letter received by it from the Director-General of Posts and Telegraphs (Mr. Hutchinson) forwarding the memorials of Superintendents of Post Offices and Deputy Postmasters-General and Assistant Director-General?

(g) What scale of pay did the Director-General of Posts and Telegraphs (Mr. Hutchinson) recommend for Superintendents of Post Offices and for Deputy Postmasters-General and Assistant Directors-General?

Colonel Sir S. D'A. Crookshank: (a) Yes.

(b) A copy of Commerce Department letter No. 285-S., dated April 25th 1921, is laid on the table.

(c) Yes.

(d) Not yet. The matter is still under consideration. A copy of the Memorial dated June 23rd 1921, is laid on the table.

(e) The additional annual expenditure is estimated to amount to Rs. 4,92,880.

(f) A copy of Mr. Hutchinson's letter No. 254-S.E.S., dated 16th September 1920, is laid on the table.

(g) Superintendents 300—25—550—30—850.

Deputy Postmasters-General } 1,000—50—1,500.
Assistant Directors, General }

No. 285-S., dated Simla, the 25th April 1921.

From—R. B. EWBANK, Esq., I.C.S., *Deputy Secretary to the Government of India,*
Department of Commerce.

To—The DIRECTOR GENERAL OF POSTS AND TELEGRAPHS.

With reference to the correspondence ending with your letter No. 333s-Es., dated the 25th October 1920, I am directed to convey the orders of the Government of India regarding the revision of the pay of the superior officers of the Post Office, namely:—

- (1) Superintendents;
 - (2) Deputy Postmasters-General, and Assistant Directors-General;
 - (3) Postmasters-General and Deputy Directors-General.
2. Superintendents. Until last year, Superintendents were graded as follows:—
- 12 posts on Rs. 500—20—600.
 - 36 posts on Rs. 400—20—500.
 - 56 posts on Rs. 300—20—400.
 - 47 posts on Rs. 250.
 - 32 posts on Rs. 200.

Owing to the small proportion of posts in the upper grades, promotion was seriously blocked and very few officers could rise above Rs. 500.

3. The Public Services Commission made the following recommendation:

26 Selection appointments on Rs. 500—40—700;

Remainder on a continuous time scale of Rs. 250— $\frac{1}{2}$ —450— $\frac{2}{2}$ —500. This gave steady promotion reaching Rs. 500 after 18 years' service. But the number of posts on pay exceeding Rs. 500 was still small.

4. In view of the rise in the cost of living since the Public Services Commission reported, and in view also of the increase of pay sanctioned for other services, it was considered that the recommendations of the Commission were no longer adequate. In July last therefore the following time-scale was introduced for all Superintendents, with retrospective effect from the 1st December 1919:

Rs. 250—25—300—20—700.

Thus a man will rise to Rs. 500 after 12 years' service, as against 18 years recommended by the Public Services Commission; and he will continue to rise by yearly increments to Rs. 700 after 22 years' service, instead of depending for further promotion on selection to one of 26 special appointments.

5. As it seems to be thought that the rate of pay now sanctioned is not appreciably better than the recommendations of the Public Services Commission, it will be convenient to compare the two scales in tabular form:

Year of service.	As recommended by the Public Services Commission.	As sanctioned.
...	250	250
...	250	275
...	250	300
...	290	320
...	290	340
5 ...	290	360
...	330	380
...	330	400
...	330	420
10 ...	370	440
...	370	460
...	370	480
...	410	500
...	410	520
15 ...	410	540
...	450	560
...	450	580
...	450	600
...	500	620
20 ...	500	640
...	26 selection appointments on Rs. 500—40—700.	660
...		680
...		700

The improvement on the old graded rates of pay which were actually drawn until last year, is, of course, even more substantial.

6. During the last year, however, the Superintendents have made the following requests for revision:

In March 1920, they asked that their pay should be raised to Rs. 300—20—500—40—700—50—900; that is, Rs. 300 rising to Rs. 900 after 19 years' service.

In July 1920, they asked that their pay should be raised to Rs. 300—30—600—40—1,000; that is, Rs. 300 rising to Rs. 1,000 after 20 years' service.

In October 1920, they asked that their pay should be raised to Rs. 350—30—560—40—1,000; that is, Rs. 350 rising to Rs. 1,000 after 18 years' service.

7. The rapidity with which the demands of these officers increase will be better appreciated, if it is exhibited in tabular form :

Year of service.	Scales of pay demanded by Superintendents			Compare scale of pay as sanctioned with effect from 1st December 1920.
	March 1920.	July 1920.	October 1920.	
5	300	300	350	250
	320	330	380	275
	340	360	410	300
	360	390	440	320
	380	420	470	340
	400	450	500	360
	420	480	530	380
	440	510	560	400
10	460	540	600	420
	480	570	640	440
	500	600	680	460
	540	640	720	480
	580	680	760	500
	620	720	800	520
	660	760	840	540
	700	800	880	560
15	750	840	920	580
	800	880	960	600
	850	920	1,000	620
	900	960	...	640
	...	1,000	...	660
	...	...	...	680
	...	...	...	700
	...	...	...	...

8. When it is remembered that the revised scale of pay as sanctioned with effect from the 1st December 1919, was in itself a very substantial improvement on the old graded rates of pay, it will be realised how impossible it is to keep pace with the demands of these officers. The Government of India, after careful consideration of all the circumstances have decided that they are unable at present to go beyond the revised scale which was sanctioned last July with retrospective effect from the 1st December 1919.

9. Deputy Postmasters-General and Assistant Directors-General.

The pay of these officers was fixed by the Public Services Commission partly with reference to the maximum pay of Superintendents and partly with reference to the pay of the corresponding grades of the Telegraph Traffic branch. As it is not proposed to make any increase in either of these the Government of India do not consider it desirable at present to revise the pay of Deputy Postmasters-General and Assistant Directors-General.

10. Postmasters-General, including Deputy Directors-General.

The present pay of Postmasters-General is graded as follows :—

2 posts on	...	...	...	...	Rs.
2 posts on	...	...	...	...	2,500
3 posts on	...	...	...	...	2,250
3 posts on	...	...	...	...	2,000
3 posts on	...	...	...	...	1,750

The Public Services Commission recommended the following revision :

2 selection appointments on	...	...	...	Rs.
Remainder on a time scale of	...	...	...	2,500
	...	...	...	1,750—50—2,250

The Postal Officers' Association asked for a graded scale as follows :

	Rs.
2 posts on	3,000
2 posts on	2,750
3 posts on	2,500
3 posts on	2,250

This has already been refused in this Department's letter No. 7187, dated the 16th October 1920.

11. At the same time it is recognised*that the scale recommended by the Public Services Commission is not altogether suitable to present conditions. In the first place, the new time-scale of pay for officers of the Indian Civil Service in the regular line, which was introduced with effect from the 1st December 1919, is in some respects more attractive; and this would have adversely affected recruitment from the Indian Civil Service. Secondly, as departmental officers do not usually rise to be Postmasters-General until the closing years of their service, it would be unfair to place them on a time-scale which does not reach its maximum for 10 years. Thirdly, the new scale sanctioned for Directors of Telegraphs and for officers of the Telegraph Department employed as Postmasters-General is Rs. 1,750 rising by annual increments of Rs. 100 to Rs. 2,150 with one senior post of Rs. 2,250.

The Government of India have therefore decided, with the approval of the Secretary of State, to revise the rates of pay for Postmasters-General as follows :

Postmasters-General who are members of the Indian Civil Service. Their pay of the Indian Civil Service time-scale in the regular line *plus* Rs. 250.

Postmasters-General who are not members of the Indian Civil Service. One selection appointment on Rs. 2,500. Remainder on a time-scale of Rs. 1,750—100—2,250.

The new rates of pay will have effect from the 1st December 1919. A resolution on the subject will be published in the Gazette of India.

No. 8-G., dated Calcutta, the 23rd June 1921.

From—The HONORARY SECRETARY, POSTAL OFFICERS' ASSOCIATION, INDIA,

To—HIS EXCELLENCY THE RIGHT HONOURABLE SIR DANIEL RUFUS ISAACS, P.C., G.M.S.I., G.M.I.E., G.C.B., K.C.V.O., EARL OF READING, VICEROY AND GOVERNOR-GENERAL OF INDIA.

MAY IT PLEASE YOUR EXCELLENCY,

I am directed by the Committee of the Postal Officers Association, India, to address Your Excellency on the subject of the revision of the pay of the Superintendents of Post Offices and the Railway Mail Service.

2. In laying the case of these officers before Your Excellency my Committee considers it desirable to mention briefly the endeavours hitherto made by these officers and on their behalf by the Postal Officers' Association, India, to obtain an improvement in their pay. In February 1920, the Superintendents of Post Offices submitted a memorial to the Right Honourable the Secretary of State for India asking for the introduction of a better scale of pay. This memorial was withheld by the Government of India. On the introduction of a time-scale of pay for Superintendents of Post Offices in June 1920 they submitted another memorial to His Excellency Lord Chelmsford in July 1920. A deputation of the members of the Association waited on the Honourable Sir George Barnes, K.C.B., K.C.S.I., Member-in-charge, Commerce Department, in September 1920, and this was followed in October 1920 by a further representation on the subject from this Association to the Government of India. As no reply was received to any of these representations in spite of several other communications subsequently addressed to the Government of India and to His Excellency the Viceroy urging the necessity for the grant of immediate relief, my Committee addressed a letter to Your Excellency's Private Secretary on the 20th April 1921, in the hope that Your Excellency would be pleased to extend to the prayers of a long suffering and loyal body of public servants the just and sympathetic consideration which they deserved. On the 25th April 1921, Your Excellency's Assistant Private Secretary informed the Association that the matter was receiving the attention of the Government of India, and in a letter addressed on the same date to the Director-General of Posts and Telegraphs, the Government of India communicated their decision on the memorials. A copy of this letter has been forwarded by the Director General to the Postal Officers' Association.

3. My Committee is greatly disappointed and surprised at the summary rejection by the Government of India of the modest prayers of the memorialists. The Committee ventures respectfully to submit that the arguments used in the letter conveying the decision will not bear examination. They are extremely superficial and indicate utter want of appreciation of the conditions of the service and of the circumstances which necessitated the grant of relief. The absolute refusal of the Government of India to sanction any measure of relief is moreover contrary to the expectations held out by the Honourable Sir George Barnes to the deputation referred to above, and is difficult to understand in view of the fact that a provision had been made for an improvement in the pay of the Superintendents of Post Offices in the Budget Estimates for 1921-22, which were presented to and passed by the Legislative Assembly in March 1921.

4. As regards the case of the Superintendents of Post Offices and the Railway Mail Service, my Committee begs that Your Excellency will be pleased to take into consideration the facts and arguments put forward in the memorials and in the letter of the Association of which copies are enclosed. An examination of these facts will clearly demonstrate the unsubstantial nature of the arguments embodied in the letter of the Government of India rejecting the memorials.

5. In paragraphs 3 to 5 of the letter of the Government of India it has been stated that in consideration of the rise in prices since the investigation by the Public Services Commission, and in view of the improvements in the pay of other services, a scale of pay better than what was recommended by the commission has been sanctioned for Superintendents of Post Offices. It is apparently implied that these officers have been generously treated. My Committee submits, however, that the new scale of pay is inadequate and the extent to which it is an improvement on the scale proposed by the Public Services Commission is not in proportion to the extent of the rise in prices. As regards the second reason for improving upon the scale recommended by the Royal Commission my Committee desires to draw prominent attention to the fact that the Royal Commission recommended a uniform time-scale of pay, viz., 250—400—500 (Paragraph 58 of the Report of the Public Services Commission) for Superintendents and other similarly recruited services (such as the Provincial Civil Service, Superintendents of Excise, etc.) but the time-scales of pay sanctioned for these services are materially better than that sanctioned for Superintendents of Post Offices as will be clear from the following table:

Time-scale of pay recommended by Public Services Commission for Provincial Civil Service, Excise Department, Superintendents of Post Offices, etc.	Scale sanctioned for Provincial Civil Service.	Excise.	Superintendents of Post Offices.
250—400—450—500 ...	Rs. 300 to 850 ...	Bengal 300—400—850	Rs. 250—25—300— 20—700.
(N.B.—For Superintendents of Post Offices a selection grade of 500—40—700 was recommended. The selection grades for other services were not the same.)	The rate of increment varies in the different provinces but the maximum pay is reached in 12 years in Madras, and 20 years in Bengal.		

The figures speak for themselves. They show that in the case of Superintendents of Post Offices alone there has been no improvement over the minimum (Rs. 250) and maximum (Rs. 700) pay recommended by the Public Services Commission while the rates of increment are not only much smaller than those sanctioned for other services but do not also represent any appreciable increase over those recommended by the Commission. The conclusion thus appears to my Committee to be irresistible that of all the services for which the Public Services Commission recommended uniform treatment in the matter of pay the Superintendents of Post Offices have been unaccountably singled out for unfair and illiberal treatment. The invidious manner in which Superintendents of Post Offices have been treated will also be apparent when a comparison is made with the rates of pay

sanctioned for officers in the Telegraph Branch of the same Department. The comparative statement below will exemplify this:

Class of officer.	Scale of pay in 1913 when Public Services Commission appointed.	Scale of pay recommended by Public Services Commission.	Scale of pay on 1st January 1921.
Deputy Superintendent of Telegraphs.	1st grade* Rs. 400—25—500. 2nd grade Rs. 325—15—400. 3rd grade Rs. 250—15—325.	No. increase recommended.	Superior Traffic, 2nd Division, Rs. 350—20—550—30—700. Deputy Superintendents, 1st Class, Rs. 500—20—600. 2nd Class Rs. 250—20—450.
Provincial Services Telegraph Officers.	Rs. 250—25—450—50—500—35—850—40—900	Ditto ...	Junior scale Rs. 300—900 in 15 years. Senior scale Rs. 550—1,300 in 20 years.
Superintendent of Post Offices.	1st grade Rs. 500—20—600. 2nd grade Rs. 400—20—500. 3rd grade Rs. 300—20—400. 4th grade Rs. 250. 5th grade Rs. 200.	Rs. 250—20—450—40—500. Selection grade Rs. 500—40—700.	Rs. 250—25—300—20—700.

Further comment is superfluous.

6. In paragraph 8 the Government of India has held that the scale of pay sanctioned for Superintendents of Post Offices in June 1920, constitutes "a very substantial improvement on the old graded scale of pay." This, however, is not borne out by facts. More than ten years ago, Sir Charles Stewart-Wilson as Director-General of Post Office, recommended the adoption of the maximum pay now sanctioned (viz. Rs. 700) and Sir William Maxwell in his evidence before the Public Services Commission in 1913, also recommended the same in his evidence before the Government of India could say that the time-maximum. My Committee wonders how the Government of India could say that the time-scale of pay was a substantial improvement when the maximum of the scale of pay sanctioned in June 1920 was exactly what was recommended by successive Director-General more than ten years ago, and the minimum the same as recommended by the Public Services Commission in 1915 without taking into account the phenomenal rise in the cost of living. It has also to be borne in mind that this scale involved an increase in the average pay from Rs. 335 to only Rs. 388 as compared with the increase from Rs. 621 to Rs. 720 and from Rs. 820 to Rs. 1,018 in the case respectively of provincial and Imperial Telegraph officers.

7. In paragraph 6 to 8 of the letter, the fact that in each successive communication a better scale of pay was asked for has been commented upon in a manner which appears to be sarcastic, the clear implication being that the prayers were unreasonable and extravagant. In this respect the letter almost repeats the answer given by Mr. Innes in the last session of the Legislative Assembly to questions asked by Rao Bahadur T. Rangachariar on the subject. The letter of the Government of India implies that it was only in March 1920, that Superintendent of Post Offices asked for a scale of pay Rs. 300 rising in 20 years to Rs. 900. This is not the case. The records of the Commerce Department will show that this prayer for a scale of Rs. 300 to Rs. 900 was made for the first time not in 1920 but so far back as 1913 in the Memorandum by the Superintendents of Post Offices to the Public Services Commission. It was this proposal and not any new one that was put forward in the memorial submitted by Superintendents in February 1920. It is a fact that the second memorial which was submitted in July 1920, embodied a prayer for a higher scale viz., Rs. 300—30—600—40—1,000, but the reasons for this request for a higher scale, which were fully explained in paragraph 11 of the memorial, have been ignored in the letter of the Government of India to the Director-General of Posts and Telegraphs. The Chief reason was that in February 1920, when the first memorial was submitted revised rates of pay for

Provincial Executive and other similarly-recruited services, had not been announced, and Superintendents of Post Offices did not then know what increased scale of pay would be sanctioned for those services. Revised time-scales of pay were sanctioned for the Provincial Executive Services shortly afterwards and it was when Superintendents of Post Offices found that Government had sanctioned for those services scales of pay ranging from a minimum of Rs. 300 to a maximum of Rs. 1,200, which were substantially better than that recommended by the Public Services Commission for them as well as for Superintendents of Post Offices, that they asked for a very moderate and reasonable rate of pay, viz., a time-scale of Rs. 300—30—600—40—1,000. When submitting the memorial, the Superintendents of Post Offices represented that they failed to understand why, when the Public Services Commission recommended the same time-scale for Superintendents of Post Offices and the Provincial Civil Services, the scale of pay sanctioned for Superintendents of Post Offices was so much inferior to those sanctioned for the Provincial Civil Services. My Committee has very carefully examined the letter of the Government of India referred to in paragraph 2, but has been unable to discover in that letter any reason for the action of Government in sanctioning for Superintendents of Post Offices a scale of pay decidedly inferior to that introduced for Provincial Civil Service Officers. The only conclusion possible is that the case of the pay of Superintendents of Post Offices has not been justly dealt with. The request made by the Association in October 1920, for a minimum pay of Rs. 350 for Superintendents of Post Offices was based on the principle laid down by the Public Services Commission, viz., that a superior officer should not draw less pay than an officer who is actually working under his orders, and on the fact that between July and October 1920, the maximum pay of certain subordinates of the Superintendent was raised from Rs. 300 to Rs. 350. It is curious that this fact and the principle laid down by the Public Services Commission have been ignored by Government of India in criticising the demands of Superintendents of Post Offices. My Committee trusts that it has been made clear to Your Excellency that there was ample justification for putting forward a better scale of pay in each of the three successive communications. As a matter of fact, the conditions of salary of the different services were rapidly changing during 1920 and the claims of Superintendents of Post Offices could not in the circumstances remain unaltered.

The prayers were supported by reasonable grounds and instead of a careful, judicious and sympathetic scrutiny and consideration which they deserved they appear to have been superficially gone into and have been rejected on unsubstantial grounds and with caustic comments.

8. It is well known that after the sanction of the existing scale of pay in June 1920 the Director-General of Posts and Telegraphs recommended to the Government of India a further substantial revision of the scale of pay of Superintendents of Post Offices. In September 1920 the Honourable Sir George Barnes, Member-in-charge, Commerce, received a deputation of the Postal Officers' Association and when the deputation pointed out to the Honourable Member the inadequacy of the scale of pay sanctioned for Superintendents of Post Offices and mentioned the grounds on which an improved scale had been asked for, he admitted the force of the arguments and the words that fell from him clearly indicated that he considered that Superintendents of Post Offices were entitled to at least the time-scale of pay sanctioned for Provincial Civil Service Officers. On that basis the Honourable Member even discussed with the deputation the amounts of annual increment that would be suitable and acceptable to Superintendents. My Committee also begs to bring to the notice of Your Excellency another significant fact bearing on this subject, viz., that in the Budget Estimates for 1921-22 passed by the Legislative Assembly a sum of Rs. 75,000 was earmarked for improving the scale of pay of Superintendents of Post Offices. Although this amount would not have brought about any substantial improvement, it is obvious that when the Budget Estimates were framed Government did not consider the requests of Superintendents of Post Offices for an increase of pay to be unreasonable and did intend to sanction a further increase.

9. The letter addressed by this Association to the Government of India in October 1920, contained three requests, the second of which was a prayer to allow service passed by Superintendents of Post Offices as officiating Superintendents and as Probationary Superintendents to count for increments in the time-scale. The Government of India seem to have arrived at no decision on this request, and it is not known whether this point was considered or was overlooked. This point could have been decided independently of the question of revision of pay, it being only a formal recognition of a principle which, my Committee understands, has been observed in other services and has recently been followed in fixing the rate of pay of Postmasters-General (see paragraph 3 of Commerce Department Resolution No. 853-S, dated the 30th May 1921). My Committee, therefore, requests that pending final decision

of the question of pay of Superintendents of Post Offices, the request referred to above may be complied with. This benefit, however, slight, will help a little to mitigate the hardship caused by the rise in the cost of living.

10. My Committee begs to submit for the consideration of Your Excellency that had the requests of Superintendents of Post Offices for increase of pay been so unreasonable as they are represented to be in Mr. Ewbank's letter, then surely they would not have been recommended by the Director-General of Posts and Telegraphs or received the approval of the head of the administrative department of the Government of India concerned, viz., the Honourable Sir George Barnes, Member, Commerce, nor would any provision have been made by the Finance Department in the Budget Estimates. The decision of the Government of India now communicated to the Director-General of Posts and Telegraphs is therefore as unexpected as it is unjustified.

11. Superintendents of Post Offices consider themselves to be specially unfortunate because they find that after waiting for a long time and working silently and loyally under difficult economic conditions, their reasonable and moderate representations made to His Excellency Lord Chelmsford have been almost rejected on. What appears to be, very superficial consideration although they received the support of the Director General of Posts and Telegraphs and the approval of the Honourable Member, Commerce and of the Finance Department. Superintendents of Post Offices have all along faithfully carried out their exacting duties some of which are set forth in paragraphs 5 to 7 of the memorial submitted by them in July last. They have always taken an affectionate and active interest in the improvement of the Department and are proud of the excellence of the organisation to which they have contributed to the best of their powers and my Committee can assure Your Excellency that they are eager to continue in their devoted service to the Department in this troublous time. Owing, however, the manner in which their prayers are being rejected, a feeling of dissatisfaction is bound to and has arisen in the service and however much they may strive against it, this feeling is sure to react unconsciously on their work and will impair the efficiency of the Department.

12. My Lord, on behalf of Superintendents of Post Offices, the Committee of the Postal Officers' Association, India, respectfully approaches your Excellency who as is known throughout the length and breadth of India has come to this country to dispense equity and justice, with the humble request that Your Excellency will be graciously pleased to:

- (1) sanction the following time scale of pay for Superintendents, with effect from the 30th August 1919, viz., Rs. 350—30—560—40—1,000,
- (2) take early steps for obtaining (if necessary, by telegram) the sanction of the Right Honourable the Secretary of State for India to the introduction of the above scale of pay, and
- (3) allow service passed by Superintendents of Post Offices as officiating Superintendents and as probationary Superintendents to count for increments in the time scale.

I have the honour to be,

MY LORD,

Your Excellency's most obedient and humble servant,

(Sd.)

Honorary Secretary.

No. 2542-E. S., dated Simla, the 16th September, 1920.

From—The Honourable Mr. H. N. HUTCHINSON, O.B.E., I.C.S., Director General of Posts and Telegraphs,

To—The Secretary to the Government of India, Department of Commerce, Simla.

With reference to the correspondence ending with Mr. Ewbank's letter No. 1715, dated the 3rd May 1920, I have the honour to forward for the favourable consideration of Government 144 more memorials received from the Superintendents of Post Offices and 19 new memorials received from the Assistant Director General and Deputy Postmaster-General for an increased rate of pay. As the scale of pay granted to either class will necessarily bear a close relation to that granted to the other it will be convenient if the two sets of memorials are dealt with in the same letter.

2. The question of the pay of Superintendents of Post Offices was dealt with by the Public Services Commission in paragraph 17, annexure XVII of the report and Mr. Clarke's recommendations on the subject were placed before Government with his letter No. 132-s-Con., dated the 28th August 1918. In the statement accompanying that letter he emphasised the necessity for annual increments of pay for Superintendents of Post Offices instead of the triennial increments recommended by the Commission for the earlier stages of the service. In his note to Government dated the 17th January 1919, Mr. Clarke emphasised the necessity for such a scale, but to avoid delay in obtaining sanction to a revision he agreed to the Deputy Secretary's suggestion to support the recommendations of the Public Services Commission as made as he felt that the need for a revision of the pay of Superintendents was a crying necessity and that they had been fed too long on promises.

3. In February this year when the Superintendents found that no revision of their pay had been effected, while the pay of other services had been materially improved, they submitted a memorial addressed to the Secretary of State with whom their case was then pending. In submitting these memorials with his letter No. 9s-Ap., dated the 26th March 1920, Mr. Clarke proposed a scale of Rs. 300—20—500—25—750 in consideration of the fact that the conditions of life had materially altered since the scale of Rs. 250—700 had been recommended by the Public Services Commission and supported by him. Before this recommendation could be adequately considered by Government, the orders of the Secretary of State sanctioning a revised scale of pay were received and it was not thought necessary to take any further action on their memorials. I am not aware on what ground the Secretary of State based his decision, but presumably an alteration in the rate of increment was made by him on grounds similar to those which were urged in August 1918 against a complicated system of triennial and annual increments coupled together in one scale. The maximum and the minimum pay, however, is not more than that recommended by the Public Services Commission on their investigation in 1913-14, when conditions of living were entirely different, and the decision of the Secretary of State has naturally occasioned profound disappointment among Superintendents of Post Offices.

4. At the time when Mr. Clarke made his recommendations, he was unaware of the scales of pay proposed for other services similarly placed, such as the Provincial Civil Services, but in the body of the report, in his letter to Government No. 132-s-Con. of the 28th August 1918 and in subsequent unofficial correspondence he gave it as his considered opinion that the work of a Postal Superintendent is more important than that of a Deputy Collector and that the former were very inadequately paid for the important work they have to perform, and that an improvement in their pay was a necessity.

5. Much time has elapsed since the Public Services Commission made their investigation in 1913-14, and even since August 1918 conditions have radically changed. A scale of pay which may have been adequate in 1914 or 1918 is certainly not adequate now, and this is proved beyond a doubt by the fact that rates of pay higher than those recommended by the Public Services Commission have recently been sanctioned for the Provincial Civil and kindred services. It is not surprising therefore that Superintendents of Post Offices are deeply dissatisfied and that they have memorialised His Excellency the Viceroy.

6. It may be asked whether a comparison of the pay and status of Superintendents of Post Offices with the Provincial Civil Services has any justification. Originally in some provinces Superintendents of Post Offices were selected from among the candidates who sat for the Provincial Civil Service Examinations, and from my experience of both district work and of this Department I can unhesitatingly say that the work of a Superintendent of Post Offices is more responsible. In practice the two services have always been treated, officially, and socially, as on the same footing; and in paragraphs 5-8 of their present memorial the Superintendents have correctly stated the nature of their duties and their claims to rank as the equals of the Provincial Civil Services.

7. The memorialists have asked for the following scale, viz., 300—30—600—40—1,000. The scales sanctioned for Provincial Civil Services in the various provinces are as follows:

	Rs.	
Madras ...	250—850 in 15 years.	} With selection grade of pay varying from Rs. 1,000 to Rs. 1,200.
Bombay ...	300—850 in 22 "	
Bengal ...	250—850 in 25 "	
United Provinces ...	250—850 in 22 "	
Burma ...	250—850 in 25 "	
Bihar and Orissa ...	250—850 in 25 "	
Assam ...	250—850 in 25 "	
Punjab ...	300—850 in 15 "	

The initial pay in the Provincial Civil Service (except in Bombay and the Punjab) is Rs. 250, but the first two years are probationary and serious service only begins in the third year on Rs. 300. This initial pay of Rs. 300 asked for by the memorialists is therefore in consonance with this scale, since the pay of Probationary Superintendents has been fixed at Rs. 200 and I do not propose any alteration in it. This initial pay of Rs. 300 was what Mr. Clarke recommended in his letter of the 26th March 1920 and no change has occurred in the interval to justify any reduction in that figure. There are indeed strong reasons to the contrary. Among the recommendations of the Postal Enquiry Committee is a subordinate grade of Rs. 250—350 which will consist entirely of men under the control of the Superintending officer to draw less pay than those he is expected to control. To fix the initial pay of Superintendents, therefore, at any lower figure than Rs. 300 would, from this point of view be most unsuitable. It will be equally unsuitable from the point of view of recruitment, since the best men will obviously enter services with the higher initial pay, and though the number of candidates seeking entry into the post office may not perhaps decline, there would certainly be a deterioration in quality.

Furthermore, as pointed out in paragraph 12 of the memorial the present initial pay of Rs. 250 does not represent any advance on the actual initial salary drawn under the graded scale, because, owing to leave and other vacancies in the higher grades, all Superintendents in the lowest grade actually never drew less than Rs. 250.

As regards the maximum I do not think it necessary to go beyond that fixed for the Provincial Civil Service in the various provinces, viz., Rs. 850, but I certainly think that no lower figure should be fixed. In Mr. Clarke's letter of 26th March 1920 quoted above he recommended Rs. 750 as the maximum pay on the ground that the lowest pay of Deputy Postmaster General was Rs. 800. On the receipt of their memorial he was prepared to recommend a maximum of Rs. 800, but I am strongly of opinion that Rs. 850 should be agreed to.

There remains the question of the number of years in which the maximum should be reached. This varies in the different provinces from 15 to 22 and 25. For a service such as that under consideration a period of 22 or 25 years is too long. It must be remembered that a Superintendent serves at least 2 years as a probationer before he is admitted to the time-scale. It is estimated that Superintendents will for some years to come be taken into the selected grades of Assistant Directors-General and Deputy Postmasters-General after about 17 or 18 years as permanent Superintendent and it would be advisable to fix the period of attaining the maximum at not more than 20 years.

Moreover, a large proportion of Superintendents are men promoted from the ranks, who on entering the Superintendent's cadre have already served for 10 years or more in the subordinate grades as Inspectors and clerks. If the progression is fixed at 25 or 22 years such men would have to serve for 35 or 32 years in order to reach their maximum pay and qualify for a pension of Rs. 425. I recommend that the maximum should be attained in 20 years and that the scale should be:

Rs. 300—25—550—30—850.

8. The following is a comparison of the total monthly cost of and the average pay provided by, the existing scale and my present proposal:

	Monthly cost.	Average pay.
	Rs.	Rs.
Existing scale ...	84,863	461
Revised proposal ...	1,03,212	564
Increase ...	18,849	103

The annual increase would be Rs. 2,26,188.

9. In the event of my proposal being sanctioned existing incumbents would be brought on to the new scale in the same way as they have been brought on to the existing scale, and with effect from the same date, viz., 1st December 1919.

This disposes also of prayers (ii) and (iii) of the memorialists.

10. I now turn to the consideration of the memorials of the Assistant Directors-General and Deputy Postmasters General. The outstanding fact about the scale of remuneration of these officers is that it has not been altered since it was fixed in 1905. The present grades are:

Assistant Directors-General.	Deputy Postmasters-General.	Pay.
		Rs.
2	7	800
2	4	1,000
1	2	1,200—40—1,400

The memorialists ask for a time-scale of pay rising from Rs. 1,200 to Rs. 1,600 in 5 years. Under present conditions the average rate of progress from the lowest grade on Rs. 800 to the bottom of the highest on Rs. 1,200—40—1,400 is 5 years.

11. The pay of these officers was fixed in 1905 and 1906 over 14 years ago, and no increase was recommended by the Public Services Commission for the reasons given at page 321 of their report (paragraph 16). The first reason given by the Commission that the pay of these officers has been under revision in recent years was hardly correct. In the second place, the scale of pay sanctioned for the Superior Traffic Branch of the Telegraph Department is not connected with that of Deputy Postmasters-General, and Assistant Directors-General; and, in the third place, the findings of the Public Services Commission, arrived at before the war, naturally did not take into account the abnormal rise in the cost of living which have occurred during the last five years. The fact that the Public Services Commission made no recommendation should therefore not bar consideration of the present memorials.

12. As the memorialists point in paragraph 6 of their memorial, the pay of the class of officers immediately above them, namely, the Postmaster-General and that of the class of officers immediately below them, namely, the Superintendents of Post Offices, have been raised, in both cases apparently, on account of the increased cost of living. The claim of the memorialists that they also should receive some consideration on this account is perfectly reasonable.

13. In the preceding paragraphs I have, I hope, established the necessity for fixing the maximum pay of Superintendents at Rs. 850 and I would recommend that the minimum pay of Assistant Directors-General and Deputy Postmasters-General should be Rs. 1,000. This will make the difference between the maximum pay of Superintendents and the lowest pay of Assistant Directors-General and Deputy Postmasters-General Rs. 150 which is not too great. The scale I propose is :

Rs. 1,000—50—1,500.

This scale contemplates a period of 10 years in which to reach the maximum. As regards the maximum pay the lowest pay of a Postmaster-General is Rs. 1,750, and if the maximum pay of Assistant Directors-General and Deputy Postmasters-General is fixed at Rs. 1,500 there will remain a suitable interval between the two grades of officers.

14. The following is a comparison of the total monthly cost of and the average pay provided by the existing scale and my present proposal:

	Monthly cost.	Average pay.
	Rs.	Rs.
Existing scale	17,200	955
Revised proposal	23,508	1,306
Increase	6,308	351

The annual increase should be Rs. 75,696.

15. In the event of my proposal being sanctioned I would recommend that the concession which has been accorded to all other services should be granted to these officers also and that existing incumbents should be permitted to draw the revised scales of pay with effect from the 1st December 1919.

DAILY ALLOWANCE OF SUPERINTENDENTS OF POST OFFICES.

301. **Babu B. P. Singh :** (a) Will the Government mention the rate of daily allowance sanctioned for Superintendents of Post Offices when this service was first organised in the year 1871, and also the rate in force in 1885?

(b) Is not the rate of daily allowance intended to cover the expenses of an officer halting at a place?

(c) Have the rates in force in 1871 and 1885 been raised owing to the increase which has since taken place in the cost of living?

(d) What are the rates of daily allowance now in force for Superintendents of Post Offices in the different provinces in India?

(e) Will the Government of India consider the advisability of issuing immediate orders for raising the rates of daily allowance in provinces where it has remained practically stationary since 1871 or 1885?

Colonel Sir S. D'A. Crookshank : (a) In 1871, the rates of daily allowance for Superintendents of Post Offices and Superintendents of the Railway Mail Service were Rs. 4 and Rs. 5, respectively. In 1885, the rate was fixed at Rs. 4 for both classes of Superintendents.

(b) A reference is invited to Article 1052 of the Civil Service Regulations.

(c) The reply is in the negative, but the question of raising the rate of Rs. 4 is under the consideration of the Director-General of Posts and Telegraphs.

(d) The rates of daily allowance drawn by these officers are generally :

Rs. 4 in Bengal, Bihar and Orissa, Madras, Rajputana, Central India, Central Provinces and United Provinces.

Rs. 6 in Burma, Assam, Bombay and Baluchistan.

Rs. 7-8 in the Punjab.

Superintendents of the Railway Mail Service, including Personal Assistants to the Deputy Postmasters-General, Railway Mail Service, who are not attached to any particular railways or lines, draw daily allowance at Rs. 8 for journeys on tour in the Bombay Presidency and the Punjab. The Superintendent of the Indus Right Bank and Persian Gulf Division draws the allowance at Rs. 9 while on tour in the Persian Gulf and at Rs. 6 while on tour in other places.

There are some special localities in various provinces where enhanced rates of daily allowance are allowed, the maximum increase over the ordinary rate of Rs. 4 being 100 per cent.

(e) The Honourable Member may rest assured that the Government of India will give any recommendation in this matter that may be made by the Director-General, their very early attention.

DUTIES OF SUPERINTENDENTS OF POST OFFICES.

302. **Babu B. P. Singh :** (a) Is the Government aware that after the amalgamation of Posts with Telegraphs a good deal of extra work has been thrown upon the Superintendents of Post Offices and that they are required to inspect about 75 per cent. of the Combined Offices for which special training is now compulsory but no allowance of any kind is given to them?

(b) If the reply is in the affirmative, does the Government propose either to fix some allowance for the Telegraph work or to relieve the Superintendents of Post Offices of the extra work and of the technical training?

Colonel Sir S. D'A. Crookshank : (a) The inspection of combined Post and Telegraph offices by Superintendents of Post Offices is not a consequence of the amalgamation of Posts and Telegraphs. They were required to do this work before, and to enable them to perform it efficiently, a short training in telegraphy was made compulsory. With the amalgamation, there has not been any material change in this respect, and they have been relieved of part of their purely postal inspection. No special allowance is given for this work, as it forms part of their ordinary duties.

(b) This part of the question does not arise.

SERVICE OF PROBATIONARY SUPERINTENDENTS OF POST OFFICES.

303. **Babu B. P. Singh** : (a) Does the service of a Probationary Superintendent of Post Offices count towards leave and pension ?

(b) Is it a fact that the service of a Probationary Superintendent of Post Offices has been totally ignored for increments under the time-scale of pay ?

(c) If the answers to (a) and (b) are in the affirmative, will the Government state the reasons for the two different principles in the above cases ?

(d) Is the Government aware that the period passed under probation in other services has been allowed to count for increments ?

(e) Are Probationary Superintendents in the Post Office appointed substantively and, if so, will not the Government consider the question of allowing them increments under the time-scale from the date of their appointment ? If not, why not ?

Colonel Sir S. D'A. Crookshank : (a) and (b). The answer is in the affirmative.

(c) Probationary Superintendents of Post Offices are not Superintendents on probation, they form a separate class. They have no claim to a Superintendent's appointment until they have passed the departmental examination and they have no claim to earn increments until they are actually appointed to permanent vacancies in the regular cadre of Superintendents. Probationary Superintendents after their entertainment have to undergo a year's training in the practical work of the Department and then usually officiate as Superintendents for a year or more before being confirmed. The question of counting this period towards increments on the time-scale is under consideration.

(d) Yes, but as already explained, a Probationary Superintendent is not an officer on probation in the same sense as in the other Departments.

(e) Probationary Superintendents really hold substantive appointments in a lower grade and Government do not think it necessary to allow the period of Probationary Superintendentship to count for service on the Superintendents time-scale, for the reasons given in part (c).

PROBATIONARY POST MASTERS AND INSPECTORS OF POST OFFICES.

304. **Babu B. P. Singh** : (a) Will the Government lay on the table a statement showing :

(1) The number of (i) Probationary Postmasters, (ii) Probationary Inspectors of Post Offices in July 1921 ?

(2) Total number of appointments made under each class from 1905 with details of nationality ?

(b) Will the Government state the reasons why suitable Indians were not proportionately appointed to the above two posts ?

(c) Does not the Government of India consider it necessary that the claims of Indians for such appointments are fairly dealt with and that while recruitment is made no preferential principles are observed by the authority making the appointment ?

(d) Will the Government issue orders to the effect that only Indians should henceforth be appointed to the above two posts till the time that the proportion is equalised ?

Colonel Sir S. D'A. Crookshank : (a) (1) and (2). A statement is laid on the table. There are no Probationary Inspectors of Post Offices, as Inspectors are recruited from among the clerks.

(b) Out of 34 persons appointed as Probationary Postmasters 11 were Indians and 23 Non-Indians. Of the Non-Indians, 7 have resigned. Competent domiciled Europeans are required for employment in cantonment offices or as Deputy or Assistant Postmasters in large industrial and commercial centres.

(c) Yes. The only principles observed are the interests of the service.

(d) No such orders are required. The appointments are being abolished in accordance with the recommendations of the Postal Committee, 1920.

POST OFFICE.

PROBATIONARY POSTMASTERS.

PROBATIONARY POSTMASTERS IN JULY 1921.		TOTAL NUMBER OF APPOINTMENTS MADE.		REMARKS.
Names and Circles to which attached.	Particulars.	Number of persons appointed as Probationary Postmasters.	Nationality.	
<i>Bengal and Assam.</i>		<i>*1908-1921.</i>		<i>* The system was introduced in 1907.</i>
<i>Srishchandra Basu</i>	A graduate—son of a departmental officer.	8	Indians—4 (a) ... Non-Indians—4	(a) 1 resigned.
<i>Bihar and Orissa.</i>				
<i>Sadat Ali Khan ...</i>	A graduate (highly connected).	3	Indians—2 (b) ... Non-Indian—1.	(b) 1 resigned.
<i>Bombay.</i>				
<i>R. B. Shortland ...</i>	Late of the Indian Army Reserve of officers.	3	Indian—1. Non-Indians—2 (c).	(c) 1 resigned.
<i>Burma.</i>				
<i>F. W. Graham ...</i>	A demobilised officer of the Army—son of a departmental officer.	1	Non-Indian.	
<i>Madras.</i>				
<i>G. G. E. Combes ...</i>	Specially promoted from a clerical appointment in recognition of Field Postal service.	2 6	Non-Indians (d) Indians—2. Non-Indians—4 (e)	(d) Both resigned. (e) 1 resigned.
<i>Punjab and North-West Frontier.</i>				
<i>C. G. C. Walker ...</i>	A qualified candidate—son of a departmental officer.	4	Indian—1. Non-Indians—3 (f).	(f) 1 died.
<i>Punjab and North-West Frontier.</i>				
<i>M. J. A. Wood ...</i>	A qualified candidate—son of a departmental officer.	7	Indian—1. Non-Indian—6 (g).	(g) 3 resigned. 1 died.

COUNCIL MEMBERS AND THE ARMS ACT.

305. **Mr. M. K. Reddi Garu :** (a) Has the attention of the Government been drawn to a Resolution that was passed in the Madras Legislative Council on the 4th August 1921, regarding exemption of the Members from the restrictions and limitations imposed by the Arms Act?

(b) Will the Government be pleased to state if they are aware that a similar Resolution was passed by the United Provinces Legislative Council?

(c) Will the Government be pleased to consider the desirability of exempting all Members of Provincial Councils from the prohibitions and restrictions imposed by the Arms Act and the Arms Rules?

The Honourable Sir William Vincent : (a) No.

(b) Government understand that such a Resolution was passed, but it has not been formally brought to their notice.

(c) Local Governments have been consulted on the subject, and a decision will be taken when their replies have been received.

MARTIAL LAW PRISONERS.

306. **Rai Bahadur Pandit J. L. Bhargava :** (a) Will the Government be pleased to state for the information of this Assembly and the public, if His Excellency the Viceroy has been pleased to pass any orders in the cases of Martial Law prisoners?

(b) If the reply is in the affirmative, will the Government be pleased to inform this Assembly what those orders are?

(c) If the reply is in the negative, will the Government be pleased to state if any orders may be expected and, if so, when?

The Honourable Sir William Vincent : (a) The reply is in the negative.

(b) Does not therefore arise.

(c) His Excellency hopes to be able to announce his decision shortly, but the Honourable Member will understand that the papers connected with these cases are so voluminous that their examination involves a great expenditure of time.

TREATMENT OF UNDERTRIAL AND CONVICTED POLITICAL PRISONERS.

307. **Rai Bahadur Pandit J. L. Bhargava :** Are the Government aware of the serious complaints appearing from time to time in papers, about the treatment meted out in the lock-up and the jail to undertrial and convicted political prisoners? Do the Government propose to consider the desirability of issuing clear and definite instructions not to treat such prisoners as ordinary offenders and criminals, and directing that their position and status in life be taken into consideration in making residential and dietary arrangements for them?

The Honourable Sir William Vincent : The Honourable Member's attention is invited to paragraph 132 of the report of the Indian Jails Commission. Government accept the view there stated. Recommendations, however, are made in paragraphs 130-131 of the same report which go a long way towards meeting the point raised by the Honourable Member. We have consulted Local Governments on these proposals.

CANAL SCHEMES FOR THE SOUTH EASTERN DISTRICTS OF THE PUNJAB.

308. **Rai Bahadur Pandit J. L. Bhargava :** (a) Will the Government be pleased to state how far the great canal schemes for the benefit of the South Eastern Districts of the Punjab including Hissar and Rohtak Districts referred to by His Honour the Lieutenant-Governor in his speech delivered at the Durbar held at Hissar on 24th January 1919, published in the Punjab Government Gazette, dated 20th June 1919, on page 425 of Part I have progressed?

(b) What are those schemes?

(c) By what time is it likely that operations to give effect to the projected schemes will begin and how much time will be required to complete them?

Colonel Sir S. D'A. Crookshank : The project referred to by the Honourable Member is, it is understood, under the consideration of the Government of the Punjab. It has not yet been submitted to the Government of India, who have no information in regard to the points mentioned in the question.

BROAD GAUGE CONNECTION BETWEEN BHEWANI AND DELHI.

309. **Rai Bahadur Pandit J. L. Bhargava :** Will the Government be pleased to state if there is any proposal of direct broad gauge connection between Bhowani or Hansi and Delhi through Rohtak?

Colonel W. D. Waghorn : A project for the construction of a broad gauge line connecting Bhowani with Rohtak has been under the consideration of the Government of India, but no decision has yet been arrived at.

ARTICLE IN THE 'TRIBUNE' ON 'SECTION 15 OF THE TELEGRAPH GUIDE.'

310. **Rai Bahadur Pandit J. L. Bhargava :** (a) Has the attention of the Government been drawn to an article headed 'Section 15 of the Telegraph Guide' which appeared in the *Tribune* of Lahore in its issue of 6th August 1921, column 4?

(b) If so, will the Government be pleased to consider the advisability of issuing proper instructions in the matter with a view to prevent the abuse of Section 15 of the Telegraph Guide in future?

Colonel Sir S. D'A. Crookshank : (a) The attention of Government has been drawn to the article referred to and the facts of the case are correctly stated in that article.

The delivery of the message at Peshawar was stopped by an order of the Chief Commissioner of the North-West Frontier who was competent to issue it.

(b) Government do not consider that the course suggested is either necessary or advisable.

NICKEL RUPEE.

311. **Rai Bahadur Pandit J. L. Bhargava :** (a) Is it a fact that the Government contemplates the issue of a Rupee coin made of nickel?

(b) If so, do the Government propose not only to consider the advisability of abandoning such a proposal but also of restoring the old silver coinage of coins of smaller denomination?

The Honourable Mr. W. M. Hailey: (a) No.

(b) Government has no intention of reverting to silver in the case of coins of smaller denominations.

PRICES OF WHEAT AND GRAM.

312. Rai Bahadur Pandit J. L. Bhargava: Do the Government propose to take such effective measures as would prevent any further rise in the prices of wheat and gram throughout India and bring down the high rates now prevailing?

Mr. J. Hullah: The attention of the Honourable Member is invited to this Government's communiques of the 2nd and 16th September.

Government are already controlling strictly the export of the principal food grains. They are purchasing their own military requirements of wheat in Australia and their efforts to encourage the private import of Australian wheat are, they believe, already achieving success. They have exported Local Governments to assist in the opening of cheap grain shops. They are anxiously considering the subject, but no further measures seem to be practicable.

THEFTS FROM PARCELS ON RAILWAYS.

313. Rai Bahadur Pandit J. L. Bhargava: (a) Are the Government aware of frequent complaints about thefts from parcels especially of fresh fruits and other edibles, and luggage while in transit on railways?

(b) Do the Government propose to consider the desirability of enforcing more stringent control on the Railway staff by resorting to more frequent criminal prosecutions or severer departmental punishments to stop the evil?

Colonel W. D. Waghorn: The remedy for the evils mentioned is one of the subjects dealt with by the Railway Police Committee whose recommendations as embodied in their Report are being taken up with railways.

EXTERNEES FROM CANTONMENTS.

314. Rai Bahadur Pandit J. L. Bhargava: Will the Government be pleased to give a detailed statement of all the externees from the different cantonments throughout India during the last 3 years with causes and the period of their externment?

Sir Godfrey Fell: I would invite the attention of the Honourable Member to the reply just given to the question asked by Lala Girdharilal Agarwala, No. 242.

If the Honourable Member so desires, I will furnish him also with a copy of the list referred to in that reply.

MALE CALVES IN GOVERNMENT DAIRY FARMS.

315. Rai Bahadur Pandit J. L. Bhargava: (a) Is it a fact that male calves born in Government Dairy Farms are sold at a very young age?

(b) What is the total number of male calves born in the Government Military Dairy Farms throughout India during the last 2 years?

(c) How many of them were sold at an age of three months or less and what is the income derived from such sales?

Sir Godfrey Fell: (a) With regard to the Government dairy farms under civil control, the answer is that male stock are not sold as calves. The usual age for selling surplus male stock is from 1½ years to 2 years. As regards military dairy farms, I would refer the Honourable Member to part (a) of the reply which I have just given to the question asked by Dr. Nand Lal, No. 294.

(b) 4,428.

(c) 1,119. The income from the sale of these calves is reported to be negligible.

INTEREST ON POSTAL SAVINGS BANK DEPOSITS.

316. Mr. A. B. Latthe: Will the Government state if it is intended to increase the rate of interest paid on Postal Savings Bank deposits?

The Honourable Mr. W. M. Hailey: In reply to a similar question by Mr. Garu last Session, I said that the matter was under consideration, but that, so far as we had considered it, opinions differed as to whether an increase in the rate of interest would have any substantial effect in increasing the amount of Savings Bank deposits. Further consideration confirmed the opinion that an increase in the rate of interest would not be likely to lead to any increase in the deposits commensurate with the extra expenditure involved, and that was the only ground upon which, in the present financial position of the country, we felt that any increase in the rate of interest could be justified.

PUBLICATION IN HINDI OF PROCEEDINGS OF THE INDIAN LEGISLATURE.

317. Mr. A. B. Latthe: Does the Government propose to consider the question of publishing the reports of proceedings in the Indian Legislature in easy Hindi?

The Honourable Sir William Vincent: Government do not, as at present advised, propose to take the action suggested, but reports of important questions and debates are published in the vernacular papers.

EXTENSION OF THE INDIAN COMPANIES ACT OF 1913 TO SECUNDERABAD.

318. Mir Asad Ali Khan Bahadur: With reference to the answer to my Question No. 110 regarding the extension of the Indian Companies Act of 1913 to Secunderabad (Deccan), to the effect that the question was under consideration, have the Government since taken any action in the matter?

The Honourable Sir William Vincent (on behalf of the Honourable Sir John Wood): The Resident at Hyderabad, after consulting local opinion, both legal and commercial, advised the Government of India that the application of the Companies Act, 1913, to Secunderabad Cantonment was not desirable. The Act cannot be administered efficiently except by highly trained judicial officers assisted by a bar of wide experience, and it is not always possible to count on the presence of these two essential factors at Secunderabad. The Resident reported that only one case had been brought to his notice in which inconvenience had been experienced by reason of the Act not being in force in the administered areas in the Hyderabad State.

For these reasons, the Government of India decided that it was unnecessary to apply the Act to Secunderabad Cantonment.

TERRITORIAL FORCES IN INDIA.

310. **Mir Asad Ali Khan Bahadur:** Will Government be pleased (a) to state: (i) the number as well as the strength of territorial forces in India, and (ii) the proportion of Hindus, Musalmans and Christians in each unit; and (b) to lay on the table a statement, showing (i) the number of Indian officers as well as men employed in each division of the Indian Army, and (ii) the proportion of Hindus, Musalmans and Christians in each unit?

Sir Godfrey Fell: (a) (i) and (ii). The formation of the following units has been sanctioned:

University Training Corps.

- 1st (Bombay) Battalion.
- 2nd (Calcutta) Battalion.
- 3rd (Allahabad) Battalion.
- 4th (Lahore) Company.
- 5th (Madras) Company.
- 6th (Burma) Battalion.

Indian Territorial Force Infantry.

One Territorial Battalion for each of the following provinces:

United Provinces, Madras, Bengal, Bombay and Burma and two Territorial Battalions for the Punjab.

Enrolment has not yet begun. For the University Corps, it will be begun immediately, and for the other units, as soon as enrolling officers have been appointed. It is not possible, therefore, to give the numbers or the proportions asked for.

(b) (i). A statement is laid on the table showing the total number of Indian officers and men in the Indian Army. It is hoped that this information will serve the Honourable Member's purpose.

(ii) The compilation of this statement would involve an amount of labour which, in the opinion of the Government of India, would not be commensurate with the result obtained. I will furnish the Honourable Member, if he so desires, with a statement showing the various classes of which each unit of the Indian Army is composed.

Statement showing the number of Indian officers and other ranks, in the Indian Army.

	Indian officers.	Indian other ranks.
Cavalry	378	10,752
Artillery	205	14,443
Sappers and Miners	148	7,705
Pioneers	177	8,463
Infantry	2,280	97,645
Signal Service	140	3,033
Total	3,335	142,041
GRAND TOTAL	145,376	

RAW COTTON.

320. **Mir Asad Ali Khan Bahadur:** Will Government be pleased to furnish a statement for each of the last five years, showing (a) the quantity as well as the value of raw cotton of all sorts (i) produced in India, and (ii) imported from (1) the United Kingdom and (2) other foreign countries, and (b) the quantity as well as the value of the manufactured cotton goods (i) exported from India and (ii) imported into India from (1) the United Kingdom and (2) other foreign countries?

The Honourable Mr. C. A. Innes: The Honourable Member will find information regarding imports and exports of the commodities he mentions in the 'Annual Statement of the Sea-borne trade of British India with the British Empire and Foreign Countries' published by the Department of Statistics. Statistics of the production of cotton in India are published annually in the 'Estimates of area and yield of principal Crops in India,' but information regarding its value is not available.

These publications are available in the Library.

LABOUR BUREAU AND THE LABOUR SITUATION.

321. **Mir Asad Ali Khan Bahadur:** (a) Will Government be pleased to state whether the Labour Bureau of the Central Government has been able to collect information from provincial agencies as regards the real causes of labour strikes all over India, and the present labour situation, particularly with reference to wages, prices and cost of living?

(b) If so, do Government propose to issue shortly a Resolution on the subject with a clear enunciation of the Government policy in the matter?

Mr. A. C. Chatterjee: Government have at present no legal authority to call for information on the subject of labour strikes from owners or occupiers of factories, but the Labour Bureau has commenced collecting information since the beginning of this year. The information collected cannot be guaranteed to be either full or accurate. A summary of the information obtained is published every quarter in the Journal of Indian Industries and Labour, copies of which have been supplied to Members of the Legislature. The Government of Bengal have also published a record of strikes that took place in that presidency during the second half of 1920 in the Supplement to the Calcutta Gazette of the 22nd June 1921, a copy of which would be found in the Library. The Government of India are at present consulting Local Governments regarding an inquiry into the cost of living in different provinces. They are also in consultation with Local Governments and employers of labour regarding a census of wages in the larger organised industries in the country. I shall be glad to show the papers to the Honourable Member. It is not proposed at present to issue any Resolution on this subject. I may remind the Honourable Member that the settlement of labour disputes is a provincial subject.

LABOUR STRIKES.

322. **Mir Asad Ali Khan Bahadur:** Will the Government be pleased to lay on the table a statement, province by province, for each of the last three years and for the current half year, showing (a) the number of labour strikes, (b) the duration each lasted, (c) the nature of the settlements arrived at in

each case, (d) the extent of the loss both to the employers and the employed, and (e) the number of men involved in each strike?

Mr. A. C. Chatterjee: As stated in my answer to the last question the information that has already been collected has been published in the Journal of Indian Industries and Labour and as a Supplement to the Calcutta Gazette. It is not possible now to collect information of this nature for the last 3 years which will be of trustworthy value. As I have already explained, there is difficulty in collecting information even for the current year, but I shall be glad to show the Honourable Member the detailed information which has been obtained so far by the Labour Bureau.

MUHAMMADANS IN INDIAN PUBLIC SERVICES.

323. Mir Asad Ali Khan Bahadur: With reference to the answer to my Question No. 309 (during the last Session) regarding the employment of Muhammadans in Indian Public Services, will Government be pleased to state whether the required information has been collected, and, if so, whether a statement of the same will be laid on the table?

The Honourable Sir William Vincent: The information has not been collected as the difficulty in obtaining it was pointed out to the Honourable Member, and it was understood he did not press for it. If he still wishes it to be collected I will take steps to obtain it though I must point out that this information is available in public documents, and will involve considerable labour in collecting—labour which, I may say, is in our opinion out of all proportion to its utility.

TELEPHONE SERVICE.

324. Mir Asad Ali Khan Bahadur: Do Government propose to consider the desirability of throwing open the telephone service to the general public at each post office in each provincial Capital and at other important stations, wherever practicable, at a cheap rate for each call?

Colonel Sir S. D'A. Crookshank: Public call offices are already in existence at the places enumerated in the list which is placed on the table where there are telephone systems operated by Government.

The desirability of opening more public call offices in places where the telephone services is operated by Government is fully recognised but cannot be considered at present owing to the want of funds.

In Calcutta, Bombay, Madras, Karachi, Ahmedabad, Rangoon and Moulmein, there are telephone services managed by Companies and the establishment of call offices in connection with their systems is a matter for them to consider. The suggestion will, however, be brought to the notice of the Companies concerned.

With regard to call rates, the existing charge is 2 annas for a call not exceeding 3 minutes in duration, a reduction from 4 to 2 annas having been made in 1907. In considering rates it must be borne in mind that the expense of providing and maintaining a public call office is necessarily much greater than that of an ordinary subscribers' circuit. The initial cost is higher owing to the provision of a room or cabinet, repairs are heavier owing to rough handling, operating charges are excessive owing to the necessity for

collecting fees and accounting for them, and in certain cases, payment of call office attendants involves additional charges which are not incurred in maintaining an ordinary line.

In England, the call office fee is three pence for local calls. It is quite likely that in India the fee will require to be increased.

Thayetchaung Police Station.

(Burma) 1	...	(3) 1 in Telegraph Office and 2 in Post Offices.
Rawalpindi	...	(1) In Telegraph Office.
Peshawar	...	(2) 1 in Telegraph Office and 1 in Post Office.
Murree	...	(1) In Telegraph Office.
Lahore	...	(1) In Telegraph Office.
Amritsar	...	(1) In Telephone Exchange Office.
Delhi	...	(6) In Post Offices.
Simla	...	(1) In Post Office.
Mashobra	...	(2) 1 in Telegraph Office and 1 in Post Office.
Ambala	...	(1) In Telegraph Office.
Dehra Dun	...	(1) In Telegraph Office.
Mussoorie	...	(1) In Telegraph Office.
Cawnpore	...	(2) 1 in Telegraph Office and 1 at Lucknow O. and R. R. Station.
Lucknow	...	(2) 1 in Telegraph Office and 1 in Post Office.
Naini Tal	...	(1) In Telegraph Office.
Allahabad	...	(3) 1 in Telegraph Office and 2 in Post Offices.
Calcutta	...	(1) In Post Office.
Asansol	...	(1) In Post Office.
Loyabad	...	(19) 15 in Post Offices and 4 in Telegraph Offices.
Bombay	...	(3) 1 in Telegraph Office and 2 in Post Offices.
Poona	...	(1) In Telegraph Office.
Surat	...	(1) In Telegraph Office.
Broach	...	(1) In Telegraph Office.



AREA OF POPPY CULTIVATION AND PRODUCTION OF OPIUM.

325. Mir Asad Ali Khan Bahadur: Will Government be pleased to lay on the table a statement for each of the last five years, showing (a) the area of poppy cultivation, private owned, and Government owned, in different provinces, (b) the quantity of production and consumption in India; and (c) the quantity as well as the value of opium exported from India?

The Honourable Mr. W. M. Hailey: The information is contained in the statement which I lay on the table. It will of course be seen that the figures do not include opium grown in Native States.

Statement showing { (a) Area under poppy cultivation { Government owned.
Private owned.
(b) Quantity of opium produced { Government owned.
Private owned.
(c) Quantity { Exported abroad, with value.
Consumed in India.

Year.	POPPY CULTIVATION, GOVERNMENT OWNED		POPPY CULTIVATION, PRIVATE OWNED.					
	UNITED PROVINCES.		PUNJAB.		AJMER-MERWARA.		TOTAL.	
	Area.	Produce.	Area.	Produce.	Area.	Produce.	Area.	Produce.
	Acres.	Mds.	Acres.	Mds.	Acres.	Mds.	Acres.	Mds.
1915-16	187,155	27,001	1,890	207	...	...	1,890	207
1916-17	204,198	32,124	2,258	208	...	...	2,258	208
1917-18	207,010	32,248	2,285	161	...	...	2,285	161
1918-19	177,124	27,343	1,541	93	Not available.	30	1,541	123
1919-20	154,621	22,731	1,782	137	82	4	1,814	141

Year.	QUANTITY EXPORTED.		Quantity consumed in India.
	Chests.	Value.	
		Rs.	Mds.
1915-16	11,428	1,99,81,840	12,045
1916-17	13,425	3,06,05,180	12,150
1917-18	16,683	3,60,76,402	12,146
1918-19	17,328	4,22,06,144	11,909
1919-20	9,823	3,64,94,575*	10,988

(Exports during 1915-19 included supplies of medical opium to London during the war, which have since ceased from 1st January 1920.)

* Represents receipts from sales in India.

SUGAR FACTORIES AND OUTPUT.

326. Mir Asad Ali Khan Bahadur: (a) Will Government be pleased to state whether the Sugar Bureau of the Central Government has been able to collect necessary information from foreign countries and Indian provinces as regards the number of the Sugar Factories working and the output of each factory, the quantity as well as the value of sugar imported into India from foreign countries as well as exports to foreign countries, and fluctuation of prices? (b) If so, do they propose to issue a supplement on the subject with the Government of India Gazette?

Mr. J. Hullah: Sir, may I lay this on the table:

The Secretary, Sugar Bureau, receives information of the number of sugar factories working in every important sugar-producing country in the world. He also receives information of the total amount of sugar made in each country by these factories, but does not receive information as to the separate output of each factory. All such information received is published in the Indian Trade Journal. The number of factories working in India and their total output of sugar and molasses was published by the Secretary, Sugar Bureau, in the issue of the Indian Trade Journal dated the 28th July 1921.

An article regarding the quantity and value of sugar imported into India, exports to foreign countries and fluctuation of prices has been issued as a Supplement to the Indian Trade Journal of the 25th August 1921, as this is considered to be a much better medium of communication to persons interested than the *Gazette of India*. I may add further that the Sugar Bureau, in response to the requests of numerous sugar firms, has been regularly publishing from March last notes in the Indian Trade Journal dealing with sugar crops conditions, consumption and stocks in all the sugar countries in the world.

As the present method of obtaining information by letter and from published periodicals makes such information very much out of date by the time it reaches India, the Secretary, Sugar Bureau, is now working out a scheme for securing telegraphic information regarding sugar crops and prices regularly from all important sugar producing countries and selling centres and a note drawn up in consultation with prominent sugar firms and the Director-General of Commercial Intelligence is now being submitted to the Government of India through the Agricultural Adviser.

ARMS ACT AND THE UNITED PROVINCES.

327. Makhdum Sayad Rajan Baksh Shah: (a) Is it a fact that the United Provinces of Agra and Oudh are exempted from the prohibitions and

restrictions imposed by the Arms Act and Rules so far as the keeping of swords is concerned?

(b) If so, why have other Provinces in India not been granted a similar concession and why has the Punjab been deprived of it?

The Honourable Sir William Vincent: Swords are excluded from the operation of the prohibitions and directions contained in the Indian Arms Act throughout British India, except the Punjab, Burma, the North-West Frontier Province and Delhi, but this exclusion is subject to the proviso that a Local Government may retain all or any of these prohibitions and directions in the case of any class of persons or of any specified area.

The Punjab was excluded on the recommendation of the Committee of official and non-official Members of the Indian Legislative Council appointed in 1918 to consider the amendment of the Arms Act and Rules. This Committee considered that swords should not be excluded in the case of the Punjab and their recommendation was accepted.

INCOME FROM THIRD CLASS RAILWAY TRAFFIC, NORTH-WESTERN RAILWAY.

328. Makhdum Sayad Rajan Baksh Shah: Will Government please state:

- What was the total income from third class Railway fares on the North-Western Railway last year;
- How much was spent towards the comfort and convenience of third class passengers, giving details of the amount spent?

Colonel W. D. Waghorn: (a) The total gross receipts from third class passenger traffic on the North-Western Railway during 1920-21 amounted to Rs. 4,76,57,000. It is regretted that no answer can be given to part (b) of the question, since expenditure on railway working is incurred in the general interests of the public and it is impossible to specify what proportion is in the interests of a particular class of passenger.

GRANT OF LICENCES UNDER ARMS RULES.

329. Makhdum Sayad Rajan Baksh Shah: Will the Government please say how many Europeans and Eurasians have been granted licences of guns and pistols and how many Indians have been granted such licences under the New Arms Rules?

The Honourable Sir William Vincent: The total number of licences for firearms granted to Europeans, including Anglo-Indians and Indians, during 1920, were 28,975 and 1,29,346, respectively. Separate figures for guns and pistols are not available, but they are being collected and will be supplied to the Honourable Member when received.

GOVERNMENT AID TO CHRISTIAN AND NON-CHRISTIAN PLACES OF WORSHIP.

330. Makhdum Sayad Rajan Baksh Shah: (a) Is it a fact that the Government gives financial aid to Roman Catholic and Protestant Churches in each district or Central Headquarters? If so, will the Government please state the total amount of grant-in-aid given in each Province on this account?

(b) Similar information may also please be supplied in case of mosques and temples?

Mr. H. Sharp: (a) The rule is that upon certain terms Government contributes towards church accommodation at the chief civil station of a district where there are at least 25 European British-born subjects in the general service of Government and where no suitable church provision for them already exists. Information is not available regarding the total amount so spent in each province. But the Finance and Revenue Accounts of the Government of India for 1919-20 show that expenditure from Imperial funds in connection with ecclesiastical buildings was Rs. 3,89,043 upon works and repairs. This sum, however, includes expenditure on military churches, churches maintained by State Railways and Government cemeteries.

(b) Non-Christian places of worship have been and are financially assisted by the State, through grants of land and alienations of land-revenue made for religious purposes and to some extent through expenditure for archaeological purposes. The amount so spent on mosques and temples cannot be ascertained but is undoubtedly very large.

EUROPEAN, ANGLO-INDIAN AND INDIAN POPULATION OF INDIA AND RATES OF PAY.

331. **Makhdum Sayad Rajan Saksh Shah:** (a) What is the total population of Europeans and Anglo-Indians in India and how many of them are in Government service getting Rs. 100 and above?

(b) What is the total Indian population excluding the European and Anglo-Indian population and how many of them are in Government service getting Rs. 100 and above?

The Honourable Mr. W. M. Hailey: Statistics of population are given in the Census reports; and the Central Government has no details of the totals of the establishments of the classes named maintained in the different provinces.

PURCHASE OF STORES BY THE HIGH COMMISSIONER FOR INDIA.

332. **Mr. B. S. Kamat:** (a) With reference to a recent speech by the Honourable Sir Thomas Holland, addressed to the Committee of the Indian Merchants' Chamber and Bureau at Bombay, assuring the Chamber that in the matter of the purchase of stores the High Commissioner may be trusted to safeguard the interests of India, have the Government of India noticed the report of evidence of Sir William Meyer, the High Commissioner, before the Railway Committee in England in which that official is said to have admitted that he has been purchasing stores for India from British firms although the same were obtainable from Continental manufacturers at cheaper rates? Will the Government be good enough to explain in full the situation?

(b) Will the Government of India be pleased to place on the table a list of orders for stores placed by the High Commissioner for India during the first six months since his appointment, respectively, in the United Kingdom, on the Continent of Europe, in the United States, and in Japan? Will Government further specify in which cases and to what extent orders for stores were placed in the United Kingdom notwithstanding the fact that the quotations from foreign countries were lower?

Mr. A. C. Chatterjee: (a) The Honourable Member is referred to the answer given by me to Question No. 229, asked by Sir P. S. Sivaswamy Aiyer.

(b) I am unable to place on the table a list of orders for stores placed by the High Commissioner in the United Kingdom. The statements, however, which have been laid on the table already will give the Honourable Member the information he requires regarding the extent to which orders for stores have been placed in the United Kingdom notwithstanding the fact that the quotations from foreign countries were lower.

ORDERS FOR STORES IN THE UNITED KINGDOM.

333. **Mr. E. S. Kamat:** (a) Will Government be pleased to state the total amount of orders for stores, with their value in sterling, placed during the first six months of the calendar year 1921, or such period thereof for which figures are available, in the United Kingdom, by Government Departments both Imperial and Provincial, as well as by other authorities such as Port Trusts, Improvement Trusts, Railways, Development Boards, Corporations, etc.?

(b) Are Government aware that there is a wide-spread feeling of public opinion in Bombay in commercial circles that the placing of such orders in the United Kingdom at this juncture is a deliberate method of helping British industries irrespective of any effects on India's imports and exchange?

(c) Will Government be pleased to state if they propose to take any steps in the direction of restriction of imports generally?

Mr. A. C. Chatterjee: (a) I am unable to give the full information required by the Honourable Member, but I would refer him to the reply given to his previous Question. I may add that the rules for the supply of articles for the public service do not apply to Company railways, or to such public bodies as Port Trusts, etc., and I am not in any case, in a position to state the amount of stores ordered by those bodies.

(b) The Government of India are aware that an opinion has been expressed in Bombay in the direction indicated.

(c) The Government of India would not be willing to impose any restrictions of the kind suggested by the Honourable Member.

INDIAN INVESTORS AND STERLING LOANS.

334. **Mr. B. S. Kamat:** (a) Was an assurance given by the Secretary in the Finance Department in one of his letters to the Indian Merchants' Chamber, Bombay, to the effect that opportunity would be given to Indian investors in future to subscribe to Sterling Loans?

(b) Was not this assurance ignored when the 7 per cent. Sterling Loan of the Calcutta Port Trust was sanctioned?

The Honourable Mr. C. A. Innes: The assurance to which the Honourable Member refers is presumably that contained in the following sentence in the Government of India's letter of the 7th May 1921, to the Indian Merchants' Chamber and Bureau:

'The Secretary of State will, however, consider, on the occasion of the next loan, whether in the event of the early closing of the lists special consideration can be given to persons in India, as he recognises the desirability of giving residents in India a similar opportunity, as far as practicable, of subscribing to that open to persons in the United Kingdom.'

Those remarks, however, refer solely to the Government of India's own Sterling Loans. The primary concern of the Secretary of State and the Government of India in controlling issues like that of the recent Sterling Loan of the Calcutta Port Trust is partly to satisfy themselves of the Port Trust's ability to meet the services of the proposed loan and partly to see that the terms and dates of the loan are not such as would embarrass Government's own borrowing operations.

INDIANS, ANGLO-INDIANS AND EUROPEANS ON STATE RAILWAYS.

335. **Khan Sahib M. M. Ikramullah Khan :** (a) Will the Government be pleased to state the number of Indians and Anglo-Indians (or Europeans) respectively in the following subordinate services of each State Railway in India :

- (i) Loco. Foremen.
- (ii) Loco. Inspectors.
- (iii) Loco. Pump Inspectors.
- (iv) Carriage Inspectors.
- (v) Traffic Inspectors.
- (vi) Permanent-way Inspectors?

(b) How many Indians are there in the officers' grades in the Loco. and the Carriage Departments of these State Railways and what is their proportion to the number of European officers?

(c) What is the ratio in recruiting of the Indian Permanent-way Inspectors to that of the European or Anglo-Indian Permanent-way Inspectors on these State Railways?

(d) Will the Government be pleased to consider the advisability of appointing Indians where there are none and more Indians where the number is not equal in all the above services of the State Railways?

Colonel W. D. Waghorn : (a) The information will be found in the statement placed on the table

(b) At present there is only one Indian in the officer's grade of the Locomotive and Carriage Department, State Railways. As regards the steps being taken to increase the number of Indians I would refer the Honourable Member to my reply to Mr. N. M. Samarth's Question No. 84 in this Assembly.

(c) The actual number of apprentice Permanent-way Inspectors on the North-Western Railway is, Europeans and Anglo-Indians 18 and Indians 13. Four more Indians are to be taken on as apprentices this year. On the Oudh and Rohilkhand Railway, the ratio is 2 Indians to one European and Anglo-Indian. On the Eastern Bengal Railway, there is no fixed ratio. At present there are 18 Assistant Permanent-way Inspectors, of whom 13 are Indians, and 24 Apprentice Permanent-way Inspectors of whom 15 are Indians.

(d) Appointment depends entirely on a man's qualifications. The man best fitted is appointed to fill a vacancy irrespective of his nationality.

Designation.	Europeans and Anglo-Indians.	Indians.	Total.
Loco. Foremen ...	N. W. 41 O. & R. 26 E. B. 13	... 9*	41 35 13
Loco. Inspectors ...	N. W. 10 O. & R. 2 E. B. 5	... 2	10 2 5
Loco. Pump Inspectors ...	N. W. 3 O. & R. 1 E. B. 1	... 1	3 1 1
Carriage Inspectors ...	N. W. 11 O. & R. 13 E. B. 8	31†	44 9 49
Traffic Inspectors ...	N. W. 44 O. & R. 10 E. B. 13	22 3 3	32 16 123
Per. Way Inspectors ...	N. W. 57 Temp. 2 Offg. 1 Prob. 8 O. & R. 21 E. B. 25	66 (Offg. 12 (Prob. 2)	4 25 34

EUROPEAN, ANGLO-INDIAN AND INDIAN SUPERINTENDENTS ON STATE RAILWAYS.

336. **Khan Sahib M. M. Ikramullah Khan :** (a) Will the Government be pleased to state how many Superintendents are there of European and Anglo-Indian nationality and how many of Indian nationality in the various administrative offices of each State Railway?

(b) Is there any differentiation in their respective grades of pay, and, if so, why?

(c) How many Indian clerks have during the last 10 years been raised to the position of office Superintendents and how many outsiders have been brought in, to supersede the Indians?

Colonel W. D. Waghorn : (a)

	Total number.	European and A. I.	Indians.
North Western Railway ...	7	6	1
Oudh and Rohilkhand Railway ...	4	3	1
Eastern Bengal Railway ...	5	4	1

(b) There is no differentiation in their respective grades of pay.

(c) On the North-Western Railway during the last 10 years six Indians have been appointed as Office Superintendents, five have since retired. In the Locomotive Department three European or Anglo-Indian outsiders were brought in as they were considered better qualified for the appointment. In the Traffic Department two Europeans were brought in over the heads of Indians in consideration of their larger experience.

On the Oudh and Rohilkhand Railway one Indian was promoted to Office Superintendent. One European was appointed from outside (in the Traffic Department) as there was no one else qualified to hold the post.

On the Eastern Bengal Railway two Indians have been promoted to Office Superintendents. No Non-Railway outsiders have been brought in to fill up such posts.

PRIVILEGE PASSES ON NORTH-WESTERN RAILWAY.

337. **Khan Sahib M. M. Ikramullah Khan:** (a) Is it a fact that the issue of privilege passes to the staff of the North-Western Railway has been considerably restricted since the end of the war and, while the officers have been more liberally treated, the Subordinate Service has been hard hit and therefore much discontented?

(b) Will the Government be pleased to consider the advisability of removing this discontent by reverting to the *status quo ante*?

Colonel W. D. Waghorn: (a) and (b). In the matter of the issue of privilege passes Gazetted Officers on the North-Western Railway are in the same position as they were before the war, except that they have been allowed the additional concession of passes to include two additional dependent relatives, which has also been allowed to subordinate officials. While there have been some changes as regards the number of issues and class of passes in the case of subordinate officials, the rules have been made more liberal in other respects, such as the removal of the mileage limit which was in force previously, and the issue in favour of two dependent relatives already mentioned. The rules in respect of the class of passes issued to individuals on a salary basis, had to be revised on account of the all-round increase of wages, and to prevent the upper class accommodation on trains being swamped by pass-holders to the discomfort and inconvenience of the public; and advantage was taken to reconsider and regulate the number of passes issued as it was found that the existing rules were being abused.

SETTLEMENT OF CLAIMS BY THE NORTH-WESTERN RAILWAY.

338. **Khan Sahib M. M. Ikramullah Khan:** (a) Will the Government be pleased to state what is the average period of settlement of each claim of the public by the North-Western Railway?

(b) Will the Government be pleased to devise some more expeditious means in the matter?

Colonel W. D. Waghorn: (a) A statement showing the average time taken recently in the settlement of claims on the North-Western Railway is laid on the table.

These figures were received before the close of August and do not therefore include the percentage of claims settled during that month. It may, however, be said that over 70 per cent. of the ordinary claims preferred are now settled within 3 months of receipt. It is not possible to dispose of all cases so promptly, as some, from their nature, required more time for inquiry and settlement. Generally speaking, few cases remain unsettled after 6 months.

(b) The desirability of settling claims as expeditiously as possible was brought to the notice of Railway Administrations in March last and the statistics obtained at the time in this connection did not show that the North-Western Railway compared unfavourably with other railways. The figures

furnished in reply to the first part of this question already indicate an improvement and Government do not propose to take any further action at present.

Statement showing the average time taken on the North-Western Railway in settlement of claims.

Month.	Number of claims received.	Percentage settled during the same month.	Percentage settled by end of following month.	Percentage settled by end of next following month.
May 1921	4401	25	52	72
June 1921	4012	22	53	...
July 1921	4028	34	...	...

MR. HESELTINE'S APPOINTMENT AFTER RETIREMENT.

339. **Khan Sahib M. M. Ikramullah Khan:** (a) Will the Government be pleased to state on what post Mr. Heseltine, late Accountant General, has been employed since his retirement and under what circumstances?

(b) What are his duties?

(c) What is the total expenditure incurred since his appointment in this connection, including that of his staff, travelling allowances, haulage charges of his saloon, etc.?

(d) Has this expenditure been compensated by the savings, if any, which he has effected and, if so, how?

Colonel W. D. Waghorn: (a) and (b). In view of Mr. Heseltine's special qualifications for the purpose, he was employed under the Railway Board from 7th November 1918 to 15th December 1919 in reorganizing the offices of the Agents, North-Western, Eastern Bengal and Oudh and Rohilkhand Railways and of the Loco. Superintendent and District Loco. Superintendents, North-Western Railway. From 16th December 1919 to 31st August 1920, Mr. Heseltine was detached from his special railway duty and worked on

- (1) the Stores Purchase Committee,
- (2) the Telegraph Inquiry Committee,
- (3) the Postal Inquiry Committee.

From 1st September 1920 to 22nd July 1921, Mr. Heseltine was again employed under the Railway Board. During this period he was engaged on an inquiry into the rates of pay of the staff of the various railways and investigated the claims of the subordinate staff to further increases and concessions. He also brought to notice variations in scales of pay and terms of service with a view to obtaining some co-ordination.

(c) The total expenditure incurred on the employment of Mr. Heseltine, and office staff, under the Railway Board is :

First period ...	...	...	...	...	Rs. 44,564
Second period...	...	...	...	...	65,900
Total ...					1,10,464

(d) During the first period of his employment by improving the system of office working, which cannot be measured in rupees, he effected a substantial reduction in staff thereby saving Rs. 1,34,000 a year at the then existing rates of pay.

After investigating the claims of the subordinate railway staff, Mr. Heseltine submitted a report of great value which shows clearly that there is no case for further increasing pay generally at the present time and that railway men are as well-off as their fellows in other departments or in private employ.

DELAY IN PAYMENT OF SALARIES, NORTH-WESTERN RAILWAY.

340. **Khan Sahib M. M. Ikramullah Khan:** (a) Is it a fact that the superior staff of the North-Western Railway, with the exception of those at the Headquarters, are paid their salaries 10 days after expiry of the month and the menial staff 20 days after expiry of the month?

(b) Will the Government be pleased to consider the advisability of disbursing the salaries and wages of the staff immediately on expiry of each month?

Colonel W. D. Wghorn: (a) It is a fact that the payment of salaries and wages to the staff on the North-Western Railway are made on dates varying between the 1st and about the 20th of the month following that to which they relate—a procedure similar to that which exists on every railway in India. Except in the case of new entrants, this arrangement involves no hardship as it is arranged that a particular class of employes should receive payment on or about the same date every month.

(b) The question of devising a scheme aiming at subordinate employes of State Railways receiving their wages for a month during the first seven days of the following month has been under the consideration of the Railway Board for some time past and some experimental measures to achieve this end are at present under trial. There are, however, practical difficulties in introducing any great advance in the dates of payment of all salary and wages bills, involving as it does the employment of a large additional staff in the Audit and Pay Departments and the concentration of audit and payment of bills to a certain small portion of a month, leaving the audit and pay staff with insufficient work during the rest of the month—an arrangement not in the interests of economy in Railway management.

ALLOTTED DAYS FOR VOTING ON SUPPLEMENTARY GRANTS.

Mr. President: I have to announce that the 22nd and 23rd of September have been allotted for the voting on Supplementary Grants.

STATEMENT OF GOVERNMENT BUSINESS.

Mr. President: I wish to ask the Leader of the House whether he is in a position to state the Government business for the 22nd September.

The Honourable Sir William Vincent: Sir, on the 22nd September the following Bills will probably be taken into consideration :

- (1) The Bill to facilitate the enforcement in British India of maintenance orders made in other parts of His Majesty's Dominions and Protectorates and *vice versa*, as amended by the Select Committee.
- (2) The Bill further to amend the Indian Penal Code as amended by the Select Committee. The Report of the Joint Committee on the Indian Factories (Amendment) Bill will also be presented.
- (3) The Bill further to amend the Indian Limitation Act, 1908, will probably be re-committed to Select Committee, if the Assembly consents to that course, and the Bill to consolidate and amend the law relating to income-tax and super-tax will also be referred to a Joint Select Committee on the same understanding.

Mr. Chatterjee's Resolution regarding the establishment of a Chemical Research Institute at Dehra Dun will be discussed.

ELECTION OF DEPUTY PRESIDENT.

Mr. President: In accordance with the announcement previously made, I am now prepared to receive nominations for the election of the Deputy President. I have already received the following nominations, in due form proposed and seconded with the nominees' assent :

Mir Asad Ali Khan Bahadur,
Dr. H. S. Gour,
Rai Bahadur Jadu Nath Majumdar,
Sir Jansetjee Jejeebhoy.

I am not sure, but I think another nomination may have been sent in.

Mr. T. V. Seshagiri Ayyar: Sir, as regards the procedure for election of a Deputy President, may I ask you whether it will be by process of elimination?

Mr. President: Are there any further nominations?

Then I appoint the ballot for the election of one of those now nominated to be taken immediately after questions on Wednesday, the 21st of this month. The manner in which the election will be conducted will be conveyed to each Member of the Assembly in an announcement which is now being printed but which will be in the hands of Members in a few hours.

THE INDIAN ELECTRICITY (AMENDMENT) BILL.

Mr. A. C. Chatterjee: Sir, I beg to present the report of the Joint Committee on the Bill further to amend the Indian Electricity Act, 1910.

THE CARRIERS (AMENDMENT) BILL.

The Honourable Mr. C. A. Innes: Sir, I move.

That the Bill further to amend the Carriers Act, 1865, in order to empower the Governor General in Council to make by notification additions to the Schedule to that Act, and to free a common carrier from liability under that Act for loss or damage, arising from the negligence of himself or of any of his agents or servants, in respect of any property, which, being of the value of over one hundred rupees and of the description contained in the Schedule to that Act, has not been declared in accordance with the provisions of Section 3, be taken into consideration.

[Mr. C. A. Innes:]

When I introduced this Bill, Sir, on the 5th September last, I explained fully the reasons which have led Government to initiate this legislation. I do not think I need do anything more at the present stage. I move, Sir, that the Bill be taken into consideration.

The motion was adopted.

The Honourable Mr. C. A. Innes: I move, Sir, that the Bill be passed.

The motion was adopted.

THE INDIAN LAC CESS BILL.

The Honourable Mr. C. A. Innes: I move, Sir.

'That the Bill to provide for the levy of customs duty on lac exported from British India be taken into consideration'.

Here, again, Sir, I have explained already in my introductory speech the reasons why we have introduced this Bill. At the present moment I have nothing further to add.

The motion was adopted.

Mr. B. S. Kamat: Sir, there are a few features of this Bill on which I wish to offer a few observations. I am glad Government are trying to develop the lac industry. The only question is whether, in trying to do so, they are proceeding on the right lines and in the right way.

In order to carry on research for the development of the lac industry it is proposed by Government to set up a Research Association. On the last occasion, the Honourable Mr. Innes told us that the formation of this Association would be on democratic lines and that persons concerned in the lac industry, both shippers, manufacturers and brokers, were unanimous with reference to the formation of this Association, and about this legislation in general. However, I have my own doubts on two or three points of principle. I believe this legislation is introducing one or two features of an unusual character to which it is necessary to draw the attention of this House.

Government propose to levy a cess, but the unusual feature to which I wish to draw the attention of the House, is this: Instead of crediting the whole of the collections of this cess to Government Treasury, in the first instance, what is proposed to be done is to transfer it straightaway from the Collectors of districts to this Association at once. Now, I don't know why Government wish to adopt this novel procedure. Whenever a cess is levied, whether it is a tea cess or an indigo cess or a shellac cess, I believe the right procedure ought to be to collect the whole amount and credit it to Government Treasury, and then it would be the duty of Government to give, by way of a subsidy, or by annual grants, any amounts for the furtherance of research, so that the Legislative Assembly might have some sort of control, by means of their vote at the Budget, over the subsidy or over the grant as the case may be. What is proposed to be done at present is that the collections will be transferred straightaway and at once from the Collectors of districts to this Association for its objects. I think the House like myself would like to have an explanation from the Honourable Mr. Innes why it is proposed to do this.

Secondly, instead of bringing under Government control not only the amounts collected but also any measures for research which the Association may take, what is proposed to be done by Government is to allow this Association to adopt any measures they like at their own sweet will. In one of the

sections of this Bill we are told that the Association will be at liberty to adopt 'such measures as the Association may consider advisable' to take for the promotion of improved methods of cultivation of Lac and also the manufacture of Lac. Here again, I think we ought to know for instance, from year to year, what this Association is doing, what particular line of development they have adopted, what research officers they are employing, what are the qualifications of those officers and under what tenure they hold their office in order to carry on their researches. The Honourable Mr. Innes, so far as I know, has not told us what shall be the machinery for the employment of the research officers and what shall be their duties. I take it that the Association will select and appoint their own officers, but I do not think the Association should be given a *carte blanche* in this matter, as also in respect of the line of research they will pursue, without an opportunity to the Assembly to know what the Association is doing. That is the second feature to which I wish to draw attention. I do not mean to say that I object to the Bill, but I do say that further light is necessary before this House can pass this Bill.

Then, again, regarding the constitution of this Association, I do not think we have all the details that are necessary. We have simply been told that this Association will consist of members representing European and Indian shippers, manufacturers and brokers. We do not know to whom the membership will be open, nor do we know on what lines all these representatives will be chosen, or who the Secretary will be—what will be their salaries or their functions. In all these things, I believe, it is necessary for the Honourable Member to tell the House what it is proposed to do, so that we may pass on to the further consideration of the Bill. It is true that Government have provided a safeguard in that the amounts which will be handed over to this Association throughout the year from month to month by each District Collector will be subjected to an audit. But I do say that this audit will be a sort of *post-facto* affair, that is to say, the Association will throughout the year first spend the money and then the Auditor—perhaps at the end of the year—is to sit in judgment and tell us whether those amounts have been spent properly or not. I do not think that is the right procedure. We ought to know in the first instance how they will spend the money. The auditor will only know after the amounts have been spent and it is no use taking objection after they have been spent.

There is a further point with reference to Sections 2 and 6. It is this: The Association, at the end of five years, may recommend to the Viceroy whether its life is to be prolonged or not. I do not like this feature of the Bill. It means that the Association itself will sit in judgment at the end of five years upon its own work and declare whether it has done useful work or not, and will then recommend to the Viceroy whether its life is to be prolonged.

On all these grounds I think it is necessary that this Bill should be discussed further in Select Committee and these different features thrashed out; after that, we can pass on to the passing of the Bill. Until these things are taken up and discussed properly, I do not think we should be in a hurry to pass the Bill at this meeting this morning. I believe it is necessary on these grounds, to send the Bill to a Select Committee.

Mr. B. Venkatapatiraju: Sir, I have given notice of a similar amendment that this Bill should be referred to a Select Committee. The previous speaker, Mr. Kamat, has pointed out some of the objectionable features of the Bill, but I want to take another course. I want to point out to the Assembly whether it is desirable that the Government of India should abrogate its

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functions and give up its powers with reference to this lac industry to a private body. That aspect also should be considered and thrashed out in the Assembly. The only reason given by the Honourable Mr. Innes on the occasion when he introduced this Bill was that we have done similar things with reference to the Indian Tea Cess Act. But I believe that the Indian Tea Association was in existence for a long time before any cess was imposed for that purpose. The matter was only brought before us in the year 1921, and it was then only a matter of changing the duty to be levied. That, I venture to submit, is not a very useful precedent to follow on the present occasion. Also most of the shares were held by European capitalists, and it was a longstanding institution.

That was a longstanding institution, and we can safely rely upon that. On the other hand, I do not know how the present Lac Association came into existence. It sprang up all of a sudden on the 12th September in order to receive this bonus of not less than Rs. one lakh at our hands. Well, the Government of India introduced a similar Act, I mean Act III of 1918, for Indigo improvement, and what they have stated there is 'to provide funds for the promotion of research in the interest of indigo in India' and so forth. The Act III of 1918 says :

'Whereas it is expedient to levy assessment... from British India, there shall be levied a cess of a rupee a maund and the proceeds of the cess collected shall be applied to meet the cost of such measures as the Governor General in Council may consider it advisable to take for promoting research in the interests of the Indigo industry in India.'

Why should we not follow the same course with reference to lac industry? Why should not the money be ear-marked for the purpose of improving the lac industry and why should we leave the matter in the hands of a private Association whose movements we cannot control or whose vouchers we cannot check. If it was a matter in the hands of the Government of India, it would have been open to the Members of the Assembly to question the policy, to suggest remedies and to point out defects, if any, from time to time, but as it is, we do not know who represents the new Association, who started it, and how it is constituted. Even the Honourable Mr. Innes has not thought it fit to place this information in the hands of the Members of this Assembly. Another statement made in the Objects and Reasons is that persons interested in the lac industry were consulted. Now who were those persons? We do not know whether the Local Governments were consulted and what their opinion is, because Industry is a Transferred Subject, and we have a Research Institute at Dehra Dun to help the Provincial Governments and to co-ordinate their efforts. We have also appointed temporarily with regard to several industries, tanning experts, and cellulose experts, and so I do not see why we should not appoint an expert on lac industry also. Whether this Association will only do propaganda work, whether they will be able to introduce any useful industry in this country such as the purification of lac instead of sending the raw product to other countries and getting it back purified at an extra cost, all these things should very well be considered. I would, therefore, suggest that the whole question be referred to a Select Committee instead of hurrying through the measure, and I would also suggest that we should levy the tax from the 1st April next. I think the Council will probably meet in January next, and we can then settle the business. There does not appear to be any hurry in the matter at all and nothing will be lost if this Bill is postponed till the 1st of April, that is the next official year. I

therefore earnestly appeal to the Members of this Assembly that they should all press on the attention of the Government that this Bill should not be passed through the Council in such haste and that it should be committed to a Select Committee so that the whole matter can be carefully considered.

Mr. E. L. Price : Sir, I am sorry to have to oppose the two Honourable Members who have just spoken. If I do so, it is because I think that they are taking quite a wrong notion of the functions of this House. I knew once a man, the head of a large business, who never had the capacity of delegating any functions that he might possibly perform himself to anybody. It was a common jest that even if a postage stamp had to be put on a letter he wanted to stick it himself. The end of it was that the poor old gentleman not only ruined his business but died of over-work, and I feel that the way these Members suggest we should look after things, is going to impose a similar fate on this Assembly. It seems to me that the Government, in proposing to hand over the administration of the Fund to an Association which understands the industry and to give them a reasonable space of time, are doing an eminently reasonable thing, because such scientific research and experiments will take time, and Government proposes to give them five years to see what they can do and then to have another look at the thing. By that means we are putting the whole affair into the hands of those most interested. It will be a most remarkable thing in the history of humanity if the Lac Association do not do their best. Why should they not do their best? It is their bread and butter. Not only this. I may say incidentally that the whole country benefits by their researches and the Association benefits most of all. Those are the people above all who should carry on research work and experiments, and not amateurs who know nothing about the business. So far Mr. Kamat pushed his desire for this Assembly to interfere and to have its finger in the pie, as far as I can understand him, he wants to have not only the audit of accounts guaranteed by the Bill, apparently he wants an audit before the accounts are made up!

Then, again, Mr. Raju took the line that this trade was getting a bonus from this Assembly. I suggest that they are getting nothing of the sort. We are merely legalising for them a machinery by which they may collect money from one another for this purpose, and the object might be equally well carried out if every member of the industry would agree without our sanction to pay a subscription at the rate of four annas a maund. But you know perfectly well that when you leave subscriptions to voluntary effort people do not subscribe equally, and it is highly probable that some people would not meet their share. To make sure that everybody does the fair thing by the Association, we regulate that everybody pays his four annas, and I do suggest that the Government's plan is an eminently sensible one as it stands to develop the industry greatly to the benefit of the country in a most reasonable way, and that this Assembly cannot possibly put its finger into a scientific, experimental business of the development of lac in our forests, and that we had much better leave the business to those who understand it. At the end of five years, if they have not done very well, we will see about it, but I think that they will require five years for experimental work of this sort, and I urge that the proposals of Government are eminently reasonable.

Rai J. N. Majumdar Bahadur : Sir, I am sorry I cannot agree with my Honourable friend, Mr. Price, in this matter. My Honourable friends, Mr. Kamat and Mr. Raju, have very sensibly proposed that the Bill should be

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referred to a Select Committee. There is no such urgency in this matter that we should pass the Bill in such haste. The Bill was introduced only the other day and is taken into consideration to-day, and I cannot understand what urgency there is in the matter that we should pass the Bill to-day. The objects of the Bill are no doubt very good, but there is no reason why we should not have more information about the Bill. It is certainly for the improvement of the lac industry and the cess will be levied on the exporters, but when we are legalising the machinery and when we are going to be a party to it, I think we owe a duty to ourselves to look into the matter carefully. I think my friend, Mr. Price, has misunderstood the objections urged by Mr. Kamat and Mr. Raju, because they are not against the Bill. They only wanted to have more information about the matter and that the Bill should be referred to a Select Committee so that the whole question may be thrashed out. For instance, there are many Government research laboratories, and I think they are in a much better position to conduct the research about lac in some of their own laboratories instead of a body of merchants.

The money will be in the hands of the Government; where is the harm? Of course, I do not say that their recommendations will be finally accepted. But I think the House has a right to know how the money is going to be spent, who are going to spend it, what are their credentials? We do not know anything about it. And therefore I think Mr. Kamat very sensibly and rightly asked Mr. Innes to enlighten us on the matter, and, if the House is satisfied that there is every chance of the provisions being carried out for the object for which it is intended, I think the House will be glad to pass the Bill to-day, but we want more information, and I think Mr. Price has no right to question whether this House might not be prepared to resign their right. We have been resigning everything to the hands of others. We are more or less an advisory body here, and the men who have been resigning everything have no choice but to resign in this matter also.

The Honourable Mr. C. A. Innes: Sir, perhaps I may help to bring this discussion to a close by saying, that if there is any desire on the part of the House that this Bill should be referred to a Select Committee, the Government have no objection at all. The only hope that the Government have is that this House and the Council of State will pass this legislation if possible this Session.

There are one or two remarks, however, to which I should like to refer before I sit down. In the first place, we have been accused of trying to rush this legislation through the House. Nothing was further from our thoughts than that. The Government is often accused of undue dilatoriness in dealing with matters put up by the business community. Now, what has happened in this case? And this enables me to refer to Mr. Venkatapatiraju's accusation that I did not tell him the history of this Bill. I thought I had told him the history of the Bill in my introductory speech. What happened was that the report of Mr. Lindsay and Mr. Harlow was published only in May. In June, Sir Thomas Holland and I were down in Calcutta. We took the opportunity of meeting the representatives of the lac trade in Calcutta and the point the House has got to remember is that the lac trade—the merchant part of the trade, is concentrated almost entirely in Calcutta. As far as I know, no other port exports lac in any quantity. Sir Thomas Holland met these gentlemen. He referred them to the proposed lac cess and pointed out that it was not a proposal which Government

could take up of itself; it was for the trade first to move. And, following the precedents in this matter, the condition he laid down was that they must show the Government that the trade was at one in the matter. The trade took up that suggestion at once and, as I said in my introductory speech, they appointed a committee. That committee consisted of four Indian brokers and manufacturers and three shippers and European manufacturers. This committee set to work at once and formulated the rules of this Association. The Association was formed by the end of August and has now been registered, and the first thing the Association did when it met was to pass a unanimous Resolution that Government should introduce this legislation and impose this cess. Mr. Venkatapatiraju has complained that I have given you no information regarding this Association. I told you one material fact, namely, that any firm or individual trading in his own name directly connected with the lac trade as a cultivator, manufacturer, shipper, dealer or broker, was eligible for membership to the Association. That is to say, everybody connected with the trade can come into the Association. The next point is the management of the Association. It is to be managed by a committee and that committee is to be elected by various sections of the trade as follows: two members by Indian manufacturers, two by Indian brokers, two by Calcutta shippers, one by European manufacturers, and one by European brokers. Therefore, provision has been made in the Association rules not only for the representation of every section of the trade in the Association but also full representation of every section of the trade in the Amangement of the Association. Could more be done than that?

The next point that was raised was raised by Mr. Kamat. He said that the Bill presented unusual features. I am afraid I must deny that statement. The only reason why we ventured to try and push this legislation through the House in this Session was that the principle of legislation of this kind has already been accepted. It was accepted as far back as 1903 when we passed the Indian Tea Cess Act, and in drafting this Bill we were most careful to follow throughout the provisions of the Indian Tea Cess Act. Mr. Kamat said that it was an unusual feature in the Bill that clause 4 (1) of the Bill should empower the Collector of Customs to pay the proceeds of the lac cess after deducting the expenses of the cultivator to the Lac Association. As far as I remember, that clause is simply copied from the Indian Tea Cess Act. The actual wording is the same. The tea cess is collected by the Collectors of Customs and the net proceeds are paid over to the Tea Association.

The other question raised was the general question of principle, whether Government should undertake lac research itself or whether we should leave it to the trade. We preferred to leave this matter to the trade because we thought the trade might be allowed to undertake research in its own way. After all, what do we propose to do? We are merely allowing this trade to tax itself to a small extent. We are simply placing our machinery at their disposal. We collect the tax for them, we hand it over to them, we leave them to do what they like with it subject to the conditions of this Bill. The only safeguard we thought it necessary to make in the interests of the public was that their accounts should be audited, and their accounts should be published in order that the public and ourselves might see that the proceeds of the cess were not in any way being misapplied. There is another point to remember. What does this cess amount to? 4 annas per maund. The present price of T. N. shellac is Rs. 135 a maund. 4 annas per maund represents a cess of $\frac{1}{15}$ th per cent. It will merely become one of the handling charges of the shippers. It won't

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make the slightest difference in the price paid to the cultivators. If it makes itself felt at all, it will be passed on to the consumer in other countries.

I have just tried to explain, Sir, that we have no idea in any way of trying to hustle this House into hasty or ill-considered legislation. I myself rather doubt whether it is necessary to take this Bill, which has after all been framed on very familiar lines, to a Select Committee. I rather doubt myself whether it is necessary to make two bites at a cherry, especially at such a small cherry as this. At the same time, as I have said, in order to clear ourselves from the imputation that we are trying to hustle the House into this legislation, we have no objection to accepting Mr. Kamat's amendment.

Mr. Kamat's amendment that the Bill be referred to a Select Committee was put and carried.

Mr. President: Is the Honourable Member prepared to move the names of the Members of the Select Committee?

Mr. B. S. Kamat: I wish to have ten minutes' time to suggest the names.

Mr. President: If the Honourable Member will move the postponement of the motion, I am prepared to take it at the end of the business to-day.

Mr. B. S. Kamat: I move for the postponement of this motion until the end of the business for to-day..

Mr. President: Is the Honourable Member not ready with the names?

Mr. B. S. Kamat: I just asked for a few minutes and I thought the ruling of the Chair was that the whole thing will be taken up when the agenda for to-day has been finished.

Mr. President: I assumed in the Honourable Member's favour that he had the names ready.....

Mr. B. S. Kamat: I have not consulted any of these Members I have got and I want to get their consent before suggesting their names.

Mr. E. L. Price: Surely the Honourable Member's amendment is not in order and is therefore null and void.

Mr. President: As regards the legality, no doubt the Honourable Member is right, but I am afraid I assumed that the Honourable Member was prepared to move the names and I did not ask him whether he had an assurance of the willingness of the Members who were desirous of serving on the Committee. I must ask the Honourable Member whether he has secured the assent of the Members whose names he is moving.

Mr. B. S. Kamat: My difficulty is that I have not obtained the consent of the names which I wish to propose. If the Chair would give me a few minutes' time I would suggest the names of the Members. I have had no opportunity of consulting them because I never thought that this motion would be carried.

Mr. President: Order, order. I gave a ruling last Session on this point and I must abide by that ruling. It is perfectly true that the matter at issue is not of great importance, but if I were to allow an Honourable Member to do what I thought he should not do, I should be reversing a good precedent and setting up a bad one in its place. Therefore I must take the point raised by Mr. Price and declare that the decision just taken by the House is out of order.

Mr. B. S. Das: I beg to move:

"That in item No. 4* in the place of the last three words, that is, "taken into consideration" the following be substituted:

"circulated to the Provincial Governments for eliciting opinion of the public and commercial bodies thereon before the end of December 1921".

Mr. Harchandrai Vishindas: Sir, should not the Bill be passed first, the amendment having fallen through?

Mr. President: Order, order.

Mr. B. S. Das: Sir, If I remember aright, it was said by the Honourable Member in charge of the Bill the other day that lac is a monopoly of India, and in the absence of rivals in the field of cultivation I fail to understand how Research will improve the position and make the monopoly more firm and permanent. Let me not be misunderstood, Sir. I do not dispute that when we have the monopoly we should not strive to keep it, and keep it well in hand.

There are no clear indications in the Statement of Objects and Reasons as to which end the Association will devote their energies and the money placed at their disposal. It is doubtful if the establishment of lac factories in order to utilise the raw products of the country falls within their scope of work. There is a strong ever-growing feeling in the country that the country is being denuded of its raw products to be flooded by foreign finished goods at abnormally higher prices than the raw products themselves.

If I may venture to make a suggestion, I say, why not divert a good portion of the money to the establishment of lac industries in large lac growing centres and aid the Provincial Governments to that end?

It may be argued, Sir, that the paltry sum of a lakh of rupees as hinted by the Honourable Mover of the Bill, is too small to be diverted into so many channels. To this, I humbly suggest, that the growing price of lac within the last few years clearly proves that there is a great demand outside and that the industries consuming this material are assuredly making a great profit out of it. If I remember the Honourable Mover of the Bill aright, according to him the price of lac has gone up 300 to 350 per cent., that is, from Rs. 40 a maund to Rs. 130 or 135 a maund in the course of last four years. In view of this it would not be too much to raise the nominal duty of 4 annas and 2 annas a maund to one rupee and 8 annas. By this an income of four lakhs of rupees might fairly be anticipated. Making an allowance of a lakh of rupees in the direction of research, three lakhs could be kept in hand to effect agricultural and industrial improvements in that direction. Again the free and unrestricted export of lac from India, has ended in raising the price of lac fourfold in the course of four years and has caused great hardship to the small lac industries that are in the country. The bangle makers or *sankaries* as they are called in my part of the country have been the greatest sufferers. Next to them are the gold and silversmiths who use this material for embossing and other crafts. It would by no means be to the disadvantage of Industrial India to levy an export duty on lac, thus restricting its free export.

Turning to the industrial aspect of this question, I ask the Government to say what amount of sealing wax is consumed by them and the Provincial Governments in their offices. Surely not a very negligible sum or quantity. Again the stuff used there is surely not the crude Indian lac, but the finished

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product of this stuff first sent to and then brought from Germany, the United States, Japan and any other industrial centre outside India. We cannot insist upon Government offices to consume Indian lac. The plea put forward will surely be that the stuff obtained in India does not burn or melt properly nor does it allow an imprint of a good impression and that there are no lac factories worthy of the name and when private enterprise rises to the level of establishing them and produces articles of superior or equal merit the Government of India may see their way to use them in their offices. But, Sir, many a private industry has found an untimely grave for want of a proper motherly nurse. It is the Central Government that can stand in the place of a motherly nurse and prolong the lives of these industries, or give birth to an industrial child, just as it gave birth to this infant of Lac Association on the 12th September last. It is needless to remind this Assembly how the Government of Japan has helped to bring the industries of their country to the forefront of the world, so much so that other civilised powers are jealous of her growing industry and commerce. Cannot, Sir, our reformed Government move likewise? Can we not instead of purchasing gramophone records and other lac products from other countries, find ways and means to have them produced within our own borders?

Sir, when a matter like this fraught with great industrial possibilities is before the Assembly it is no use hurrying over it. Let the Provincial Governments in consultation with the industrial and commercial people have their say in the matter. Let the Assembly have sufficient time to think over whether it would be wise and safe to entrust the money obtained from this duty, to a private Association or an Association under Government patronage, no matter however noble its composition and personnel might be, or it would be better if the money be retained by the Central Government under the scrutiny of this Assembly to be ear-marked and devoted to extension of cultivation, research and establishment of lac factories and industries or to aid the chief lac growing provinces for the objects mentioned above.

It is with this object that I ask the Government to defer their judgment till the close of December and to obtain the opinion of industrial and commercial India, distributed through all the Provinces, and the opinion of the Provincial Governments themselves, together with their Ministers for Industries who are responsible to the people.

It may be said, Sir, that the opinions of the commercial people have been obtained. But I say that the opinions of the consumers in India, those who really consume lac in their industries, have not been obtained as yet. So I think it is necessary that this piece of legislation should be forwarded to the Local Governments for obtaining the opinions of the public bodies as well as the commercial and industrial societies: and I commend this amendment to the consideration of the Assembly.

Mr. President: The question is:

'That the Bill to provide for the levy of customs duty on lac exported from British India be circulated for the purpose of eliciting opinions thereon.'

Mr. J. Chaudhuri: Sir, I am sorry that I have got to oppose this motion. Time is very essential in this matter. We have been reading about attempts that are being made for the manufacture of synthetic lac to replace the ordinary natural process of obtaining lac in India. It is very essential that researches for the preservation of our local lac industry should be carried on at once. Of course, I would not have opposed Mr. Kamat's motion for referring

this Bill to a Select Committee, provided their opinion could be delivered upon the Bill during this Session so that the Bill might be passed before the close of it. While other nations are trying to oust us from this industry, which depends upon the natural resources of India, we should not be consulting all and sundry and cogitating and deliberating and taking up time in considering a simple Bill of this kind from Session to Session. By that time synthetic lac may come into the field as a formidable rival and oust us altogether. So I will not waste any more words but would appeal to the Assembly not to waste time over this Bill but to proceed to pass it into law at once.

Chaudhri Shahab-ud-Din: Sir, I also stand to oppose the amendment. By the levy of this cess, I think, the country will be developing the cultivation of lac considerably. At present, if I remember the figures aright, India produces altogether 7,30,000 cwts. of lac annually. About 20,000 cwts. which are produced in Assam might be added, and thus the total quantity produced by India now is about $\frac{3}{4}$ million cwts. India has practically a monopoly in this sense that Germany, Japan, America and other countries have tried to grow lac in their colonies, but they have failed. There is practically very little export of lac from outside India. Therefore, there is no harm in levying this cess and thus developing, by scientific research, the further cultivation and production of this commodity. For this reason, I, Sir, oppose the amendment, and strongly support the motion that the Bill be passed without any loss of further time.

The Honourable Mr. C. A. Innes: Sir, Mr. J. Chaudhuri and Chaudhri Shahab-ud-Din have already dealt faithfully with this amendment, and there is little more for me to say. The amendment proposes that the Bill should be circulated to Provincial Governments and to commercial bodies. Well, Sir, we have already consulted the Provincial Governments. We did not actually send them the Bill, but we sent them a letter at the beginning of August stating very clearly the lines on which we propose to legislate, and we asked them to let us know by the 25th August if they had any objection to the Bill. We have had replies from three of these Local Governments. The Government of Bengal agrees with the course of action proposed; also the Government of Burma, and the Government of the United Provinces takes no objection to the lines on which we propose to act. We have had no reply from the Governments of the Central Provinces and of Bihar and Orissa, which I may mention are the two Local Governments mainly concerned in the cultivation of lac, and having regard to the terms of our letter, we are entitled to assume that these Local Governments have no objection to the lines of the Bill. It has been suggested that we should refer it to commercial bodies. I see no reason at all, Sir, for accepting that suggestion. As I have tried to point out before, the lac trade is concentrated in Calcutta, and we have taken the most careful precautions to ascertain the feelings of the Calcutta section of the trade on this Bill. Another important centre of the lac trade is Mirzapur, where lac manufacture is mainly concentrated. Two members of the Mirzapur Association are on the Committee of the new Indian Association for research. We may assume, therefore, that Mirzapur, which is a centre of manufacture, is also in favour of the Bill.

The only other remark I have to make is that I think the Honourable Mover of this amendment is rather confounding two different things: he is confounding what we call an 'export cess' with an 'export duty'. An export cess, according to our terminology, is a cess which the trade places upon

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themselves and asks us to collect for them, and is purely a cess for the improvement of an industry in the way that the trade itself demands. An export duty, on the other hand, is a duty which goes to the Central Government for the Central Government's own purposes. The Honourable Mover suggested that in putting this Bill forward we had not consulted the consumer's interests. I presume he means that we ought to try and discourage the export of lac from India in order that lac industries may grow up in India. But that is not our intention in putting forward this Bill. Our intention is merely to give the lac trade a small amount of money—their own money, mind you—which will be collected by us in order that they expend it on scientific research and may guard against the danger which Mr. J. Chaudhuri has pointed out, namely, the danger of a synthetic substitute. The wisest course is to let the trade make a beginning in this way. I have no doubt that if their research is successful, it will encourage the development of lac industries in this country; and if they find that the cess works well, no doubt as time goes on, they may come forward and ask that the rate of cess may be increased. But for the moment I suggest that we proceed in the manner suggested by the trade itself. Sir, I oppose the amendment.

Mr. President: The question is:

'That the Bill to provide for the levy of customs duty on lac exported from British India be circulated for the purpose of eliciting opinions thereon.'

The motion was negatived.

Mr. President: The question is:

'That the Bill to provide for the levy of customs duty on lac exported from British India be taken into consideration.'

The Assembly divided as follows:

AYES—57.

Aiyer, Sir P. S. Sivaswamy.
Akram Hussain, Prince A. M. M.
Amjad Ali, Maulvi.
Asad Ali, Mir.
Ayyangar, Mr. M. G. M.
Ayyar, Mr. T. V. Seshagiri.
Barodawalla, Mr. S. K.
Bhargava, Pandit J. L.
Bradley-Birt, Mr. F. B.
Bryant, Mr. J. F.
Chaudhuri, Mr. J.
Clayton, Mr. H.
Cotelingam, Mr. J. P.
Crookshank, Sir Sydney.
Dalal, Sardar B. A.
Dentith, Mr. A. W.
Faridoonji, Mr. R.
Fell, Sir Godfrey.
Gajjan Singh, Sardar Bahadur.
Gidney, Lieutenant-Colonel H. A. J.
Ginwala, Mr. P. P.
Habibullah, Mr. Muhammad.
Hailey, the Honourable Mr. W. M.
Hassanally, Mr. W. M.
Ibrahim Ali Khan, Lieutenant Nawab.
Innes, Mr. C. A.
Iwar Saran, Munshi.
Jannadas Dwarkadas, Mr.
Jeyebhoj, Sir Jamssetjee,

Joshi, Mr. N. M.
Kabraji, Mr. J. K. N.
Lyle, Mr. D. R.
McCarthy, Mr. F.
Muhammad Hussain, Mr. T.
Mukherjee, Mr. J. N.
Percival, Mr. P. E.
Price, Mr. E. L.
Ramayya Pantulu, Mr. J.
Rangachariar, Mr. T.
Rao, Mr. C. Krishnaswami.
Rhodes, Mr. C. W.
Sapru, the Honourable Dr. T. B.
Shahab-ud-Din, Chaudhri.
Shahani, Mr. S. C.
Sharp, Mr. H.
Sim, Mr. G. G.
Sinha, Beghar Raghubir.
Sohan Lal, Bakshi.
Spence, Mr. R. A.
Subrahmanayam, Mr. C. S.
Thackersey, Sir Vithaldas D.
Townsend, Mr. C. A. H.
Ujagar Singh, Baba Bedi.
Vincent, the Honourable Sir William.
Vishindas, Mr. H.
Waghorn, Colonel W. D.
Zahiruddin Ahmed, Mr.

NOES—34.

Abdullah, Mr. Saiyed Muhammad.
Abul Kasem, Maulvi.
Agnihotri, Mr. K. B. L.
Ahmed, Mr. K.
Ahsan Khan, Mr. M.
Asjad-ul-lah, Maulvi Miyan.
Bagde, Mr. K. G.
Bajpai, Mr. S. P.
Barua, Mr. D. C.
Chaudhuri, Mr. N. N.
Das, Babu B. S.
Faiyaz Khan, Mr. M.
Girdhardas, Mr. N.
Gour, Dr. H. S.
Ikramullah Khan, M. M.
Jatkar, Mr. B. H. R.
Kamat, Mr. B. S.

Lakshmi Narayan Lal, Mr.
Majumdar, Mr. J. N.
Manmohandas Ramji, Mr.
Mitter, Mr. D. K.
Muhammad Ismail, Mr. S.
Nag, Mr. G. C.
Neogy, Mr. K. C.
Pyari Lal, Mr.
Reddi, Mr. K.
Sarfaraz Hussain Khan, Mr.
Singh, Babu Ambika Prasad,
Singh, Babu B. P.
Sinha, Babu L. P.
Sircar, Mr. N. C.
Subzposh, Mr. S. M. Z. A.
Venkatapatiraju, Mr. B.
Yamin Khan, Mr. M.

The motion was adopted.

Clauses 1 to 6 were then put and carried.

Mr. K. B. L. Agnihotri: Sir, I rise to move an amendment to clause 7 of the Bill. My amendment is to delete the first proviso which runs thus:

'Provided that the Governor General in Council may, on the recommendation of the Lac Association, declare by notification in the *Gazette of India*, that the said sections shall continue in force for any further period specified in such notification.'

Sir, I do not agree with my friend, Mr. Price, when he says that the powers of this Legislature should be delegated to the Lac Association or to the Governor General in Council. I agree so far that there may be emergent occasions when such powers may have to be delegated, but we cannot do that on all occasions and under all circumstances. Now this Bill will be in force for about 5 years. There will be a pretty long time before the Government to ask this Assembly for the continuation of the measure if they think it necessary. Why the Government should take the power from now to continue this Act after 1926, is beyond my comprehension. I therefore submit that this proviso should be deleted, and Section 7 should stand after the deletion of this provision. Another point is that, if we delete the first proviso, then it necessarily follows that the word 'also' in the second proviso should be deleted.

Mr. E. L. Price: Sir, it may remove any misconception of my view of things if I state plainly that I personally support this amendment. I am prepared, I admit, to hand over a series of technical experiments to a technical body for 5 years, but I do think it is a sound thing that at the end of that time the industry should come back to us and report progress for our approval.

The Honourable Mr. C. A. Innes: Sir, this proviso, like most of this Bill, is taken from the Indian Tea Cess Act, but I quite see the point raised by Mr. Agnihotri and confirmed by Mr. Price. I should like to point out, however, that Mr. Agnihotri's point will be met by an amendment which I understand Mr. Rangachariar is going to move, that is to say, he proposes to insert the words 'and with the previous approval of the Indian Legislature' after the words 'on the recommendation of the Lac Association.' I think that amendment will meet the views of this House, and I propose to accept it. I suggest, Sir, that Mr. Agnihotri should withdraw his amendment on the understanding that Mr. Rangachariar moves his amendment.

Mr. K. B. L. Agnihotri: I withdraw my amendment, Sir.
The amendment was, by leave of the Assembly, withdrawn.

Rao Bahadur T. Rangachariar: Sir, I move:

'That the words 'and with the previous consent of the Indian Legislature' be inserted between the words 'Association' and 'declare.'

The object has already been explained, and I need not add any words of my own.

Mr. President: The question is:

'That in the first proviso* after the word 'Association,' the following words be inserted:

'and with the previous consent of the Indian Legislature.'

The motion was adopted.

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

Clause 8 was added to the Bill.

The Preamble of the Bill was put and carried.

The Honourable Mr. C. A. Innes: I move, Sir, that the Bill as amended be passed.

The motion was adopted.

THE INDIAN INCOME-TAX BILL.

The Honourable Mr. W. M. Hailey: Sir, I beg to move for leave to introduce:

'A Bill to consolidate and amend the law relating to Income-tax and Super-tax.'

Sir, we are told that every family has a skeleton in its cupboard; Governments are no doubt subject to the same provision of nature; at all events I feel that I owe an apology to the House for bringing forward one of the skeletons of Government immediately after that feast of wisdom and flow of soul which we have just witnessed in regard to the Lac Cess Bill.

I have no doubt there are many people, Sir, who feel that they have heard enough of legislation about income-tax, and would be glad enough never to hear another word on the subject. But, Sir, that cannot be. It is not only that we are under an obligation to the general tax-payer to see that by no defect in our legislation should the income-tax-payer be enabled to escape the payment of his just dues. It is not only that—although the satisfaction of that duty, incumbent as it is upon Government, may not possibly add greatly to that widespread popularity which we know the Finance Department enjoys. (Laughter.) Sir, we have to go further than that. We have to secure the clearest definition in all clauses of our income-tax legislation, in order that we may secure only that the assessee should know exactly what obligations he has to perform, but also that we may not leave it in the power of the Collector himself to exact from that assessee one single pie more than the Legislature has intended. The utmost lucidity in expression, and the most careful adaptation and procedure is therefore necessary in order that the assessee may know both his obligations and his duties, and that is the reason why not only our Government but every Government from time to time finds it necessary to

* To clause 7 of the Bill.

bring its income-tax legislation up to date. Perhaps the income-tax, Sir, will never be very popular in this country or indeed in any country, but we have everything to gain from securing both certainty of assessment and ease of collection.

These are general remarks. Let me pass to the more precise purport of the Bill which I place before the House. Some time ago, Sir, we found that the Act required amendment in several respects. Let me take one case only. A High Court had ruled, that the meaning of the word 'income,' in the existing Act must be held to be confined to money actually or constructively received. That ruling would of course have resulted in great embarrassment and inconvenience to those concerns which keep their accounts on a mercantile accounting basis, which goes far beyond the mere statement of receipt or payment of cash. For that reason alone, we should have to contemplate an early amendment of the Act. Then, again, last March the Assembly expressed a strong opinion in favour of withdrawing from the Income-tax Collector the discretion which he now enjoys whether he should make a reference to the High Court at the request of the assessee or not. That was another case in which we should have been obliged to amend the Act, for I gave an undertaking last March that we would, as far as possible, give an unrestricted right of reference to the High Courts. Then, again, the House will perhaps remember that some time ago the Indian representatives came to an agreement with the Home authorities on the vexed subject of the collection of double income-tax within the Empire. They agreed, that in respect of income-tax levied both in the United Kingdom and in India, there should be deducted from the appropriate rate of the United Kingdom income-tax the whole of the rate of Indian income-tax charged in respect of the same income-tax, subject to the limitation that the relief given by the United Kingdom should not exceed one half of the rate of the United Kingdom income-tax to which the individual taxpayer might be liable. Under this arrangement, any further relief necessary would have to be given by India, and it is necessary that we should put before the House legislation giving effect to that agreement. I may say that it is not contemplated that at present this concession will involve any loss to the revenues of this country. I have given these facts as typical instances of the circumstances which in any case would have forced us to propose a modification of our existing Act. But when we came to examine closely into the Act we found that the requirements of the case, as a matter of fact, proceeded much further. We have now, as the House is aware, a growing expert staff; we have indeed lately made great efforts to increase both the quantity and quality of that staff. They, as the result of their experience of the working of the 1918 Act, pointed out to us many ways in which the Act required amendment in the interests not only of the State but of the assessee himself. We, therefore, proceeded to a thorough revision of the Act, but in doing so did not confine ourselves to consulting our own experts. We appointed local committees in each of the major Provinces, to put forward suggestions for the amendment of the Act and to consider as far as possible what form the exact amendments should take. I want to pay here, a tribute of gratitude to the many gentlemen who gave us the benefit of their advice and their experience while serving on these committees. We then collected the recommendations of the local committees, and we asked each committee to send representatives to Simla to constitute a Central Committee further to consider the reports. It is as the result of the deliberations of that committee,

[Mr. W. M. Hailey.]

which I think owes much to the guidance and the industry of my friend, Mr. Sim, that we now place the Bill before you to-day.

Well, Sir, so much for the reasons which prompted us to put forward a somewhat complete revision to the Act and for the procedure which we have adopted. I have given the Assembly the benefit of a very full Statement of Objects and Reasons attached to the Bill. I need here, therefore, only refer to one or two of our major propositions. Take the first. We propose to do away with the existing system of adjustment. That system, which was introduced in 1918, is no doubt an ideal procedure. A provisional assessment is made on the basis of the income of the previous year, and an adjustment is subsequently made when the full income of that year has been ascertained. But, like many ideal systems, it is difficult to work in practice. I know that it still has many supporters, particularly among chartered accountants; but our experience is that the ordinary assessee, even if he understands the system—and there are not many of them who do understand it—nevertheless heartily dislikes it. We propose, therefore, to amend the Act in this respect, returning to the old system of assessment on the previous year's income without adjustment. The second proposal is to do away with the distinction between registered and unregistered firms. I am not going into the somewhat long history that lies behind that distinction. The reason why we have decided to do away with the distinction is the difficulty felt by firms who have to produce evidence of partnerships in order to get the benefit of the existing law relating to registered firms. The effect of doing away with the distinction will be even more apparent in dealing with super-tax, for in this respect we propose simply to tax each of the partners of a firm to super-tax instead of taxing the firm itself. I come to a third point. As the House knows, the maintenance of our growing income-tax departments has become almost entirely a charge on the central revenues, and we think it right that those departments should be given a statutory position both in regard to the Central Government and also of course by implication to this House which has provided funds for their maintenance. But the case goes somewhat further than this. At present the law provides that Local Governments shall frame rules under the Act, interpret, and administer the Act. We have found a very general feeling throughout India that the making of rules, the administration of the Act and interpretation of the rules should be kept in the hands of a central body. It is felt on many important points, and I might instance here the rules relating to the depreciation of buildings and machinery, that there should be an identical procedure throughout India. We have found distinct dissatisfaction with the fact that the law is at present interpreted by a large number of chief revenue authorities, who, well acquainted as they may be with revenue law, have not, in every case studied very exhaustively the practice and law relating to income-tax. We therefore propose now to centralise the administration of the income-tax law and to issue all rules thereunder from the Government of India itself. But I warn the Assembly that if we were to carry out this work effectively, it will be necessary to appoint some central income-tax authority of our own. It is impossible for us to administer this great and growing subject from the Secretariat. We need an officer who can not only advise on the work of the provincial departments, but also remain in close touch with commercial bodies and with the interests mainly affected by the tax. That can only be done by a whole-time officer who has opportunities of touring throughout the year.

These then are our main proposals; I am not going to trouble the House with any further details except in one respect. I stated that it was necessary that we should have to amend our Act not only in the interests of the State but also in the interests of the assessee, and I shall merely give a short list of the points in which we believe that the Bill as now drafted by us will materially ease the burden of the assessee himself.

Mr. President: Order, order. If the list is really short, I can allow the Honourable Member to read it. The Honourable Member has had a certain allowance already over his time and I cannot allow very much more.

The Honourable Mr. W. M. Hailey: Then I do not propose to read the list. I regret that I did not observe the progress of time; and, in any case, full details of what I was about to give the House will be found in the Statement of Objects and Reasons. But if you will allow me, Sir, I will only make one remark in conclusion in reference to the form of the Bill that we have put forward. It is a Bill which provides for procedure and definition only. It contains no schedule of rates, and in itself therefore it imposes no taxation. The result of that is that the rates will every year have to be imposed and any important substantial changes will have to be effected through the medium of a Finance Bill, as in England. I need not point out to the House (particularly to those who have studied the history of Taxation Bills as passed by representative Assemblies) the full constitutional effect of the change we now propose to introduce; but I would ask the House to mark this aspect of the Bill because I think the recognition of its nature may perhaps influence their decision when I come at a subsequent stage to propose a reference to Select Committee. For the present I merely seek to introduce the Bill, undertaking at the same time that it shall be given a very wide circulation throughout the country in order that the House may have an opportunity of considering the criticisms put forward in the country when we take the Bill into consideration. This, I hope, we shall be enabled to do in the next Session.

The motion was adopted.

The Honourable Mr. W. M. Hailey: I now introduce the Bill.

THE INDIAN CONTRACT (AMENDMENT) BILL.

Dr. H. S. Gour: Sir, I rise to move for leave to introduce:

'A Bill further to amend the Indian Contract Act, 1872.'

and, in doing so, I should like the Honourable Members to correct a typographical error which occurs in the copy of the Bill which has been supplied to them. The amendment should be:

'30-A. An agreement whereby a person promises to give information or supply funds for the maintenance of litigation or actively to assist in the recovery of property in consideration of receiving a share of such property or of the proceeds of such litigation is void.'

As I have stated in the Statement of Objects and Reasons appended to this Bill, it is primarily intended to prevent gamble in litigation. Honourable Members will easily remember cases after cases which have attracted the attention of the Courts in which persons other than *bona fide* litigants are arrayed on either side to maintain suits in which they have no real interest

[Dr. H. S. Gour.]

beyond sharing the spoil of the litigation. The ordinary instance that I may present to the House is a zemindar who dies leaving valuable property. Speculators on either side come on the scene. One aids and abets the claimant and another undertakes to provide for the defence, and these outsiders stipulate with their respective clients for a share, sometimes a considerable portion of the estate, as their price in case of success; the result being that this litigation is carried on, not by the *bona fide* claimants themselves but by persons hired for the purpose, and the price for which these persons lend themselves out is a portion of the valuable estate. The Courts find that this kind of litigation is an encouragement of perjury, fraud and fabrication of evidence and documents and the real issues are masked in this legal game of battledore and shuttlecock with the aiders and abettors of litigation carried on in Court. In England, this species of gambling in litigation is suppressed by the criminal law and is an indictable offence. In this country, an effort has been made to suppress this species of gambling by bringing it under the general Section 23 of the Indian Contract Act as an agreement opposed to public policy. But it has been recently laid down by the Privy Council in I. L. R. 35 Cal. 420 that the English law of champerty and maintenance is not the same as the Indian law of unlawful contracts as opposed to public policy, and this has induced me to draft this small Bill with the object of bringing the Indian Contract Act into line with the English law. The Honourable Members will see that I have inserted a proviso to except from the operation of the rule a *bona fide* purchase of property in suit. The intention is not that any estate which is in suit should not be the subject matter of transfer. The object is to keep out an intermeddler in the suit, a person who is not interested in the result of the litigation but purchases a portion of the property as a recompense either for the assistance that he renders or for the money which he supplies and in this way interesting himself in the result of the litigation. He suborns evidence, fabricates documents and renders the litigation as obscure to the real issue as possible. I shall not detain the House any longer and I hope that this salutary measure of legal reform will meet with the acceptance of the House.

Mr. C. S. Subrahmanayam: Sir, I oppose the motion. The English law should not apply to India, and I think that the doctrine that these technical provisions of English law should not be allowed to apply to Indian conditions is very sound. If we begin to introduce this technical law into India, it will only result in another oppressive and fresh crop of litigation. At present the Courts have ample discretion in finding for themselves whether a particular contract with a litigant is good or not, reasonable or unreasonable.

In any event even if this becomes law, the Courts certainly have a certain amount of discretion, and after all it is a question of the surrounding circumstances and the conditions of the parties entering into the contract that will always have to be considered in the exercise of the discretion of the Court. If you introduce such a law into this country, there will be obvious disadvantages for people who have great difficulty in establishing their rights to property to which they are rightly and legally entitled. Now without outside help of money and of all things which go to work up a case, it is difficult here to establish a claim. In England, there is a large body of lawyers who under the rules regulating costs can in a way support litigation, I mean attorneys and solicitors, but in India such a class does not exist. Whether it would be an

advantage for such a class to exist here is not my point now. But there are people, illiterate and ignorant and a large class of women, who have rights which they find it difficult to establish, and they must necessarily resort to and obtain outside help. Therefore, the introduction of such a law into India, while it cannot put down secret contracts, will only stimulate or create a further crop of suits and cases. There is a proviso, but the proviso practically eats up the clause. If it is an agreement to share, you go into the question of *bona fides*. There you have to submit the righteousness of that agreement to the decision of the Judge who tries it. There is a good deal of discretion and latitude allowed to the Judge: and, with the system of appeals, and in view of the exercise of discretion, it is quite enough. The existing law is quite sufficient to meet the evil which my Honourable friend says is reported to be notoriously rife. We have not got definite evidence that in particular provinces such cases have cropped up. There is no advice given to the Government of India in the shape of reports from Local Governments or the High Courts that such a law is necessary. If so, it is not proper that the Assembly should think of adding to the law. But is there evidence of such cases being rife in our personal experience as practising lawyers? We have in many cases come across some very bad cases, but that will never justify our trying to enact a law on the basis of a case or two spread over a number of years and place it on the Statute Book. This would also direct the attention of active minded men to rush to courts, and would only stimulate litigation. Further, I think, we, as ordinary people, interested in seeing to the putting down of litigation, should not multiply illegalities; that is what I say, statutory illegalities, and thereby give food for active-minded people to start litigation. On principle, I oppose the introduction of this Bill.

Mr. President: The question is:

'That leave be given to introduce a Bill further to amend the Indian Contracts Act 1872.'

The motion was adopted.

Dr. H. S. Gour: I now introduce the Bill.

MESSAGE FROM THE COUNCIL OF STATE.

Mr. President: A Message has been received from the Secretary of the Council of State, which the Secretary will now read.

Secretary of the Assembly: Sir, the Message runs as follows:

'I am directed to inform the Secretary of the Legislative Assembly that the following motion was carried in the Council of State at their meeting on the 19th September, and to request the concurrence of the Legislative Assembly in the recommendation contained therein, namely, that this Council do recommend to the Legislative Assembly that the Bill further to amend the Code of Criminal Procedure, 1898, and the Court Fees Act, 1870, be referred to a Joint Committee of this Council and of the Legislative Assembly, and that the Joint Committee do consist of 12 Members.'

Mr. President: The Message will be laid on the table. This House now stands adjourned to Tuesday, the 20th September at 10-30 A.M.

LEGISLATIVE ASSEMBLY.

Tuesday, 20th September, 1921.

The Assembly met in the Assembly Chamber at Half Past Ten of the Clock. The Honourable the President was in the Chair.

DEATH OF RAJA SIVANANDAN PRASAD SINGH.

Dr. H. S. Gour : Sir, before commencing the business of the day, it is my painful duty to bring to the notice of this House the sad and untimely death of one of our colleagues—Raja Sivanandan Prasad Singh of Monghyr, which sad event took place up here at 2 P.M. yesterday afternoon. It is a sad commentary upon the shortness of human life when we think that only the other day when I moved a loyal address of welcome to His Royal Highness the Prince of Wales the Raja stood up from his seat and delivered a speech cordially seconding me. A few days later he was taken ill and we all hoped that it was a temporary ailment. Yesterday morning all the medical assistance that was available was called in consultation, but it was of no avail.

The late Raja had rendered useful public service and for this he was awarded the distinction of O.B.E. some 5 years back, and the title of Raja was conferred upon him only last year. He was a prominent landholder of Monghyr, of the Municipality of which place he was the President. His charity is well-known in the neighbourhood. He represented the landholders of the Bhagalpur Division, and it is a matter of some satisfaction that he has left a mark behind him which will be an example to fellow landholders of his and other Provinces to take part in the public deliberations of this Assembly.

I know, Sir, that if he had been alive, and if a similar sad occurrence had happened, he would have been the last to desire that the proceedings of this Assembly should be interrupted by any adjournment, and I therefore move that all we should now do—which I think would have been in consonance with his wishes—is that the lamentable fact be recorded in the minutes of this House and that a vote of sympathy with the bereaved family of the deceased be conveyed over the signature of the President of this Assembly.

The Honourable Sir William Vincent : Sir, I should like to join my Honourable friend in the expression of regret and sorrow of this Council on the untimely death of our colleague. I knew the Raja and his father before him for many years. I think indeed our friendship originated some twenty years ago ; and from time to time I have been in close contact with him. He was a man who prospered largely in life, by his business capacity and industry, and at the same time was never to my knowledge unmindful of his public duties. He was in every sense a good citizen, ready to give time and munificent grants of money to works of charity or public utility. In politics he was a man with strong opinions, a steadfast opponent of what he believed to be treasonable or disloyal, and a loyal supporter of the Government. In his own Province, he was a man of great influence and merit and I can honestly say that by his untimely death both the Government and the public, particularly the public of his Province, which is also my own, and the public of the district of Monghyr, where he was well-known, suffer a loss which it would be difficult to make good. He was a man of great capacity and I am certain that all will appreciate the testimonial that has been so eloquently given to him by my Honourable colleague.

The Resolution* was put and carried *nem. con.*, the Assembly standing.

QUESTIONS AND ANSWERS.

UNPAID WAGES IN THE NORTH-WESTERN RAILWAY.

341. Khan Sahib M. M. Ikramullah Khan : Is it a fact that the payment of unpaid wages to the menial staff of the North-Western Railway and specially wages of deceased men to their heirs, takes a very long period to the great inconveniences and trouble of the ignorant persons and, if so, will the Government be pleased to make arrangements for the expeditious payments thereof?

Colonel W. D. Waghorn : It has been ascertained that it is not usual to withhold the payment of unpaid wages on the North-Western Railway for a long period.

With regard to the payment of wages of deceased men to their heirs, payment is arranged as soon as an Indemnity Bond is executed by the claimant. Such Bond is, however, dispensed with in cases of sums under Rs. 500 'in certain circumstances' on the responsibility of a District Officer. In cases where contesting claims are put in and there is difficulty in deciding who is the right party, final payment must naturally be delayed.

* "That this Assembly do place on record its appreciation of the public services of Raja Sivanandan Prasad Singh of Monghyr and that the President be requested to convey to his family the sympathy and condolence of the Legislative Assembly on his untimely death."

I can assure the Honourable Member that these matters receive the constant attention of the Railway Administration.

THEFTS OF COAL BY THE RAILWAY STAFF.

342. Khan Sahib M. M. Ikramullah Khan : Is it a fact that there is a general complaint by the industrial public of thefts by the Railway staff, of coal from open trucks on their way from collieries and, if so, will the Government be pleased to devise some effective means to prevent such thefts?

Colonel W. D. Waghorn : Complaints have been received from time to time as to shortages of coal in particular consignments from individual traders and Associations and have been taken up with the railways concerned.

Railways recognise the necessity for adopting measures to prevent such shortages, and are doing so by means of surprise weighment checks, the employment of special Chowkidari staff and by the payment of rewards to persons detecting thefts of coal from wagons.

SECRETARY OF STATE'S STERLING LOAN AT 7 PER CENT.

343. Mr. Narayandas Girdhardas : (a) Will the Government be pleased to lay on the table a copy of the prospectus issued by the Secretary of State for India, on or about the 20th April 1921, regarding the Sterling Loan of £7½ millions raised by him at 7 per cent.?

(b) Will the Government be pleased to state whether the Secretary of State for India, at the time of issuing the prospectus, or at any time subsequent to the issue of the prospectus, stated in Parliament that the whole of the proceeds of this Loan would be utilised for the purchase of Railway materials and stores, in Great Britain?

(c) Will the Government be pleased to state the amount of expenditure incurred by way of brokerage, commission, underwriting charges, advertisements and otherwise, as far as possible under each head, in respect of the said Sterling Loan?

(d) Will the Government be pleased to state whether it has come to their knowledge that any of the underwriters or sub-underwriters of the last Sterling Loan of the Secretary of State for India were officials of the India Office or any one directly or indirectly connected with them?

(e) Will the Government be pleased to give an undertaking that in respect of future Sterling Loans to be issued by the Secretary of State for India, Indian investors will be given equal opportunities to subscribe to such Loans with British or other investors?

The Honourable Mr. W. M. Hailey : (a) A copy of the prospectus is being sent to the Honourable Member.

(b) Yes.

(c) The Government of India are not in possession of the details of the actual expenditure under the heads mentioned. The total underwriting and similar charges apart from the cost of advertisement and normal incidental expenses, but including the usual $\frac{1}{4}$ per cent. commission allowed on applications bearing bankers' and brokers' stamps, were reported by the Secretary of State to be about 2 per cent. of the Loan.

(d) The reply is in the negative.

(e) The Government of India cannot give such an undertaking but the Secretary of State will consider on the occasion of a future Loan whether, in the event of the early closing of the lists, special consideration can be given to residents in India.

HIGH COMMISSIONER FOR INDIA IN THE UNITED KINGDOM.

344. **Mr. Narayandas Girdhardas:** Will the Government be pleased:

(a) to lay on the table a copy of the Order in Council of His Majesty appointing a High Commissioner for India in the United Kingdom?

(b) to state whether in the exercise of his powers and the performance of his duties, the High Commissioner is subject to the direction and control of the Governor General in Council?

(c) to state whether the control of the Stores Department of the India Office exercised by the High Commissioner, includes the purchase of stores on behalf of the Indian Military, Railway and other Departments?

(d) to state whether the High Commissioner is entrusted with the task of calling for tenders for the supply of stores to the India Office and of accepting or rejecting tenders according to his discretion?

(e) to state whether the Secretary of State for India, the Finance Committee of the India Office, or the Council of the Secretary of State for India, have the right to exercise any control over the High Commissioner in the purchase of Stores on behalf of the Government of India?

(f) to lay on the table a statement showing:

(i) the total value of stores purchased by the High Commissioner since the creation of his appointment on the 1st October last;

(ii) the value of the stores purchased by him from British manufacturers or tradesmen;

(iii) the value of the stores so purchased from other than British manufacturers or tradesmen;

(iv) the difference in total value of the articles purchased from British manufacturers or tradesmen, and the value of the articles of the same or similar quality at the rates for which the High Commissioner had received tenders from manufacturers outside Great Britain?

(g) to lay on the table a copy of the recorded evidence of Sir William Meyer before the Indian Railway Committee during their recent sittings in London?

Mr. A. C. Chatterjee: (a) I would refer the Honourable Member to the Commerce Department's notification No. 6634, dated the 2nd October 1920, published in the *Gazette of India*, dated the 2nd October 1920, for the Order in Council referred to.

The answer to (b) and (c) and (d) is in the affirmative. But it should be explained that the supply of stores for India is no longer a function of the India Office. This function has been transferred to the High Commissioner, who is entrusted with the duties referred to in respect of stores for which indents are forwarded to him by departments of the Government of India.

(e) The High Commissioner is the agent of the Government of India in respect of the purchase of stores on behalf of the Government of India, and is responsible to them alone. This, however, does not restrict the powers of superintendence, direction and control vested in the Secretary of State, or the Secretary of State in Council, under the Government of India Act or otherwise.

(f) and (g). I am unable at present to state the total value of stores purchased by the High Commissioner since the creation of his appointment on the 1st October 1920, or the value of the stores purchased by him from British manufacturers or tradesmen. The statements which have already been laid on the table, however, will give the information so far as railways are concerned, required in sub-paragraphs (ii) and (iv) of part (f) of the Question.

ENHANCEMENT OF RAILWAY FREIGHTS.

345. **Mr. Narayandas Girdhardas:** Will the Government be pleased:

(a) to publish for the information of the public and of the Trading and Commercial Communities in the country and for the formulation and expression of interested opinion thereon, their proposals for the enhancement of the general railway freights?

(b) to give an assurance that until their proposals have been, for a sufficient time, before the public, they will not authorise the enhancement of the existing rates?

(c) to furnish full particulars of the increased rates and fares levied and collected, by State as well as Company-managed Railways, within the maxima and minima prescribed for them, and the additional gross Railway Revenue thereby derived, since the coming into force of the Indian Freight Tax Act of 1921?

Colonel W. D. Waghorn : (a) Proposals for the reclassification of goods with revised maxima rates have been approved by the Railway Board, and a statement showing the existing and revised classification of goods with the maxima and minima rates applicable to each class is laid on the table. It will be noticed that there is no change in the case of the minima rates, and railways will as hitherto have the power to vary rates between the sanctioned minima and maxima.

The date from which the revised classification and maxima rates will have effect has not yet been decided, but the desirability of giving the public ample notice is fully recognised.

(b) The proposed enhanced maxima rates and revised classification will not be brought into force without giving due notice to the public.

(c) The information which will involve much time and labour in compilation, will be called for from railways, if desired.

EXISTING.			PROPOSED.		
Class.	Maximum.	Minimum.	Class.	Maximum.	Minimum.
1st ...	333	100	1st ...	38	100
			2nd ...	42	
2nd ...	500		3rd ...	58	
			4th ...	62	
3rd ...	666		5th ...	77	
			6th ...	83	
4th ...	833		7th ...	96	
			8th ...	104	
5th ...	1000		9th ...	125	
10th ...	1500		10th ...	187	

GENERAL CLASSIFICATION OF GOODS.

Articles.	Present Classification.		Proposed Classification.	
	R.R.	O.R.	R.R.	O.R.
A 1 Monobel or Victor powder (Viking powder) No. 1.	X	5	X	9
A 2 Monobel or (Viking powder) No. 2.	X	5	X	9
Aal root	...	...	...	...
Abbir (as Colours—Division A)	...	...	...	...
Abbeer or howbair (as Drugs, country)	...	...	...	...
Abruck (hursole or mica)	...	...	...	...
Absolute alcohol or ethyl alcohol	...	...	...	...
Accountments	...	...	...	...
Acetone (soluble in water in all proportions)	...	...	...	...
Acetylene compressed into porous substances	...	...	...	...
Acid acetic	...	...	...	...
Acid carbolic	...	...	...	...
Acid citric	...	...	...	...
Acid cresylic	...	...	...	...
Acid fluoric or hydrofluoric	...	...	...	...
Acid formic	...	...	...	...
Acid hydrochloric or muriatic or spirits of salts	...	...	...	...
Acid lactic	...	...	...	...
Acid medicinal	...	...	...	...
Acid nitric or aqua fortis	...	...	...	...
Acid oxalic	...	...	...	...
Acid phosphoric	...	...	...	...
Acid picric	...	...	...	...
Acid sulphuric or oil of vitriol	...	...	...	...
Acid sulphurous (solution)	...	...	...	...
Acid tartaric	...	...	...	...
Acids vegetable, N. O. C.	...	...	...	...
Advertising or signboards	...	...	...	...
Aerated waters	...	...	...	...
Includes—Mineral waters	...	...	...	...
Aeroplane, packed, subject to a minimum weight for charge of 50 maunds each	...	...	...	...
Aeroplane, component parts of	...	...	...	...
Agarwood	...	...	...	...
Agricultural implements (not machinery) packed	...	...	...	...
Agricultural implements (not machinery) unpacked	...	...	...	...
Ajma, ajwan or omum (as Seeds, com- mon)	...	...	...	...
Ajwan flowers (as Drugs, country)	...	...	...	...
Aklukara (as Drugs, country)	...	...	...	...
Alabaster, unwrought	...	...	...	...
Alabaster, wrought	...	...	...	...
Albums	...	...	...	...
Ale and beer	...	...	...	...
Includes—Porter, Stout	...	...	...	...

Articles.	Present Classification.		Proposed Classification.	
	R.R.	O.R.	R.R.	O.R.
Afzarine, aniline or dyes otherwise described as Colours— <i>Division A</i>)	...	...	...	...
Alkali (soda ash)	...	...	...	...
Almond oil (as Oils— <i>Division B</i>)	...	...	...	...
Almonds	...	...	...	...
Alcibre, machine pressed, hand or power	...	...	...	...
Alcibre, unpressed	...	...	...	...
Alc fibre, unpressed, W/200 R.G., W/100 M.G.	...	...	...	...
Alc (as Colours— <i>Division A</i>)	...	...	...	...
Alum	...	...	...	...
Alumatol	...	...	...	...
Alumina, sulphate of	...	...	...	...
Aluminate of soda	...	...	...	...
Aluminium	...	...	...	...
Aluminium soap	...	...	...	...
Aluminium torches	...	...	...	...
Aluminium ware	...	...	...	...
Alumino ferric	...	...	...	...
Amber	...	...	...	...
Amberite, No. 2	...	...	...	...
Amchur (dry mango pieces)	...	...	...	...
American cloth	...	...	...	...
Ammonal	...	...	...	...
Ammonia, carbonate of...	...	...	...	...
Ammonia gas, compressed	...	...	...	...
Ammonia in solution	...	...	...	...
Ammonia, muriate of <i>Includes—Salamac</i>	...	...	...	...

Articles.	Present Classification.		Proposed Classification.	
	R.R.	O.R.	R.R.	O.R.
Ashes	...	...	...	...
<i>Includes—</i>	...	...	...	...
Cinders	...	...	...	...
Asphaltum	...	...	...	...
Assafoetida, dry	...	...	...	...
Assafoetida, liquid	...	...	...	...
Assafoetida, (as Seeds, common)	...	...	...	...
Atees (as Drugs, country)	...	...	...	...
Athletic appliances	...	...	...	...
Atmospheric air compressed	...	...	...	...
Attiah, maids or soojee (as Flour)	...	...	...	...
Augarhatti (oodbatti)	...	...	...	...
Avloo or beaten rice (as Grain and pulses)	...	...	...	...
Axles of carriages	...	...	...	...
Axles of carts	...	...	...	...
Axles of other wheeled vehicles	...	...	...	...
Babona flower (as Drugs, country)	...	...	...	...
Babul seeds (as Seeds, common)	...	...	...	...
Bacon	...	...	...	...
Bagatelle slates	...	...	...	...
Bagatelle tables and accessories	...	...	...	...
Pags, canvas	...	...	...	...
Bags, carpet	...	...	...	...
Bags, gunny (as Gunnies)	...	...	...	...
Bags, leather	...	...	...	...
Bags, N. O. C.	...	...	...	...
Bahara	...	...	...	...
Baidana (as Drugs, country)	...	...	...	...
Bai fruit or jungle plum	...	...	...	...
Bajees (cumboo) (as Grain and pulses)	...	...	...	...

Articles.	Present Classification.		Proposed Classification.	
	R.R.	O.R.	R.R.	O.R.
Ammonia, sulphate of	...	...	...	...
Ammonium quick firing	...	...	...	...
Amnat or amat	...	...	...	...
Amores	...	...	...	...
Amorphous phosphorus	...	...	...	...
Amyl alcohol or fuel oil	...	...	...	...
Anchors, iron or steel (as Iron or steel— <i>Division B</i>)	...	...	...	...
Angle, iron or steel (as Iron or steel— <i>Division B</i>)	...	...	...	...
Anhydrous ammonia liquified	...	...	...	...
Aniline, alizarine or dyes otherwise described (as Colours— <i>Division A</i>)	...	...	...	...
Anised (as Seeds, common)	...	...	...	...
Anabathi (sulphate of iron)	...	...	...	...
Anatto (as Colours— <i>Division A</i>)	...	...	...	...
Anona fibre, machine pressed, hand or power	...	...	...	...
Anona fibre, unpressed	...	...	...	...
Anona fibre, unpressed, W/200 B.G., W/100 M.G.	...	...	...	...
Antimony (soorma)	...	...	...	...
Anvils, iron or steel (as Iron or steel— <i>Division B</i>)	...	...	...	...
Appalacram or papundkar (potash)	...	...	...	...
Aqua fortis or nitric acid	...	...	...	...
Ardeer galiguite	...	...	...	...
Arms	...	...	...	...
Arrowroot	...	...	...	...
Arsenic	...	...	...	...
Artists colours in pans and tubes (as Colours— <i>Division A</i>)	...	...	...	...
Art pottery	...	...	...	...
Arvi root (ghoiya)	...	...	...	...
Asbestos (as Roofing, felt or patent)	...	...	...	...
Asbestos	...	...	...	...
Asbestos, crude	...	...	...	...

Articles.	Present Classification.		Proposed Classification.	
	R.R.	O.R.	R.R.	O.R.
Ballast	...	...	...	...
<i>Includes—</i>	...	...	...	...
Gravel	...	...	...	...
Kunker	...	...	...	...
Moorum	...	...	...	...
Ballistite	...	...	...	...
Balsam	...	...	...	...
Bamboos	...	...	...	...
Bamboos, W/300 B. G., W/160 M.G.	...	...	...	...
Bamboo chicks	...	...	...	...
Bamboo chips	...	...	...	...
Bamboo handles for cheap umbrellas	...	...	...	...
Bamboo ladders	...	...	...	...
Bamboo seeds	...	...	...	...
Bands, iron or steel (as Iron or steel— <i>Division B</i>)	...	...	...	...
Bangles or choories, coconut shell	...	...	...	...
Bangles or choories, glass	...	...	...	...
Bangles or choories, glass, broken	...	...	...	...
Bangles or choories, ivory	...	...	...	...
Bangles or choories, lac	...	...	...	...
Bangles or choories, lac, broken	...	...	...	...
Bangles or choories, leather	...	...	...	...
Bangles or choories, shank, rough	...	...	...	...
Bangles or choories, wooden	...	...	...	...
Bangle stone (kanch or khash)	...	...	...	...
Bankas, grass (as Grass, dry)	...	...	...	...
Barium, chlorate of	...	...	...	...
Barium, nitrate of	...	...	...	...
Bark, leaves, nuts or fruits, used in tanning, N. O. C.	...	...	...	...
Bark, plantain	...	...	...	...
Barley (as Grain and pulses)	...	...	...	...
Barley, pearl	...	...	...	...
Barometers	...	...	...	...
Bar, iron or steel (as Iron or steel— <i>Division B</i>)	...	...	...	...

Articles.	Present Classification.		Proposed Classification.	
	R.R.	O.R.	R.R.	O.R.
Beckets, common, country	2	2	4	4
Beckets, N. O. C.	3	6	6	4
Batching oil (as Oils - Division C)	...	...	...	...
Bath bricks	2	4	4	...
Baths, coral	5	9	9	...
Beads, N. O. C. (if of glass (e))	2	4	4	...
Beams, iron or steel (as Iron or steel - Division B)	...	...	...	...
Beams, reinforced concrete (as Iron or steel - Division B)	...	...	...	...
Beams, wooden (as Timber, unwrought)	...	...	...	...
Beans, (as Grain and pulses)	...	...	...	...
Beans, parched (as Grain and pulses)	...	...	...	...
Bearing plates, iron or steel (as Iron or steel - Division B)	...	...	...	...
Beaters, cast iron or steel (as Iron or steel - Division B)	...	...	...	...
Bedding	3	6	6	...
Bedsteads	3	6	6	...
Bedsteads, country	2	4	4	...
Beer and ale (See ale and beer)	...	...	...	...
Bell chairs, iron or steel (as Iron or steel - Division B)	...	...	...	...
Bellmetal and bellmetal ware	3	6	6	...
Includes—Kansaware	...	...	...	...
Bellmetal scrap	1	2	2	...
Includes—Kansaware, broken.	...	...	...	...
Bellows	3	6	6	...
Belting, leather or any other kind (for machinery)	3	6	6	...
Benjamin (oil)	3	6	6	...

Articles.

Present Classification.

Proposed Classification.

Articles.

Present Classification.

Proposed Classification.

Benzine (petrol)	...	...	...	...
Benzole	...	...	...	...
Benzoline or gasoline	...	...	...	...
Beriza (gandaberiza)	...	...	...	...
Betal leaves	...	...	...	...
Betal nuts	...	...	...	...
Bhang (as Drugs, narcotic)*	...	...	...	...
Bhang seed (as Seeds common)	...	...	...	...
Bhojgand	...	...	...	...
Bhojpatar	...	...	...	...
Bhoosa (as Grass, dry)	...	...	...	...
Bicarbonate of soda	...	...	...	...
Bichromate of potash	...	...	...	...
Bichromate of soda	...	...	...	...
Bicycle crates, empty	...	...	...	...
Bicycles, packed, subject to a minimum weight for charge of 2 mds. for each case	...	...	...	...
Bicycles, component parts of	...	...	...	...
Bicycles, fitted with auto-wheel attachments, packed, subject to a minimum weight for charge of 2 mds. for each case	...	...	...	...
Biddies	...	...	...	...
Biddies, C/160; D/400	...	...	...	...
Biddy tobacco (as Tobacco, country manufactured)	...	...	...	...
Bija tarwada (as Seeds, common)	...	...	...	...
Bilawa or vela (marking nuts)	...	...	...	...
Billard table slates	...	...	...	...
Billiard tables and other accessories	...	...	...	...
Birds skins	...	...	...	...
Biscuits, dog or forage	...	...	...	...
Biscuits, N. O. C.	...	...	...	...
Bisulphide of carbon	...	...	...	...
Bisulphide of lime solution saturated with sulphur dioxide gas	...	...	...	...

Bombs filled—Trench mortar	...	...	...	...
Bone dust	...	...	...	...
Bone meal	...	...	...	...
Bonest	...	...	...	...
Includes—Hoofs	...	...	...	...
Horns, common	...	...	...	...
Skins, scrap	...	...	...	...
Book-binding cloth (as Piece-goods, cotton or woolen)	...	...	...	...
Books	...	...	...	...
Boora (as Sugar)	...	...	...	...
Boots	...	...	...	...
Includes—	...	...	...	...
Sandals	...	...	...	...
Shoes	...	...	...	...
Slippers	...	...	...	...
Boat, shoe and stay laces	...	...	...	...
Borax (swaga), kuteha or crude	...	...	...	...
Borax (swaga), pucca	...	...	...	...
Botanical specimens	...	...	...	...
Botanical specimens for bona fide use in museums	...	...	...	...
Bottles	...	...	...	...
Bowhee seeds (as Seeds, common)	...	...	...	...
Boxes, common, wooden (as Empties)	...	...	...	...
Boxes or trunks, tin	...	...	...	...
Boxwood	...	...	...	...
Brackets, iron or steel (as Iron or steel - Division B)	...	...	...	...
Bran	...	...	...	...
Brass cooking utensils	...	...	...	...
Brass foil	...	...	...	...
Brass foundry refuse and slag	...	...	...	...
Brass idols	...	...	...	...
Brass ingots, sheets and slabs	...	...	...	...
Includes—Yellow metal plates	...	...	...	...
Yellow metal sheathing	...	...	...	...

* See General Rule (4).

† See General Rules 66 to 68.

Articles.	Present Classification.		Proposed Classification.	
	R.R.	O.R.	R.R.	O.R.
Brass nails ...	2	...	4	...
Brass, ornamental ...	5	...	9	...
Brass scrap ...	1	...	2	...
Brass screws ...	2	...	4	...
Brass vessels ...	2	...	4	...
Brass manufactured, N. O. C.	2	...	3	...
Bread ...	3	...	3	...
Bricks ...	1	...	1	...
Bricks, bath ...	2	...	4	...
Bricks, broken (soorkie) ...	1	...	1	...
Bricks, terracotta ...	2	...	1	...
Brimstone (sulphur or gundak)*	2	...	3	...
Brimstone (sulphur or gundak)*	2	...	3	...
C/300 B. G., C/160 M. G.	...	...	...	...
Bristles, hog ...	3	...	6	...
Broad cloth (as Piece-goods, cotton or woolles)	...	...	...	...
Bronze ...	X	5	10	9
Bronze powder (as Colours—Division A)	3	...	4	...
Brozeware ...	...	...	...	...
Brooms and brushes ...	3	...	6	...
Buckets ...	2	...	4	...
Buckram root or pattang ...	2	...	4	...
Bulbs ...	3	...	6	...
Bullies (as Timber, sawroughs)	...	...	...	...
Bullion (Not accepted as goods traffic)	...	...	...	...
Banting ...	2	...	4	...
Barnic (as Drugs, country)	...	...	...	...
Burra (as Grain and pulses)	...	...	...	...
Butch (as Drugs, country)	...	...	...	...

Articles.

Articles.

Carbolinum avenarius oil ...
 Carbonate of ammonia ...
 Carbonate of potash (pearl-ash) ...
 Carbon, bisulphide of ...
 Carbonic acid gas compressed or liquified (carbon dioxide) ...
 Carbonite ...
 Cardamoms ...
 Cardboard ...
 Cardboard, or pasteboard boxes, empty, packed in cases ...
 Cards for carding machines ...
 Cards for tickets ...
 Cards, N. O. C. ...
 Carmine (as Colours—Division A) ...
 Caromet ...
 Carpets or rugs, floor ...
 Carriage braid ...
 Carriages, 4-wheeled, consigned on their own wheels, subject to a minimum weight for charge of 45 mds. each ...
 Carriages 4-wheeled, consigned without their wheels, subject to a minimum weight for charge of 27 mds. each ...
 Carriages, 2-wheeled, consigned on their own wheels, subject to a minimum weight for charge of 45 mds. each ...
 Carriages, 2-wheeled, consigned without their wheels, subject to a minimum weight for charge of 13½ mds. each ...

Articles.	Present Classification.		Proposed Classification.	
	R.R.	O.R.	R.R.	O.R.
Butter ...	3	...	6	4
Buttons ...	3	...	6	...
Butyl alcohol ...	...	...	10	9
Cables, electric ...	4	3	8	6
Cables, iron or steel (as Iron or steel—Division B)	...	...	...	...
Cactus ...	1	...	1	...
Cadjans (jowlees) ...	1	...	1	...
Cages ...	3	2	6	4
Calcium chloride ...	2	1	4	2
Calico (as Piece-goods, cotton or woolles)	...	...	...	...
Cambrie (as Piece-goods, cotton or woolles)	...	...	...	...
Cambrite ...	X	5	10	9
Camel kadjawahs ...	2	...	4	...
Camp equipage ...	3	...	6	...
Camphor ...	4	3	8	6
Camphor oil (as Oils—Division B)	...	...	...	...
Camphor wood ...	3	...	6	...
Candles ...	3	3	6	4
Candles, smoke, ground mark II	X	5	10	9
Canes, walking ...	4	...	8	...
Canes, N. O. C. ...	2	...	4	...
Canes, N. O. C. ...	...	...	...	...
W/200 B. G., W/100 M. G.	L	1	4	2
Canoes ...	2	...	4	...
Canvas ...	2	...	4	...
Canvas bags ...	2	...	4	...
Canvas hose ...	2	...	4	...
Capitals, cement ...	...	...	...	...
Capped safety cartridge cases, if otherwise empty ...	3	...	6	...
Caps ...	3	...	6	...
Caps, percussion ...	X	5	10	9
Caraway seed (sahjeera) ...	2	...	4	...
Carbide of calcium ...	3	...	6	4

Carriages, carts and other wheeled vehicles, packed in crates or cases ...
 Carriages, carts and other wheeled vehicles, in pieces or parts of car's or carriages, such as shafts, springs, wheels, axles, etc., removed ...
 Carriages, carts and other wheeled vehicles, N. O. C. ...
 Carrot seeds (as Seeds, common) ...
 Cars, motor, packed, subject to a minimum weight for charge of 50 mds. each ...
 Cars motor, component parts of ...
 Cartridge cases, uncapped, empty ...
 Cartridges for cannon, shells, mines, blasting or other like purposes ...
 Cartridges for small arms, which are not safety cartridges ...
 Cartridges, illuminating ...
 Cartridges, safety, viz., pin-fire cartridge for pistols ...
 Cartridges, safety, other than pin-fire cartridges for pistols ...
 Cartridges signal - Green ...
 Cartridges signal - Red ...
 Cartridges signal - White ...
 Carts, country or ekkas, subject to a minimum weight for charge of 13½ mds. each ...
 Carts, municipal, or any other kind except carts, country or ekkas, subject to a minimum weight for charge of 27 mounds each ...
 Carvings ...
 Cases for packing (as Empires) ...
 Cash boxes, iron or steel (as Iron or steel—Division A) ...

Articles.	Present Classification.		Proposed Classification.	
	R.R.	O.R.	R.R.	O.R.
Cashnuts (kajunuts) ...	2	...	4	...
Casks (as <i>Empties</i>) ...	...	...	...	...
Cassava or sun-dried tapioca (as <i>Grain and pulses</i>) ...	...	...	...	...
Cassia or larko ...	2	...	4	...
Casting, cement ...	5	4	9	8
Castings, iron or steel, not ornamental (as <i>Iron or steel—Division B</i>) ...	...	...	...	...
Castings, iron or steel, ornamental (as <i>Iron or steel—Division A</i>) ...	...	...	...	...
Castings, N. O. C. ...	...	...	...	...
Castor oil (as <i>Oils—Division C</i>) ...	2	...	4	...
Castor seed (as <i>Seeds, common</i>) ...	...	...	...	...
Catechu ...	...	...	...	...
Catgut ...	1	...	2	...
Cattle gear ...	5	...	9	...
Canstic soda ...	2	...	3	...
Cement ...	1	...	2	...
Cement capitals ...	4	...	8	...
Cement castings ...	5	4	9	8
Cements, compositions, paints, polishes and other articles, partly composed of naphtha or other highly inflammable liquids, <i>i.e.</i> , having a flashing point below 76° Fahr. ...	...	...	...	...
Cements, compositions, paints, polishes and other articles, partly composed of naphtha or other inflammable liquids, <i>i.e.</i> , having a flashing point at or above 76° Fahr. ...	X	5	10	9
Chaff ...	5	4	9	8
Chalk ...	1	...	1	...

Articles.	Present Classification.		Proposed Classification.	
	R.R.	O.R.	R.R.	O.R.
Chilworth special powder ...	X	5	10	9
Chimneys and globes, glass (as <i>Glassware—Division C</i>) ...	...	...	...	...
China ware ...	...	...	...	...
Chinese blue (as <i>Colours—Division A</i>) ...	...	...	...	...
Chinese crackers ...	X	5	10	9
Chinese lanterns ...	...	...	...	...
Chiretta (as <i>Drugs, country</i>) ...	...	...	...	...
Chlorate of barium ...	...	...	...	...
Chlorate of potash ...	...	...	...	...
Chlorate of soda ...	...	...	...	...
Chloride of calcium ...	...	...	...	...
Chloride of lime (bleaching powder) ...	...	...	...	...
Chloride of magnesium ...	...	...	...	...
Chloride of sulphur ...	...	...	...	...
Chloride or muriate of zinc ...	...	...	...	...
Chloroform ...	...	...	...	...
Chobelinee (as <i>Drugs, country</i>) ...	...	...	...	...
Chokra dye ...	...	...	...	...
Choories or bangles (see <i>Bangles or choories</i>) ...	...	...	...	...
Chowlee seeds (as <i>Seeds, common</i>) ...	...	...	...	...
Christmas crackers ...	...	...	...	...
Chrome ore ...	...	...	...	...
Chundive (rice pounded) (as <i>Grain and pulses</i>) ...	...	...	...	...
Chunam (lime) ...	...	...	...	...
Chunam (lime) shells ...	...	...	...	...
Chuni (as <i>Grain and pulses</i>) ...	...	...	...	...
Churella ...	...	...	...	...
Churmarie (parched rice) ...	...	...	...	...

Articles.	Present Classification.		Proposed Classification.	
	R.R.	O.R.	R.R.	O.R.
Chaff cutters ...	1	...	2	...
Chain pumps ...	1	...	2	...
Chains, iron or steel (as <i>Iron or steel—Division B</i>) ...	...	...	...	...
Chairs, garden, iron or steel (as <i>Iron or steel—Division B</i>) ...	...	...	...	...
Chalk, stone ...	...	...	...	...
Chalks, wooden ...	...	...	...	...
Chakooraka seeds (as <i>Seeds, common</i>) ...	...	...	...	...
Chalk ...	...	...	...	...
Chalk crayon ...	...	...	...	...
Chambeli (jessamine) oil (as <i>Hair oils</i>) ...	...	...	...	...
Chamois leather (as <i>Leather goods</i>) ...	...	...	...	...
Chandeliers ...	...	...	...	...
Channels, iron or steel (as <i>Iron or steel—Division B</i>) ...	...	...	...	...
Charcoal ...	...	...	...	...
Charowlee (cheeringhee) ...	...	...	...	...
Charpoys ...	...	...	...	...
Chatties or pots, clay ...	...	...	...	...
Chetakai or sikakai ...	...	...	...	...
Cheep (as <i>Colours—Division A</i>) ...	...	...	...	...
Cheera (as <i>Grain and pulses</i>) ...	...	...	...	...
Cheeringhee (charowlee) ...	...	...	...	...
Cheese ...	...	...	...	...
Chemicals, photographic ...	...	...	...	...
Chemicals (not explosive), N. O. C. ...	...	...	...	...
Chests, ice, packed ...	...	...	...	...
Chests, ice, unpacked ...	...	...	...	...
Chests, iron or steel ...	...	...	...	...
Chests, tea, in pieces (shooks) ...	...	...	...	...
Chests, tea, made up ...	...	...	...	...
Chillies ...	...	...	...	...
Chillies, W/200 B. G., W/100 M. G. ...	...	...	...	...
Chilworth smokeless powder ...	...	...	...	...
Chilworth smokeless powder No. 2 ...	...	...	...	...
Chilworth smokeless sporting powder ...	...	...	...	...

* See General Rule 65 (b).

† For maxima and minima rates, see Chapter III.

Articles.	Present Classification.		Proposed Classification.	
	R.R.	O.R.	R.R.	O.R.
<i>Coal—contd.</i>				
<i>Includes—</i>				
Coke	X	5	10	9
Petrol fuel	...	...	...	...
Coal gas, compressed	...	...	...	...
Cochineal (as <i>Colours—Division A</i>)	...	...	...	...
Cocoanuts, coconut kernels (copras)	...	...	...	...
Cocconut husks	...	...	...	...
Cocconut oil (as <i>Oils—Division C</i>)	...	...	...	...
Cocconut shells	...	...	...	...
Cocotine	...	...	...	...
Coffee	...	...	...	...
Coffins	...	...	...	...
Coir	...	...	...	...
Coir rope	...	...	...	...
Coir yarn	...	...	...	...
Coke (see <i>coal</i>)	...	...	...	...
Colloidion	...	...	...	...
Colephony (rosin)	...	...	...	...
Coloured fire	...	...	...	...
Colours, paints and dyes—				
<i>Division A</i>				
<i>Includes—</i>				
Abbir	...	...	...	...
Alta	...	...	...	...
Anattoo	...	...	...	...
Artists' colours in pans and tubes	...	...	...	...
Black, including lamp-black, ivory black, etc.	...	...	...	...
Blue, Prussian and Chinese	...	...	...	...
Bronze powder	...	...	...	...
Carmine	...	...	...	...

Articles.	Present Classification.		Proposed Classification.	
	R.R.	O.R.	R.R.	O.R.
Colours, paints and dyes—				
<i>Division B</i>				
<i>Includes—</i>				
Colours and powders, dry, used for colouring and painting other than those mentioned in Division A	...	...	...	...
Dhal flowers	...	...	...	...
Dhow or dhowree	...	...	...	...
Distempers and water paints (such as calcarium)	...	...	...	...
Lodh	...	...	...	...
Madder	...	...	...	...
Manjeet	...	...	...	...
Paints, moist and mixed (except enamels and enamel paints)	...	...	...	...
Pistaphul or pischoo flowers	...	...	...	...
Red lead	...	...	...	...
Safflower	...	...	...	...
White lead	...	...	...	...
White zinc	...	...	...	...
Columns, cast-iron or steel (as <i>Iron or steel—Division B</i>)	...	...	...	...
Combs, horn	...	...	...	...

Articles.	Present Classification.		Proposed Classification.	
	R.R.	O.R.	R.R.	O.R.
Cotton waste...	...	...	...	...
Cotton with seed (kuppas)...	...	...	...	...
Cowries	...	...	...	...
Cow's hair (gungwan)	...	...	...	...
Cables, bicycle, empty	...	...	...	...
Crates, N. O. C. (as <i>Empties</i>)	...	...	...	...
Crayon chalk	...	...	...	...
Cresols	...	...	...	...
Cricket kit and accessories	...	...	...	...
Crimson (as <i>Colours</i> —Division A)	...	...	...	...
Crockery	...	...	...	...
Crocks (as <i>Empties</i>)	...	...	...	...
Crossings iron or steel (as <i>Iron or steel</i> —Division B)	...	...	...	...
Croton (jamalgota) seeds (as <i>Drugs, cottony</i>)	...	...	...	...
Croton oil (as <i>Oils</i> —Division B)	...	...	...	...
Crowbars, iron or steel (as <i>Iron or steel</i> —Division B)	...	...	...	...
Crucibles, earthenware	...	...	...	...
Crucibles, plumbago	...	...	...	...
Crude oil (as <i>Oils</i> —Division C)	...	...	...	...
Crushed food	...	...	...	...
C-rystals, soda	...	...	...	...
Cabets or cubeb-shine	...	...	...	...
Culms	...	...	...	...
Cumshites (blankets) <i>Includes—</i>	...	...	...	...
Rugs, travelling	...	...	...	...
Cumboo (vajree) (as <i>Grain and pulses</i>)	...	...	...	...

Articles.

Present Classification.
R.R. O.R. R.R. O.R.Proposed Classification.
R.R. O.R. R.R. O.R.

Articles.

Present Classification.
R.R. O.R. R.R. O.R.Proposed Classification.
R.R. O.R. R.R. O.R.

Doors, wooden
Doseotis cloth
Drapery, N. O. C.
Drawings
Drugs, country
Includes—
Abober or howbair
Ajwan flowers
Akulkara
Ates
Badoona flower
Baidana
Black salt
Burnic
Butch
Chiretta
Chobehine
Croton (jamalgota) seed
Esufgool (ootiajeera) seed
Ginger, dried
Googul
Harital
Herbs, medicinal
Jestimadi
Kaiphulout
Kakurunghee
Kapurtakfri
Khaksee seed
Kurroo roots, wood or kutki
Leaves, medicinal
Licorice root

QUESTIONS AND ANSWERS.

Gunmin (jeera) seeds	...	...	...	...
Curds	...	...	...	...
Curtains	...	...	...	...
Cutlery	...	...	...	...
Cattle fish	...	...	...	...
Cycles, motor, packed, subject to a minimum weight for charge of 4	...	...	...	...
Cycles, motor, component parts of	...	...	...	...
Cylinders (as <i>Empties</i>)	...	...	...	...
Dammer	...	...	...	...
Dandies, subject to a minimum weight for charge of 1 md. each	...	...	...	...
Dartoo (kootoo) (as <i>Seeds, common</i>)	...	...	...	...
Dates	...	...	...	...
Deodorising fluid	...	...	...	...
Detonators	...	...	...	...
Detonators, electric	...	...	...	...
Dhal flowers (as <i>Colours</i> —Division B)	...	...	...	...
Dhal (as <i>Grain and pulses</i>)	...	...	...	...
Dhal stalks (as <i>Grass, dry</i>)	...	...	...	...
Dhannia (coriander) seeds (as <i>Seeds, common</i>)	...	...	...	...
Dharries (sattranjes)	...	...	...	...
Dhoolies, subject to a minimum weight for charge of 18½ maunds each	...	...	...	...
Dhooms (rall or resin)	...	...	...	...
Dhoopwood	...	...	...	...
Dhow or dhowies (as <i>Colours</i> —Division B)	...	...	...	...
Disinfectant liquid	...	...	...	...
Disinfectant powder	...	...	...	...
Distempers and water paints (such as calcarium) (as <i>Colours</i> —Division B)	...	...	...	...
Doonga seeds (as <i>Seeds, common</i>)	...	...	...	...
Door frames	...	...	...	...
Doors, iron or steel (as <i>Iron or steel</i> —Division B)	...	...	...	...

* See General Rule 65 (b).

† See General Rule 65 (c).

‡ See General Rule 65 (e).

Articles.	Present Classification.		Proposed Classification.	
	R.R.	O.B.	R.R.	O.B.
Earthenware ...	3	3	2	4
Earthenware filters ...	3	2	6	4
Earthen well rings ...	1	...	2	...
Earth oil (as Oils - Division C) ...	...	...	...	...
Earths, N. O. C.* ...	1	...	1	...
Ebon ...	3	...	6	...
Economic Smokeless Sporting Powder p:d ...	X	5	10	9
E. C. sporting powder ...	X	5	10	9
Eggs ...	3	2	6	4
Ekkas or carts, country, subject to a minimum weight for charge of 13½ mds. each ...	2	...	4	...
Electrical appliances and fittings, N. O. C. (as Machinery) ...	...	...	...	...
Electrical instruments ...	4	...	8	...
Electric cables ...	4	3	8	6
Electric candles ...	4	...	8	...
Electric detonators ...	X	5	10	9
Electric fan components ...	2	...	4	...
Electric fuses ...	X	5	10	9
Electric fuses, safety ...	X	5	10	9
Electric lamps ...	4	...	8	...
Electric motors (as Machinery) ...	...	...	...	...
Electric or mechanical fans ...	2	...	4	...
Electric primers ...	X	5	10	9
Electric sparklers ...	X	5	10	9
Electric tubes, military ...	X	5	10	9
Electroplated ware ...	5	...	8	...
Electrum (German silver) ...	4	...	8	...
Eley Smokeless Sporting Powder ...	X	5	10	9
Embroidery ...	4	...	8	...

Articles.	Present Classification.		Proposed Classification.	
	R.R.	O.B.	R.R.	O.B.
Emery cloth ...	...	...	...	...
Emery powder ...	2	...	4	...
Emery stone ...	2	...	4	...
Emery wheels ...	1	...	2	...
Empire powder ...	2	...	4	...
Empties ...	X	5	10	9
Includes--	1	...	1	...
Boxes, common, wooden	...	...	...	...
Cases for packing	...	...	...	...
Casks	...	...	...	...
Coopahs	...	...	...	...
Crates, N. O. C.	...	...	...	...
Crocks	...	...	...	...
Cylinders	...	...	...	...
Drums	...	...	...	...
Dubbers	...	...	...	...
Jars	...	...	...	...
Tins, used and old ...	S	...	...	...
Empty bicycle crates ...	S	...	...	...
Enamelled ware	...	...	...	...
Enamels and enamel paints (such as Paripan, Ripolin, Aspal's, &c.) (as Colours - Division A)	...	...	...	...
Engines (as Machinery) ...	...	...	...	...
Engravings ...	...	...	...	...
Empeom salts	...	...	...	...
Essences ...	...	...	...	...
Essential oils (as Oils - Division A) ...	...	...	...	...
Essigool (ochajjeera) seeds (as Drugs, country)	...	...	...	...
Eternit (as Roofing, felt or patent) ...	S	...	...	...
Ether ...	...	...	...	...
Ethyl alcohol or absolute alcohol ...	p:d	...	...	...
Ethyl chloride ...	p:d	...	...	...
Eucalyptus oil (as Oils - Division C)	p:d	...	...	...
Fans, electric or mechanical	...	...	...	...
Fans, N. O. C.	...	...	...	...

Articles.	Present Classification.		Proposed Classification.	
	R.R.	O.R.	R.R.	O.R.
Fodder or forage (as <i>Grass, dry</i>) ... L	...	...	...	...
Reg signals, railway ... p.d	...	...	...	...
Forage or fodder (as <i>Grass, dry</i>) ... L	...	...	...	...
Forage, iron or steel (as <i>Iron or steel—Division B</i>) ... s	...	...	...	...
Forage acid ... p.d	...	...	...	...
Frames for Indian drums, wooden ... p.d	...	...	...	...
Frames for pipes (as <i>Iron or steel—Division A</i>) ... p.d	...	...	...	...
Fracture ... p.d	...	...	...	...
Friction tabs ... p.d	...	...	...	...
Fruits, bark, leaves or nuts used in tanning, N. O. C. ... s	...	...	...	...
Fruits, dried, ... p	...	...	...	...
Fruits, fresh ... p	...	...	...	...
<i>Includes—</i>	...	...	...	...
Maize ... p	...	...	...	...
Oranges ... p	...	...	...	...
Plantains ... p	...	...	...	...
Fuel, patent (see <i>Coal</i>) ... p	...	...	...	...
Fuller's earth ... p	...	...	...	...
Fuller's powder ... p	...	...	...	...
Pulverisation of mercury ... p	...	...	...	...
Furniture, packed ... p	...	...	...	...
Furniture, unpacked ... p	...	...	...	...
Furs ... p	...	...	...	...
Fusel oil or amylalcohol ... p	...	...	...	...
Fuse instantaneous ... p	...	...	...	...
Fuse lighters ... p	...	...	...	...
Fuse safety, igniters ... p	...	...	...	...
Fuses, electric ... p	...	...	...	...
Gallnuts (as <i>Mycobolams</i>) ... p	...	...	...	...
Galvanic batteries ... p	...	...	...	...
Gamel ... p	...	...	...	...
Gandalleroza (beroza) ... p	...	...	...	...
Ganges water ... p	...	...	...	...
Ganja (as <i>Drugs, narcotic</i>) ... p	...	...	...	...
Garth cloth ... p	...	...	...	...
Garden seeds ... p	...	...	...	...
Garlic (Jasson) ... p	...	...	...	...
Garlic (Jasson), C/200 B.G., C/100 M.G. ... p	...	...	...	...
Gas fittings ... p	...	...	...	...
Gas oil (as <i>Kerosine or paraffin oil non-dangerous</i>) ... p	...	...	...	...
Gasoline or benzoline ... p	...	...	...	...
Gates, iron or steel (as <i>Iron or steel—Division B</i>) ... p	...	...	...	...
Galatine dynamite ... p	...	...	...	...
Gelignite ... p	...	...	...	...
Geological specimens for <i>bona fide</i> use in museums ... p	...	...	...	...
Germat-silver (electrum) ... p	...	...	...	...
Ghajar seeds (as <i>Seeds, common</i>) ... p	...	...	...	...
Ghamelas, iron or steel (as <i>Iron or Steel—Division B</i>) ... p	...	...	...	...
Ghee ... p	...	...	...	...
Ghoiya (arvi root) ... p	...	...	...	...
Ghothing ... p	...	...	...	...
Giba, iron or steel (as <i>Iron or steel—Division B</i>) ... p	...	...	...	...
Gingelly or til oil (as <i>Oils—Division C</i>) ... p	...	...	...	...
Gingelly or til seeds (as <i>Seeds, common</i>) ... p	...	...	...	...
Ginger, dried (as <i>Drugs, country</i>) ... p	...	...	...	...
Ginger, preserved ... p	...	...	...	...

Fuzes, electric, safety ... p	...	...	...	...
Fuzes for shells ... p	...	...	...	...
Fuzes, safety, for blasting ... p	...	...	...	...
Gallnuts (as <i>Mycobolams</i>) ... p	...	...	...	...
Galvanic batteries ... p	...	...	...	...
Gamel ... p	...	...	...	...
Gandalleroza (beroza) ... p	...	...	...	...
Ganges water ... p	...	...	...	...
Ganja (as <i>Drugs, narcotic</i>) ... p	...	...	...	...
Garth cloth ... p	...	...	...	...
Garden seeds ... p	...	...	...	...
Garlic (Jasson) ... p	...	...	...	...
Garlic (Jasson), C/200 B.G., C/100 M.G. ... p	...	...	...	...
Gas fittings ... p	...	...	...	...
Gas oil (as <i>Kerosine or paraffin oil non-dangerous</i>) ... p	...	...	...	...
Gasoline or benzoline ... p	...	...	...	...
Gates, iron or steel (as <i>Iron or steel—Division B</i>) ... p	...	...	...	...
Galatine dynamite ... p	...	...	...	...
Gelignite ... p	...	...	...	...
Geological specimens for <i>bona fide</i> use in museums ... p	...	...	...	...
Germat-silver (electrum) ... p	...	...	...	...
Ghajar seeds (as <i>Seeds, common</i>) ... p	...	...	...	...
Ghamelas, iron or steel (as <i>Iron or Steel—Division B</i>) ... p	...	...	...	...
Ghee ... p	...	...	...	...
Ghoiya (arvi root) ... p	...	...	...	...
Ghothing ... p	...	...	...	...
Giba, iron or steel (as <i>Iron or steel—Division B</i>) ... p	...	...	...	...
Gingelly or til oil (as <i>Oils—Division C</i>) ... p	...	...	...	...
Gingelly or til seeds (as <i>Seeds, common</i>) ... p	...	...	...	...
Ginger, dried (as <i>Drugs, country</i>) ... p	...	...	...	...
Ginger, preserved ... p	...	...	...	...

Articles.	Present Classification.		Proposed Classification.	
	R.R.	O.R.	R.R.	O.R.
Grain and pulses—concluded.				
<i>Includes—</i>				
Mutt	...	...	...	...
Oats	...	...	...	...
Oroid or ooid	...	...	...	...
Paddy	...	...	...	...
Peas	...	...	...	...
Poha (beaten rice)	...	...	...	...
Raggy	...	...	...	...
Rajgeera	...	...	...	...
Rice	...	...	...	...
Sago, common	...	...	...	...
Satoo	...	...	...	...
Soorgojah	...	...	...	...
Toor	...	...	...	...
Wheat	...	...	...	...
Wuttana	...	...	...	...
Gram (as <i>Grain and pulses</i>)	...	...	...	...
Gram, parbed (as <i>Grain and pulses</i>)	...	...	...	...
Graphite (black lead or plumbago) ... L.	...	...	...	...
Grass, dry	...	...	...	...
<i>Includes—</i>				
Bankas, grass	...	...	...	...
Bhoosa	...	...	...	...
Dhal stalks	...	...	...	...
Fodder or forage	...	...	...	...
Hay	...	...	...	...
Kirby	...	...	...	...
Sirkee	...	...	...	...
Straw	...	...	...	...
Grass, green ... L;p	...	...	...	...

Articles.	Present Classification.		Proposed Classification.	
	R.R.	O.R.	R.R.	O.R.
Gutters, iron or steel (as <i>Iron or steel—Division B</i>)	...	...	...	...
Gymnastic apparatus	...	...	...	...
Gypsum	...	...	...	...
Haberdashery...	...	...	...	...
Hair, cows' (gungowan)	...	...	...	...
Hair, goats' (pushm)	...	...	...	...
Hair, horse	...	...	...	...
Hair, human	...	...	...	...
Hair oils	...	...	...	...
<i>Includes—</i> Chambeli (jessamine) oil	...	...	...	...
Ham	...	...	...	...
Hammers, iron or steel (as <i>Iron or steel—Division B</i>)	...	...	...	...
Hand-barrows	...	...	...	...
Hand grenades for extinguishing fire	...	...	...	...
Hand mills	...	...	...	...
Hand trucks	...	...	...	...
Hangers, iron or steel (as <i>Iron or steel—Division B</i>)	...	...	...	...
Hardware	...	...	...	...
Harital (as <i>Drugs, country</i>)	...	...	...	...
Harness	...	...	...	...
Hats	...	...	...	...
Hats, sola	...	...	...	...
Hay (see <i>Grass, dry</i>)	...	...	...	...
Heels, iron or steel (as <i>Iron or steel—Division B</i>)	...	...	...	...
Helmets	...	...	...	...
Hemp , machine pressed, hand or power	...	...	...	...

Articles.	Present Classification.		Proposed Classification.	
	R.R.	O.R.	R.R.	O.R.
<i>Includes—</i>				
Flax	...	...	...	...
Jute	...	...	...	...
Moony	...	...	...	...
Tow	...	...	...	...
Hemp , unpressed	...	...	...	...
<i>Includes—</i>				
Flax	...	...	...	...
Jute	...	...	...	...
Moony	...	...	...	...
Tow	...	...	...	...
Hemp , unpressed, W/200 B.G., W/100 M.G. ... L	...	...	...	...
<i>Includes—</i>				
Flax	...	...	...	...
Jute	...	...	...	...
Moony	...	...	...	...
Tow	...	...	...	...
Hemp seeds (as <i>Seeds, common</i>)	...	...	...	...
Herbs, medicinal (as <i>Drugs, country</i>)	...	...	...	...
Hessian cloth (as <i>Gunnies</i>)	...	...	...	...
Hide (khari) salt (as <i>salt, N. O. C.</i>)	...	...	...	...
Hides and skins, dry	...	...	...	...
<i>Includes—</i>				
Goat skins	...	...	...	...
Sheep skins	...	...	...	...
Hides and skins, dry W/300 B.G., W/200 M.G. ... s;L	...	...	...	...
<i>Includes—</i>				
Goat skins	...	...	...	...
Sheep skins	...	...	...	...
Hides and skins, wet	...	...	...	...
<i>Includes—</i>				
Goat skins	...	...	...	...
Sheep skins	...	...	...	...
Hides and skins, wet W/400 B.G., W/270 M.G. ...	...	...	...	...

Articles.	Present Classification.		Proposed Classification.	
	R.R.	O.R.	R.R.	O.R.
Hides and skins, wet.—<i>conold.</i> <i>Includes</i> —Goat skins, Sheep skins				
Hinges, iron or steel (as <i>Iron or steel</i> — <i>Division B</i>)	2	...	...	...
Hones	3	...	...	...
Honey	...	...	...	...
Horns (as <i>Bones</i>)	...	...	...	...
Hookahs, common country	...	...	...	...
Hookahs, N. O. C.	...	...	...	...
Hoops, iron or steel (as <i>Iron or steel</i> — <i>Division B</i>)	3	...	...	...
Hops	...	...	...	...
Horns, common (as <i>Bones</i>)	...	...	...	...
Horns, stag	...	...	...	...
Horse-shoes, iron or steel (as <i>Iron or steel</i> — <i>Division B</i>)	2	...	...	...
Hose, canvas	...	...	...	...
Hose, leather	...	...	...	...
Hosiery cotton or woollen (as <i>Piece-goods, cotton or woollen</i>)	2	...	...	...
Hosiery, silk	...	...	...	...
Household effects	5	...	...	...
Howbair or abocber (as <i>Drugs, country</i>)	4	...	...	...
Howdahs, subject to a minimum weight for charge of 13½ nd. each.	...	...	...	...
Hura seeds (as <i>Seeds, common</i>)	4	...	...	...
Hurra (as <i>Myrabolams</i>)	...	...	...	...
Hurute (abruk or mica)	2	...	...	...
Husks of grain, pulses and common seeds	1	...	...	...
Ink				
Ink pots, glass (as <i>Glassware</i> — <i>Division C</i>)	...	...	...	...
Insecticides	...	...	...	...
Irundi seeds (as <i>Seeds, common</i>)	...	...	...	...
Iron dust	...	...	...	...
Iron, nitrate of	1	...	...	...
Iron, sulphate of (annabathi)	X	5	10	9
Iron or steel—Division A	2	...	...	...
<i>Includes</i> —	3	...	...	...
Cash boxes	...	...	...	...
Castings, ornamental	...	...	...	...
Files	...	...	...	...
Frames for piles	...	...	...	...
Pulleys	...	...	...	...
Railings, ornamental	...	...	...	...
Saws	...	...	...	...
Steel grit	...	...	...	...
Iron or steel—Division B	1	...	...	...
<i>Includes</i> —				
Anchors	...	...	...	...
Angle	...	...	...	...
Anvils	...	...	...	...
Bands	...	...	...	...
Bars	...	...	...	...
Beams, reinforced concrete	...	...	...	...
Hearing plates	...	...	...	...
Beaters cast	...	...	...	...
Bell chairs	...	...	...	...
Bolts	...	...	...	...
Brackets	...	...	...	...

Hydrants, iron or steel (as <i>Iron or steel</i> — <i>Division B</i>)	...	...	...	...
Hydro-carbon oils, dangerous, i.e., having a flashing point below 76° Fahr.	X	5	10	9
Hydro-carbon oils, non-dangerous, i.e., having a flashing point at or above 76° Fahr.	...	...	...	...
Hydrochloric salt	4	3	8	6
Hydrofluoric or fluoric acid	1	...	2	...
Hydrogen gas, compressed	X	5	10	9
Hydrosulphite of soda	X	6	10	9
Hyposulphite of soda	2	2	6	4
Ice	1	1	4	2
Ideal powder or Nobel's special powder	X	5	10	9
Idols, stone	...	...	...	...
Igniters, safety fuze	X	5	10	9
Imperial schultze gunpowder	X	5	10	9
Implements, agricultural (not machinery) packed	1	...	1	...
Implements, agricultural (not machinery) unpacked	2	1	3	1
Implements for games	4	...	8	...
Incandescence mantles for gas and high power lamps, &c.	4	3	8	6
Incense	3	...	6	...
Indian clubs, wooden	2	...	4	...
Indian corn (as <i>Grain and pulses</i>)	...	...	...	...
Indigo	...	...	...	...
Indigo dust	...	...	...	...
Indigo or oil seeds (as <i>Seeds, common</i>)	...	...	...	...
Indigo sweepings	...	...	...	...
Industrial alcohol (50 to 70 degrees over proof)	...	...	...	...
<i>Includes</i> —				
Mhowna spirit (country liquor 50 to 70 degrees over proof)	...	...	...	...

Articles.	Present Classification.		Proposed Classification.	
	R.R.	O.R.	R.R.	O.R.
iron or steel—Division B. s <i>includes—</i>				
Nuts	...	...	...	...
Pins	...	...	...	...
Permanent-way materials other than for railways	...	...	...	...
Pickaxes	...	...	...	...
Pigs	...	...	...	...
Piles, screw	...	...	...	...
Pipes	...	...	...	...
Plates	...	...	...	...
Pots	...	...	...	...
Powrals	...	...	...	...
Rails	...	...	...	...
Railings, not ornamental	...	...	...	...
Ridings, ornamental or not ornamental	...	...	...	...
Rivets, iron or galvanized	...	...	...	...
Rods	...	...	...	...
Rollers	...	...	...	...
Roofing	...	...	...	...
Screw jacks	...	...	...	...
Screws	...	...	...	...
Sheets	...	...	...	...
Shoe tips and heels	...	...	...	...
Shutters	...	...	...	...
Sleepers	...	...	...	...
Spades	...	...	...	...
Spoons	...	...	...	...
Springs	...	...	...	...
Squares	...	...	...	...

Articles.	Present Classification.		Proposed Classification.	
	R.R.	O.R.	R.R.	O.R.
Tacks	...	...	...	...
Tanks	...	...	...	...
Targets	...	...	...	...
Ties	...	...	...	...
Tipplers	...	...	...	...
Towrals	...	...	...	...
Tubing	...	...	...	...
Turntables, railway	...	...	...	...
Valves	...	...	...	...
Washers	...	...	...	...
Weights	...	...	...	...
Well curbs	...	...	...	...
Wheels	...	...	...	...
Wheels for wells	...	...	...	...
Window frames, iron	...	...	...	...
Wine bins, wire	...	...	...	...
Wire	...	...	...	...
Wire fencing	...	...	...	...
Wire netting	...	...	...	...
Iron or steel scrap	...	...	...	...
Isinglass	...	...	...	...
Ita	...	...	...	...
Ivory	...	...	...	...
Ivory black (as Colours—Division A)	...	...	...	...
Jade	...	...	...	...
Jaffer seeds (as Seeds, common)	...	...	...	...
Jagree	...	...	...	...
<i>Includes—</i>				
Molasses	...	...	...	...
Jaiphal (nutmeg)	...	...	...	...
Jamalgota (croton) seeds (as Drugs, country)	...	...	...	...
Jamboo oil (as Oils—Division C)	...	...	...	...
Janamalu seeds (as Seeds, common)	...	...	...	...
Janappa seeds (as Seeds, common)	...	...	...	...
Jspannedware	...	...	...	...

Articles.	Present Classification.		Proposed Classification.	
	R.R.	O.R.	R.R.	O.R.
Kheera seeds (as <i>Seeds</i> , common)	...	...	...	...
Khohie seeds (as <i>Seeds</i> , common)	...	...	...	...
Khohie oil (as <i>Oils</i> —Division A)	...	...	...	...
Khushkus, pressed	1	2	2	4
Khushkus, unpressed	...	...	...	...
Khushkus seeds (as <i>Seeds</i> , common)	...	...	...	...
Kirby (as <i>Grass</i> , dry)	...	...	...	...
Knife cleaning boards	2	2	4	4
Kokam	...	...	...	...
Koolthi or korthi (gram) (as <i>Grain and pulses</i>)	...	...	...	...
Koorungee stone (as <i>Stone</i> , N.O.C.)	...	...	...	...
Koorum stone (as <i>Stone</i> , N.O.C.)	...	...	...	...
Kootoo (daraoo) seeds (as <i>Seeds</i> , common)	...	...	...	...
Korandum (as <i>Stone</i> , N. O. C.)	...	...	...	...
Kote lakkree (a dye wood)	1	...	2	...
Kuchla or nur-vomica, unprepared (as <i>Drugs</i> , country)	...	...	...	...
Kungnee seeds (as <i>Seeds</i> , common)	...	...	...	...
Kunkar (as <i>Ballast</i>)	...	...	...	...
Kuppas (cotton with seed)	...	...	...	...
Kurdee seeds (as <i>Seeds</i> , common)	...	...	...	...
Kurroo roots, wood or kutki (as <i>Drugs</i> , country)	...	...	...	...
Kushnee seeds (as <i>Seeds</i> , common)	...	...	...	...
Kustoorie (musk)	5	9	9	...
Lac dye	...	...	...	...
Lac of all kinds other than shellac	...	...	...	...
Lace, gold	...	...	...	...
Lace, silver	...	...	...	...

Articles.	Present Classification.		Proposed Classification.	
	R.R.	O.R.	R.R.	O.R.
Lace, N. O. C.	...	...	...	...
Laces for boots, shoes and stays	...	...	...	...
Lacquered ware	...	...	...	...
Lai seeds (as <i>Seeds</i> , common)	...	...	...	...
Lalko or cassia	...	...	...	...
Lanetta	...	...	...	...
Lanmit (as <i>Roofing</i> , felt or patent)	...	...	...	...
Lamp-black (as <i>Colours</i> —Division A)	...	...	...	...
Lamp burners	...	...	...	...
Lamp posts, iron or steel (as <i>Iron or steel</i> —Division B)	...	...	...	...
Lamps and lanterns (if of glasses)	...	...	...	...
Lamps, country, common, brass or tin	...	...	...	...
Lamps, electric	...	...	...	...
Lard	...	...	...	...
Laundry iron (as <i>Iron or steel</i> —Division B)	...	...	...	...
Lawn mowers	...	...	...	...
Lead for packing tea*	...	...	...	...
Lead foil*	...	...	...	...
Lead, manufactured*	...	...	...	...
Lead, nitrate of	...	...	...	...
Lead, ore*	...	...	...	...
Lead, pig*	...	...	...	...
Lead, red (as <i>Colours</i> —Division B)	...	...	...	...
Lead scrap*	...	...	...	...
Lead, shot in bags*	...	...	...	...
Lead, unmanufactured*	...	...	...	...
Lead, white (as <i>Colours</i> —Division B)	...	...	...	...
Leather belting, or any other kind (for machinery)	...	...	...	...
Leather, chamouis (as <i>Leather goods</i>)	...	...	...	...
Leather, common	...	...	...	...
Leather, cuttings or refuse	...	...	...	...
Leather, fancy	...	...	...	...
Leather goods	...	...	...	...
Includes—Chamois leather	...	...	...	...

* See General Rule 65 (c).

Articles.	Present Classification.		Proposed Classification.	
	R.R.	O.R.	R.R.	O.R.
Machinery.—contd.				
Presses, grass	...	...	...	...
Presses, indigo	...	...	...	...
Presses, printing	...	...	...	...
Pumps	...	...	...	...
Refrigerators	...	...	...	...
Scales weighing and accessories	...	...	...	...
Sewing machines	...	...	...	...
Steam rollers	...	...	...	...
Water meters	...	...	...	...
Weigh bridges	...	...	...	...
Weighting machines and accessories	...	...	...	...
Madder (as Colours—Division B)	...	...	...	...
Magenta (as Colours—Division A)	...	...	...	...
Magnesia	...	...	...	...
Magnesium, calcined	...	...	...	...
Magnesium, crude	...	...	...	...
Magnesium, dead burnt	...	...	...	...
Magnesium, low burnt	...	...	...	...
Magnesium, chloride of	...	...	...	...
Magnesium torches	...	...	...	...
Mahogany wood	...	...	...	...
Maida (as Flour)	...	...	...	...
Maize (as Grain and pulses)	...	...	...	...
Majum (as Drugs narcotic)*	...	...	...	...
Makacholam (as Grain and pulses)	...	...	...	...
Makai (as Grain and pulses)	...	...	...	...
Malt	...	...	...	...
Malunga seed (as Drugs, country)	...	...	...	...
Mandhar leaves	...	...	...	...
Manganese ore	...	...	...	...

Articles.	Present Classification.		Proposed Classification.	
	R.R.	O.R.	R.R.	O.R.
Manganese paste	...	...	...	...
Mangoes (as Fruits, fresh)	...	...	...	...
Manjeet (as Colours—Division B)	...	...	...	...
Manoil (as Drugs, country)	...	...	...	...
Manures of all kinds including chemical manures, N. O. C.†	...	...	...	...
Manuscripts	...	...	...	...
Maple wood	...	...	...	...
Maps	...	...	...	...
Marbles, playing	...	...	...	...
Marble, ballast or chips	...	...	...	...
Marble, unwrought, including rough blocks or slabs	...	...	...	...
Marble, wrought, including polished blocks or slabs and monuments	...	...	...	...
Marble, wrought, including polished blocks or slabs, and monuments, C/300 B. G., C/160 M. G.	...	...	...	...
Marbet	...	...	...	...
Marking nuts (bilawa or vela)	...	...	...	...
Masks	...	...	...	...
Matches, non-safety	...	...	...	...
Matches, safety	...	...	...	...
Matting of all kinds	...	...	...	...
Mattresses	...	...	...	...
Maya seeds or sakur (pudwas) (as Seeds, common)	...	...	...	...
Meals for horses and cattle	...	...	...	...
Measures, iron or steel (as Iron or steel—Division B)	...	...	...	...
Measuring tapes	...	...	...	...
Meat, dried	...	...	...	...
Meat, fresh	...	...	...	...
Meat meal (as Offal) †	...	...	...	...
Medical stores, imported	...	...	...	...
Medicinal herbs (as Drugs, country)	...	...	...	...
Medicinal leaves (as Drugs, country)	...	...	...	...

* See General Rule 65 (b).

† See General Rules 63 to 65.

Articles.	Present Classification.		Proposed Classification.	
	R.R.	O.R.	R.R.	O.R.
Motor cycles, packed, subject to a minimum weight for charge of 4 mds. for each case or crate ...	s	4	3	8
Motor cycles, component parts of ...	s	4	3	8
Motor lorries, subject to a minimum weight for charge of 50 maunds each ...	s	4	3	8
Motor spirit ...	p:d	4	3	8
Motor tractors, packed, subject to a minimum weight for charge of 8 mds. for each case or crate ...	s	4	3	8
Motor tractors, subject to a minimum weight for charge of 50 maunds each ...	s	4	3	8
Moulds ...	s	3	6	6
Mouse or rat traps ...	s	3	6	6
Mowha or mowra flowers ...	s	1	2	2
Mowha seeds (as Seeds, common) ...	s	1	2	2
Mowrie seeds (as Seeds, common) ...	s	1	2	2
Mullmull (as Piece-goods, cotton or woollen) ...	s	1	2	2
Munk (as Grain and pulses) ...	s	1	2	2
Munk (as ammonia (see ammonia, separate of) ...	s	1	2	2
Muriate of potash ...	L	1	1	1
Muriate of tin or tin liquor ...	p:d	1	1	1
Muriate or chloride of zinc ...	d	2	4	4
Muriatic or hydrochloric acid or spirits of salts ...	p:d	1	1	1
Murthareng (litharge) (as Drugs, country) ...	s	2	1	4
Museum exhibits ...	s	2	1	4
Musical instruments ...	e	5	9	9

Musk (kustoorie) ...	e	5	9	9
Muslin (as Piece-goods, cotton or woollen) ...	s	2	2	2
Musoor or mussoorie (as Grain and pulses) ...	s	1	4	4
Mustard ...	s	1	4	4
Mustard oil (as Oils—Division C) ...	s	1	4	4
Mustard seeds (as Seeds, common) ...	s	1	4	4
Mutt (as Grain and pulses) ...	s	1	4	4
Myrabolams ...	s	1	4	4
Includes— Gallnuts Hurra	s	1	4	4
Nails, iron or steel (as Iron or steel—Division B) ...	s	2	2	2
Naphthalene, solid in bags ...	s	1	4	4
Naphthalene, solid in casks ...	s	1	4	4
Naphthalene, other than solid ...	s	1	4	4
Naphtha, mineral ...	p:d	1	4	4
Naphtha, wood or wood spirit ...	p:d	1	4	4
Narkachoor (as Drugs, country) ...	s	1	4	4
Nasopal (pomegranate rind) ...	s	1	4	4
Natural history specimens for bond fide use in museums ...	s	2	2	2
Needles ...	s	2	2	2
Negro powder, No. 2 ...	s	2	2	2
Neonite ...	s	2	2	2
Nesadal (sal ammoniac) ...	s	2	2	2
Newspapers and magazines old ...	s	2	2	2
Newspapers, packed ...	s	2	2	2
Nickel ...	s	2	2	2
Nil seeds (as Seeds, common) ...	s	2	2	2
Nim seeds (as Seeds, common) ...	s	2	2	2
Nitrate of barium ...	p:d	2	2	2
Nitrate of iron ...	p:d	2	2	2
Nitrate of lead ...	p:d	2	2	2

Oil batching (as Oils—Division C) ...	s	1	1	1
Oilcake ...	L	2	1	4
Oil, carbolineum avenarius ...	s	3	1	6
Oil cloth ...	s	3	1	6
Oil, kerosine, or paraffin, dangerous (see Kerosine or paraffin oil, dangerous) ...	s	3	1	6
Oil, kerosine, or paraffin, non-dangerous (see Kerosine or paraffin oil, non-dangerous) ...	s	3	1	6
Oilman stores ...	s	3	1	6
Includes— Lemon or lime juice, imported Syrups, imported Oil of vitriol, vitriol or sulphuric acid ...	p:d	3	2	6
Oils—Division A ...	p:d	4	3	8
Includes— Cinnamon Essential oils ...	e	5	3	9
Oils—Division B ...	e	4	3	8
Includes— Sandalwood Khol Almond Camphor Croton Lemon grass oil Poppy seed ...	e	4	3	8
Oils—Division C ...	e	4	3	8
Includes— Batching oil Castor Cocoanut Cotton seed Crude oil	e	4	3	8

Articles.	Present Classification.		Proposed Classification.	
	R.R.	O.R.	R.R.	O.R.
Pots, iron or steel (as <i>Iron or steel</i> — <i>Division B</i>) ...	...	...	...	...
Powder, bleaching (chloride of lime) ...	...	...	...	...
Powder nursery, toilet or tooth ...	...	...	...	...
Powderine ...	...	...	...	...
Powraha, iron or steel (as <i>Iron or steel</i> — <i>Division B</i>) ...	...	...	...	...
Preserv's ...	...	...	...	...
Presses, copying (as <i>Machinery</i>) ...	...	...	...	...
Presses, grass (as <i>Machinery</i>) ...	...	...	...	...
Presses, indigo (as <i>Machinery</i>) ...	...	...	...	...
Presses, printing (as <i>Machinery</i>) ...	...	...	...	...
Presses screw, cotton or jute ...	...	...	...	...
Primers, electric ...	...	...	...	...
Primers, percussion ...	...	...	...	...
Primrose, smokeless ...	...	...	...	...
Printed forms, loose or bound in books, and other printed matter, N. O. C. ...	...	...	...	...
Printing materials, N. O. C. ...	...	...	...	...
Prussian blue (as <i>Colours</i> — <i>Division A</i>) ...	...	...	...	...
Pudlo ...	...	...	...	...
Pudwas (maya seed or sakur) (as <i>Seeds</i> , common) ...	...	...	...	...
Puggies, khaki (as <i>Piece-goods</i> , cotton or woollen) ...	...	...	...	...
Pulkera seeds (as <i>Seeds</i> , common) ...	...	...	...	...
Pulleys, iron or steel (as <i>Iron or steel</i> — <i>Division A</i>) ...	...	...	...	...
Pulses and grain (see <i>Grain and pulses</i>) ...	...	...	...	...
Pumice stone ...	...	...	...	...
Records, office ...	...	...	...	...
Red lead (as <i>Colours</i> — <i>Division B</i>) ...	...	...	...	...
Redwood ...	...	...	...	...
Reeds and rushes ...	...	...	...	...
Refrigerators (as <i>Machinery</i>) ...	...	...	...	...
Refuse, cotton seed oil ...	...	...	...	...
Rehan seeds (as <i>Seeds</i> , common) ...	...	...	...	...
Relays for bombs (for air craft) ...	...	...	...	...
Remington Dense Powder ...	...	...	...	...
Rendite ...	...	...	...	...
Resin (dhoona or rall) ...	...	...	...	...
Rexite ...	...	...	...	...
Rhea, machine pressed, hand or power ...	...	...	...	...
Rhea, unpressed ...	...	...	...	...
Rhea, unpressed, W/200 B. G., W/100 M. G. ...	...	...	...	...
Rice (as <i>Grain and pulses</i>) ...	...	...	...	...
Rice, parched (churnurie) ...	...	...	...	...
Rice pounders, wooden ...	...	...	...	...
Rickshaws, packed, subject to a minimum weight for charge of 4 mds. for each case or crate ...	...	...	...	...
Ridgings, ornamental or not ornamental, iron or steel (as <i>Iron or steel</i> — <i>Division B</i>) ...	...	...	...	...
Rika (soapnuts) ...	...	...	...	...
Rivets, iron or galvanized (as <i>Iron or steel</i> — <i>Division B</i>) ...	...	...	...	...
Roburite ...	...	...	...	...
Rockets, other than war rockets ...	...	...	...	...

Articles.	Present Classification.		Proposed Classification.	
	R.R.	O.R.	R.R.	O.R.
Pumpkin seeds (as <i>Seeds</i> , common) ...	...	...	...	...
Pumps (as <i>Machinery</i>) ...	...	...	...	...
Pungam oil (as <i>Oils</i> — <i>Division C</i>) ...	...	...	...	...
Punabha ...	...	...	...	...
Purdahs ...	...	...	...	...
Pushum (goats' hair) ...	...	...	...	...
Pushpina ...	...	...	...	...
Puty or putteen ...	...	...	...	...
Pyr.technic matches ...	...	...	...	...
Quick firing ammunition ...	...	...	...	...
Quick match ...	...	...	...	...
Quicksilver (mercury) ...	...	...	...	...
Quilts (razais) ...	...	...	...	...
Rash or moodi seeds (as <i>Seeds</i> , common) ...	...	...	...	...
Rafters ...	...	...	...	...
Ragay (as <i>Grain and pulses</i>) ...	...	...	...	...
Raga, oil ...	...	...	...	...
Raga, N. O. C. ...	...	...	...	...
Rallings, not ornamental (as <i>Iron or steel</i> — <i>Division B</i>) ...	...	...	...	...
Rallings, ornamental (as <i>Iron or steel</i> — <i>Division A</i>) ...	...	...	...	...
Ralls, iron or steel (as <i>Iron or steel</i> — <i>Division B</i>) ...	...	...	...	...
Rain-gauges ...	...	...	...	...
Rajgeera (as <i>Grain and pulses</i>) ...	...	...	...	...
Rall (dhoona or resin) ...	...	...	...	...
Randownee seeds (as <i>Seeds</i> , common) ...	...	...	...	...
Rangoon oil (as <i>Oils</i> — <i>Division C</i>) ...	...	...	...	...
Rapo seed (as <i>Seeds</i> , common) ...	...	...	...	...
Rape seed oil (as <i>Oils</i> — <i>Division C</i>) ...	...	...	...	...
Rattan ...	...	...	...	...
Rattan, W/200 B. G., W/100 M.G. ...	...	...	...	...
Rattan boxes ...	...	...	...	...
Rat-traps ...	...	...	...	...
Razais (quilts) ...	...	...	...	...
Rods, iron or steel (as <i>Iron or steel</i> — <i>Division B</i>) ...	...	...	...	...
Roli, vinjar or kankoo (as <i>Colours</i> — <i>Division A</i>) ...	...	...	...	...
Rollers, iron or steel (as <i>Iron or steel</i> — <i>Division B</i>) ...	...	...	...	...
Rollers, stone ...	...	...	...	...
Roofing, felt or patent ...	...	...	...	...
Includes—Asbestos Eternit ...	...	...	...	...
La' mit ...	...	...	...	...
Pollite ...	...	...	...	...
Ruberoid ...	...	...	...	...
Roofings, patent, N. O. C. ...	...	...	...	...
Roofing, iron or steel (as <i>Iron or steel</i> — <i>Division B</i>) ...	...	...	...	...
Roots, N. O. C. ...	...	...	...	...
Rope, coir or manilla ...	...	...	...	...
Rope, cotton ...	...	...	...	...
Rope, grass or leaf ...	...	...	...	...
Rope, hemp, jute and moonj ...	...	...	...	...
Rope, wire ...	...	...	...	...
Rope, N. O. C. ...	...	...	...	...
Rope, unserviceable, or cuttings ...	...	...	...	...
Rose water ...	...	...	...	...
Rosin (colophony) ...	...	...	...	...
Rosin oils ...	...	...	...	...
Rotary converters (as <i>Machinery</i>) ...	...	...	...	...
Rouge (as <i>Colours</i> — <i>Division A</i>) ...	...	...	...	...
Rubber, crude ...	...	...	...	...
Rubber goods, old ...	...	...	...	...
Rubber, manufactured ...	...	...	...	...
Includes—Rubber tyres ...	...	...	...	...
Rubber seeds ...	...	...	...	...
Rubber solution, composed of rubber and naphtha, vapour inflammable at 76° Fahr. ...	...	...	...	...

Articles.	Present Classification.		Proposed Classification.	
	R.R.	O.R.	R.R.	O.R.
Rubber solution, composed of rubber and naphtha, vapour not inflammable at 76° Fahr. ...	P;d	3	6	...
Rubber tyres (as Rubber, manufactured) ...	S	...	...	...
Ruberoid (as Roofing, felt or patent) ...	S	...	...	...
Ruby powder ...	P;d	3	6	4
Rugs, floor or carpets ...	...	...	...	...
Rugs, travelling [as Blankets ('ambles)] ...	...	...	...	...
Rushes and reeds ...	L	1	...	...
Saddlery ...	...	3	6	...
Safes, iron or steel ...	...	4	3	8
Safflower (as Colours—Division B) ...	...	...	...	...
Safflower seeds (as Seeds, common) ...	...	...	...	...
Saffron ...	S	4	8	...
Sago, common (as Grain and pulses) ...	...	...	...	...
Sago, pearl ...	...	2	4	...
Sahyera (caraway seed) ...	...	2	4	...
Sailcloth ...	...	2	4	...
Sakur or maya seeds (pudwas) (as Seeds, common) ...	...	...	...	...
Saled oil (as Oils—Division C) ...	S	...	...	...
Salamac (as Asamonia, muriate of) ...	S	2	4	...
Salammoniac (necada) ...	S	2	4	...
Salt for table use ...	...	1	1	...
Salt N. O. C. ...	...	2	4	...
Salt, spearm ...	...	1	2	...
Saltpetre, nitre, or nitrate of potash (other than manure)* ...	d	...	...	...

Dhannia	...	...	...	...
Doonga	...	...	...	...
Fennel	...	...	...	...
Flax	...	...	...	...
Ghajur	...	...	...	...
Gingelly	...	...	...	...
Govavar	...	...	...	...
Gowar	...	...	...	...
Hemp	...	...	...	...
Hura	...	...	...	...
Indigo	...	...	...	...
Irundi	...	...	...	...
Jaffer	...	...	...	...
Janamalu	...	...	...	...
Janappa	...	...	...	...
Jowan	...	...	...	...
Jute	...	...	...	...
Kakarikai	...	...	...	...
Kakree	...	...	...	...
Kaladana	...	...	...	...
Kalajiri	...	...	...	...
Kalanjee	...	...	...	...
Kalingra	...	...	...	...
Kamalgotia	...	...	...	...
Kar	...	...	...	...
Karamony	...	...	...	...
Karboojah	...	...	...	...
Karila	...	...	...	...
Kheera	...	...	...	...
Khobie	...	...	...	...
Khushkhus	...	...	...	...
Kootoo	...	...	...	...
Kungnee	...	...	...	...
Kurdee	...	...	...	...
Kushnee	...	...	...	...
Lai	...	...	...	...
Lineed	...	...	...	...

Articles.	Present Classification.		Proposed Classification.	
	R.R.	O.R.	R.R.	O.R.
Spirit, mhowa (country liquor 50 to 70 degrees overproof) (as <i>Industrial alcohol</i> 50 to 70 degrees overproof) pid	...	...	...	...
Spirit of wine... pid	3	2	6	4
Spirit of salts or hydrochloric or muriatic acid... pid	X	3	10	9
Spirit or oil of turpentine... pid	3	2	6	4
Spirits, wines and cordials, imported in casks, or cases or ham-pers bottled or in jars... pid	3	...	6	...
<i>Includes—</i> Liquor Spirits, wines and cordials, imported in casks, not bottled... s	2	...	4	...
<i>Includes—</i> Liquor Spirits, wines and cordials, country... s	2	...	4	...
<i>Includes—</i> Liquor Toddy... p	4	...	8	...
Spirit, varnish... pid	2	...	4	...
Spirits for matches... pid	5	...	9	...
Spoons... s	...	...	...	...
Spoons, iron or steel (as <i>Iron or steel</i> — <i>Division B</i>)... s	...	...	...	...
Spoons, wooden... s	...	...	...	...
Springs, iron or steel (as <i>Iron or steel</i> — <i>Division B</i>)... s	...	...	...	...
Squares, iron or steel (as <i>Iron or steel</i> — <i>Division B</i>)... s	...	...	...	...

Stalks, dball (as <i>Grass</i> , dry)	L	...	...	...
Stamped paper...	e	...	...	...
Stamps...	e	...	...	...
Starch...	...	...	...	...
Star shell...	pid	...	...	...
Stationery...	e	...	...	...
Statuary...	s	...	...	...
Staves of cases and casks...	L	...	...	...
Steam rollers (as <i>Machinery</i>)...	s	...	...	...
Statute (soapstone)...	L	...	...	...
Steel grit (as <i>Iron or steel</i> — <i>Division A</i>)...	s	...	...	...
Steel or iron (see <i>Iron or steel</i> — <i>Divisions A and B</i>)...	...	...	...	...
Steel or iron scrap...	...	...	...	...
Stencil plates...	...	...	...	...
Sticks, walking...	...	...	...	...
Stone, cut or engraved...	...	...	...	...
Stone flour (stone powder)...	...	...	...	...
Stone, lithographic...	...	...	...	...
Stone moss or flower (dugudphul)	...	...	...	...
Stone, N. O. C. <i>Includes—</i> Flagstone Koringhee stone Korum stone Korandum Mill stones Stone powder (stone flour) Stone pumice... Stone rollers... Stoneware... Stoneware, C. C./B.G., C. C./M.G. Stout (as <i>Ale and beer</i>)... Stoves... Stowmarket Smokeless... Straw (as <i>Grass</i> , dry)...	L	...	...	...

Sulphurous acid gas, compressed or liquified (sulphur dioxide)...	p,d	...	...	...
Surgical instruments...	e	...	...	...
Survey instruments and appliances...	s	...	...	...
Swags (borax), kutcha or crude...	...	...	...	...
Swags (borax), pucca...	p	...	...	...
Sweetmeats, Indian...	s	...	...	...
Sweet oil (as <i>Oils</i> — <i>Division C</i>)...	p	...	...	...
Sweet potatoes (Sukkurkand)...	p	...	...	...
Sweets (as <i>Confectionery</i>)...	p	...	...	...
Swords...	...	...	...	...
Syrups Country <i>Includes—</i> Lemon or lime juice country Syrups imported (as <i>Oilmanstoes</i>)...	...	...	...	...
Tacks, iron or steel (as <i>Iron or steel</i> — <i>Division B</i>)...	s	...	...	...
Talc...	...	...	...	...
Tallow...	s	...	...	...
Tallow oil (as <i>Oils</i> — <i>Division C</i>)...	s	...	...	...
Tamarind...	...	...	...	...
Tamarind seeds (as <i>Seeds</i> , common)...	...	...	...	...
Tanks, iron or steel (as <i>Iron or steel</i> — <i>Division B</i>)...	...	...	...	...
Tanning extract of all kinds...	...	...	...	...
Tanstuffa, N. O. C., i.e., bark, leaves, nuts or fruits, used in tanning...	...	...	...	...
Tant...	...	...	...	...
Tape, cotton...	...	...	...	...
Tape, wool...	...	...	...	...
Tapes, measuring...	...	...	...	...
Tapioca in tins...	...	...	...	...
Tapioca, sun-dried (as <i>Grain and pulses</i>)...	L	...	...	...
Tar...	...	...	...	...
Taramira seeds (as <i>Seed</i> , common)...	...	...	...	...
Tava seeds (as <i>Seeds</i> , common)...	...	...	...	...

Articles.	Present Classification.		Proposed Classification.	
	R.R.	O.R.	R.R.	O.R.
Targets, iron or steel (as Iron or steel—Division B)	...	...	...	...
Tarpaulins	...	...	...	...
Tea	...	...	...	...
Includes—	...	...	...	...
Pickled tea	...	...	...	...
Tea dust	...	...	...	...
Tea chest linings	...	...	...	...
Tea chests, in pieces (shooks)	...	...	...	...
Tea chests, made up	...	...	...	...
Tea seed	...	...	...	...
Tea Waste	...	...	...	...
Includes—	...	...	...	...
Tea sweepings	...	...	...	...
Tea fluff	...	...	...	...
Tea stalk	...	...	...	...
Telex or singaroh or panipul	...	...	...	...
Telegraph and telephone instruments	...	...	...	...
Telegraph and telephone materials, N. O. C.	...	...	...	...
Telescopes	...	...	...	...
Tents and tent equipage	...	...	...	...
Terebinte or sundryers	...	...	...	...
Terracotta bricks	...	...	...	...
Terracotta ware	...	...	...	...
The trial kit	...	...	...	...
Thread, cotton or woollen, flax or hemp (as Piece-goods, cotton or woollen)	...	...	...	...
Thread, gold or silver	...	...	...	...
Thread, gold or silver imitation	...	...	...	...
Thread, silk	...	...	...	...

Articles.	Present Classification.		Proposed Classification.	
	R.R.	O.R.	R.R.	O.R.
Throw-downs	...	...	...	...
Ties, iron or steel (as Iron or steel—Division B)	...	...	...	...
Tiger skins	...	...	...	...
Tiles, common	...	...	...	...
Tiles, encaustic and ornamental	...	...	...	...
Tiles, glass (as Glassware—Division C)	...	...	...	...
Til, or flangly oil (as Oils—Division C)	...	...	...	...
Til seeds (as Seeds, common)	...	...	...	...
Til seeds, scented	...	...	...	...
Timber, unwrought	...	...	...	...
Includes—	...	...	...	...
Beams, wooden	...	...	...	...
Bullies	...	...	...	...
Kadies	...	...	...	...
Scantlings	...	...	...	...
Timber, wrought, N. O. C.	...	...	...	...
Includes—	...	...	...	...
Felloes, morticed	...	...	...	...
Planks	...	...	...	...
Sleepers, wooden	...	...	...	...
Tin boxes, or tin trunks	...	...	...	...
Tin foil	...	...	...	...
Tin in sheets	...	...	...	...
Tin liquor or muriate of tin	...	...	...	...
Tinning materials	...	...	...	...
Tin scrap	...	...	...	...
Tinsel	...	...	...	...
Tinsel, glass	...	...	...	...
Tins, used and old (as Emptyies)	...	...	...	...
Tinware, N. O. C.	...	...	...	...
Tipplers, iron or steel (as Iron or steel—Division B)	...	...	...	...
Title deeds	...	...	...	...
Tobacco, country, manufac-	...	...	...	...
tured	...	...	...	...
Includes—	...	...	...	...
Biddy tobacco	...	...	...	...

Articles.	Present Classification.			Articles.	Present Classification.		
	R.R.	O.R.	O.R.		R.R.	O.R.	O.R.
Vaseline	2	...	4	Wines (see <i>Spirits, wines and cordials</i>)	...	3	...
Vegetable oil, N. O. C. (as <i>Oils—Division C</i>)	...	...	...	Wines, non-alcoholic	...	2	...
Vegetables	...	...	...	Winnows	...	2	...
Vela or bilawa (marking nuts)	...	...	...	Wire, brass or copper	...	2	...
Veners for matches	...	...	...	Wire fencing (as <i>Iron or steel—Division B</i>)	...	...	...
Verdigris	...	...	...	Wire, gold or silver imitation or German silver	...	...	...
Vermicelli	...	...	...	Wire, gold or silver plated	...	4	...
Vermilion (as <i>Colours—Division A</i>)	...	...	...	Wire, insulated	...	4	...
Victor powder or Monobel A 1	...	...	...	Wire, iron or steel (as <i>Iron or steel—Division B</i>)	...	4	...
Viking powder No. 1 } or A 2	...	...	...	Wire, netting (as <i>Iron or steel—Division B</i>)	...	...	...
Viking powder No. 2 }	...	...	...	Wire rope	...	...	...
Vinegar	...	...	...	Wine, N. O. C.	...	2	...
Vitriol or oil of vitriol or sulphuric acid	...	...	...	Wolfam	...	2	...
Vulcanite	...	...	...	Wooden articles N. O. C.	...	4	...
Walking sticks	...	...	...	Wood pulp	...	1	...
Wall paper	...	...	...	Wood spirit or wood naphtha	...	1	...
Walnut wood	...	...	...	Wool, full-pressed	...	5	...
War rockets	...	...	...	Wool, half-pressed	...	2	...
Washers, iron or steel (as <i>Iron or steel—Division B</i>)	...	...	...	Wool, loose	...	3	...
Washers, leather	...	...	...	Wool, fancy	...	4	...
Washers, N. O. C.	...	...	...	Wool, waste	...	2	...
Waste, cotton, wool and yarn	...	...	...	Wuttana (as <i>Grain and pulses</i>)	...	...	...
Waste jute	...	...	...	Yak tails	...	3	...
Waste refuse	...	...	...	Yams	...	1	...
Waste refuse, W/200 B. G., W/100 M. G.	...	...	...	Yarn, cotton or woollen (as <i>Piece-goods, cotton or woollen</i>)	...	...	...
Watches	...	...	...	Yarn waste	...	2	...

Water	...	...	...	Yeast, day	...	...	...
Water, Ganges	...	...	...	Yellow metal plates and sheathing (as <i>Brass ingots, sheets and slabs</i>)	...	...	...
Water meters (as <i>Machinery</i>)	...	...	...	Zahir Mohra Khatai	...	...	...
Water paints and distempers (such as calcium (as <i>Colours—Division B</i>))	...	...	...	Zinc, chloride or muriate of	...	...	...
Waterproof goods	...	...	...	Zinc dust or tutty powder	...	...	...
Wax cloth	...	...	...	Zinc foil	...	...	...
Wax, refined	...	...	...	Zinc ingots, sheets and slabs	...	...	...
Wax, sealing	...	...	...	Zinc, manufactured, N. O. C.	...	...	...
Wax, unrefined	...	...	...	Zinc nails and tiles	...	...	...
Wearing apparel	...	...	...	Zinc ore	...	...	...
Weighbridges (as <i>Machinery</i>)	...	...	...	Zinc pieces	...	...	...
Weighing machines and accessories (as <i>Machinery</i>)	...	...	...	Zinc pure	...	...	...
Weights, iron or steel (as <i>Iron or steel—Division B</i>)	...	...	...	Zinc, sulphate of	...	...	...
Well curbs, iron or steel (as <i>Iron or steel—Division B</i>)	...	...	...	Zinc white (as <i>Colours—Division B</i>)	...	...	...
Well rings, earthen	...	...	...				
Wheat (as <i>Grain and pulses</i>)	...	...	...				
Wheels for carriages	...	...	...				
Wheels for country carts	...	...	...				
Wheels for wells, iron or steel (as <i>Iron or steel—Division B</i>)	...	...	...				
Wheels, iron or steel (as <i>Iron or steel—Division B</i>)	...	...	...				
Whips	...	...	...				
White lead (as <i>Colours—Division B</i>)	...	...	...				
White oil (as <i>Oils—Division C</i>)	...	...	...				
White zinc (as <i>Colours—Division B</i>)	...	...	...				
Whiting	...	...	...				
Window frames, glazed	...	...	...				
Window frames, iron (as <i>Iron or steel—Division B</i>)	...	...	...				
Wine bins, wire (as <i>Iron or steel—Division B</i>)	...	...	...				

RAILWAY PROJECTS IN SOUTHERN INDIA.

346. **Mr. Narayandas Girdhardas**: Will the Government be pleased to furnish a list of projects for new construction of Railways in Southern India, started by the Local Government, by District Boards, by private Agencies or by the Railway Board, within the area covered by the Madras and the Southern Mahratta and the South Indian Railways, since the creation of the Railway Board in 1908, with particulars as to when each project was surveyed, when such project was sanctioned for construction, and also with a short statement of the reasons for the delay in construction in each case?

Colonel W. D. Waghorn: A statement giving the information asked for is laid on the table.

Statement showing railways projected since the formation of the Railway Board in 1905 in the area covered by the Madras and Southern Mahratta Railway and the South Indian Railway. [Indian States lines excluded.]

Name of project.	Surveyed or not.	REMARKS.
Ammayanayakkanur-Uttamapalayam railway.	Surveyed in 1906 ...	Proposed by the District Board of Madura.
Attur-Chinnasalem railway ...	Surveyed in 1913-14	Proposed by the Salem and South Arcot District Boards. } So far no definite proposals for construction have been received.
Attur-Thirumondurai railway	Surveyed in 1913-14.	Alternatives to Attur-Chinnasalem railway.
Attur-Perambalur railway ...	Not ...	Proposals for construction under Branch Line Terms have been received from private promoters, but the project has, at the request of the promoters, been held in abeyance until the question of the revision of the Branch Line Terms have been settled.
Bijapur Talikote railway ...	Not ...	Proposals for construction under Branch Line Terms have been received from private promoters, but the project has, at the request of the promoters, been held in abeyance until the question of the revision of the Branch Line Terms have been settled.
Cocanada Kotipalle railway	Surveyed in 1916 ...	Proposed by the District Board of Godavery.
Uddallore-Vridhdhae h a l a m railway.	Surveyed in 1906 ...	Proposed by the District Board of South Arcot. } So far no definite proposals for construction have been received.
Erode-Satyamangalam railway.	Surveyed in 1900-11.	Proposed by the Coimbatore District Board. In April 1910, the Madras Government were informed that the Railway Board would be prepared to consider favourably a revised application from the District Board for a concession for the construction of this line. This application is awaited.
Guddivada-Nidadavolu railway.	Surveyed in 1913 ...	Proposed by the District Board of Kistna.
Guntur-Macherla railway ..	Surveyed in 1916 ...	Proposed by the District Board of Guntur. } So far no definite proposals for construction have been received.
Haveri-Havanur railway ...	Surveyed in 1917 ...	Further consideration of this project has been deferred for the present in view of its unremunerativeness.
Hubli-Sirsi railway ...	Not ...	Reconnoitred in 1917-18. In view of the very poor return on the capital outlay involved further consideration of this project has been postponed for the present.
Karaikudi-Arantangi railway	Surveyed in 1910 ...	Alternative to Devakota-Arantangi branch of Trichinopoly-Ramnad railway. Proposals for construction under Branch Line Terms have been received from private promoters and are under the consideration of the Railway Board.
Kavali-Udayagiri railway ...	Surveyed in 1908 ...	Proposed by the Madras Government as a famine protective railway. The project was not considered by the Local Government to be urgent and has therefore been deferred.
Madura-Bodinayakkanur railway.	Surveyed in 1913-14	Proposed by the District Board of Madura. Definite proposals as regards the method of financing it are awaited from the District Board.
Mannargudi-Tiruturaipundi railway.	Surveyed in 1913 ...	Proposed by the Tanjore District Board. Some of the terms for the construction and working of this line are under discussion with the Agent, South Indian Railway Company.
Nandyal-Atmakur railway ...	Surveyed in 1900 ...	Proposed by the District Board of Kurnool. So far no definite proposals for construction have been received.
Nidamangalam-Mannargudi railway.	Surveyed in 1912 ...	Proposed by the District Board of Tanjore. Sanctioned for construction on 15th October 1912. Opened on 15th February 1915.
Ollapalem-Kanigiri railway...	Surveyed in 1917 ...	Proposed by the District Board of Nellore. So far no definite proposals for construction have been received.
Padalam (or Madurantakam)-Arni railway.	Not ...	Reconnaissance sanctioned in 1916, but it has been deferred since the Chingleput and North Arcot District Boards are unable to finance the construction of the line at present.
Palakodu-Krishnagiri railway	Not ...	Proposed by the South Indian Railway Company. Project deferred till there is prospect of funds being available.

Name of project.	Surveyed or not.	REMARKS.
Palamecottah-Panagudi railway.	Not ...	Reconnaissance deferred on account of want of staff.
Podanur-Pollachi railway ...	Surveyed in 1908-09.	Proposed by the District Board of Coimbatore. Sanctioned for construction on 18th December 1913. Opened on 15th October 1918.
Ramnad-Kilakkarai railway ..	Surveyed in 1909-10.	Proposed by the District Board of Madura. So far no definite proposals for its construction have been received.
Ramnad-Virudupatti railway	Surveyed in 1909 ...	Proposals for construction under Branch Line Terms have been received from private promoters and the construction estimates and traffic report are being revised and brought up to date.
Repalle-Vieweswaram railway	Surveyed in 1915 ...	Concession for construction of this line granted to the District Board of Guntur, but construction has been deferred owing to the high cost of railway materials.
Salem-Samayapuram railway	Not ...	Proposed by the Madras Government. Reconnoitred in 1915. Detailed survey postponed on account of want of staff.
Suramangalam Salem railway	Surveyed in 1913...	Proposed by the District Board of Salem. Sanctioned for construction on 23rd March 1915. Opened on 1st June 1917.
Tanjore-Tiruvadi railway ...	Surveyed in 1915 ..	Proposed by the Tanjore District Board. So far no definite proposals for its construction have been received.
Tirupatti (Renigunta)-Madras railway.	Surveyed in 1913...	Proposed by the Madras and Southern Mahratta Railway Company. Construction has been deferred in view of the financial stringency.
Trichinopoly-Jayankonda Sholapuram railway.	Surveyed in 1916...	Proposed by the Trichinopoly District Board. Awaits the construction of the proposed Trichinopoly-Panruti railway.
Trichinopoly-Panruti railway	Surveyed in 1907...	Proposed by the Madras Government. The question of the gauge to be adopted for the Panruti-Trichinopoly-Ramnad railway is not yet settled and is to be further investigated.
Trichinopoly-Ramnad railway	Surveyed in 1909...	Concession granted to the Pudukkottai Durbar for construction of Trichinopoly-Pudukkottai section. Construction of this section was sanctioned on 4th August 1918, but it has been postponed for the present.
Triturapundi Vedaraniem railway.	Surveyed in 1912...	Proposed by the Tanjore District Board. Sanctioned for construction on 15th October 1912. Opened on 15th May 1919.
Ulundurpettai-Chinna Salem railway.	Surveyed in 1909...	Proposed by the District Board of South Arcot. Awaits the construction of the proposed Trichinopoly-Panruti railway, on which this line depends.
Virudupatti-Tenkasi railway...	Surveyed in 1912	Proposals for construction under Branch Line Terms have been received from private promoters and the construction estimates and traffic report are being revised and brought up to date.
Yerragudipad-Nandyal railway.	Surveyed in 1908-09.	Proposed by the Madras Government as a famine protective railway. Project could not be proceeded with on account of want of funds.
Manamadurai-Sivaganga railway.	Surveyed in 1914...	Proposed by the District Board of Ramnad. Sanctioned for construction on 2nd December 1915. Construction postponed for the present owing to the high cost of materials.
Mayavaram Tranquebar railway.	Surveyed in 1915 ..	Proposed by the District Board of Tanjore. Sanctioned for construction on 15th December 1915. Construction postponed for the present owing to the high cost of materials.
Bagalkot Raibag railway ...	Surveyed in 1911-12.	Proposed by the Madras and Southern Mahratta Railway Company. Construction held up in view of the difficulty of financing it under existing conditions.
Belgaum Saundatti Hubli railway.	Surveyed in 1913-14.	Proposed by the Bombay Government. Construction held up till funds can be made available out of the programme.
Gadag Yalvigi railway ...	Surveyed in 1905-06.	Proposed by the Madras and Southern Mahratta Railway Company. Project held in abeyance in view of the financial stringency.
Koregaon Satara railway ...	Surveyed in 1911 and again in 1917.	Proposed by the Government of Bombay. Construction deferred till programme funds are available; meanwhile earthwork and land acquisition have been sanctioned.
Nipani Branch railway ...	Surveyed in 1912-13.	Proposed by the Madras and Southern Mahratta Railway Company. Project held in abeyance in view of the financial stringency.
Rajahmundry Sironcha railway.	Surveyed in 1909-10.	Proposed by the Madras and Southern Mahratta Railway Company. The results of the Survey indicated that the gross earnings would not suffice to cover working expenses. The project was therefore not proceeded with.
Rameswaram Danishkodi Extension.	Surveyed in 1907...	Construction sanctioned in 1908. Opened by sections during 1908-14.
Dharmapuri Hosur railway ...	Surveyed in 1905-06.	Construction sanctioned in 1906. Opened in 1913.

COMMISSIONS ON INDIAN CURRENCY, EXCHANGE AND FINANCE.

347. **Mr. Narayandas Girdhardas**: (a) Will the Government be pleased to state whether they have in contemplation the appointment in the

immediate future of another Commission to undertake an inquiry into questions of Indian Currency, Exchange and Finance?

(b) If the answer be in the affirmative, will the Government be pleased to give an undertaking that the composition of such a Commission will be predominantly representative of Indian interests and that the inquiry will be conducted in India?

The Honourable Mr. W. M. Hailey : (a) Government have so far not contemplated the appointment of such a Commission in the immediate future.

(b) This does not arise.

Question No. 348 was withdrawn.

TRANSPORT OF KAPAS COTTON.

349. **Sardar B. A. Dalal :** Will the Government be pleased to state whether legislation for stopping the transport of Kapas—cotton with seed—by rail or boat, etc., in Gujarat is to be taken in hand and, if so, when?

The Honourable Mr. C. A. Innes : The Government of Bombay recently asked for sanction, under section 80-A. of the Government of India Act, for the introduction of a Bill in the Bombay Legislative Council to prohibit the transport of cotton to certain stations in the Surat-Navsari long staple cotton area. They wished to introduce the Bill in the recent Session of the Council. Previously, the Government of India had expressed approval of the main lines of the legislation proposed, but an examination of the draft Bill disclosed such serious difficulties in the way of Provincial legislation of this kind, that the Governor General was unable to accord his sanction. The Government of India, however, recognise the importance and urgency of the question. The Central Cotton Committee has recommended that legislation should be undertaken by the Indian Legislature to enable the transport of cotton to specified areas to be regulated, and the Government of India have the proposals under examination.

OFFICIAL 'WHO'S WHO' IN INDIA.

350. **Lala Girdharilal Agarwala :** (a) Do the Government propose to compile an official *Who's Who* in the Indian Legislature or encourage private enterprise?

(b) Have the Government made inquiries about the educational, legal, commercial and other qualifications and experience of each Honourable Member to find out his special fitness for various kinds of duties as a Member of the Indian Legislature? If so, will the Government be pleased to lay the same on the table?

(c) How many Honourable Members of the Indian Legislature are unable to speak in English?

(d) How many of them are illiterate?

The Honourable Dr. T. B. Saprú : (a) No.

(b) No.

(c) and (d). The Government of India can give no information. I may, however, in this connection add that the fitness of Members of the Legislative

Assembly is a matter on which Government can never be indifferent; but it is not a matter for which Government has any legal or constitutional responsibility. Neither Government as a whole, nor any individual member of it, can be asked officially to sit in judgment upon the political qualities of their Parliamentary Colleagues. The inquiry suggested by the Honourable Member, will, it is apprehended, be resented by the House itself, as implying a reflection on the Members and their constituencies. The elected Members of the Legislative Assembly are responsible to the electors who chose them to serve in the Assembly, and it is, therefore, from their respective electorates that Members must seek the judgment suggested in the question.

NON-SUPPLY OF WAGONS, NORTH-WESTERN RAILWAY.

351. **Dr. Nand Lal :** Is the Government aware that there is a general complaint among traders that in all Mandi stations (i.e., stations at or near which grain or cotton markets are situate) of the North-Western Railway they are put to a great deal of inconvenience as regards the supply of wagons? If so, would the Government be pleased to take necessary steps to remove their complaint?

Colonel W. D. Waghorn : It must be admitted that the supply of wagons is not always sufficient at all stations when demands are at the maximum during the busy traffic season, but since the accumulation of traffic, due to the shortage of coal, was worked off, the North-Western Railway has been in a position, not only to provide wagons for all traffic originating at its own stations, but also to help other railways in this respect by sending them large numbers of wagons.

SURVEY OF CATTLE.

352. **Sardar B. A. Dalal :** Will the Government be pleased to state whether any steps have been taken in regard to the survey of cattle and their classification as milk breeds? If not, why not?

Mr. J. Hullah : A good deal in this direction has been done in the Provinces. Full information is being obtained and will be communicated to the Honourable Member later.

IMPORT OF FOOD PROVISIONS.

353. **Mir Asad Ali, Khan Bahadur :** Will Government be pleased to state the quantity, as well as the value, of each kind of food provisions imported into India from each of the foreign countries for the last three years?

Mr. J. Hullah : The information required by the Honourable Member can be obtained from the "Annual Statement of the Sea-borne Trade of British India within the British Empire and Foreign Countries" which is available in the Library for years up to the fiscal year ending 31st March 1920. After that date monthly volumes of these statistics are available.

CALCUTTA MAIL TRAINS—LAHORE TO PESHAWAR.

354. **Khan Sahib M. M. Ikramullah Khan :** Will the Government be pleased to state the circumstances under which the running of the Calcutta mail trains between Lahore and Peshawar was discontinued, and what now delays the resuming of the service to Peshawar?

Colonel W. D. Waghorn : Nos. 1 Up and 2 Down Calcutta Mail trains were discontinued between Lahore and Peshawar on the 24th January 1921, due to shortage of coal. They were, however, replaced by Nos. 11 Up and 12 Down slow passenger trains on the 1st April 1921.

As circumstances do not permit at present of the North-Western Railway running both mail and slow passenger trains, it was decided by the Railway Administration, after due consideration and discussing the question with merchants and others, that a slow passenger train would better meet the public demand than a fast mail train. Measures are being taken to improve the capacity of the section, but until this has been done and more stock is available, it is regretted the question of running more trains cannot be considered.

INCOME-TAX AND SUPER-TAX, 1921.

355. **Mr. B. A. Spence :** Will Government state what is the amount paid for the year ending 31st March, 1921, in :

(a) income-tax,

(b) super-tax,

by Europeans and Anglo-Indians in this country, and what percentage is this of the total income-tax and super-tax paid ?

The Honourable Mr. W. M. Hailey : I regret that there are no such statistics available. We do not classify income-tax payers by race or religion, and it would of course be quite impossible to effect any such classification in the case of companies, from whom a considerable proportion of our revenue is received.

CURRENCY COMMISSION.

356. **Mr. R. A. Spence :** Does Government contemplate the appointment of a Commission to investigate and report on the Currency question before the close of the official year, and, if the answer is in the affirmative, will the members of the Commission be appointed in India, or will they be appointed in England by the Secretary of State ?

The Honourable Mr. W. M. Hailey : The Honourable Member is referred to the reply I have just given to Mr. Narayandas Girdhardas.

BRANCH RAILWAY LINE TO PAK PATTAN SHARIF.

357. **Haji Wajih-ud-din :** (a) Is it a fact that during war days a Railway branch line leading to Pak Pattan Sharif in the Punjab, was, as a temporary measure, closed, which has not yet been resumed for traffic and which is causing great inconvenience to the public in general, and particularly to the pilgrims, as well as a loss of income to the Government ?

(b) If so, will the Government be pleased, in the interest of both the public and the Government, to take steps to do the needful in the matter without further delay ?

Colonel W. D. Waghorn : (a) The reply is in the affirmative.

(b) Government are anxious to relay this line at the earliest possible moment, and intend doing so as soon as the necessary provision can be made.

The question of relaying hinges on two factors—materials and funds.

As regards the former, it is proposed on economic grounds to relay this line with second-hand 75 lb. rails released from the main lines of the North-Western Railway.

The supply of new rails is now satisfactory, and it is hoped that, if a reasonable programme of renewals can be undertaken on the North-Western Railway, sufficient second-hand rails will be set free to permit of the completion of the relaying of the Sutlej Valley Railway during the next three years.

From the above it will be seen, therefore, that the question of relaying depends on an adequate provision of funds to enable the necessary renewals to be undertaken. If these funds are forthcoming the relaying of the Sutlej Valley Railway can be assured.

RECOMMENDATIONS OF THE STORES PURCHASE COMMITTEE.

358. **Mr. B. S. Kamat :** (a) Will Government be pleased to state if any action has been taken in the matter of the recommendations of the Stores Purchase Committee, 1920 ? If so, whether the same is in accordance with the views contained in the Majority Report signed by the Officials and Non-officials, or the Minority Report signed by only two of the Officials on the Committee ? If no action has yet been taken, will Government kindly indicate the reasons for the delay ?

(b) With reference specially to Chapter VII of the Stores Purchase Committee's Report, will Government be pleased to state when, and what steps, they propose to take in regard to encouragement and protection of indigenous manufactures by (a) guaranteeing orders, (b) placing orders at favourable rates, and (c) securing favourable railway rates ?

Mr. A. C. Chatterjee : (a) The Government of India consulted Local Governments in March last with regard to the recommendations contained in the Stores Purchase Committee's Report. I will, if he so desires, supply the Honourable Member with a copy of the letters issued to Local Governments, from which he will observe that the Government of India are provisionally inclined to adopt the views of the Minority of the Committee in regard to the points of importance in which those views differ from the opinions expressed by the Majority. On receipt of the replies from Local Governments, the Government of India will proceed, with the least possible delay, to place their final conclusions before the Secretary of State. In the meantime, in order to avoid delay in the organization of the Stores Department in India, they have obtained the sanction of the Secretary of State to the appointment, on a temporary basis, of the three chief officers of the new Department. It is intended that these officers, when appointed, should work out the preliminary details and submit proposals for the permanent organization.

(b) The Government of India are not in a position to indicate at present their final views on the steps which should be taken with reference to the recommendations contained in Chapter VII of the Stores Purchase Committee's Report.

REPORT AND RECOMMENDATIONS OF THE STORES PURCHASE COMMITTEE.

359. **Mr. B. S. Kamat :** (a) With reference to the views of the Non-official Members in the Report of the Stores Purchase Committee, 1920, in regard to the position of Local Governments, will Government be pleased to

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state if they propose to leave Provincial Governments free to purchase their stores, both imported as well as indigenous, as best as they like?

(b) With reference to the location of the headquarters of the Indian Stores Department, do Government propose to fix it at the headquarters of the Government of India, or Calcutta or Bombay?

(c) With reference to the organisation and staff recommended by this Committee, will Government be pleased to state the various grades of appointments proposed to be created, and what steps are proposed to be taken to secure suitable Indians for them, as far as possible?

Mr. A. C. Chatterjee: (a) The reply is in the affirmative. The Government of India, however, propose to rule that, if Local Governments order imported stores from the United Kingdom, these stores must be obtained through the London Stores Department.

(b) The Government of India have provisionally formed the opinion that the headquarters of the Indian Stores Department would most suitably be located with the Government of India.

(c) The Government of India are not at present in a position to indicate the various appointments which will be created in the new Stores Department. This matter will be considered after the appointment of the three chief officers of the Department who, as indicated in the reply to the Honourable Member's last Question, will formulate proposals for the organization of the Department. The Honourable Member may rest assured that the question of appointing Indians, who possess the requisite qualifications, will not be overlooked.

HEAD LIGHTS ON RAILWAYS.

360. **Mr. Pyari Lal Misra:** (a) Is it a fact that during His Royal Highness the Duke of Connaught's visit to India last year head-lights were used on Railways?

(b) Were these lights used for averting accidents?

(c) If the answer to (b) be in the affirmative, will Government be pleased to recommend to the Railway Board to use head lights on all Railways to avert loss of life and property which have become so frequent of late?

Colonel W. D. Waghorn: It is not quite clear what is meant by the term 'head-lights' in this question.

The general rules for working Open Lines of Railway in India, 1906, lay down that at night, and in thick or foggy weather, no train or engine shall be worked either outside or within station limits unless it has the head-lights prescribed by the Railway Administration.

The answer to items (a) and (b) of the Question is, therefore, that head-lights were used on Railways during His Royal Highness the Duke of Connaught's visit to India last year in the ordinary course of working and in accordance with the general rules. It is possible, however, that the Honourable Member refers to a specially powerful type of head-light which was used by one railway on the engines working the Royal Train. This, however, was in the nature of an experiment, and the question whether the adoption on railways generally of a head-light, or search-light of the special type described is justified is under consideration.

STATE RELIGION IN INDIA.

361. **Mr. Pyari Lal Misra:** (a) Is there any State religion in India?

(b) If the answer to (a) be in the negative, will Government be pleased to state why the Ecclesiastical Department has been placed on the Civil List?

(c) Has the Government placed any other religion in India on the Civil List?

(d) If not, do Government propose to consider the question of removing the Ecclesiastical Department from the Civil List?

(e) What is the total annual cost of maintaining the Ecclesiastical Department throughout India?

Mr. H. Sharp: (a), (b) and (c). There is no State religion in this country. The Government of India, however, recognise the duty, within reasonable limits, of providing the ministrations of religion for British-born European Christian servants of the Crown, and especially for soldiers and their families.

Certain expenditure is annually incurred by Government on the provision of non-Christian religious instructors for Indian Regiments. For further information, the Honourable Member is referred to part (b) of the reply given to the question on the same subject asked by Mr. Makhdum Syed Rajan Buksh Shah.

(d) The answer is in the negative.

(e) The total expenditure on the Ecclesiastical establishment during the year for which the latest figures are available, viz., 1919-20, was Rs. 21,14,724.

CHIEF COURT FOR CENTRAL PROVINCES.

362. **Mr. Pyari Lal Misra:** Will Government be pleased to state when the Central Provinces Judicial Commissioner's Court is going to be raised to the status of Chief Court?

The Honourable Sir William Vincent: A decision on the question of constituting a Chief Court for the Central Provinces was postponed on financial grounds during the war, and the question has not since been revived by the Central Provinces' Government.

LISTED POSTS IN THE INDIAN CIVIL SERVICE.

363. **Mr. Pyari Lal Misra:** (a) Will Government be pleased to state if any action has been taken on the Resolution, regarding listed posts in the Indian Civil Service moved on the 17th February, 1921, in the Legislative Assembly, by Mr. Wali Mohamed Hussanally?

(b) If so, to what extent?

(c) If the answer be in the negative, when do Government propose to take action?

The Honourable Sir William Vincent: The Honourable Member is referred to the answer given on the 15th September to Rai Bahadur, Girishchandra Nag's question on the subject.

PERCENTAGE OF INDIANS IN THE I.C.S.

364. **Mr. Pyari Lal Misra :** (a) Will Government be pleased to state if it has given effect to the Government of India, Home Department, Resolution No. 2559, dated 1st December 1920, paragraph 12 ?

(b) If not, when is it going to do so and to what extent ?

The Honourable Sir William Vincent : As regards the percentage of Indians in the service, the answer is in the affirmative. I would refer the Honourable Member to the Press Communiqués issued from this Department on the 12th February and 20th June 1921, copies of which will be given to him.

As to the holding of a separate examination in India, the necessary information is being given to-day in reply to another question of the Honourable Member.

SIMULTANEOUS EXAMINATIONS FOR THE INDIAN CIVIL SERVICE IN INDIA AND ENGLAND.

365. **Mr. Pyari Lal Misra :** Will Government be pleased to state if simultaneous examinations for the Indian Civil Service in India and England are to be introduced ? If so, when ?

The Honourable Sir William Vincent : Government have already announced their intention of holding a separate examination in a Resolution published on 1st December 1920. We are now in communication with the Secretary of State in regard to the details, and hope they will be finally settled during the cold weather, and that the first examination will be held in India in the Spring of 1922, but, as stated in a reply to another question, we cannot guarantee this.

INDIANISATION OF THE FOREST DEPARTMENT.

366. **Mr. Pyari Lal Misra :** (a) How long will it take to Indianise the Forest Department as recommended by the Public Services Commission ?

(b) To what extent, if any, has recruitment to the Forest Service in England been effected in accordance with the recommendation of the Public Services Commission ?

Mr. J. Hullah : (a) It is not possible to say. 40 per cent of the recruits required annually for the Imperial Forest Service in India, and 25 per cent of those required for Burma, are to be sought in India and Burma, respectively, for the present. In addition 12½ per cent. of the major posts in the Imperial Forest Service are reserved for promotion from the Provincial Forest Service.

(b) Presumably recruitment in India, and not England as stated in the question is referred to. In 1920-1921, 24 Indians have been appointed in India as probationers for the Imperial Forest Service.

MEMORIAL FROM THE EXTRA DEPUTY CONSERVATORS OF FORESTS IN INDIA.

367. **Mr. Pyari Lal Misra :** (a) Is it a fact that Extra Deputy Conservators of Forests in India who have been promoted to the Imperial Forest Service have memorialised the Government praying that the period of their service a

Extra Deputy Conservators may be counted in fixing their initial pay in the Imperial Forest Service ?

(b) If so, has their prayer been granted ?

(c) If not, will Government be pleased to do so now ?

Mr. J. Hullah : (a), (b) and (c) : Extra Deputy Conservators who have been promoted to the Imperial Forest Service have memorialised the Government of India on the subject of their initial pay on promotion. The matter is under consideration.

IMPERIAL FOREST SERVICE OFFICERS OFFICIATING AS CONSERVATORS.

368. **Mr. Pyari Lal Misra :** (a) Will Government be pleased to lay on the table a statement showing the names of all Imperial Forest Service Officers at present officiating as Conservators in all Indian Provinces, including Burma, giving their age, total length of service, length of service as Deputy Conservators and the date from which they have been officiating as Conservators in each case ?

(b) Also a statement showing the names of all Extra Deputy Conservators recently promoted to the Imperial Forest Service in each of the Provinces, giving in each case the age, total length of service as gazetted Officers and the length of service as Extra Deputy Conservators ?

Mr. J. Hullah : The information asked for can be obtained from the Classified Lists of Forest Officers in India and Burma. A copy of the list for July 1920 is laid on the table. A copy of that for July 1921 will shortly be sent to the Honourable Member.

PROMOTIONS TO ADMINISTRATIVE POSTS.

369. **Mr. Pyari Lal Misra :** (a) Is it a fact that promotions to administrative posts in all Departments of Government are made by selection and not by seniority ?

(b) Is it also a fact that some members of the Provincial Service other than the Forest Department have been promoted to administrative posts ?

(c) If the answer to question (b) be in the affirmative, will Government be pleased to state if there have been any such promotions in any of the Provinces up till now in the Forest Department ?

(d) If the answer to question (c) be in the negative, will Government be pleased to give reasons therefor ?

Mr. J. Hullah : (a) Yes.

(b) No, not in any service the conditions of which are analogous to those of the Forest Department.

(c) and (d) do not arise ; but it may be stated that officers of the Provincial Forest Service who are promoted to the Imperial Service become in all respects members of that Service, and are therefore eligible for promotion to administrative rank.

INDIAN RECRUITS FOR THE IMPERIAL FOREST SERVICE.

370. **Mr. Pyari Lal Misra :** (a) Will Government be pleased to lay on the table a statement showing the names of Indian recruits with their qualifications for training for the Imperial Forest Service this year ?

(b) Is it a fact that Indian recruits in England are given only £200 a year?

(c) Has Government imposed any condition on the parents or guardians of recruits to make up for the deficiency from their own pockets? If so, to what extent?

(d) Is it not a fact that, owing to the condition mentioned in (c), many a brilliant recruit is kept back from going to England? Have any Indian recruits been kept back this year owing to this condition? If so, how many?

(e) Will Government be pleased to increase the amount of scholarship?

Mr. J. Hullah : (a) A statement showing the names of the Indian probationers for the Imperial Forest Service appointed in India this year is placed on the table.

The first sixteen were appointed under the ordinary regulations. All of these possessed Honours or first class degrees. The last four were appointed under special regulations for the recruitment of candidates who had rendered military service.

(b) All forest service probationers, whatever their race, are given allowances of £200 per annum while under training.

(c) No, except by warning intending candidates that the allowance granted is unlikely to meet all the needs of a probationer.

(d) The Government of India have no information.

(e) The allowance has recently been increased from £150 to £200, but the Honourable Member's suggestion will receive consideration.

Names.	Names.
1. Raj Narain Brahmawar.	11. Partap Singh.
2. A. N. Ananta Narayanan.	12. Narsing Dass.
3. Natar Parkash Mohan.	13. Kiran Chandra Ray.
4. M. Kesavan Unni Nayar.	14. Manindra Lal Sen Gupta.
5. C. R. Ranganathan.	15. Lakhpat Rai.
6. Subodh Kumar Bose.	16. Raj Naranjan Singh.
7. Bimala Prasanna Bose.	17. Khan Sahib Choudhri Allah Bakhsh.
8. Sukumar Sen Choudhri.	18. Harish Chandra Khanna.
9. Gurdial Singh.	19. Sunder Singh.
10. Jiwan Singh Khanna.	20. Sodhi Harbhajan Singh.

REPRESENTATIVES OF THE HAI HAIBANSHI KINGS, CENTRAL PROVINCES.

371. **Mr. Pyari Lal Misra :** (a) Will Government be pleased to state where and in what condition the present representatives of the Hai Haibanshi Kings of Ratanpur (Bilaspur, Central Provinces) and Raipur (Central Provinces) are?

(b) Will Government be pleased to state if any of them is a Darbari or title-holder?

(c) Will Government be pleased to state the conditions of the grant by the Marathas to the Hai Haibanshi descendants and when and with what changes the grant was recognised by the British Government?

(d) Was any representation made to the Government of India by any representative of the family for recognition of their status? If so, what was the reply given?

(e) Will Government be pleased to grant pension or allowance to the representatives of the family suitable to their dignity in recognition of their forefathers' meritorious services and loyalty to the British Crown?

The Honourable Sir William Vincent : (a), (b) and (c). Information is not available to the Government of India to enable them to reply to these parts of the question. Perhaps the Honourable Member might be able to secure the information from the Government of the Central Provinces.

(d) No trace can be found of any such representation.

(e) The matter is one for the consideration of the Local Government in the first instance. The Government of India do not propose to take any action unless and until they are moved to do so by the Local Government.

OPERATION OF THE GOVERNMENT OF INDIA ACT, 1919, IN CENTRAL PROVINCES.

372. **Mr. Pyari Lal Misra :** (a) Will Government be pleased to state reasons for excluding the inhabitants of the Chandarpur and Padampur tracts of the Bilaspur District in the Central Provinces from the operation of the Government of India Act, 1919?

(b) Was any memorial submitted by the inhabitants of these tracts to the Honourable the Chief Commissioner of the Central Provinces, praying for their inclusion in the benefit of the Government of India Act, 1919?

(c) If so, what was the reply given by the Central Provinces Government as well as by the Government of India?

(d) Will Government be pleased to confer upon the Chandarpur and Padampur tracts the rights of political franchise?

The Honourable Sir William Vincent : (a) It is not strictly correct to say that the tracts in question are excluded from the operation of the Government of India Act, 1919. These tracts, along with certain others, were not considered to be sufficiently developed to exercise the right of electing representatives to the Legislative Council, and provision was therefore made in Rule 3 (3) (c) (ii) of the Central Provinces Electoral Rules for their representation by nomination. But the idea of excluding these tracts formally from the operation of the Government of India Act was definitely rejected, and the present arrangement was settled as a temporary expedient until they should be sufficiently developed to be formed into constituencies or to be amalgamated with adjoining constituencies.

(b) and (c) I have not been able to trace the receipt of any such memorial.

(d) The Government of India are not prepared to take action in the direction suggested except on the recommendation of the Central Provinces Government from whom the first move should come. A copy of this question and answer will, however, be transmitted to the Local Government.

WITHDRAWAL OF THE CASE EMPEROR vs. KARNANI AND OTHERS.

373. **Mr. J. N. Mukherjee :** (a) In the criminal case of the King-Emperor vs. Rai Bahadur Sukhlal Karnani and others in the Court of the Chief Presidency Magistrate of Calcutta, were the explanatory statements made by the Advocate-General, Honourable Mr. T. C. P. Gibbons, K.C., in Court

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the Department of Industries and have not yet had time to study the papers connected with what are known as the Munitions Board cases. The term 'misappropriations' in these two questions is a misnomer. What is believed to have happened was that certain persons in the employ of the Indian Munitions Board colluded with certain private firms to defraud Government. I regret, however, that I can give no reliable estimate of the loss occasioned by such frauds, for it is not possible to distinguish in all cases between mere profiteering and deliberate fraud. It may be taken as certain, however, that the sum of nine crores mentioned is an absurd exaggeration.

I have only to add with reference to part (b) of Question 478 that no such telegram has been received by the Government of India.

Mr. K. Ahmed : Sir, I wish to ask a supplementary question. May I ask whether a letter passed between the Government of India and the Attorney of Rai Bahadur Sukhlal Karnani with regard to a threatened litigation contemplated against the Government of India?

The Honourable Mr. C. A. Innes : As I have already informed the Honourable Member, I have only just taken over the Department of Industries and have not had time to go into the cases. I regret, therefore, that I cannot answer the Honourable Member's question.

PAY OF TEMPORARY LIEUTENANT IN THE INDIAN MEDICAL SERVICE.

374. Pandit Radha Kishen Dass : (a) Will the Government be pleased to state what is the pay of :

- (i) a temporary Lieutenant in the Indian Medical Service recruited in India,
- (ii) a temporary Lieutenant in the Indian Medical Service recruited recently (after the war) in England for service in the East,
- (iii) a permanent Lieutenant in the Indian Medical Service?

(b) Will Government be pleased to state the proportion of Europeans as compared with Indians among the temporary officers of the Indian Medical Service?

Sir Godfrey Fell : (a) (i). A temporary Lieutenant in the Indian Medical Service if on the local service scale, received Rs. 450 a month, while if he elected the general service scale (that is agreed to serve anywhere) he received Rs. 550 a month. These were the rates of pay in force up to the 1st September 1921.

(ii) The temporary Indian Medical Service officers engaged as Lieutenants by the Secretary of State for India in England on a two years' contract draw pay at the rate of Rs. 700 a month.

(iii) The pay of a permanent Lieutenant in the Indian Medical Service is Rs. 650 a month; this is inclusive of an overseas allowance of Rs. 150.

(b) The proportion of Indians to Europeans among the temporary officers of the Indian Medical Service is 96 to 4.

PAY OF TEMPORARY INDIAN MEDICAL SERVICE OFFICERS.

375. Pandit Radha Kishen Dass : (a) Will Government be pleased to state if like the permanent I. M. S. officer the temporary I. M. S. officer gets any increase in pay :

- (i) on being promoted as Captain; or
- (ii) on completion of three years' service?

(b) Will the Government be pleased to state if it is a fact that according to the rules now in force, the temporary officer is debarred from drawing any allowances, such as command and second-in-command allowances?

(c) Will the Government be pleased to state if it is a fact that the permanent officer in addition to his increased rate of pay has been further allowed by rules to draw these allowances?

(d) Will the Government be pleased to state if it is a fact that when employed in administrative posts both the permanent and the temporary officers are called upon to do the same work, while one class of officers gets an allowance and the other does not?

Sir Godfrey Fell : (a) (i) and (ii). No increase of pay was admissible.

(b) Such a rule was in force.

(c) Yes.

(d) The attention of the Honourable Member is invited to the reply given to Question No. 44, asked by Professor Shahani on the 5th September.

PAY AND ALLOWANCES OF INDIAN MEDICAL SERVICE OFFICERS.

376. Pandit Radha Kishen Dass : (a) Will the Government be pleased to state if any distinction is made in pay and allowances between :

- (i) permanent and temporary I.M.S. officers,
- (ii) temporary officers recruited in India and those recruited in England, and, if so, why?

(b) Will the Government be pleased to state if it is a fact that the pay of temporary Indian Medical Service officers has not been revised since 1918 in spite of representations having been made by them?

(c) Will the Government be pleased to state if it is aware that dissatisfaction exists among the temporary officers of the Indian Medical Service on account of distinctions being made as regards pay and allowances between them and the permanent officers?

Sir Godfrey Fell : (a) I would refer the Honourable Member to the reply given on the 5th September to part (d) of the Question No. 42 asked by Professor Shahani.

(b) Here, again, I would refer the Honourable Member to the replies given on the 5th September to the Question asked by Professor Shahani and Rai Bahadur Bakshi Sohan Lal, Nos. 45 and 126.

(c) Government have read certain articles that have appeared in the various papers regarding the pay and allowances drawn by temporary officers of the Indian Medical Service.

EMOLUMENTS OF COMBATANT AND NON-MEDICAL OFFICERS.

377. Pandit Radha Kishen Dass : (a) Will the Government be pleased to state if it is a fact that almost all the junior combatant and non-medical officers are now-a-days drawing more emoluments than the temporary officers in the Indian Medical Service, even when they are junior to the latter both in service and in age?

(b) Has the attention of Government been drawn to a communication printed on page 7 of the *Leader* newspaper of Allahabad, dated December 11th, 1920, headed 'The fate of temporary officers of the Indian Medical Service'; and, if so, whether it contemplates taking any action in the matter?

Sir Godfrey Fell: (a) A Lieutenant of the Indian Army, who is promoted to that rank after 2½ years' service as a 2nd-Lieutenant receives pay at Rs. 475 a month. In the Indian Medical Service, a temporary officer is, on appointment, gazetted into the service as a Lieutenant and, up to the 1st September 1921, his monthly pay was Rs. 450 or Rs. 550 according as he was engaged for local or general service. The general service officer in the Indian Medical Service thus received, from the date of appointment, Rs. 75 per mensem, in excess of the pay admissible to a Lieutenant in the Indian Army; while the difference between the pay of the latter and a local service officer of the Indian Medical Service, viz., Rs. 25 a month was more than counter-balanced by the longer period an officer of the Indian Army has to serve before promotion to the rank of Lieutenant and his liability to serve anywhere within the Empire. It was open to local service officers in the Indian Medical Service at any time to elect the more favourable terms granted to those engaged for general service.

(b) Government have seen the article referred to. Revised rates of pay for temporary officers of the Indian Medical Service have been sanctioned, and a Press Communiqué on the subject has been issued.

WIRE FENCING ON THE ROHILKUND AND KUMAON RAILWAY.

378. Pandit Radha Kishen Dass: (a) Will the Government be pleased to state if it is aware that there is no wire fencing on either side of the Rohilkund and Kumaon Railway line and that therefore accidents happen on the line?

(b) Would the Government be pleased to consider the advisability of requiring the authorities of the said Railway to construct wire fencing on both sides of the line?

Colonel W. D. Waghorn: (a) Government are aware that the Rohilkund and Kumaon Railway is mostly unfenced, and that accidents sometimes happen on the line.

(b) The question has been under the consideration of Government, and they do not consider it advisable to require the Railway Administration to take in hand the fencing of the entire line at once, as the expenditure required would be very heavy, and fencing would not afford the degree of security anticipated. During 1920-21 there were 21 accidents on about 15 miles of fenced line as against 86 on 556 miles of unfenced line. Government are also advised that the Railway Administration is taking steps to provide fencing on sections near all villages which are close to the line.

EMPLOYEES OF OUDH AND ROHILKHAND RAILWAY ON MORE THAN RS. 200.

379. Pandit Radha Kishen Dass: Would the Government be pleased to state (a) the number of employees on the Oudh and Rohilkhand Railway drawing a salary of over Rs. 200 a month, (b) how many of such employees are Indians?

Colonel W. D. Waghorn: (a) and (b). There are 193 employees on the Oudh and Rohilkhand Railway who draw a salary of over Rs. 200 per mensem. Of this number, 33 are Indians.

KISHAN DATT AND OTHERS POSTED TO MULE CORPS.

380. Pandit Radha Kishen Dass: Will the Government be pleased to state whether it is a fact that Kishan Datt, No. 77781-B. Company, No. 11

Depôt, Amritsar, Alogaur party, Punjab and others numbering about, 500 Garhwalis, Kumaonis, and Nepalese have been put on the Mule Corps in spite of the fact that they had consented at Meerut to give their names only for the Lansdowne Regiment and the Motor Training School at Dehra Dun, and that they are very unhappy in consequence?

Sir Godfrey Fell: Kishan Datt was enrolled and sent to No. 2 Mule Depôt on the 20th October 1920. A number of Garhwalis were also recruited and sent to this depôt, but there is no record of Kumaonis or Nepalese having been sent there.

All recruiting officers have special instructions to explain to recruits the nature of the work for which they are enrolled, and no men are sent to units other than those in which they specifically agree to serve. There is no reason to suppose that the men in question were sent to No. 2 Mule Depôt against their will.

KATARPUR PRISONERS.

381. Pandit Radha Kishen Dass: In view of the coming visit of His Royal Highness the Prince of Wales, would the Government be pleased to reconsider the case of the prisoners in the Katarpur riot case and to grant them, or to such of them as Government may deem proper, pardon in commemoration of His Royal Highness' visit?

The Honourable Sir William Vincent: The cases of these prisoners have already been carefully considered by Government, and in each case in which any possible ground for clemency could be made out the sentence has been considerably reduced. The persons who are still in jail were found guilty of offences of the gravest character, thirty Muhammadans having been murdered and some of them burnt alive.

As I announced in another place, the Government of India had decided early this year, after consulting, and in full agreement with, the Local Government, that no further releases can be made, and they do not propose to reconsider the question.

CIVILIAN SUB-DIVISIONAL OFFICERS IN THE MILITARY WORKS SERVICES.

382. Khan Sahib M. M. Ikramullah Khan: (a) Will the Government be pleased to state whether it is a fact that in the Military Works Services the strength of Civilian Sub-Divisional Officers (which includes Europeans also) has been kept so low as 15 per cent of the total strength of the cadre (Civil and Military)? If so, why?

(b) Is it a fact that to complete the full strength of Military Sub-Divisional Officers, British Non-Commissioned Officers are being tried and trained as Sub-Divisional Officers; and, if so, will the Government be pleased to state whether they have proved capable for such duties? If not, why cannot the deficiency be made up by increasing the strength of the Civilian Sub-Divisional Officers?

(c) Is it a fact that the present system of recruitment for appointment of Civilian Sub-Divisional Officers is almost entirely from the Lower Subordinates (Sub-Overseers); and, if so, will the Government be pleased to consider the advisability of recruiting this service from regularly qualified and trained Upper Subordinates and Engineers?

Sir Godfrey Fell: (a) Yes. The proportion of civilian Sub-divisional officers is 15 per cent. The following are the reasons why in the Military

Works Services the proportion of civilians employed as Sub-divisional officers is comparatively small :

- (i) A Sub-divisional officer has often during his service to deal with defences, work in arsenals, etc., and this work is better understood by men with military training.
- (ii) The Military Works Services is a part of the Army in India and provides a reserve of military subordinates for War. The larger the civilian element in the Military Works Services the smaller this reserve becomes.

(b) The establishment of military upper subordinates (now called Sub-divisional officers) used always to be filled by British non-commissioned officers, who were trained either at Rurki or on the temporary establishment and have proved eminently satisfactory. The Thomason College, however, no longer affords facilities for the training of British non-commissioned officers, and, in order to complete the expanded cadre of non-commissioned officers, it has been necessary to obtain men from the War Office. Those first sent out were found to be suitable. Amongst those sent out more recently, however, some have proved unsuitable and are being sent back this year to the United Kingdom. As for the rest, it is hoped that after a period of practical training they will prove suitable for permanent employment. Endeavours are being made to arrange for their technical education at an Engineering College. The reasons for not making up the deficiency by increasing the strength of the civilian Sub-divisional officers are those given in reply to part (a) of the question.

(c) Vacancies among the civilian Sub-divisional officers have usually been filled by promoting deserving permanent sub-overseers, who have proved their worth in the charge of a sub-division. A few temporary overseers, some with recognised college qualifications, have been appointed. If these men prove suitable, Government are willing to consider the advisability of increasing their number.

THE PROVINCIAL ENGINEER SERVICE.

383. **Khan Sahib M. M. Ikramullah Khan:** (1) With reference to the Government of India, Public Works Department, Establishment, Resolution No. 192-E.A., dated 1st April 1920, is the new Provincial Engineer Service open to the Upper Subordinates for a period of five years only, and out of these five years have two years already passed, and with reference to the Director General of Military Works Circular No. 9-A. of 8th June, 1920, are two Upper Subordinates to be recommended every year for appointment to this Service?

(2) If so, will the Government lay on the table a statement showing :

- (a) the names and qualifications of the men recommended by the Military Works Services during the last two years, and
- (b) how many were appointed?

If none were appointed, will the Government be pleased to state reasons for not appointing any?

(3) Is it a fact that the Deputy Director of Military Works, Northern Command, has issued instructions that no further applications for appointment to the new Provincial Engineer Establishment be sent? If so, has this been done under authority of the Government of India?

Sir Godfrey Fell: (1) At the date on which the Resolution referred to was issued (*i. e.* the 1st April 1920), the Government of India prescribed five years as the period for which the new Provincial Engineering Services should be kept open for Upper subordinates. Since the 1st April 1921, however, the Local Governments have had complete control over their provincial services and are at liberty to retain, reduce or extend this period of five years.

According to the circular issued by the Director General, Military Works, two upper subordinates were to be recommended for appointment each year from the Military Works Services.

(2) (a) and (b). A statement is laid on the table.

(3) To the first part of this Question, the Answer is in the affirmative. The reason for issuing the instructions was that information had been received that there were no vacancies in the Punjab Engineering Service (Buildings and Roads Branch). The instructions were not issued under the authority of the Government of India.

Statement showing the names and qualifications of Military Works Services Sub-divisional Officers recommended by Military Works Services for appointment to the new Provincial Engineer Service of Public Works Department.

Names and qualifications of Military Works Services Sub-divisional Officers recommended by Military Works Services for appointment to the new Provincial Engineer Service of Public Works Department.	Whether appointed or not.	Reasons for not appointing any.
Mr. H. R. Hilton. —Sub-Engineer, Thomason College. 20 years' permanent service in the Military Works Services. Has been employed as an officer in the Military Works Services during the war.	1920. Not appointed.	Not selected by the United Provinces, Public Works Department.
Mr. J. Aspandiarjee. —Member of the Royal Sanitary Institute (London). 13½ years' permanent service in the Military Works Services.	1921.	Bombay Public Works Department replied : 'It is not possible to offer an appointment to the subordinate.....'
Mr. Rekhi Kesh, B. A., of the Punjab University. Trained at Thomason College, Rurki. 9½ years' permanent service in the Military Works Services.	No reply yet received	
Mr. J. Aspandiarjee, M.R.S.I. (London). 13½ years' permanent service in the Military Works Services.	Not appointed ...	Bombay Public Works Department replied : 'It is not possible to offer an appointment to the subordinate.....'
Mr. Nand Kishore, passed Thomason College Final Examination with Higher Certificate. Diploma as a Civil Engineer from International Correspondence Schools, London. 14 years' permanent service in the Military Works Services.	No reply yet received ..	

APPORTIONMENT OF THE REPARATION RECEIPTS.

384. **Mr. B. Venkatapatiraju**: Will the Government be pleased to state:

- (a) Whether the Imperial Conference agreed that the reparation receipts should be apportioned as follows:—Britain 86.65, minor colonies .80, Canada and Australia 4.35, New Zealand 1.75, South Africa .60, Newfoundland .10, and India 1.20 per cent.
- (b) How the balance 4.45 per cent. is proposed to be dealt with?
- (c) What was the expenditure incurred respectively by the countries named above on account of war?
- (d) Whether the amount allotted to India is proportionate to the expenditure incurred by her?
- (e) Whether the Indian representatives were placed in full possession of information regarding the whole expenditure incurred by India?
- (f) Whether the Government of India propose to take any action to adjust the difference, if any?

The Honourable Dr. T. B. Sarpu: (a) and (b). The percentages named in the Honourable Member's question are correct, except that Britain's share should be 86.85 per cent and not 86.65 per cent; but the Honourable Member has apparently assumed that Canada and Australia are to receive together 4.35 per cent, whereas in reality each is to receive that share. There is, therefore, no balance. In suggesting a balance of 4.45 per cent, the Honourable Member has probably made a slight error of addition.

(c) and (d). Since the standard of apportionment adopted at the Imperial Conference was not based on expenditure incurred on account of the War, these parts of the question are not really relevant. In any case the information asked for is not available.

(e) As already stated the apportionment was not based on the whole expenditure incurred on the War; but Indian representatives had information as to the actual sums by which it was estimated that India would eventually be out of pocket under the headings for which Germany agreed to pay reparation in the Treaty of Versailles.

(f) The reply is in the negative.

MUNITIONS CASE WITHDRAWAL.

385. **Mr. B. Venkatapatiraju**: Will the Government be pleased to state:

- (a) Whether the attention of the Government has been drawn to the leader of the *Calcutta Statesman* dated the 9th August 1921, regarding the Munitions Case withdrawal?
- (b) Whether the Government instructed the Advocate-General to make the statement which he did, suggesting that the guilt can be brought home to Mr. Karnani and Mr. Banerjee, but that to save some poor innocents and *swadeshi* concerns the charge was withdrawn?

- (c) Whether any steps were proposed to be taken for realising Rs. 1,40,000 alleged to have been lost to the Government from the aforesaid persons by a civil suit if they are really liable?
- (d) Whether this is a solitary instance or one of several suspected frauds that have not seen the light regarding munitions and war purchases?
- (e) Whether the Government propose to publish a full statement of the whole transaction?

(Vide Reply to Question No. 373.)

DIFFERENTIAL TREATMENT FOR POLITICAL PRISONERS.

386. **Mr. P. Venkatapatiraju**: Will the Government be pleased to state whether they propose to issue instructions to the Local Governments that political prisoners should be treated differently from the ordinary convicts on the lines adopted in England, *vide* Prisons Act, 1877 (40-41 Vict., Ch. 21), Sec. 40, Prisons Act, 1898 (61-62 Vict., Ch. 41), Sec. 6 (5)?

The Honourable Sir William Vincent: The Honourable Member is referred to the reply given on the 19th September 1921 to Pandit Jawahar Lal Bhargava's Question on the same subject.

INCREASE OF PENSIONS.

387. **Rai Bahadur Bahshi Sohan Lal**: (a) Will Government be pleased to state whether it is correct or not:

- (i) that the increase in pension which has recently been sanctioned benefits those whose monthly pension does not exceed Rs. 40 per mensem;
- (ii) that it benefits only gazetted officers whose monthly pension exceeds Rs. 416 per mensem;
- (iii) that no increase is allowed to non-gazetted officers' pensions of any amount, nor to gazetted officers' pensions amounting to less than Rs. 416 per mensem;
- (iv) that the proportion of Indians is much larger in category (iii) than in (ii), and that the proportion of Europeans is larger in (ii) than in (iii)?

(b) Will Government be pleased to state the principle adopted in excluding gazetted officers drawing less than Rs. 416 per mensem as pension, and non-gazetted officers drawing any amount of pension from the benefit of the increase in pensions?

(c) Will Government be pleased to state whether there is any representation of the persons covered by clause (a) (iii) for consideration before Government?

The Honourable Mr. W. M. Hailey: I would refer the Honourable Member to the reply which I have given to a somewhat similar question put by Mr. Wali Mohamed Hussanally. In that reply I have stated the increases which have been given in existing scales of pensions and the reasons underlying such increases. I have no information on the matter of proportion raised

in (a) (iv) of the Honourable Member's Question. Complete lists of pensioners could only be obtained by a detailed analysis of figures maintained in the various audit offices, and I need perhaps not add that no calculation of the proportion of pensioners of various classes affected formed any consideration when the decision was arrived at.

VACATION OF THE COURT OF THE JUDICIAL COMMISSIONER OF SIND.

388. **Mr. S. C. Shahani:** (a) In reply to a question put by Mr. Wadhmal Oodharam, M.L.C., in the last Session of the Bombay Legislative Council, did the Government reply that 'the vacation of the Court of the Judicial Commissioner of Sind was limited to one month under the orders of the Government of India'?

(b) If so, will the Government of India be pleased to consider the advisability of not limiting the vacation of the Court of the Judicial Commissioner of Sind to one month?

The Honourable Sir William Vincent: The restriction of the annual vacation of the Courts of the Judicial Commissioners in Oudh, Sindh and the Central Provinces to a period not exceeding one month was imposed when the concession allowing the officers of the Courts to take privilege leave under the ordinary rules was granted. The point is referred to in the first note under Article 278 of the Civil Service Regulations. By reason of the provisions of Section 96-B, sub-section (4), of the Government of India Act, this provision must be regarded as a rule made under that section. It will probably be possible for the question to be reconsidered by Local Governments when the provisions of the Civil Service Regulations in this respect are replaced by the proposed Fundamental Rules under that Section.

DIVISIONAL COMMISSIONERS, CENTRAL PROVINCES.

389. **Lala Girdharilal Agarwala:** (a) Have the Government noticed in the *Leader* of Allahabad, dated the 12th of August 1921, at page 5 in column 1, the report about the proceedings of the Central Provinces Legislative Council relating to the desirability of abolishing the posts of Commissioners of Divisions?

(b) Has the Central Provinces Legislative Council passed a Resolution recommending that it is desirable to abolish the posts of Commissioners of Divisions?

(c) Do the Government consider the advisability of the abolition of the posts of Commissioners of Divisions, transferring to the District Judge any judicial work hitherto performed by the Commissioners and removing the media of correspondence between the District Officers and the Government?

(d) Will the Government be pleased to lay on the table the correspondence, if any, which they have had on the subject with the Home Government or any Provincial Government?

(e) What is the annual cost of maintaining the Commissioners of Divisions with their staff, etc., throughout the whole of India?

The Honourable Sir William Vincent: (a) and (b) The Government of India have seen the report referred to, but they have received no official communication on the subject.

(c) Government have not considered the advisability of adopting the measures recommended.

(d) There is no such correspondence.

(e) The expenditure for the whole of India amounted to Rs. 31,58,628 for the year ended the 31st March 1920. No later statistics are available.

MINISTERS AND THE PROVINCIAL EXECUTIVE COUNCIL MEMBERS.

390. **Lala Girdharilal Agarwala:** Will the Government be pleased to state whether they have been consulted in the appointment of Ministers in the Provinces and Members of the Executive Councils in those provinces in which new Councils have been formed for the first time? If so, will the Government be pleased to lay the correspondence on the table?

The Honourable Sir William Vincent: The Government of India were not officially consulted.

PERSONNEL OF STANDING COMMITTEE FOR REVISION OF STATUTES.

391. **Lala Girdharilal Agarwala:** Will the Government be pleased to state the personnel of the Standing Committee for the revision of Statutes, and how many of them are lawyers, by whom were the members of the said Committee elected, selected or nominated and when, and what work has the Committee done so far?

The Honourable Dr. T. B. Sapru: The Committee on Statute Law Revision has not yet been constituted; but it is hoped that a Resolution of the Government appointing the Committee will shortly be issued.

VISIT OF HIS ROYAL HIGHNESS THE PRINCE OF WALES.

392. **Lala Girdharilal Agarwala:** (a) Has the programme of the visit of His Royal Highness the Prince of Wales been settled, if so, by whom, and will the Government be pleased to lay the same on the table?

(b) For how many days is His Royal Highness going to stay in India from the date of his landing to the date of his embarkation?

(c) For how many days are His Royal Highness and party going to stay at the capital of the United Provinces, viz., Allahabad, and for how many days at Lucknow?

(d) Are the homages of the people of the United Provinces proposed to be received by His Royal Highness at Lucknow or at the capital of the United Provinces?

(e) Where are the various functions including the public reception of His Royal Highness in the United Provinces going to be performed?

(f) In case the visit of His Royal Highness and party to the capital of the United Provinces according to the present programme be extremely brief, do Government propose to alter the programme so that the principal functions connected with the visit of His Royal Highness to the United Provinces as such be celebrated at the capital of the provinces?

The Honourable Sir William Vincent (on behalf of the Honourable Sir John Wood): (a) The programme of His Royal Highness the Prince of Wales' tour in India was framed in consultation with the Advisory Committee nominated by His Excellency the Viceroy, which is fully representative of

Indian opinion. It was approved by the Palace authorities and published in a Press Communiqué of the 27th July 1921.

A copy of the programme has been laid on the table.

(b) His Royal Highness will spend exactly four months in India. He will land in Bombay on the 17th November 1921, and will sail from Karachi on the 17th March 1922.

(c) His Royal Highness will stay three days at Lucknow and one day at Allahabad.

(d), (e) and (f). The detailed programme is under preparation by the Local Government to whom the Honourable Member's suggestion will be forwarded.

Mr. W. M. Hussanally : May I inquire, Sir, if any representation has been received from Karachi asking that the stay of His Royal Highness the Prince of Wales at Karachi be prolonged, and what action has been taken in regard to that matter?

The Honourable Sir William Vincent : I will make inquiries and give the Honourable Member the information he requires later. I have not got it here.

Programme of His Royal Highness the Prince of Wales' tour.

APPROXIMATE TIMINGS.					
Date.	Day of week.	Place.	Arrive.	Depart.	REMARKS.
Nov.					
17th	Thursday	...	Bombay	...	Morning...
18th	Friday	...	...	...	...
19th	Saturday	...	...	...	...
20th	Sunday	...	...	...	...
21st	Monday	...	...	...	...
22nd	Tuesday	...	Bombay	...	23-30
23rd	Wednesday	...	Baroda	...	08-30
24th	Thursday	...	Baroda	...	14-15
25th	Friday	...	Udaipur	...	10-00
26th	Saturday	...	...	...	...
27th	Sunday	...	Udaipur	...	18-30
28th	Monday	...	Ajmer	...	08-30
29th	Tuesday	...	Jodhpur	...	08-30
30th	Wednesday	...	...	...	...
Dec.					
1st	Thursday	...	Jodhpur	...	23-00
2nd	Friday	...	Bikaner	...	10-00
3rd	Saturday	...	...	...	...
4th	Sunday	...	...	...	...
5th	Monday	...	...	...	...
6th	Tuesday	...	Bikaner	...	15-00
7th	Wednesday	...	Bharatpur	...	09-30
8th	Thursday	...	Bharatpur	...	23-00
9th	Friday	...	Lucknow	...	10-00
10th	Saturday	...	...	...	...
11th	Sunday	...	Lucknow	...	23-00
12th	Monday	...	Allahabad	...	09-30
13th	Tuesday	...	Benares	...	09-30
14th	Wednesday	...	Bhikna Thori (for Nepal).	...	08-30
15th	Thursday	...	...	...	...
16th	Friday	...	...	...	...
17th	Saturday	...	...	...	...
18th	Sunday	...	...	...	...
19th	Monday	...	...	...	...
20th	Tuesday	...	...	...	...

NEPAL SHOOT.

APPROXIMATE TIMINGS.					
Date.	Day of week.	Place.	Arrive.	Depart.	REMARKS.
Dec.—contd.					
21st	Wednesday	...	Bhikna Thori	...	19-00
22nd	Thursday	...	Patna	...	10-00
23rd	Friday	...	Patna	...	22-00
24th	Saturday	...	Calcutta	...	10-00
25th	Sunday	...	...	...	...
26th	Monday	...	...	...	...
27th	Tuesday	...	...	...	...
28th	Wednesday	...	...	...	...
29th	Thursday	...	...	...	...
30th	Friday	...	Calcutta	...	10-00
31st	Saturday	...	...	...	...
Jan.					
1st	Sunday	...	...	...	...
2nd	Monday	...	Rangoon	...	08-00
3rd	Tuesday	...	...	...	...
4th	Wednesday	...	Rangoon	...	22-30
5th	Thursday	...	Mandalay	...	16-30
6th	Friday	...	...	...	...
7th	Saturday	...	Mandalay	...	22-30
8th	Sunday	...	Rangoon	...	16-30
9th	Monday	...	...	...	...
10th	Tuesday	...	Rangoon	...	12-00
11th	Wednesday	...	...	...	...
12th	Thursday	...	...	...	...
13th	Friday	...	Madras	...	08-30
14th	Saturday	...	...	...	...
15th	Sunday	...	...	...	...
16th	Monday	...	...	...	...
17th	Tuesday	...	Madras	...	22-45
18th	Wednesday	...	Bangalore	...	23-45
19th	Thursday	...	Mysore	...	08-30
20th	Friday	...	...	...	...
21st	Saturday	...	...	...	...
22nd	Sunday	...	...	...	...
23rd	Monday	...	...	...	...
24th	Tuesday	...	...	...	...
25th	Wednesday	...	Hyderabad	...	08-30
26th	Thursday	...	...	...	...
27th	Friday	...	...	...	...
28th	Saturday	...	Hyderabad	...	18-00
29th	Sunday	...	...	...	...
30th	Monday	...	Nagpur	...	16-40
31st	Tuesday	...	Nagpur	...	08-30
Feb.					
1st	Wednesday	...	Indore	...	08-30
2nd	Thursday	...	...	...	...
3rd	Friday	...	Mhow	...	18-00
4th	Saturday	...	Bhopal	...	08-30
5th	Sunday	...	...	...	...
6th	Monday	...	...	...	...
7th	Tuesday	...	Bhopal	...	23-00
8th	Wednesday	...	Gwalior	...	08-30
9th	Thursday	...	...	...	...
10th	Friday	...	...	...	...
11th	Saturday	...	...	...	...
12th	Sunday	...	Gwalior	...	23-00
13th	Monday	...	Agra	...	08-30
14th	Tuesday	...	Aligarh	...	09-30
15th	Wednesday	...	Delhi	...	16-00
16th	Thursday	...	...	...	...
17th	Friday	...	...	...	...
18th	Saturday	...	...	...	...
19th	Sunday	...	...	...	...
20th	Monday	...	...	...	...
21st	Tuesday	...	Delhi	...	23-00
22nd	Wednesday	...	Patiala	...	08-30
23rd	Thursday	...	...	...	...

Date.	Day of week.	Place.	APPROXIMATE TIMINGS.		REMARKS.
			Arrive.	Depart.	
Feb.— <i>contd.</i>					
24th	Friday	Patiala	...	23-00	
25th	Saturday	Jullunder	09-30	12-00	
		Lahore	15-30	...	
26th	Sunday	HALT.	...	...	Visit Amritsar.
27th	Monday		...	...	
28th	Tuesday		...	...	
Mar.					
1st	Wednesday	Lahore	...	23-00	
2nd	Thursday	Sialkot	08-00	09-30	
		Jammu	11-00	...	
3rd	Friday	Jammu	...	12-00	
		Jhelum	17-00	19-00	
4th	Saturday	Peshawar	08-30	...	
5th	Sunday	HALT.	...	...	
6th	Monday		...	...	
7th	Tuesday		...	...	
8th	Wednesday	Peshawar	...	23-00	
9th	Thursday	Rawalpindi	08-30	...	
10th	Friday	HALT.	...	...	
11th	Saturday		...	...	
12th	Sunday		...	...	
13th	Monday	Campbellpur	12-00	23-00	
		Kapurthala	09-30	13-00	
		Dehra Dun	19-00	...	
		Gajraula (for Kadir Cup).	...	...	
14th	Tuesday	HALT.	...	...	
15th	Wednesday	Gajraula	...	19-00	
16th	Thursday	IN TRAIN.	...	...	
17th	Friday	Karachi	08-30	Afternoon.	

INDIAN OFFICERS IN THE ROYAL AIR FORCE, ETC.

393. **Lala Girdharilal Agarwala :** (a) How many Indians are employed as officers or to fill other ranks in—

- (i) Royal Air Force,
- (ii) Fighting units with machine guns,
- (iii) Army Headquarters,
- (iv) Headquarters of commands,
- (v) Brigades,
- (vi) Military Transport Department,
- (vii) Veterinary Department,
- (viii) Ordnance and Clothing Department?

(b) Are Anglo-Indians, and Indian Christians treated in the category of Europeans or Indians in cases where there happen to be only two divisions, viz., Europeans and Indians?

Sir Godfrey Fell : (a) It is extremely difficult to answer this question owing to the vague and unusual classification of the units of the Indian Army that the Honourable Member has adopted. I could give him the number of Indian officers employed in the various units of the Indian Army classified in the usual way, but this apparently is not the information that the Honourable Member requires. As to the number of Indians employed 'to fill other ranks'—in order to answer this question under sub-head (ii) alone, I should have to give the total strength of the Indian Army. I do not think the Honourable Member requires this information.

(b) This part of the question is not understood.

MANUFACTURE OF AEROPLANES AND OTHER MACHINES IN INDIA.

394. **Lala Girdharilal Agarwala :** (a) Have the Government made any move in the matter of manufacturing machines, including aeroplanes, steamships and railway engines in India? If so, what?

(b) What help, if any, do the Government propose to give for encouraging private enterprise in that direction?

Mr. A. C. Chatterjee : (a) The Honourable Member's attention is invited to the answer given on the 28th of March, 1921, to a similar question asked by him. The question whether action will be taken definitely to encourage the manufacture of railway engines in India is now under the consideration of Government, and an announcement on the subject may be expected shortly. It is hoped that India will be in a position to manufacture locomotives satisfactorily in quality and price in the course of a few years.

(b) As the Honourable Member is doubtless aware the development of industries is a Provincial transferred subject. Apart from the manufacture of railway locomotives, to which I have already referred, the Central Government have at present no specific scheme for assisting private enterprise in the directions indicated.

INCREASE TO GOVERNMENT PENSIONERS.

395. **Lala Girdharilal Agarwala :** (a) Has any, and if so, what, increase been given to Government pensioners in India, and has any class of pensioners been overlooked?

(b) Have the Government received any memorial by the Bangalore Pensioners' Association on the subject of increase; and, if so, what orders, if any, have been passed by Government thereon?

The Honourable Mr. W. M. Hailey : I would refer the Honourable Member to the answer which I have given to Question No. 282 by Mr. Wali Mahomed Hussanally.

RIGHT HONOURABLE SRINIVASA SASTRI'S MISSION.

396. **Lala Girdharilal Agarwala :** (a) Will the Government be pleased to lay on the table the papers showing the object of sending the Right Honourable Srinivasa Sastri, P.C., Member of the Council of State, to Europe and the work done by him in fulfilment of his mission?

(b) Will the Government be pleased to lay on the table papers showing what other persons were similarly sent to Europe and also the work done by each?

The Honourable Sir William Vincent : The Right Honourable Srinivasa Sastri went to Europe as a Member of the Railway Committee and also as a representative of the Government of India to attend the Imperial Cabinet Meeting held in London in June last. His Highness the Maharao of Cutch also went to Europe as a representative of the Government of India to attend the same meeting.

That their valuable services have been highly appreciated by His Majesty's Government is apparent from the reports transmitted to this country, which have been a source of the greatest gratification to the Government of India. The Government have, however, at present no papers to lay on the table regarding the work done by them.

WORKING OF CONSTITUTIONAL REFORMS.

397. **Lala Girdharilal Agarwala:** Will the Government be pleased to lay on the table correspondence (if any) which they have had with the Home Government in England about the working and adequacy of the constitutional reforms?

The Honourable Sir William Vincent: The wording of the question is so general that I cannot tell what correspondence is meant. If the Honourable Member will give me some more particular indication of the correspondence to which he refers, I shall be glad to consider whether I can meet his wishes. I may mention to the Honourable Member that the correspondence on this subject fills several volumes.

SEPARATION OF JUDICIAL AND EXECUTIVE FUNCTIONS.

398. **Lala Girdharilal Agarwala:** (a) What steps, if any, have the Government taken, or do they propose to take, for the separation of judicial and executive functions; and, if so, when?

(b) Has the attention of the Government been invited to the Resolution and discussion on the subject in the United Provinces Council printed at pages 789-803 of the official report of the proceedings of the United Provinces Legislative Council, Volume II; and, if so, what is the policy of the Government in the matter?

The Honourable Sir William Vincent: I made a full statement as to the policy of Government as regards this question in another place on the 9th March 1921. I said then that the matter is a Provincial one, and if any Local Government decides to take it up, the Government of India will raise no objection, and will proceed to make such legislative changes as may be necessary to give effect to the proposal of the Local Government. I have nothing to add to that statement.

UNINTERRUPTED FLOW OF THE GANGES AND JUMNA RIVERS.

399. **Lala Girdharilal Agarwala:** What steps have the Government taken and what further steps do they propose to take to secure constant and uninterrupted flow of water in the Ganges and the Jumna throughout the year?

Colonel Sir S. D'A. Crookshank: The Honourable Member is referred to the Reply given at the meeting of the Legislative Assembly held on the 15th February, 1921 to the Question No. 28 by Rai Jadu Nath Majumdar Bahadur, C.I.E., M.L.A., regarding the uninterrupted flow of the Ganges River. The views of the Local Government on the representation there referred to are still awaited. The question of the uninterrupted flow of the Jumna River has not been brought to the notice of the Government of India.

APPOINTMENT OF INDIANS TO HIGHER SALARIED POSTS.

400. **Lala Girdharilal Agarwala:** (a) Will the Government be pleased to state how many more Indians have been employed by the Government during the régime of His Excellency the present Viceroy and Governor General of India on posts carrying salaries of Rs. 500 and upwards and how

many of them have been so appointed on posts carrying salaries of Rs. 1,000, or upwards?

(b) In what departments and on what posts no Indian has yet been employed on salaries of Rs. 1,000, or above.

(c) In what departments and on what posts the number of Indians drawing Rs. 1,000, or above, is less than half? If so, what is the percentage of the Indian element in each?

(d) Do the Government propose to introduce Indian element in those departments or posts where no Indian has yet been employed and gradually increase the percentage of Indian element by filling all future vacancies by Indians till the proportion of at least 50 per cent Indian officers and Heads of the departments is reached in every department and on every high post?

The Honourable Mr. W. M. Hailey: The information asked for is being collected, and will be laid on the table in due course.

HIGHER PAID OFFICIALS UNDER THE GOVERNMENT OF INDIA.

401. **Lala Girdharilal Agarwala:** (a) What is the total number of persons employed by the Government of India on monthly salaries (i) between Rs. 500 and Rs. 1,000, and (ii) above Rs. 1,000, and how many of those respectively are Indians?

(b) What is the total amount of such salaries and allowances paid to Indians and Europeans, respectively?

The Honourable Mr. W. M. Hailey: (a) The total number of persons employed under the Government of India and paid for from Central revenues on salaries (i) between Rs. 500 and Rs. 1,000, and (ii) above Rs. 1,000 is 1,454 and 1,030, respectively, out of which, 431 and 69, respectively, are Indians. The figures relate to the entire staff employed under the Central Government whether at the headquarters or at outstations, except that in the case of the Army Department only, the headquarters establishments have been taken into account as the collection of data as to the Army as a whole would have involved an immense amount of trouble and correspondence. The figures refer to present salaries and as most posts are now on time-scale, many officers now counted as under Rs. 1,000 will eventually draw pay in excess of that amount.

(b) The total amount of such salaries paid to Indians and Europeans respectively, is Rs. 3,82,300 and Rs. 23,03,849 per mensem.

PASSENGER SUPERINTENDENTS ON RAILWAYS.

402. **Lala Girdharilal Agarwala:** (a) Will the Government be pleased to lay on the table a statement showing the names, caste, race, qualification and experience, pay and headquarters of passenger superintendents on railways with their circle of duties?

(b) With the object of enabling the public to seek the help of the passenger superintendents when needed, do the Government propose to order that the information sought for in part (a) of this question be published in railway time tables?

(c) Do the Government further propose to order that passenger superintendents should bear a badge with the words "passenger superintendent"?

printed or engraved in local vernacular so that 3rd class passengers may be able to read it and thereby recognise the passenger superintendents to enable them to seek their help when needed?

(d) Is it the duty of every railway employee to assist passengers travelling on railways?

Colonel W. D. Waghora: (a) A statement giving the information so far as it is available and concerns the more important railways is placed on the table.

(b) Government do not propose to order the publication of the information in Railway Time-tables and Guides.

(c) Passenger Superintendents are given a distinctive uniform and it is not therefore considered necessary to order the wearing of badges in the manner suggested.

(d) The reply is in the affirmative.

Statement showing information regarding Passenger Superintendents employed on the more important railways in India.

Number.	Name.	Race.	Caste.	Qualifications and experience.	Present Pay.	Date of appointment as Passenger Superintendent.	Head-quarters.	REMARKS.
	GREAT INDIAN PENINSULA RAILWAY.				Rs.			
1	Bisaldar Sk. Mohamad.	Mohamedan	...	...	170	9th Oct. 1911	Bombay.	
2	Jemadar Hari Laxman.	Hindu	...	...	140	6th Feb. 1920	Do.	
3	Ressaldar Sk. Gulam Murtila.	Mohamedan	...	...	140	16th Oct. 1919	Poona.	
4	Subedar Chatter Singh.	Hindu	...	...	170	12th Apl. 1911	Do.	
5	Subedar Sk. Jaffar	Mohamedan	...	...	140	20th Nov. 1919	Bhusawal.	
6	Subedar Gauga Singh.	Hindu	...	...	150	20th Dec. 1918	Do.	
7	Jemadar Kadur Khan.	Mohamedan	...	...	140	24th Mar. 1920	Nagpur.	
8	Jemadar Tulsidas...	Hindu	...	...	140	21st Nov. 1919	Do.	
10	Jemadar Bachan Singh Sawan Singh	Mohamedan	...	...	...	...	Jhansi	
		Hindu	...	...	140	21st Nov. 1919	Do.	Vacant.
	EASTERN BENGAL RAILWAY.							
1	Subedar Niranjan Singh, Sardar Sahib.	Sikh	...	72nd Punjabis	155	6th July 1910	...	
2	Rissaldar Mewa Singh.	Do.	...	6th (K. E. O.) Cavalry.	150	1st Aug. 1910	...	
3	Jemadar Imamdin	Mohamedan	...	27th Punjabis	150	16th Sep. 1910	...	
4	Subedar Bishan Singh.	Sikh	...	Do.	150	Do.	...	
5	Jemadar Moazam Khan.	Mohamedan	...	72nd Punjabis	150	1st Oct. 1910	...	
6	Jemadar Sadulla Khan.	Do.	...	31st Lancers	150	14th Oct. 1910	...	
7	Jemadar Azimullah Khan.	Do.	Pathan	27th Punjabis	150	Do.	...	
8	Jemadar Syed Abdul Fattah.	Do.	Do.	88th Carnatic Infantry.	150	22nd Oct. 1910	...	
9	Subedar Burham Din.	Do.	...	66th Punjabis	150	27th Feb. 1911	...	
10	Subedar Abdul Majid.	Do.	...	72nd Punjabis	150	11th Apl. 1912	...	
11	Jemadar Bhog Singh.	Sikh	...	36th Sikhs	150	25th Mar. 1912	...	

Number.	Name.	Race.	Caste.	Qualifications and experience.	Present pay.	Date of appointment as Passenger Superintendent.	Head-quarters.	REMARKS.
12	EASTERN BENGAL RAILWAY.—contd. Jemadar Dilwar Khan.	Mohamedan.	Pathan	19th Punjabis	Rs. 150	6th Jan. 1913	...	
13	Subedar Jumman Khan.	Do.	Do.	107th Pioneers	150	1st Apl 1913	...	
14	Subedar Mirza Abbas Beg.	Do.	...	117th Mahrattas	150	14th Nov. 1913	...	
15	Jemadar Sirdar Khan.	Do.	...	38th C. I. Horse	150	24th Nov. 1913	...	
16	Jemadar Narayan Singh.	Sikh	...	Sindarim Battn. (Burma Regt.)	150	23rd Dec. 1913	...	
17	Jemadar Mohan Sing Rana.	Gurkha	...	2-6th Gurkha Rifles	145	17th Sept. 1919	...	
18	Jemadar Rup Sing Bhist.	Do.	...	2nd Gurkha Rifles	140	6th Aug. 1920	...	
19	Subedar Narotham Joshi.	Do.	...	1-8th Gurkhas, 114th Labour Corps.	140	11th Aug. 1920	...	
20	Subedar Shams-ud-din.	Mohamedan.	...	2-212th Infantry	140	8th Sept. 1920	...	
	EAST INDIAN RAILWAY.							
1	Jemadar Mohesh Singh.	Hindu	...	...	150	11th Nov. 1914	Howrah.	
2	Jemadar Arjun Singh.	Do.	...	...	120	6th Feb. 1920	Do.	
3	Jemadar Faiz Hussain.	Mohamedan.	...	...	150	10th Nov. 1913	Delhi.	
4	Jemadar Jewan Singh.	Hindu	...	...	150	26th July 1914	Do.	
5	Jemadar Sher Zeman.	Mohamedan.	...	...	120	2nd April 1920	Do.	
	BENGAL-NAGPUR RAILWAY.							
1	Sardar Sahib Rissaldar Harnam Singh.	Sikh	Nuniah	13th Bengal Lancers. War Service.—Afghan War, 1878-79-80; Egyptian Expeditionary Force, 1881; North-Western Frontier, 1897-98. Services before joining railway.—Adjutant, Imperial Service Troops, 1903-06; Military Grass Farms, 1906-11. Service on railway.—Appointed Traveling Ticket Inspector, 1912; Passenger Guide, 1915; Market Superintendent, 1919; Passenger Guide, 1920.	250	Dec. 1915	Khargpur.	
2	Subedar Sohan Singh.	Sikh	Jat	Guides Infantry. Appointed Bazar Master, Khargpur, 1909; Passenger Guide, 1914.	160	May 1914	Gondia.	
3	Jemadar Gainda Singh.	Do.	...	89th Punjabis. Appointed Traveling Ticket Inspector, 1916; Passenger Guide, 1918.	140	November 1918	Khargpur.	
	ODISH AND ROHIL-KHAND RAILWAY.							
1	Subedar Badan Singh.	Hindu	Kshattriya	...	120	23rd May 1910	...	
2	Jemadar Luchman Sing.	Do.	Gurkha	...	120	27th Aug. 1910	...	
3	Subedar Bhagwant Tewari.	Do.	Brahman	...	120	19th Oct. 1917	...	
4	Subedar Shah Alam Khan.	Mohamedan.	...	...	120	21st Nov. 1917	...	

Number.	Name.	Race.	Caste.	Qualifications and experience.	Present pay.	Date of appointment as Passenger Superintendent.	Head-quarters.	Remarks.
ODDH AND ROHIL-KHAND RAILWAY— <i>contd.</i>					Rs.			
5	Jemadar Bibhuti Singh.	Hindu	Rajput	...	120	8th Oct. 1918	...	
6	Jemadar Mohammed Yusuf.	Mohamedan.	...	...	100	10th Apl. 1921	...	
7	Subedar Satti Din Shukla.	Hindu	Brahman	...	100	15th Apl. 1921	...	
8	Subedar Baboo Singh.	Do.	Rajput	...	100	3rd May 1921	...	
9	Sawar Gulab Singh	Do.	Thakur	...	50	12th Oct. 1918	...	Asst. Passenger Superintendent.
NORTH WESTERN RAILWAY.								
1	Subedar Kamansing Thapa, I.O.M.	Gurkha	...	...	140	7th Nov. 1918	T. M.'s Office.	
2	Subedar Abdul Rehman Khan.	Mohamedan.	...	...	128	12th Mar. 1919	Bhatinda.	
3	Subedar Mowaz Khan.	Do.	...	...	128	3rd Apl. 1921	Ludhiana.	
4	Subedar Basim Ullah Khan.	Do.	...	...	128	1st Apl. 1917	Umbala.	
5	Jemadar Harik Singh.	Gurkha	...	...	128	1st Apl. 1917	Saharanpur.	
6	Jemadar Maha Singh.	Sikh	...	...	128	1st Apl. 1917	Jullundur.	
7	Jemadar Prem Singh.	Do.	...	...	128	1st Apl. 1917	Amritsar.	
8	Jemadar Mir Hyder.	Mohamedan.	Pathan	...	128	25th May 1917	Ludhiana.	
9	Jemadar Ujagar Singh.	Sikh	...	...	128	18th Aug. 1919	Wazirabad.	
10	Jemadar Shah Wali Khan.	Mohamedan.	...	...	128	15th Oct. 1919	Ferozepore.	
11	Jemadar Abdul Aziz Khan.	Do.	...	...	128	27th Nov. 1919	Bhatinda.	
12	Jemadar Shera Ban.	Mohamedan.	Pathan	...	128	1st Jan. 1920	Lahore.	
13	Jemadar Bostun Khan.	Do.	...	...	128	1st Jan. 1920	Ludhiana.	
14	Jemadar Hari Singh.	Gurkha	...	...	128	1st Jan. 1920	Shakurpur.	
15	Jemadar Ranjit Singh.	Sikh	Jat	...	128	1st Jan. 1920	Umbala.	
16	Jemadar Harun Singh.	Do.	...	...	128	1st Jan. 1920	Wazirabad.	
17	Subedar Nain Singh.	Gurkha	...	...	128	12th Mar. 1920	Lahore.	
18	Subedar Narain Singh.	Hindu	Rajput	...	128	1st Apl. 1920	Ferozepore.	
19	Reesaidar Natha Singh.	Sikh	...	...	128	8th Apl. 1920	Rawalpindi.	
20	Subedar Jaman Singh.	Gurkha	...	...	128	18th Aug. 1920	Saharanpur.	
21	Subedar Gokal ...	Hindu	Dogra	...	128	6th Mar. 1921	Umbala.	
22	Subedar Damodar Singh.	Do.	Do.	...	128	14th May 1921	Lahore.	
23	Daffadar Gopal Singh.	Do.	Do.	...	40	17th July 1919	Amritsar.	
24	Havildar Kishan Singh.	Sikh	...	...	40	1st Aug. 1919	Do.	
25	Duffadar Pir Mohammad.	Mohamedan.	Pathan	...	40	1st Aug. 1919	Jullundur.	
26	Havildar Sawan Khan.	Do.	...	...	40	15th Oct. 1919	Ferozepore.	
27	Havildar Uttam Singh.	Gurkha	...	...	40	27th Nov. 1919	Bhatinda.	
28	Havildar Mala Singh.	Sikh	...	...	40	1st Jan. 1920	Jullundur.	
29	Daffadar Ishar Singh.	Do.	...	...	40	1st Jan. 1920	Wazirabad.	
30	Daffadar Nawaz Singh.	Mohamedan.	Pathan	...	40	1st Jan. 1920	Lahore.	
31	Havildar Dhan Singh.	Gurkha	...	...	40	23rd July 1920	Rawalpindi.	
32	Havildar Hira Singh.	Do.	...	...	40	6th Sept. 1920	Lahore.	
33	Havildar Btr. Kishan Btr.	Do.	...	...	40	22nd Jan. 1920	Saharanpur.	

Assistant Passenger Superintendents.

Number.	Name.	Race.	Caste.	Qualifications and experience.	Present pay.	Date of appointment as Passenger Superintendent.	Head-quarters.	Remarks.
MADRAS AND SOUTHERN MARATTA RAILWAY.					Rs.			
1	Mr. Krishna Singh	Hindu	...	...	40	1st Feb. 1919	...	
2	Mr. G. Ramchandra Iyer.	Do.	...	...	80	24th Aug. 1920	...	
3	Mr. Bandu Anant	Do.	...	...	60	20th June 1921	...	
4	Mr. S. A. Ramakrishna Naidu.	Do.	...	...	60	23rd May 1921	...	
5	Mr. K. Ramamo Naidu.	Do.	...	...	60	28th June 1921	...	
ASSAM BENGOAL RAILWAY.								
1	Mr. Tyab Khan	Mohamedan	...	...	80	2nd Dec. 1912	Chittagong.	
2	Mr. Attah Mohamed	Do.	...	...	53	29th Sept. 1913	Akhaura.	
3	Mr. Amar Singh	Sikh	...	...	70	16th Nov. 1914	Bhairab Bazar.	
4	Mr. Bakar Khan	Mohamedan	...	...	80	18th Apl. 1913	Mymensingh.	
5	Mr. Bhawalain	Do.	...	...	53	29th Mar. 1912	Padarpur.	
6	Mr. Inayat Ullah	Do.	...	...	70	7th Apl. 1913	Do.	
7	Mr. Mathura Dass	Hindu	Brahman	...	49	6th Apl. 1917	Lumding.	
SOUTH INDIAN RAILWAY.								
1	Mr. S. Narayanasamy Pillai.	Hindu	...	...	75	1st Aug. 1921	Madras	
2	Mr. H. H. Matcher	Anglo-Indian.	...	...	75	1st Aug. 1921	Do.	
3	Mr. P. C. Rajaratnam.	Hindu	...	...	75	1st Aug. 1921	Villupuram	
4	Mr. K. M. Venkataraman.	Do.	...	...	75	1st Aug. 1921	Do.	
5	Mr. T. J. Pandiam Pillay.	Do.	...	...	75	1st Aug. 1921	Tanjore.	
6	Mr. J. B. Rama Rao.	Do.	...	...	75	1st Aug. 1921	Do.	
7	Mr. T. M. Govindasamy Naidu.	Do.	...	...	92	1st Aug. 1921	Trichinopoly.	
8	Mr. C. T. Sundararajan.	Do.	...	...	54	1st Aug. 1921	Trichinopoly.	
9	Mr. J. Singaravelu Pillai.	Do.	...	...	81	1st Aug. 1921	Madura.	
10	Mr. M. Muthusamy Nayanar.	Do.	...	...	75	1st Aug. 1921	Do.	

HINDU WATERMEN AT RAILWAY STATIONS.

408. **Lala Girdharilal Agarwala:** (a) Have the Government inquired whether or not Hindu watermen at railway stations are in practice actually employed occasionally during train times on loading, unloading, shunting work or are engaged on private service by the railway staff?

(b) If so, what steps do the Government propose to put a stop to the practice wherever found?

(c) Will the Government be pleased to direct that in railway time tables an asterisk mark be made against those stations where no railway watermen have been employed, so as to enable the passengers to check the absence of railway waterman from the station?

(d) How many stations are there at which no railway waterman is employed, and if the number of such stations be very small, will the Government be pleased to lay a list of such stations on the table?

(e) What is the maximum and the minimum pay of railway watermen known to the Government?

(f) Will the Government be pleased to lay on the table copies of all previous instructions and circulars, if any, issued to station masters and guards to watch the work of the Hindu watermen on railway stations which appear to have been issued as suggested in the answer given to my Question No. 643 (c)* on the 28th March 1921?

(g) Is any exemplary punishment prescribed in case any station master or any other member of the railway staff employs a railway waterman at train times on any other work except supplying water to passengers, if so, what?

(h) And have the station masters and other railway employees been apprised of the same. If not, do the Government propose now to issue fresh instructions on the subject, and to print a copy of the same in railway time tables to inform the public?

(i) Has the attention of the agents of railways been invited to the suggestion that watermen should wear badges in which 'Hindu waterman' and 'Muhammadan waterman' be engraved as the case may be in local vernacular and the same words may be printed on their buckets and jugs?

(j) If so, will the Government be pleased to inquire from the Agents how far the suggestion has been carried out and what further steps are the Agents taking to carry it out?

Colonel W. D. Waghorn : (a) and (b) Government have no information to the effect that Hindu watermen at railway stations are employed otherwise than on their duties as watermen, but the matter will be referred to Railway Administrations.

(c) As the ordinary Indian passenger is generally illiterate and seldom sees a time-table, it is not considered that any useful purpose would be served by giving effect to this suggestion.

(d) To obtain the information would involve considerable correspondence and labour. At the larger stations elaborate arrangements are made for the supply of water to passengers at hydrants and by watermen, and, in the hot weather especially there is a waterman practically at every station.

(e) As I stated in my reply to the similar question put by the Honourable Member in this Assembly at Delhi on the 28th March last, the pay of watermen is fixed according to the prevailing local rates and varies on the different railways. The maximum pay may be taken at Rs. 14 and the minimum Rs. 10 per mensem.

(f) Copies of Railway Board's letters to Railway Administrations dated 23rd January 1918, 23rd August 1918 and 19th April 1920, which deal *inter alia* with the subject of the supply of water to passengers, are laid on the table.

(g) and (h) I would invite the Honourable Member to refer to my answers to (a) and (b).

(i) and (j) The question was brought to the notice of railway administrations in the Railway Board's letter No. 507-E., dated 1st April 1921. It is not proposed to press this matter further.

* *Vide* Legislative Assembly Debates, Volume I, page 1660.

No. 552-T-17.

GOVERNMENT OF INDIA.

RAILWAY DEPARTMENT.

(RAILWAY BOARD.)

To

The Agents, Assam-Bengal, Barsi Light, Bengal and North-Western, Bengal-Nagpur, Bombay, Baroda and Central India, Burma, Eastern Bengal, East Indian, Great Indian Peninsula, Madras and Southern Mahratta, North Western, Oudh and Rohilkhand, Rohilkund and Kumaon and South Indian Railways.

The Agent and the Chief Engineer, His Highness the Nizam's Guaranteed State Railway.

The Manager, Jodhpur-Bikaner Railway.

Simla, the 23rd January 1918.

DEAR SIR,

I am directed to inform you that the Railway Board have recently received representations regarding the discomforts 3rd class passengers are subjected to, and have also noticed many complaints on the subject in the press.

2. The Board recognise that most railways have in recent years done much to improve matters in this direction, also that the present time, when everything possible is being done to discourage passenger traffic, and it is impossible either to obtain new, or improve existing stock, is not altogether a suitable time to take this matter up. They are, however, of opinion that in many cases more might be done in the direction of improvements which depend mainly on supervision and the provision of adequate staff, and in this connection I am to draw attention to the following points in connection with which it is considered there is frequently room for improvement and which call for the exercise of constant supervision on the part of both railway officers and subordinates :

- (a) Issue of tickets and weighing of luggage in ample time before departure of trains.
- (b) Admission of passengers on platforms earlier, in order to avoid the great crush and rush for seats which so frequently occurs.
- (c) Drawing up of trains at large stations as far as possible on the platforms which best meet the convenience of passengers.
- (d) Provision of sufficient and suitable waiting accommodation, with benches or seats for passengers.
- (e) The provision of sufficient and suitable refreshments, with accommodation for the vendors.
- (f) The provision at all large stations of an ample supply of good water with facilities for supplying the same to passengers.
- (g) The provision of sufficient latrine accommodation of approved type and the proper cleaning of the same.
- (h) The maintenance of all coaching stock and station premises in a clean and sanitary condition.

3. As examples of what has already been done in this direction, on certain railways Passenger Superintendents whose sole duty is to look after the comfort and convenience of passengers are employed. On the Bengal-Nagpur Railway, Railway Train Conductors are provided, and on the Great Indian Peninsula Railway there are standing instructions for Guards on the subject. On the East Indian Railway a special Indian staff is employed for the supervision of the catering arrangements. The Railway Board consider that all these are steps in the right direction which might with advantage be extended. The general point they wish to bring to notice at the present time is that though equipment cannot be improved, additional staff can be obtained, and the fact of the shortage of accommodation calls for increased attention by the railway staff, with constant and efficient supervision.

4. I am also to say that a suggestion has been made that bye-laws should be framed and notices pasted on the walls of carriages and at stations in order to secure cleanliness on the part of passengers. I am to ask for your opinion on this suggestion.

Yours faithfully,

B. STANLEY,

Assistant Secretary, Railway Board.

*Documents accompanying :
Nil.*

No. 552-T.-17, dated Simla, the 23rd January 1918.

A copy of the above is forwarded to the
The Government of Bengal, Public Works Department, Railway Branch.
The Governments of the United Provinces and Bihar and Orissa, Public Works Department.
The Honourable the Chief Commissioner of Assam.
The Honourable the Resident in Mysore.
The Agents, Ambaji-Taranga Light and Guzerat Railways.
The Managers and Engineers-in-Chief, Bengal Dooars, Cutch State, Gondal-Porbandar State, Jamnagar State and Junagad State Railways.
The Manager and Executive Engineer, Morvi Railway.
The Managers, Bhavnagar State, Dholpur-Bari, and Udaipur Chitorgarh Railways.
The Managing Agents, Ahmedpur-Katwa, Bankur-Damoodar River, Burdwan-Katwa, Jessore-Jhenidah and Kalighat-Falta Railways.
The Managing Agents, Futwah-Islampur Railway.
The Finance Member, Government of Gwalior.

Local Governments and Administrations
and to the officers noted on the margin, for
information and favour of necessary
action, and to the Government of Bombay,
for information.

By order,

B. STANLEY,

Assistant Secretary, Railway Board.

No. 552-T.-17.

GOVERNMENT OF INDIA.

RAILWAY DEPARTMENT.

(RAILWAY BOARD.)

To

The Agents, Assam-Bengal, Barsi Light, Bengal and North-Western, Bengal-Nagpur, Bombay, Baroda and Central India, Burma, Eastern Bengal, East Indian, Great Indian Peninsula, Madras and Southern Mahratta, North-Western, Oudh and Rohilkhand, Rohilkund and Kumaon and South Indian Railways.
The Agent and Chief Engineer, His Exalted Highness the Nizam's Guaranteed State Railway.
The Manager, Jodhpur-Bikaner Railway.

Simla, the 23rd August 1918.

DEAR SIR,

In reference to the replies received from Railway Administrations to Railway Board's circular No. 552-T.-17, dated the 23rd January 1918, I am directed to forward, herewith, a Note by the Railway Board and to say that though the Board recognise that many railways have already done and are doing much in the directions required, they think it desirable to impress on them generally the need for giving constant attention to the points in the note and especially for ensuring efficient supervision, to see that instructions are at all times properly carried out.

2. As regards the framing of a bye-law and the pasting of notices on walls of carriages and at stations in order to secure cleanliness. I am to say that while the Railway Board believe that under present conditions such a bye-law and notices cannot do much good, they are inclined to think, as a matter of policy and since railways do not seem to have any great objection, that it would be better to introduce them if it were only to show that everything possible is being done by railways by taking up the question.

Yours faithfully,

N. C. HALDAR,

Assistant Secretary, Railway Board.

*Document accompanying :-
Note referred to.*

No. 552-T.-17, dated Simla, the 23rd August 1918.

Copy, with copy of enclosure, forwarded to the Senior Government Inspectors of Railways, Circles Nos. 1, 2, 2-A, 3, 4, 5, 6 and 7, for information and guidance, with reference to Railway Board's letter No. 552-T.-17, dated the 23rd January 1918. It is requested that in addition to any special reports they may find necessary to make at any time, their reports on annual inspections of railways should contain remarks on the points dealt with in the Railway Board's Note.

By order,

N. C. HALDAR,

Assistant Secretary, Railway Board.

No. 552-T.-17, dated Simla, the 23rd August 1918.

The Government of Bengal, Public Works Department, Railway Branch.
The Governments of the United Provinces and Bihar and Orissa, Public Works Department.
The Honourable the Chief Commissioner of Assam.
The Honourable the Resident in Mysore.
The Agents, Ambaji-Taranga Light and Guzerat Railways.
The Managers and Engineers-in-Chief, Bengal Dooars, Cutch State, Gondal-Porbandar State, Jamnagar State and Junagad State Railways.
The Manager and Executive Engineer, Morvi Railway.
The Managers, Bhavnagar State, Dholpur-Bari, and Udaipur-Chitorgarh Railways.
The Managing Agents, Ahmedpur-Katwa, Bankura-Damoodar River, Burdwan-Katwa, Jessore-Jhenidah and Kalighat-Falta Railways.
The Managing Agents, Futwah-Islampur Railway.
The Member for Trade, Customs and Excise, Gwalior Durbar.

A copy of the above (with enclosure) is forwarded to the Local Governments and Administrations and to the Officers noted on the margin, for information and favour of necessary action, and to the Government of Bombay, for information.

By order,

N. C. HALDAR,

Assistant Secretary, Railway Board.

Note by the Railway Board.

Where continuous booking has been arranged, it is not always the case that passengers get tickets at all hours. To ensure that the good intentions of the Railway are carried into effect it is essential that frequent inspections are made to see that the staff required to be on duty are actually present and that they do not put off intending passengers.

2. A study at all times of the fluctuating requirements of traffic is necessary to avoid the inconvenience that passengers sometimes have to undergo at the time of buying tickets. An exodus from business centres at week-ends, or a rush on account of large and local fairs, festivals, and the like, sudden applications for renewals of season tickets, all require careful watching by an officer, and such emergencies should be foreseen and met by providing more booking clerks and a larger number of ticket windows than usual. It may be necessary for an officer to be present at the station and see that the measures ordered are in full operation and are adequate.

3. The class of men employed generally as booking clerks and their education and training, do not, as a rule, go to make for efficiency. The question of their pay requires consideration. They run the constant risk of debts and on the other hand they are always open to temptations. It is essential therefore that they be sufficiently well-paid. To expect booking clerks to commence work after passing their examination and without any practical training appears to be to court trouble. Their training should be much more practical than is generally the case and by familiarity with dummy tickets and counters they should be made thoroughly efficient in their duties before being put on duty to sell tickets to passengers. While under training their general education, particularly with reference to the Railway geography of India, should be improved upon.

4. Long hours of duty for booking clerks make the service unattractive and lead to careless methods of working. The provision of a sufficient number of well-paid booking clerks of a class above the average of other station clerks, well-trained and of fair education, performing not too long hours of duty should be the ideal.

5. There is much to be said for the practice of keeping passengers off platforms till trains have arrived and inward passengers cleared the platforms. But in the majority of instances, there is no necessity for the practice which undoubtedly causes trouble to the outgoing passengers. Except at stations where due to the narrow width of platforms or for particular trains by which there is generally a great rush of inward passengers, and under the usual circumstances, passengers should be allowed to gain admittance to their proper platforms as soon as possible after they have purchased tickets. This would necessitate entrance gates being manned for considerably longer

periods than is generally done at present and staff will also be required to see that the passengers distribute themselves along the length of the platform in the most convenient manner.

6. At terminal stations rakes should be placed along platforms well before the advertised time of departure and the little saving in gas or electricity at night should not be made a reason for keeping trains in the yard till the last moment.

7. The question of refreshments for Indian passengers has been kept prominently in view by railway administrations and much improvement has resulted in recent years, but the matter requires further consideration by railways generally. The points to remember are that, first, railways are required to cater for the needs of different religious sects; secondly, for the middle classes and the masses and, thirdly, for men and women. These various requirements require very careful study. The aim should be to provide a morning and an evening meal for the better class of passengers on long journeys, careful attention being given to the religious susceptibilities and customs of the people, and for the masses an abundant supply of food of the description they are used to in the locality. There is no reason why railways should suffer pecuniary loss in securing this aim. Catering on railways is a profitable undertaking and whether done departmentally or through contractors, loss can and should be guarded against. It is suggested that in this matter the co-operation might be obtained, if possible, of Indian gentlemen of standing in various centres. They are in a position to suggest how the wants of their countrymen can be best met, and the experience gained from a beginning made on these lines at a few towns will be found of use in framing the general policy for the line.

8. In the matter of supply of drinking water for passengers, it is not enough to have the number of hydrants on a platform increased, for during the hot months the water from the overhead iron tanks coming out of the hydrants is often quite unfit for drinking. Nor is it sufficient to appoint additional watermen at all stations during the hot weather; it is essential also to secure the men's attendance. A liberal supply of cold drinking water should be provided at all main stations and receptacles ready filled should be on the platform before arrival of trains and watermen present to supply the water to passengers in carriages. It again becomes a question of efficient supervision and constant inspection to see that the arrangements sanctioned are in proper working order. At small wayside stations and at stations where there is difficulty in procuring water, no arrangements other than increasing the staff of watermen seem possible but it may be noted that in this matter also improvement is possible by proper supervision. It is possible to lay too much stress on the provision of a filtered water-supply, at least when a proper filtered supply is impracticable or difficult, till better arrangements can be made, a plentiful supply of the water available in the locality should be made accessible to the passengers, the majority of whom are not used to drinking sterilised water. A plentiful supply of water at all principal stations at all hours of the day and night and providing the water cold, would go a long way towards avoiding complaints.

No. 552-T.-17.

GOVERNMENT OF INDIA.

RAILWAY DEPARTMENT.

(RAILWAY BOARD.)

To

The Agents, Assam-Bengal, Barsi Light, Bengal and North-Western, Bengal-Nagpur, Bombay, Baroda and Central India, Burma, East Indian, Eastern Bengal, Great Indian Peninsula, Madras and Southern Mahratta, North-Western, Oudh and Rohilkhand, Rohilkund and Kumaon, and South Indian Railways.

The Agent and Chief Engineer, His Exalted Highness the Nizam's Guaranteed State Railways.

The Managers and Engineers-in-Chief, Bengal-Dooars, Gondal, Jamnagar, and Junagad State Railways.

The Managers, Bhavnagar State, Jodhpur-Bikaner and Udaipur-Chitorgarh Railways.

The Manager and Executive Engineer, Morvi Railway.

Simla, the 19th April 1920.

DEAR SIR,

In inviting a reference to paragraphs 7 and 8 of the enclosure to Railway Board's circular No. 552-T.-17, dated the 23rd August 1918, regarding refreshments and water-supply for passengers, I am directed to say that the need for the provision of an ample supply of cool drinking water for passengers and of refreshment rooms for upper class Hindu and Muhammadan passengers has again been brought to the notice of the Railway Board,

2. The Board are aware that Railway Administrations have been giving these matters their attention, but they think that further improvement might still be effected, and they will be glad if you will give them special consideration.

Yours faithfully,

S. D. MANSON,

Assistant Secretary, Railway Board.

Documents accompanying.

Nil.

No. 552-T.-17, dated the 19th April 1920.

Copy forwarded to the Senior Government Inspectors of Railways, Circles Nos. 1, 2, 2-A, 3, 4, 5, 6 and 7 for information and guidance in continuation of this office memo. No. 552-T.-17, dated the 23rd August 1918, with the request that in addition to any special reports they may find necessary to make at any time, their reports on annual inspections of railways should contain remarks on these points.

By order,

S. D. MANSON,

Assistant Secretary, Railway Board.

WASHING ARRANGEMENTS ON RAILWAYS.

404. Lala Girdhari Lal Agarwala : (a) Do the Government propose to order that at all junction stations special arrangements be made for wash and bath particularly for 3rd class passengers ?

(b) Do the Government propose to direct that all passenger trains except mails should stop in the morning for one hour at a convenient station affording facilities for wash and bath especially to 3rd class passengers ?

(c) In case the reply be that the suggestions are impracticable, will the Government be pleased to state the grounds of the impracticability of the suggestions and the difficulties which are felt by the railway companies ?

Colonel W. D. Waghorn : (a) There are waiting rooms for 1st and 2nd class passengers suitably equipped for washing and bathing purposes at most junction stations.

Facilities in the shape of water taps, and in some cases bathing platforms, are provided for the convenience of 3rd class passengers, and Railway Administrations are always prepared to consider reasonable and practicable suggestions for improvements in this matter. It must, however, be remembered that resources both physical and financial are limited, and Government do not propose to issue a general order on the lines suggested.

(b) The running of passenger trains is timed so as to suit the convenience of the majority of the travelling public, and it would be impossible to work to a rule such as that proposed without seriously interfering with this principle. It may be mentioned that the average distance travelled by a 3rd class passenger in India is about 40·73 miles.

(c) It is hoped that in view of what has been stated above, the Honourable Member will recognise that these proposals are impracticable.

CIVIL MARRIAGE BILL.

405. Lala Girdhari Lal Agarwala : Will Dr. Gour be pleased to answer the following questions in connection with his Civil Marriage Bill :

(a) What percentage of the entire population of Indians demand the proposed legislation ?

(b) Would the proposed legislation not be in conflict with the Hindu law which enjoins a Hindu to take a second wife in the life-time of the first, if the first wife does not bring forth male issue ?

- (c) Would not the proposed legislation be opposed to the Holy Koran and the Muhammadan law under which it is legal or *jaiz* for a Muhammadan to have four wives at one and the same time?
- (d) Under the proposed legislation would a Hindu or Muhammadan be entitled, as of right, to have more than one wife if he pleases?
- (e) Can a Hindu wife married according to the Hindu law be divorced?
- (f) Would the wife of a Hindu married according to the proposed legislation, when passed into law, be subject to the law of divorce?
- (g) Is it intended by the proposed law to introduce the system of divorce amongst Hindus and Muhammadans contrary to their personal laws under which they are governed, who choose to marry under the proposed law?
- (h) What would be the law of property applicable to the issues of marriage under the proposed law?
- (i) Will the issues of a marriage under the proposed law be able to inherit the property of a Hindu maternal grandfather?
- (j) In the case of a union between a Hindu male and a Muhammadan female under the proposed law, would the issue of such a marriage be able to inherit property from her mother's relations under the Muhammadan law to which he would have been entitled if the marriage of his mother had been performed with a Muhammadan male under the Muhammadan law?

Dr. H. S. Gour : I have given a reply to the Secretary of the Legislative Department to all these questions.

If he will pass it on to the Honourable Member...

The Honourable Dr. T. B. Sapru : I have certain supplementary questions to ask, Sir.

The Honourable Mr. W. M. Bailey : Is not the Honourable Member prepared to reply these questions?

Dr. H. S. Gour : I sent the reply on to...

Mr. President : It is no part of the Secretary's duties either to frame or to give the reply for the Honourable Member.

Dr. H. S. Gour : (a) A considerable proportion of the educated population of India. The Hindu States of Baroda, Indore and Kolhapur have long since enacted identical measures and these have aroused no opposition. The Madras Legislative Council has recently by the substantial majority of 54 to 23 (official and seven other members remaining neutral) approved of the measure and all Reform Associations throughout the country are understood to have similarly approved of it. The Bombay Reform Conference held under the auspices of the Bombay National Home Rule League have accorded their hearty support to the Bill as a measure of wholesome social reform which derives its strength not upon any expressed will of the proletariat, but upon its own inherent merit as conducive to the strength and solidarity of the nation.

(b) and (c). The measure is an enabling one and those who wish to marry under their personal law remain unaffected by it.

- (d) No: see section 15 of the principal Act.
- (e) Yes, when permitted by custom.
- (f) Yes, see section 17 of the principal Act.
- (g) No such change is contemplated.
- (h) The personal law of the father.
- (i) Yes.
- (j) Yes. Muhammadan law expressly recognises intermarriages with non-Muhammadan monotheists and offers no legal impediment to succession.

The Honourable Dr. T. B. Sapru : May I know, Sir, whether I can put Supplementary Questions to Dr. Gour or to Mr. Agarwala?

Mr. President : A Supplementary Question must be addressed to the answerer and not to the questioner.

The Honourable Dr. T. B. Sapru : Will Dr. Gour be pleased to state what percentage of the entire population of India do not demand the proposed legislation?

Dr. H. S. Gour : I have no means, Sir, of answering that question.

The Honourable Dr. T. B. Sapru : May I ask another Supplementary Question, Sir? Will Dr. Gour be pleased to state whether the Hindu Law as represented in clause (b) of the question is correctly stated—whether it is a fact that the Hindu Law enjoins upon every Hindu to marry more than one wife, or whether it is a fact that it only permits it?

Dr. H. S. Gour : The answer to question (b) is that the Honourable Member has not correctly represented the Hindu Law. Hindu Law allows polygamy and not subject to the rules laid down in clause (b).

The Honourable Dr. T. B. Sapru : Another Supplementary Question, Sir. Will Dr. Gour be pleased to state whether it is true that Hindu Law allows divorce among the higher classes of Hindus?

Dr. H. S. Gour : The answer is that wherever it is permissible by custom, Hindu Law does not stand in the way of divorce.

The Honourable Dr. T. B. Sapru : Is there such a custom among the higher classes of Hindus?

Mr. President : Order, order. The Honourable the Law Member must put Supplementary Questions only for the purpose of seeking information and not for the interpretation of points of Hindu Law.

Mr. J. Chaudhuri : May I ask, Sir, if Dr. Gour is not aware of the fact that under the law in India as settled by British Courts of justice there is no bar with regard to intermarriages between the sub-castes of the same caste and there is only a bar with regard to intermarriages between the four primary castes?

Dr. H. S. Gour : It is so.

Mr. J. Chaudhuri : Is he aware that only lately doubt was thrown on this proposition by a decision of Mr. Justice Greaves in the High Court of Calcutta, and does he not think that it is desirable....

Mr. President : Order, order. The Honourable Member is not entitled to ask for an opinion.

Mr. J. Chaudhuri : May I know if the Honourable Member thinks it correct ...

Mr. President: That is out of order.

Mr. Jayanti Ramayya Pantalu Garu: May I ask, Sir, whether the Honourable Member thinks it right that such a delicate question affecting the personal law of one community should be brought forward for discussion and decision in a mixed Assembly like this consisting of Members belonging to several communities.

Mr. President: Order, order. The question of the admissibility of questions for this Assembly lies entirely with the Chair. The question of the admissibility of Resolutions lies with the Governor General. The question of caste depends upon the judgment of the House.

Mr. J. Chaudhuri: Is it a fact that Mr. Justice Greaves' decision has been set aside by an Appellate Bench of the Calcutta High Court?

Dr. H. S. Gour: Just so, and the case is reported in the Calcutta Weekly Notes edited by my Honourable friend.

Mr. W. M. Hussanally: May I inquire from Dr. Gour what authority he has to say that the Muhammadan law affords no impediment to a Muhammadan marrying a non-Muhammadan who is not a monotheist?

Dr. H. S. Gour: If my Honourable friend will read Ameer Ali, Vol. II, he will find my statement well justified.

FINE INFLICTED ON MAJOR YOUNG SIALKOT.

406. **Munshi Iswar Saran:** (a) Has the attention of Government been drawn to the case of Major Young of the 14th Jat Lancers, Sialkot, who has been fined Rs. 30 for an offence under section 120 of the Railways Act by Mr. Fyson, the District Magistrate of Sialkot?

(b) Will Government be pleased to state what departmental action has been taken against this officer?

Sir Godfrey Fell: (a) Yes.

(b) The attention of the Honourable Member is invited to the reply given to part (ii) of the question asked by Mr. Muhammad Faiyaz Khan on the 5th September, No. 58.

INDIANS IN THE FOREIGN AND POLITICAL DEPARTMENT.

407. **Munshi Iswar Saran:** (a) Will Government be pleased to state how many Indians are expected to be appointed by the end of the current year in the Foreign and Political Departments?

(b) What is the total number of Indians in this department up to the end of August 1921?

The Honourable Sir William Vincent (on behalf of the Honourable Sir John Wood): The Honourable Member is referred to the answer given to Question No. 171 put by Mr. N. M. Joshi.

EUROPEANS AND INDIANS ON THE BENGAL AND NORTH-WESTERN RAILWAY.

408. **Munshi Iswar Saran:** (a) Will Government be pleased to state the total number of Europeans and the total number of Indians receiving a monthly salary of rupees four hundred and upwards in the employment of the Bengal and North-Western Railway Company?

(b) Will Government be pleased to move the Railway Company to employ more Indians?

Colonel W. D. Waghorn: (a) The total number of Europeans is fifty-six and of Indians is one.

(b) The matter has already been brought to the notice of the Company.

COMFORTS FOR INDIAN TROOPS.

409. **Munshi Iswar Saran:** Will Government be pleased to state whether some time ago a sum of rupees one and half lacs was sanctioned for the improvement of hospital accommodation and comforts for Indian troops under the Northern Command, and whether the authorities at Rawalpindi have decided to advance that sum to an Electrical Company going to be floated there and to put up electric fittings to some of the bungalows occupied by European officers?

Sir Godfrey Fell: A sum of Rs. 1,30,000 has been provided in the current year's Military Budget for the improvement of Indian Troops Hospitals in the Northern Command. This amount has not been re-appropriated for the purpose suggested, or for any other purpose.

TEMPORARY COMMISSIONS IN THE INDIAN MEDICAL SERVICE.

410. **Munshi Iswar Saran:** (a) Will Government be pleased to state the total number of temporary commissions granted during the war in the Indian Medical Service?

(b) Will Government be pleased to state how many of these temporary commissioned officers were Europeans or Anglo-Indians, and among Indians how many had English qualifications and how many had Indian qualifications?

(c) Will Government be pleased to state separately the total number of Civil Assistant Surgeons and private practitioners who were given temporary commissions?

Sir Godfrey Fell: (a) The total number of temporary commissions granted during the war in the Indian Medical Service was 1,138.

(b) Amongst these temporary commissioned Indian Medical Service officers there were 134 Europeans and Anglo-Indians (including 3 Military Assistant Surgeons). Of the Indians, 120 possessed English qualifications, and 884 Indian qualifications.

(c) Civil Assistant Surgeons ... 347

Private practitioners—

Europeans ... 134

Indians ... 657

INDIAN MEDICAL SERVICE OFFICERS RECRUITED DURING THE WAR.

411. **Munshi Iswar Saran:** (a) Is it a fact that some temporary Indian Medical Service Officers who volunteered in the years 1919 and 1920 when the war was practically over, have been granted permanent commissions, whilst those who volunteered when the war was on have been overlooked?

(b) If the answer to part (a) be in the affirmative, will Government be pleased to state the special reasons for such treatment?

Sir Godfrey Fell: (a) Four temporary Indian Medical Service officers who volunteered in 1919 and one who volunteered in 1920 have been granted permanent commissions. All five had been on active service—three in Mesopotamia and two on the North-West Frontier. It is not a fact that the claims of those who volunteered before 1919, during the Great War, were overlooked.

(b) In view of this explanation this part of the question does not arise.

NATIONAL FLAG FOR INDIA.

412. **Munshi Iswar Saran:** Will Government be pleased to state if it contemplates having a national flag for India?

The Honourable Sir William Vincent: The reply is in the negative.

RACIAL DISTINCTION IN JAMALPUR WORKSHOPS.

413. **Munshi Iswar Saran:** (a) Has the attention of Government been drawn to a letter under the heading 'Racial distinction in Jamalpur Workshop of the East Indian Railway' in the issue of 7th August 1921 of the *Amrita Bazar Patrika* of Calcutta?

(b) Will Government be pleased to state which, if any, of the allegations contained in the letter referred to are correct?

(c) Is it a fact that there is a difference between the allowances, educational qualifications and facilities and general treatment of the Indian and European or Anglo-Indian apprentices in the Jamalpur, Kanchrapara and other workshops?

(d) If the answer to part (c) be in the affirmative, will Government be pleased to take immediate steps for removal of the differences?

Colonel W. D. Waghorn: (a) (c) and (d). I would refer the Honourable Member to my reply to a similar question asked by Mr. K. C. Neogy.

(b) The subterranean passage referred to in the article is where the exit is crossed by the railway, and if the apprentices have had to wade through water, it has only been during exceptionally heavy rain. It is intended to roof over the exit and this, it is hoped, will overcome the difficulty.

As regards the apprentices' hostels no case of plague has appeared, as far as Government are aware, either in or near the quarter during the occupancy by the apprentices.

ESHER COMMITTEE'S REPORT.

414. **Munshi Iswar Saran:** (a) With reference to the acceptance in this Assembly on the 28th March 1921 by His Excellency the Commander-in-Chief of clauses (i) and (ii) of Resolution No. 10 regarding the Esher Committee's Report:

Will Government be pleased to state what serious efforts have been made to give effect to the acceptance by His Excellency?

(b) When does Government expect the territorial force and the system of short-colour service to actually come into existence?

(c) Will Government be pleased to expedite the formation of the territorial force and the introduction of the system of short-colour service?

Sir Godfrey Fell: (a) (i) The attention of the Honourable Member is invited to the reply given to the question asked by Lala Girdharilal Agarwala on the 5th September.

(ii) The existing system of enlistment in the Indian Army is tantamount to a short-colour service, as the Indian soldier attests for a period of four years with the colours from the date of his enrolment and, on the expiration of that period, he may take his discharge if he wishes to do so, after giving due notice to his Commanding Officer.

The question of introducing a system of short-colour service, followed by a period of service in the reserve, into the Indian Army is still under consideration. The present however is not considered opportune for making what is a very radical change in the conditions of service of the Indian soldier. As soon as the Indian Army has settled down to its post-war organisation, this question will be taken up.

(iii) This is a subject on which no pronouncement can be made at present. The question of the ratio of British to Indian troops in the Army in India was one of the chief matters laid before the Military Requirements Committee for their consideration. Their recommendations have now been forwarded to the Secretary of State for submission to the Committee of Imperial Defence, and, until the Sub-Committee of that body has given its opinion on the report, no statement can be made.

(b) and (c) Enrolment in the University Training Corps is in progress, and recruitment for the provincial battalions will be started without delay. I have already explained the position as regards short-colour service in the Indian Army.

MOTION FOR ADJOURNMENT.

Mr. President: I have received notice under rule 11 from Mr. Kabir-ud-din Ahmed, a Member of this Assembly, asking for leave to move the adjournment of the business of this Assembly for the purpose of discussing a definite matter of urgent public importance, namely, the arrest of certain leaders of the non-cooperation movement, for the purpose of prosecution.

The Honourable Sir William Vincent: Sir, may I raise a point of order; at the same time I am very anxious that the intentions of Government in this matter should not be misunderstood. I want to make it quite clear that the Government would welcome a debate on this question. They have no reason to fear that they would not secure the approval of this Assembly. But there are certain points which may make the discussion of the subject under reference at the present juncture out of order and I wish to place them before you, if I may.

Mr. Muhammad Ali, Mr. Shaukat Ali, Dr. Kitchlew and others are being prosecuted by the Bombay Government with the full concurrence of the Governor General in Council under Sections 120-B, 131 and 505 of the Indian Penal Code. With the concurrence of the Governor General in Council the Governor of Bombay in Council has also authorised the prosecution of Mr. Muhammad Ali under Section 124-A and Mr. Shaukat Ali under Sections 124-A and 153-A. Five of these accused are, we know, now under arrest. They were arrested in different parts of India and have been forwarded for trial by the

[Sir William Vincent.]

Magistrate of Karachi by whom warrants for their arrest have been issued. The case will be tried there in the immediate future. It is for you, Sir, under these circumstances to decide whether this matter is one which is under adjudication by a Court of Justice.

Mr. President: Rule No. 23 lays down that no Resolution shall be moved in regard to any matter which is under adjudication by a Court of Law having jurisdiction in any part of His Majesty's dominions. Rule No. 12 lays down that a motion for adjournment which is the procedure proposed to be adopted by Mr. Kabir-ud-din Ahmed is governed by the same conditions and prohibitions as Resolutions. From the statement which has been made by the Honourable the Home Member, I understand that the cases which Mr. K. Ahmed wishes to discuss are under adjudication by a Court, or about to be placed in that position. If the Honourable Member has any representation to make upon that subject I am prepared to hear him.

Mr. K. Ahmed: Sir, I beg leave to move for an adjournment of the business of this Assembly to discuss a definite matter of urgent public importance.

Mr. President: Order, order. I asked the Honourable Member whether he had any considerations to place before the Chair solely on the matter of whether the cases that he proposes to raise are or are not under the adjudication of a Court or are about to be placed under that adjudication.

Mr. K. Ahmed: I have nothing to do with the legality or otherwise of the matter, but my idea in giving notice was this, (1) that the Government may have an opportunity of declaring its policy and at the same time

Mr. President: Order, order. The Honourable Member has heard the declaration made by the Honourable the Home Member, and though it may be the unanimous desire of the Assembly to discuss this matter, it is the duty of the Chair to forbid it.

BILLS PASSED BY THE COUNCIL OF STATE.

Secretary of the Assembly: In accordance with rule 25 of the Indian Legislative Rules I lay on the table the following Bills which were passed in the Council of State on the 19th September 1921:

1. A Bill further to amend the Cattle Trespass Act, 1871, and
2. A Bill to provide, that when firearms are used for the purpose of dispersing an assembly, preliminary warning shall, in certain circumstances, be given.

THE TRANSFER OF PROPERTY (AMENDMENT) BILL.

Rao Bahadur T. Rangachariar: Sir, I beg to move:

That the Bill further to amend the Transfer of Property Act, 1882, be referred to a Select Committee consisting of the Honourable Dr. Sapru, the Honourable Sir William Vincent, Mr. C. Krishnaswamy Rao, Mr. Percival, Mr. J. N. Mukherjee, Dr. H. S. Gour, Rai Bahadur Bakshi Sohan Lal, Lala Girdharilal Agarwala, Mr. Samarth and myself.

When I introduced this Bill on the 21st March last I gave the Assembly the main points which induced me to bring forward this motion. I pointed out the distinction that exists between sale and exchanges on the one hand and mortgages and gifts on the other. The law indeed requires that in the

case of mortgages and gifts the deeds be attested by at least two witnesses. The interpretation of the word 'attested' as finally adopted by the Privy Council has given rise to considerable difficulty in the administration of the law inasmuch as the validity of the deeds is affected by the absence of regular attestation. No such requirement is made in the case of sales of valuable property or in the case of exchanges, and in practice it has been felt that this works great hardship, tends to encourage perjury and therefore it was thought necessary to amend the Section. It will be remembered that my Honourable friend, Dr. Gour, when the motion was made for introduction, admitted that this was a growing evil. At the same time he pointed out that the remedy chosen by me was not the right remedy. Since the introduction of this motion, the Home Department of the Government of India have circulated the Bill for the opinion of the various Governments and they have received the opinions. Opinions vary on the matter and I have therefore taken care to include on the Select Committee persons who are pledged to opposite views, so that they may consider all the opinions now received and recommend to the Assembly what proper amendments may be made. I have included in this Committee judges, especially mofussil judges who have administered the law and practising lawyers. I do not think I need say anything more on this occasion and I therefore move, Sir, that the Bill be referred to a Select Committee.

The Honourable Sir William Vincent: Sir, this Bill deals with what is really a very important question of civil law in that it seeks to do away with one of the safeguards now prescribed for the execution of mortgages over Rs. 100 in value and of deeds of gifts. It is quite true that even if the attestation is done away with, there will still remain the protection of registration, but those of this Council who are familiar with business in the mofussil know that sometimes even in registration offices frauds of a serious character occur, and the question really is therefore whether there is any reason to take away anything which provides an additional safeguard for the interests of ignorant persons and particularly of ladies in this matter. The law, as it is, has been in force for many years. It is well known and understood, by every one, and I put it to this Assembly that if it is proposed to modify or alter the law which has been established for over 40 years, very cogent reasons should be given for doing so, and that it should be shown that there is a general demand for change on the part of those best qualified to judge whether such an amendment is necessary. It was in this view that the Government, when this Bill was introduced, did not oppose it but sought public opinion; and I will stop here to indicate what those opinions are; because in our judgment they are so divided and so many of them are adverse to what is advocated by the Honourable Mover that it will make Members of this Council pause before they accept the motion before the Assembly. I want the Assembly to be clear on one point. If the practice of this Assembly remains the same, as it was before the Reforms, once a Bill is referred to a Select Committee this Assembly is committed to an acceptance of the principle of the measure. It therefore behoves Honourable Members to be very careful at this stage about their votes. I myself have no prejudice against this Bill. I do not want Honourable Members to think so for one moment. Indeed at one period I was much in favour of the principle advocated, but I must admit that I have been shaken very much by the opinions now received. It is quite true that the Madras Government approve the change and also some of the judges of the Madras High

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Court but Members will see there is a great division of opinion among them. The High Court Vakils' Association, which is a very important body, entirely disapprove the Bill. Further, both the Bombay Government and the Bombay High Court consider that the law requires no amendment. They are important authorities whose opinions cannot be neglected. In fact, if I may say so, the opinion of the Bombay High Court is probably more valuable than any individual opinion in this Assembly. The Judicial Commissioner in Sind opposes the Bill, so also the Commissioner of the Southern Division and various other authorities. In Bengal, again, though many Associations including the Bengal Chamber of Commerce are in favour of this change, on the other hand, I find that the High Court Bar Library, the Mahajana Sabha and the High Court itself are opposed to the Bill on the ground that the change should only be made when a general revision of the Act is undertaken. The Bengal Government, while frankly admitting that in some cases the present law may cause hardship, says at the same time that it protects young heirs and *pardanashin* women from injustice and fraud. The United Provinces Government again oppose the Bill on the ground that it will in all probability result in encouraging forgery and fabrication of documents. The Judicial Commissioner, Oudh, states that all the authorities consulted by him are opposed to the Bill. The Punjab Government say that there is no necessity for amendment and that there is a great deal in what the Financial Commissioner says, namely, that the law cannot be too stringent in the precautions which are taken to secure that execution of such deeds is adequately proved. There is a great deal in that statement and I think it is an important point. The Burma Government come out with an exceptionally strong criticism of this measure and they give reasons for the views which I think will appeal to Members of this House. The Honourable Member said that as attestation is not required in the case of sales and leases there is no reason for attestation in the case of mortgages. But, is there not a great difference between a sale or a lease and a mortgage? Does not the difference lie in this, that shortly after a sale or lease possession of the property is transferred to the lessee or vendee, whereas under a mortgage,—let us take the case of a mortgage without possession,—what is the position? The alleged execution of the deed may be kept a secret for years. There is no change in possession to give effect to it. Take the case of a lady executing or supposed to have executed a mortgage with no attesting witnesses and none of her friends there. Suppose there is fraud at the registration office and the document is registered. After that, it may be hidden for 20 years and at the end of that period a claim put in for principal *plus* interest double the amount of the sum alleged to have been advanced. That is the kind of thing you have to guard against in a mortgage. In the one case there is transfer of possession and in the other the party affected by the document may remain for years in absolute ignorance of the fact that it has been forged. I want to put it to the Members of this Assembly as practical men that this is a very serious matter.

That is the tenor of one of the main arguments adduced by the Government of Burma against this Bill. The Government of Bihar and Orissa say that there is no general feeling in favour of the Bill. The Central Provinces Government say, 'we approve, but we must admit that it is attended by grave risks.' There are, of course, opinions in favour of this change in the law. I do not want to deny for a moment that. But it is enough, from my point of view, to quote the opinions which are against it. I think Members of this

Assembly will see that the opinions represent a great weight of authority. They are opinions of High Courts, Bar Associations, Local Governments. On the last occasion when the Bill was before Council, Dr. Gour proposed an amendment by which he sought to vary the manner in which attestation should be made—I think I am correctly interpreting his amendment. I want to put a point to this Assembly on this amendment. It is not a matter that can be dealt with, in my judgment, by a reference to Select Committee. It is a point of principle to be decided at once. The Assembly has now to consider whether, or not, the documents are to be attested at all. It is on that main principle,—after an acceptance of that principle alone, that this Bill can legitimately be referred to Select Committee; and I ask this Council, in view of the authoritative opinions which I have quoted against it, to pause before accepting the principle of the Bill. It is not a matter in which Government is directly interested in any way. I simply speak, as I believe, in the public interest.

There is another thing, one other point, and that is that Honourable Members are aware that the law regarding the attestation of documents was altered, I think, in 1917 by an enactment which was promoted by the Honourable Mr. Malaviya, who was then in Council. Now, if the present Bill is passed, there will be different valid forms of execution of mortgages and gifts before 1915, after 1915 to 1921 and after 1921; and the law will become one mass of confusion on this point. But the main point I want to emphasise is that it is not desirable that safeguards which protect the interests of ignorant men and women should be omitted from the law, that no adequate reason has been given to this Assembly for any change in a law which has worked well, I believe for 40 years, if not longer, and that the change is not demanded by public opinion.

Mr. T. V. Seshagiri Ayyar: Sir, when I came to this room, I was prepared to vote for referring this Bill to the Select Committee. Now that the Honourable the Home Member has said that by accepting that Resolution, we will be accepting the principle of the Bill, I wish to say a few words from personal experience, both in the bar and as a judge, regarding the undesirability of the motion now before the House. Sir, as the Honourable the Home Member has pointed out, what we want is an extension of safeguards, and not a curtailment of them. So far as the Section dealt with in the Bill is concerned, some change in the law is absolutely necessary, but if there is to be any change in the law, it should be in favour of making sales and leases attestable, and not in the direction of taking away safeguards with regard to mortgages by deleting the attestation clause. Undoubtedly there is necessity for a change in the law. That change must be with regard to the definition of 'attestation.' Difficulty has been felt by the Bench and by the Bar in regard to this matter, namely, that the attester should see the executant sign a document has been considered a great hardship, and to make attestation practically impossible. Therefore, if any attempt is made to define attestation properly, and to bring it into conformity with the attestation clause as regards wills, I believe this Assembly will very gladly accept such a proposition. But to ask that attestation in regard to mortgages should be done away with is to deprive persons who execute documents of one of the greatest safeguards which the law has provided. I understand that the judges of Surat advocate attestation in regard to leases and that this Section should not be allowed to be interfered with in the way the Honourable Member suggests. Under these circumstances, Sir, if, by accepting the motion, we are supposed to accept the principle of the Bill, I am totally opposed to it.

Dr. H. S. Gour : Sir, on the last occasion I pointed out why this Bill, if pushed on with, would lead to a destruction of most salutary safeguards which are necessary for the purpose of safeguarding the interests of parties to transfers. I pointed out on the last occasion that the witnesses to the execution are witnesses whose presence cannot be dispensed with, and that registration is no substitute for attestation. I then stated that cases of fraud, undue influence, coercion, mistake, misrepresentation and all other attendant circumstances which invalidate a document can only be known to persons who are present at the time of the execution of a document, and that after the execution is completed, when the document goes before the Registrar for the purpose of registration, it is not within the competency of the Registrar to inquire into the validity of the document. If he is satisfied about its execution, he is bound under the law to admit it to registration. I then said, Sir, that the Honourable Mr. Rangachariar's Bill, which does away with attestation of execution altogether, is a retrograde measure, and should not receive the support of this House. At the same time I pointed out that since the decision of the Privy Council placing a narrow and restricted construction upon the manner of attestation as it occurs in Section 59 of the Transfer of Property Act, which requires that the attesting witnesses shall be present at the time that the executant affixes his signature has opened the door to widespread perjury and fraud, it is the duty of this Honourable House to protect the public against this growing nuisance. I then therefore said, Sir, that the justice of the case would be met by defining the word 'attestation' in the Transfer of Property Act, and I drew up a short Bill which I sent up to the Legislative Department as an amendment to the Honourable Mr. Rangachariar's motion. I am gratified to find that the majority of the Governments and Judges of the High Courts have approved of my amendment and disapprove of the Honourable Mr. Rangachariar's original Bill.

The Honourable the Home Member stated that there is a great difference between a sale, a lease and a mortgage and he pointed out, that while in the case of a mortgage attestation was necessary, in the case of a sale or lease attestation was not necessary, because these two transactions were immediately followed up by possession. I am perfectly certain that the Honourable the Home Member could not have adverted to one aspect of the case which completely destroys his argument. What about possessory mortgages? In the case of possessory mortgages, immediately after the execution of the mortgage the mortgagee is put in possession, and, therefore, to justify the existence of Section 54 or Section 107 of the Transfer of Property Act and to say that Section 59 must be distinguished from these two Sections is based upon an argument which certainly does not appeal to me. I feel, Sir, that the grievance which the public has got, and justly got, can be redressed, as is suggested by the Honourable Mr. Seshagiri Ayyar, by inserting in the preliminary Sections of the Transfer of Property Act a definition of the word 'attested,' including therein not only the attestation of the execution but also the attestation of the admission of execution made immediately after execution but before the transaction is closed, and I have suggested in my amending Bill that the words not only 'a sale' but a sale, a lease and all transfers comprised in the Transfer of Property Act should be equally attested. If this change is made, I am perfectly certain, Sir, that it would mitigate the evil which is growing in the country and it will at the same time improve the Transfer of Property Act.

Mr. Harchandrai Vishindas : Sir, I rise not to take up unnecessarily the time of the Assembly but to give an instance which very strongly typifies the situation that has been created by this Bill. Only about a week before I left for Simla, in Karachi there was decided a case which illustrated the necessity of following the suggestion that has been made by Mr. Seshagiri Ayyar and supported by Dr. Gour, namely, there was a case which fell through because the attesting witnesses would not go to the length of saying that the execution of the document took place in their presence, but that it was admitted by the executant that he had executed the document.

Now, Sir, it was felt that a great deal of injustice was done by virtue of this strict interpretation of attestation by the Privy Council, and I should not be surprised if the Judge also thought that he was deciding the case against natural justice but in obedience to the law as it is laid down. Therefore, while agreeing entirely with the remarks that have fallen from the Honourable the Home Member in his speech and the opinions which he has cited which are entitled to great weight and respect, there can be no two opinions in the Assembly that attestation is necessary. It is much better to have a safeguard and a great deal will be lost by having the safeguard removed. Therefore, I say, there can be no two opinions that attestation of the document as laid down by the law is necessary. But at the same time I think what actuated the Honourable Mover of this Bill to bring this legislation before this Assembly was the abuses that arose after that interpretation by the Privy Council of attestation. So, Sir, my position is that I am entirely at one with Mr. Seshagiri Ayyar and Dr. Gour that amendment in the direction of defining attestation so as to include admission of execution is the proper legislation that should be adopted in the present Bill.

The Honourable Dr. T. B. Sapru : Sir, with your leave there are just a few observations that I would like to make with regard to this very important question which is engaging the attention of the House at present. In the first place, I would invite you, Sir, if you would so please, to give a definite ruling as to the question of practice which has been raised by my Honourable Colleague, Sir William Vincent. I myself was for several years a non-official Member of the old Council and I understood also at that time, that if a Bill was committed to a Select Committee, the House stood committed to the principle of that Bill. If we are to proceed on the assumption that by committing this Bill to the Select Committee we stand committed to the principle of this Bill, I must say that I regret to have entirely and wholeheartedly to differ from the principle of the Bill. So far as legal and judicial opinion is concerned, reference has been made to it in great detail by my Honourable Colleague, Sir William Vincent. I myself have gone through those opinions with the utmost possible care and the impression that has been left on my mind, after careful scrutiny, is that the highest judicial authorities and some of the most eminent lawyers in this country, who are entitled to speak on a matter like this, are entirely opposed to the principle of this Bill. I may say that I come from a province where, if I am not mistaken, the bulk of the civil litigation turns upon mortgages, and during the 25 years of my practice I may say that I had to deal far more with the Transfer of Property Act than with any other Act in Allahabad. I find that the Allahabad High Court and the lawyers there are wholly opposed to the principle of this Bill. More or less, the same is the position in Calcutta. But quite apart from the general opposition of the judicial officers and the lawyers to this Bill, there is one important matter with regard to this Act

The Honourable Sir William Vincent : The Home Member has to be a Member *ex-officio* and if the Bill is going to Select Committee then I should be quite willing to serve on the Committee.

Mr. President : The line taken by the Honourable the Home Member is correct. Mr. Rangachariar has no course open to him under the rules but to include these two gentlemen, and they have no course but to accept.

Mr. N. M. Joshi : I move that the question be now put.

Rao Bahadur T. Rangachariar : By this Bill I intended to bring to the notice of this Assembly a growing evil, in the words of Dr. Gour, still growing worse. Dr. Sapru comes from a province which I find has had the good fortune of having the Act amended by Pandit Malaviya. Now, in Madras, where I come from, this is a very real evil and that evil requires an adequate remedy. I carefully considered whether the remedy I was proposing was the proper remedy or not, and whether I should not adopt the remedy adopted by the United Provinces. I came to the conclusion, and deliberately came to the conclusion that that was not an adequate remedy for the evil in my province. A great deal of importance is attached to this question of the law providing that a document should be attested. Now there is no provision that a sale deed should be attested, but has any one of you ever come across a sale deed without attestation? By doing away with this condition, it does not follow that mortgage deeds and gift deeds would not be attested. I am not asking the Assembly to say that they need not be so attested. All that I am saying is that these legal requisites to make a deed a valid mortgage or to make it a valid gift need not exist there. Wills are executed, pro-notes are executed, sale deeds are executed, exchange deeds are executed, all over India.

The Honourable Sir William Vincent : May I draw the Honourable Member's attention to the fact that a will has in many cases to be attested?

Rao Bahadur T. Rangachariar : I beg your pardon. A mofussil will need not be attested. It is only in the presidency towns that a will is attested, but as regards wills all over the country there is no law requiring them to be attested. I believe I am quite right in saying that only wills made in presidency towns require to be attested; and therefore all that I seek to do by this enactment is to do away with this legal requisite to make a deed a valid mortgage or a valid gift. Now, what happens at present? You know how attestation takes place. Documents are executed, attestations are taken at random, and really to insist upon people being present and actually seeing the hand of the executant moving on the paper—that is what the Privy Council requires—that is asking too much of human nature. And really it offers a premium, as lawyers have pointed out and as judges have pointed out already, to perjury; the mortgagor or mortgagee goes to court; he says to a witness, 'I will pay you so much if you say that you did not see the actual hand moving on the document; no doubt you may say that it is your signature and that you are an attesting witness, but simply say that you did not see the hand of the mortgagor moving.' Then, if he says that—although the document may be admitted to have been executed by the executant—still the law renders the document, as the attester did not actually see the hand moving, invalid. Is it right to keep such a provision in the statute? Then it was said that registration was not a sufficient safeguard. As you know, under the Registration Act and the rules under the Act, the executant has to appear in person before a highly paid officer, most of them are graduates, the sub-registrars; no doubt, there may be false personation in some cases; but still he has to appear and admit

execution before the document can be registered; the rules under the Act and the Sections of the Act itself provide adequate safeguards in order to provide for those cases. If there is fraud before the Registrar, there can be fraud also in the case of attested executions. Attesting witnesses can be easily secured to say that they saw the attestation. If a man is so fraudulent, if a man is so bent upon committing a crime, he will be able to get witnesses to come forward and say that they saw the execution, and such witnesses can be had. Altogether I think too much importance has been attached to this attestation. Therefore, I first of all wish to remove the misapprehension in the minds of the Assembly that by my motion it does not follow that there will be no attestation at all. Even if this Bill is passed, people will have attestors to their documents. I only do not make it a condition, a legal condition, in order to make it a valid mortgage or a valid gift.

Possession follows gift as has been already pointed out by Dr. Gour in the case of sales of valuable property worth lakhs and lakhs; the law does not require that there should be attestation in the document; although they are attested as a matter of fact. It is not necessary to make it a valid sale that the sale-deed should be attested. In the case of gifts also possession follows the gift; and even there the law requires that the document should be attested. Why? If possession is to be the guiding factor, the law does not recognize it in the case of gifts, so it is no argument at all to justify this anomaly in the law of transfer. How that anomaly is to be removed is the point.

Now, Sir, you have given a ruling that by referring this to the Select Committee, it will not be open to the Select Committee to accept the other suggestion, *viz.*, to define the word 'attest' as including attesting merely on acknowledgment or admission of the executant; then I must ask the vote of this House on this principle, whether this House requires that this clause should exist in the case of mortgages and gifts, and, therefore, Sir, I press the motion to a division.

The motion was negatived.

THE ADOPTION (REGISTRATION) BILL.

Dr. H. S. Gour : Sir, I move :

'That the Bill to prescribe a registered instrument as necessary for a valid adoption be circulated for the purpose of eliciting opinion thereon.'

Honourable Members will remember that when I moved for leave to introduce my Bill, I stated that it was the considered opinion of the Privy Council enunciated in a case from which I cited on the last occasion that some safeguard by way of registration or acknowledgment before a Magistrate was necessary to a valid adoption under Hindu Law, and that a case of the Privy Council decided as far back as 1834 had been recently followed by the same high tribunal in a case reported in 44 Calcutta. Honourable Members will also remember that I then pointed out that the necessity of registration will serve a double purpose. It will facilitate the proof of a true adoption and prevent the setting up of a faked one. It is a notorious fact, Sir, that immediately after a man dies issueless, leaving a valuable estate, claimants come forward setting up some sort of a death-bed or previous adoption; and cases have come to my notice where two or more rival adoptions have been set up in a court of law; protracted litigation is the result, costs are incurred.....

The Honourable Dr. T. B. Sapru : I rise to a point of order. Is it open to the Mover of a Bill on a motion like this before the House to make a speech on the merits of the Bill ?

Mr. President : I am not quite sure what the Honourable the Law Member means by merits ; but I should be inclined to interpret the word as meaning the same as principle in the standing order.

Dr. H. S. Gour : I thank you, Sir. Resuming my speech after that interruption, I wish to point out to the House that what I wanted to bring out was that the result of this costly litigation is sometimes uncertain. It leads, as I have said, to tremendous costs in many cases, and the safeguard that I have suggested would do away with a great deal of unnecessary and, I may add, false litigation. As a matter of practice, the Privy Council have in several cases laid down that they require some sort of document in proof of an adoption. In cases after cases, their Lordships have laid down that it is the habit of the people of India to record the minutest details in their daily lives in regularly kept documents and they therefore would seek some note made, some contemporaneous record of this solemn act of adoption ; and no amount of oral evidence will go down with their Lordships in the absence of some documentary evidence. This, then, is the established rule of practice, but the public are not aware of it. I know that in some cases it happens that unconsciously they have a hurried adoption, pressed perhaps by the necessities of the case or not knowing that their adoption would be challenged later, and the result is that some good adoptions fail to be proved, and as I have pointed out, in some cases adoptions which never took place at all come into the court for adjudication by a volume of verbal evidence. Now in Local Acts I have just been able to find—I mean in the Oudh Estates Act, that an adoption by a Muhammadan talukdar is under the statute required to be registered, and if I mistake not, in some Act of the Bombay Presidency,—I think it is the Mamlatdars and Watans Act—I have not been able to verify my citation, there is a provision made for compulsory registration of an adoption. Honourable Members will remember that under the present law, the authority to adopt requires to be registered, and all that I am asking this House to-day is that an adoption itself shall be registered. I have no doubt that my Hindu friends view this reform as a very necessary one, as they asked me last time that in the case of adoptions which take place, some little time should be given for the presentation of the documents before the Registrar. I then stated that under the normal law a document for registration could be presented within four months, and in exceptional cases within eight months from the date of its execution. I submit, Sir, that I have made out a strong *prima facie* case for my Bill to go before the public. Let the opinion of the public be elicited upon the subject, and then it will be time for this House to consider whether we should not go on with it. I now move, Sir, that the Bill be referred to the public for their opinion.

Sir P. S. Sivaswamy Aiyer : Sir, when I came to the House this morning, I had no intention of intervening with reference to the motion of Dr. Gour, but in view of your ruling, that a motion to circulate the Bill for opinion commits the House to the question of principle.....

Dr. H. S. Gour : I rise to a point of order, Sir. I never understood you, Sir, to rule that a motion to circulate a Bill for the purpose of eliciting opinion thereon commits the House to the principle of it.

Mr. President : It certainly commits to the principle.

Sir P. S. Sivaswamy Aiyer : Sir, in view of the ruling which you have just given, I feel bound to oppose the motion which has now been made by Dr. Gour. There are two grounds on which he has sought to support the Bill. One is that adoptions may affect property of considerable value, and the second ground is that the oral evidence which is often adduced to support these adoptions is not free from suspicion or doubt. Neither of those grounds seems to me to justify the measure he has sought to introduce. As regards the first ground that adoptions may affect property, I would point out that the primary intention of an adoption is not to affect property. An adoption is under the Hindu Law essentially a religious transaction. It is because people desire spiritual benefits after their death that they make adoptions. If it is true that adoptions affect property, it is a necessary incident of the religious transaction and not the sole, or perhaps even the primary, object of adoption. The first ground, therefore, upon which Dr. Gour has sought to support his Bill altogether fails. As regards the second ground, that the oral evidence is not free from suspicion or doubt, I would like to ask whether adoptions are the only transactions with regard to which oral evidence is not free from suspicion or doubt ? Do not merchants every day enter into large transactions affecting movable property and with regard to which oral evidence is all that is available ; and I would like to ask whether people in England do not enter into transactions of very serious importance in life without written instruments. Do they not make a promise of marriage without executing a registered document ? Does not a promise of marriage affect a man quite as seriously as an adoption ? There are numerous transactions in this world which must depend in some cases only upon oral evidence, and it would be absurd and impracticable to require that all these transactions should at the time they are made be entered into if at all only by means of registered instruments. I do not think it is necessary to adduce any further reasons in opposition to this Bill. I would only add this one consideration that adoption being essentially a religious transaction, it is not wise to interfere with an institution to which so much importance is attached by Hindu society, an institution which will continue to appeal to Hindus, for a long time to come, and I would therefore ask the House to reject this motion.

The Honourable Dr. T. B. Sapru : Sir, in view of your ruling I consider it necessary that I must clearly indicate the attitude of the Government with regard to this Bill at this moment, otherwise silence on the part of Government might be construed into acquiescence in the principles of this Bill. We should have had absolutely no objection to public opinion being elicited so far as this Bill is concerned, but I think it necessary that at the outset I must declare, that so far as the Government are concerned, they do not stand committed to the principle of this Bill. There are just two dangers lurking in this Bill, to which I would invite the attention of all my Hindu friends particularly, and they will at once appreciate them. I suppose it will be admitted even by such an enthusiastic legislator as my friend, Dr. Gour, that the Hindu Law does not allow any other person than a son to be adopted. The Muhammadan Law undoubtedly allows acknowledgment of various kinds of relations, but as a very eminent Muhammadan Judge pointed out in a well known ruling which will be present to the mind of Dr. Gour, adoption under the Hindu law is entirely different in its essence from acknowledgment under the Muhammadan Law. Now, if my Honourable Colleagues will only look at the definition of 'adoption', they will find that Dr. Gour will permit a Hindu not only to adopt sons, but possibly grandsons, not only to adopt sons and grandsons, but

[Dr. T. B. Sapru.]

daughters and also sisters, and, if I may say so without being impertinent to Dr. Gour, he may adopt relations of a very delicate character. Adoption, according to his definition, means the adoption of a son or any other relative. I cannot, as a Hindu lawyer reconcile myself to this innovation.)

Then, again, there is another danger to which I would invite the attention of the House. So far as I know Hindu Law, in the matter of adoption, there is no place for the doctrine of agency except in the case of wife, and the Calcutta High Court had to consider that question some years ago in the case of a Brahmo adoption. According to Dr. Gour, a deed of adoption may be executed by the person making the adoption or by a duly authorised agent. To that extent, I think the Bill makes a serious departure from all accepted notions of Hindu Law in regard to adoption. There, I will leave the matter in the hands of the Assembly. So far as I am concerned, I do believe in the efficacy of registration, but I do not believe in registration at the expense of Hindu Law.

Mr. J. N. Mukherjee : Sir, I am in the same position as my Honourable friend, Sir Sivaswamy Aiyer, because when I first came into the Assembly I thought that there would be no harm done if the Bill was circulated for collecting opinion thereon. But the position I take up now in regard to my Honourable friend, Dr. Gour's Bill, is one to point out an inaccuracy of his in regard to what he has said as to the opinion expressed by the Judicial Committee of the Privy Council on the question of the desirability of a registered document in cases of adoption. I have gone through the ruling to which he has referred, but I fail to find anything in it which suggests that the Privy Council would like to have a registered document in order that an adoption may be validated or established in a Court of Justice. Their Lordships of the Privy Council said nothing of the kind in the judgment referred to. The case to which Dr. Gour referred was a complicated one, turning entirely upon facts, and their Lordships stated that in view of the facts before them and in view of the evidence adduced and the circumstances surrounding it, they could not believe the case for the plaintiff. They casually observed that there was nothing in writing to support the plaintiff's allegation, especially in the absence of proof of the observances which are ordinarily expected to be followed in cases of adoption in high families. In these circumstances, they came to the conclusion that they should support the judgment of the Judicial Commissioners.

I stand in order to remove the misapprehension which must have been created in the minds of Members of this Assembly by what has been said by my Honourable friend, Dr. Gour, as to the expressions of an opinion on the part of the Judicial Committee on the point, which must have some weight with Members of this Assembly. I simply supplement the arguments that have fallen from my Honourable friend, Sir Sivaswamy Aiyer, and the Honourable the Law Member, against the Bill. What I point out is an additional reason why the House should not be committed to the principle of the Bill.

Rai J. N. Majumdar Bahadur : Sir, having heard your ruling that when this Bill is circulated for opinions, the House stands committed to the principle of the Bill, I thought it my bounden duty to raise my voice in protest against the Bill which has been moved by my Honourable Colleague, Dr. Gour.

Dr. Gour must have known when he moved his Bill that according to Hindu Law a son is considered essential for the salvation of his father in every

Hindu family and that the word *putra* means a son one who saves his father by doing the unfinished duties of his father after his death; *Pituh chhidram puraitva trayete iti putrah* who saves his father by performing *shraddh*. Therefore if this law is enacted and adoption must be registered, it will interfere with the religious customs of the Hindu.

My Honourable friend, Dr. Gour, may to-morrow bring another Bill and say that marriages must be registered. If he does, then I say he is interfering with the personal law of the Hindu which every Hindu would resent. If you do register adoption, how does it make it more valid than adoption under the law as it stands at present? I do not see it.

I therefore oppose the motion and agree with my Honourable friend who have spoken before me that the Bill should be rejected.

Phai Man Singh : Sir, I should like to ask whether, when a Bill is introduced, the House is committed to the principle of the Bill or when it is up for discussion before the Select Committee or published for opinions. We had an example just now in regard to Mr. Rangachariar's Bill which was circulated for opinion. We do not want to stand committed to the principle of the Bill at this stage, and we may find, after eliciting public opinion that the principle of the Bill is wrong. What is the position of the Assembly? Would it be in order for us to throw the Bill out or shall we still be committed to the principle, because on this point hangs the fate of this motion?

Mr. President : The different stages provided for Bills under Chapter VIII of our Manual of Procedure are provided in order that the Assembly may have not one, but several opportunities of considering its attitude towards the Bill, first in principle, then in detail and then, when the motion that the Bill be passed, in respect of any changes that may have been made in detail and the reflection of them upon the principle.

I interpret Standing Order 38 to mean that when any one of the three motions is passed, it is taken to be the endorsement of the Assembly of the principle of the Bill. If the Assembly wishes to adopt a different practice and I am prepared to acknowledge that a different practice may be desirable, the matter must be raised when a Committee for the amendment of the Standing Orders is set up.

The Honourable Sir William Vincent : I should like to know whether there was any motion for circulation in the case of Mr. Rangachariar's Bill. My recollection is that there was no such motion at all.

Mr. President : I think the House was informed that circulation had been made but not by the will of the Assembly.

Rao Bahadur T. Rangachariar : The Home Department circulated it.

Mr. Muhammad Yamin Khan : I move that the motion be put, Sir.

Mr. J. Chaudhuri : Sir, with regard to the points raised by my Honourable friend, Bhai Man Singh, I would like to say that before the Bill is circulated for opinion to all and sundry outside this House, we are surely entitled to express our opinion on it. For myself, I object to the principle of the Bill, not on any spiritual ground but on a temporal ground. My friends who are learned in Hindu Law have objected to it from the point of view of a Hindu lawyer, but I shall object to it from a common sense point of view. When a Hindu adopts a son during his life-time, he performs the ceremony and no deed is executed or required. Deeds are required when power is given to

[Mr. J. Chaudhuri.]

somebody else to adopt. The right of adoption is given very often to the wife as one's last act.

So deeds of adoption executed or powers of adoption given at the last moment stand on the same footing as wills. A man on his death-bed would often ask somebody to take a piece of paper dictate to him his last wishes in the presence of his friends and embody in it a power to his wife to adopt. So a deed which empowers one's wife to adopt on behalf of the person who is dying may be an *anumatipatra* (deed empowering adoption) or a will. If it is a pure and simple *anumatipatra*, the law requires it to be registered. If a will, not. It is often difficult to distinguish one from the other. So I say that so long as a will is not made compulsorily registrable, deeds authorising adoption cannot be required by law to be compulsorily registrable. It is for this reason that I oppose Dr. Gour's Motion.

Mr. P. P. Ginwala : Sir, the question of adoption in Burma is of peculiar interest. Adoption, as has been pointed by my learned friend opposite, in the case of Hindus, is more or less for the purposes of ancestral worship and not necessarily for the purpose of the devolution of property. In Burma, however, the case is entirely different. Adoption there is often for the express purpose of preserving and determining the devolution of family property and very common not only when there are no children but even when there are children. And if a child is adopted and the adoption is proved, that child, whether it is a male or a female, shares equally with the other children. In the case of a parent having no child adopting a child, that child excludes all other relations. The position, therefore, is that in Burma very often difficult questions arise and many fraudulent claims are set up in the hope of getting hold of all the property or for the purpose of sharing the property with the other children. And, so far as my province is concerned, I have no hesitation in saying, that if this Bill is circulated for opinion, it will meet with a favourable reception, because times out of number cases arise in which three or four different claimants come forward as adopted children and if any one of them is proved to have been solely adopted or if others are proved to have been adopted with him, he takes the property solely or they share equally the whole of the property as the case may be. Cases have been taken to the Privy Council and the Privy Council have also in the case of Burma expressed the opinion that it would be as well if some documentary evidence was available to prove these claims of adoption. However, Sir, different provinces are differently constituted, and they will have an opportunity of expressing their views from their particular points of view if the Bill is circulated, even if this House is to commit itself to the principle. Now, supposing, Sir, that the Bill is circulated for opinion and this House is committed to the principle, I doubt, Sir, whether it will not be permitted to the House to reject the Bill when it comes to be placed before the House for the passing of the Bill.

Mr. President : I do not think there can be any doubt in the matter that the stage, at which a Bill is passed, deliberately provides an opportunity to reject a Bill the principle of which has previously been accepted. Otherwise there would be no meaning in the third stage.

Mr. P. P. Ginwala : In that case, Sir, the House after committing itself now to the principle of the Bill will still have another opportunity of throwing out the Bill, if it is then so advised when the last motion is before the House to pass the Bill; I submit, therefore, that it would be expedient for

the House in any case to obtain public opinion, so that it may know whether the country desires this legislation or not. With these remarks I support the motion before the House.

Chaudhri Shahab-ud-Din : Sir, after hearing so many learned speeches from Sir Sivaswamy Aiyer and others who have followed him, I feel very diffident to express my own opinion. I for one fail to understand how a provision which simply requires registration of the factum of adoption can possibly touch its validity. Validity of adoption will be determined, as at present, by the personal law of the person who makes the adoption, and not by the registration of the deed of adoption. Registration will be nothing but a proof of the fact that adoption has taken place. Whether it is a valid or invalid adoption is an independent question and should be always determined by the law governing the adopter. In Burma, the law of adoption is that just now stated before the Assembly by my Honourable friend, Mr. Ginwala. In the Punjab, adoption has no religious aspect. It is nothing but the appointment of an heir and it is a notorious fact that false adoptions are being put up in courts every day and not by dozens and scores but by hundreds of witnesses who are being produced to support them. At present I have actually got a case in which about 300 witnesses have been examined and yet the case is continuing. (A voice : 'So much the better for you'.) No, I beg your pardon, Sir. We must not ruin our countrymen. We must make things certain where we can and so far as we can. The language of Dr. Gour's Bill may not be so very happy, I shall admit that, but, that is a matter which, I think, can be gone into at a later stage. The rules of business as interpreted by our Honourable President land us in a very serious difficulty. I venture to submit, that if by referring a Bill for circulation we are committed to the principle of the Bill, it means that whatever might be the opinion of the whole of India about the provisions of a Bill, once we agree to its circulation, we are committed to its principle, and, therefore, must pass it whether the country wants it or not.

If that is the meaning of the business bye-law as it stands at present, it should be modified as soon as possible so that we may not be embarrassed in future. As regards the principle of the Bill now before the House it is this, that an adoption should be proved by certain evidence of registration. Registration is nothing but evidence of execution. Beyond that the provisions of Dr. Gour's Bill will not take us. Therefore I very respectfully differ from my Colleagues who have argued to the contrary. I think the Bill ought to be circulated and in the meantime the business bye-laws should be altered. Let us ascertain what is the Indian opinion on the Bill. Let us know how many people want to have certain, definite, positive and cogent, evidence of the factum of adoption, not of the validity of the adoption. These two questions should not be confused. I strongly support the motion that the Bill be circulated to Local Governments and others for opinion; public opinion must be solicited and considered by this Assembly. That is a very important measure and will, if made law, save expensive litigation to many an Indian.

Mr. N. M. Joshi : Sir, I propose that the question be now put.

Dr. H. S. Gour : Sir, I am somewhat surprised that my short innocuous measure should have to face such a fierce fire of furious criticism. I cannot only feel that Honourable Members have not carefully read the main provisions of my Bill and I must point out in particular that the Honourable Law Member, who made cheap fun at my expense by saying that my adoption clause would lead to the adoption of all kinds of relations, must surely have

[Dr. H. S. Gour.]

missed the real point of that definition. What is that definition, Sir? Adoption means the adoption of a son or any other relative permissible by any law for the time being in force in British India.

All that it lays down is that if your personal law permits you to adopt any other relation, then it comes within the purview of adoption within the meaning of this Act. Surely my friend could not have been unaware of the well-known adoption called *illatom* adoption or the adoption of a son-in-law, in Madras. I refer to any other relation adopted if it is permissible under the personal law. Surely my friend must have seen that I was referring to the well-known customary adoption which is prevalent in Malabar and the adjoining tracts of the Madras Presidency, and I am further told by my Honourable friend, Chaudhri Shahab-ud-Din, that it is also customary in the Punjab. After that, to say that I have given a definition of 'adoption' and legalised adoption of grandsons and other relations of a delicate character, is a strange travesty of the definition which I have here framed and which I confidently leave to the judgment of this House. I submit that my definition will stand any fair criticism and that there is nothing whatever to cavil at the language of my definition. But that is after all a matter of detail. The Select Committee is entitled to recast the whole Bill commensurately and consistently with its main principle, and what we are discussing here to-day is not the language of this clause or of that clause but the fundamental underlying principle, which, I submit, should be, and is, the sole object of this discussion. It is this. What shall be the evidence of adoption? Shall a registered instrument be provided by law as a necessary evidence of adoption? That is all that my Bill strives to provide for. In view of this fact I am somewhat astonished and not a little amused at the criticism which my friend, Sir Sivaswamy Aiyer, levelled at my measure. He told me what I knew already that a Hindu adoption is a sacrament. I say it is so. But what has that got to do with my Bill? So far as the personal law of adoption is concerned, I leave it in tact and wholly unaltered and unaffected by my measure. I merely provide, let me repeat to the Honourable Members once more, the means of proving that adoption, and I provide that if you wish to prove that adoption, you must provide yourself with a registered instrument. That is all that I have provided. All criticism of my Honourable friend, Sir Sivaswamy Aiyer, directed against the statement of elementary truths of Hindu Law have nothing whatever to do with the main principle which underlies my Bill. Then he launched into a criticism still more fallacious and still more irrelevant. He said: 'You are providing here for a registered instrument. In England most valuable transactions take place without the necessity of a registered instrument.' And he further allowed himself to say that the mere fact that you provide for a registered instrument to prove an adoption will not do away with the numerous examples of fraud which exist in this world. I have not provided myself with that one universal broom to sweep fraud, undue influence, and all those things from this world. I am not here to cleanse the Augean Stables of fraud from the land. I stand here to defend a limited measure intended to provide for and facilitate the proof of one particular transaction in Hindu Law. Surely, Sir Sivaswamy Aiyer could not have been unaware of it. Then he went on to say that we cannot allow a measure of this kind to go before the country with the imprimature of this Honourable House. Frequent references have been made, Sir, to the ruling which you have given this morning on the question of the committal of this

House to the main principle. I must respectfully submit, Sir, that though we may be committed for the time being to the principle of this measure, it must be upon what a judge may say upon *ex parte* evidence, and if this measure goes out into the country and we have the opinion of those who are competent to pronounce upon its validity and necessity, it will be perfectly open to this House to revise its judgment and to throw out this measure if it is not backed by the public. But shall the measure, I submit, be beheaded at this stage? Shall it be strangled without being given a chance of defending itself? Shall it be quartered without going to the public, to the tribunal of public opinion, for its justification and for its vindication? I submit, Sir, it will be unfair for this House, the Honourable Members and those who are responsible for the destiny of this country, if they were to stand sword in hand at the main gate and chop off the heads of all benevolent and beneficent measures which are introduced into this House for discussion and for argument.

Then, Sir, my learned friend, Mr. Majumdar, deteriorated into a Sanskrit quotation, and he said with a certain amount of doubt whether I knew the meaning of the word 'son'. Well, Sir, if I had not known the true meaning of the word 'son', I would not provide the unquestionable evidence which I intend to furnish to see that the son really becomes the son of his father and to prevent those fictitious sons from ushering themselves into the house and calling themselves the sons of the father whose sons in reality they are not. I regard, Sir, that this is a measure of great public utility, a measure justified and sanctified by the very cardinal principles of Hindu Law, and I feel, Sir, that if I were at liberty to follow the wake of my learned friend, I would cite you a passage from *Mannu* in which he clearly enunciates that there shall be no adoption which is not evidenced by all the relations, kinsmen and neighbours.

And what is the underlying principle of that dictum of the greatest of Hindu Law givers? The principle I say, Sir, is, let there be no adoption in secret, let your adoption be evidenced and published to the world so that there may be no dispute about it. I submit that this necessity for registration which I provide for is a modern rendering of an old Sanskrit aphorism, and I justify my measure not on the ground of reason alone, but on the highest ground that it is sanctified by the most sacred Shastric law. The Honourable Mr. Chaudhuri got up and ventilated his deep-rooted prejudice against this salutary reform, but he gave no reason for it. He said, I do not like this measure and therefore I oppose it; it reminds me, Sir, of the old jingle (At this stage Mr. Chaudhuri rose to a point of order while Dr. Gour continued making his speech).

Mr. J. Chaudhuri : Sir, I gave my reasons.....

Mr. President : Order, order.

Dr. H. S. Gour : If my Honourable friend has got any reasons to give I hope he will treasure them up when this Bill comes up before the Select Committee. For the present I have a very humble and modest request to address to this House, and it is this. Here is a measure which I have justified on the ground that it is supported by the repeated dicta of their Lordships of the Privy Council. Here is a measure which is necessary in the best interests of Hindu society. Here is a measure which is intended to strengthen the fundamental canon of Hindu Law. Here is a measure which will facilitate the proof of adoptions. Here is a measure which will prevent the proof or attempted proof of false adoptions, and I therefore submit that both on the ground of Shastric law as well as of reason and equity I am entitled to ask for the unanimous vote in respect of my Resolution.

[Dr. H. S. Gour.]

The Assembly divided as follows :

AYES—50.

Abdul Quadir, Maulvi.
Abdul Rahman, Munshi.
Abdulla, Mr. Saiyed Muhammad.
Abul Kasem, Maulvi.
Agnihotri, Mr. K. B. L.
Ahmed, Mr. K.
Ahsan Khan, Mr. M.
Amjad Ali, Maulvi.
Barodawalla, Mr. S. K.
Barua, Mr. D. C.
Bishambhar Nath, Mr.
Chaudhuri, Mr. N. N.
Clarke, Mr. G. R.
Clayton, Mr. H.
Dalal, Sardar B. A.
Das, Babu B. S.
Dentith, Mr. A. W.
Faiz Khan, Mr. M.
Faridoonji, Mr. B.
Gajjan Singh, Sardar Bahadur.
Ghulam Sarwar Khan, Chaudhari.
Gidney, Lieutenant-Colonel H. A. J.
Ginwala, Mr. P. P.
Gour, Dr. H. S.
Gulab Singh, Sardar.

Ibrahim Ali Khan, Lieutenant Nawab.
Jatkar, Mr. B. H. R.
Joshi, Mr. N. M.
Lyle, Mr. D. R.
Man Singh, Bhai.
McCarthy, Mr. F.
Misra, Mr. P. L.
Mitter, Mr. D. K.
Mukherjee, Mr. T. P.
Nabi Hadi, Mr. Syed.
Nag, Mr. G. C.
Price, Mr. E. L.
Rajan Baksh Shah, Mukhdum S.
Sarfaraz Hussain Khan, Mr.
Shahab-ud-Din, Chaudhri.
Sinha, Babu L. P.
Sinha, Beohar Raghurib.
Sohan Lal, Bakshi.
Spence, Mr. R. A.
Subzposh, Mr. S. M. Z. A.
Townsend, Mr.
Ujagar Singh, Baba Bedi.
Vishindas, Mr. H.
Yamin Khan, Mr. M.
Zahiruddin Ahmed, Mr.

NOES—57.

Agarwala, Lala G. L.
Aiyer, Sir P. S. Sivaswamy.
Akram Hussain, Prince A. M. M.
Asad Ali, Mir.
Asjad-ul-lah, Maulvi Miyan.
Ayyangar, Mr. M. G. M.
Ayyar, Mr. T. V. Seshagiri.
Bagde, Mr. K. G.
Bhargava, Pandit J. L.
Bradley-Birt, Mr. F. B.
Bryant, Mr. J. F.
Chaudhuri, Mr. J.
Cotelingam, Mr. J. P.
Fell, Sir Godfrey.
Girdhardas, Mr. N.
Habibullah, Mr. Muhammad.
Hailey, the Honourable Mr. W. M.
Hajeebhoy, Mr. Mahomed.
Hussanally, Mr. W. M.
Innes, Mr. C. A.
Iswar Saran, Munshi.
Jamnadas Dwarkadas, Mr.
Jejeebhoy, Sir Jamssetjee.
Kabraji, Mr. J. K. N.
Kamat, Mr. B. S.
Lakshmi Narayan Lal, Mr.
Latthe, Mr. A. B.
Mahomed Hussain, Mr. A. B.
Majumdar, Mr. J. N.

Manmohandas Ramji, Mr.
Mudaliar, Mr. S.
Muhammad Hussain, Mr. T.
Muhammad Ismail, Mr. S.
Mukherjee, Mr. J. N.
Nand Lal, Dr.
Neogy, Mr. K. C.
Percival, Mr. P. E.
Pyari Lal, Mr.
Ramayya Pantulu, Mr. J.
Rangachariar, Mr. T.
Rao, Mr. C. Krishnaswami.
Reddi, Mr. K.
Rhodes, Mr. C. W.
Sapru, the Honourable Dr. T. B.
Shahani, Mr. S. C.
Sharp, Mr. H.
Sim, Mr. G. G.
Singh, Babu Ambika Prasad.
Singh, Babu B. P.
Sinha, Babu Adit Prashad.
Sircar, Mr. N. C.
Srinivasa Rao, Mr. P. V.
Subrahmanayam, Mr. C. S.
Thakersey, Sir Vithaldas D.
Venkatapatiraju, Mr. B.
Vincent, the Honourable Sir William.
Waghorn, Colonel W. D.

The Assembly re-assembled after Lunch at Twenty Minutes to Three of the Clock. The Honourable the President was in the Chair.

RESOLUTION *re* THE PURITY OF ADMINISTRATION IN THE VARIOUS DEPARTMENTS OF THE GOVERNMENT OF INDIA.

Mr. B. Venkatapatiraju : Sir, the Resolution which stands against my name runs as follows :

'This Assembly recommends to the Governor General in Council that a Joint Committee of officials and non-officials be appointed to inquire and report upon the best means of preserving the purity of administration in the various departments of the Government by putting down corruption if any.

Sir, I have worded this Resolution so as to give as little offence as possible, because I do not want to excite passion on the one side or prejudice on the other side. I want to place this matter before the Assembly in a dispassionate manner so that it may appeal to reason and justice, and that Members may take the course proposed if they come to understand that such a course is necessary in the interests of good administration.

I do not think that either officials or others would have different views on the matter of preserving the purity of the administration. The purity of the administration is the basis of all good government and I have no hesitation in assuming that all the Members are of one accord and that everybody wants that the administration should be pure. The only question is, if it is impure, or if there is corruption here and there, if Members conceive that there is corruption, what steps should be taken to remedy the evil. There may be divergence of views on that matter, but I can assure the House that not only Members of this House but the public have for some time past been complaining at all places that there is corruption to some extent in some of the departments. There is no use of hiding the fact and saying that there is no corruption, but it is for you to consider how to meet that evil, how to eradicate it and what steps you should take for that purpose.

I need not go into the old history of the 18th Century when Government servants were freely allowed to increase their income by perquisites by presents and by taking part in trade, etc. It must be said to the credit of Lord Cornwallis that he introduced a new system whereby such a thing was not permitted. Not only were Government servants prohibited from engaging in trade or taking presents, but he did one thing ; in order to compensate them for the loss which in those days they suffered from deprivation of illegitimate sources of income, he increased their salaries. Now, I say that the same conduct rules which were then inaugurated have, with slight changes, still been continued under the present Government Servants Conduct Rules also, and it must be admitted that, even if pay is less, there is no justification for any Government servant to increase his income by illegitimate means. If they have not got a living wage, that may be an extenuating circumstance, but we have seen throughout this year that there has been a revision, re-revision and increase of allowances in various directions, and therefore, there can be no loophole for any Government servant, high or low, to plead that his income is insufficient and that he must supplement it by illegitimate means. Such being the case, is it not our duty to take measures to prevent corruption, if any? I may say, that in speaking about these departments, we are not concerned with the provincial departments. We need not at all trouble ourselves about provincial departments or with provincial matters. What we need only concern ourselves with, and confine our attention to, is with reference to the Central Government

The motion was negatived.
The Assembly then adjourned for Lunch till Twenty Minutes to Three of the Clock.

[Mr. B. Venkatapatiraju.]

departments. What are those departments which require the immediate attention of the Government. I need not say that every one of you will agree that the case of the Railway Department needs first and foremost to be discussed. Only the other day we had the Railway Committee's Report published in the papers and in that report they themselves state that corruption has taken the shape of systematic blackmail in the matter of wagon supplies. They go further and state that this is due to the inefficiency of corrupt subordinates and lack of proper supervision, and they also state that they take every precaution to afford convenience to thieves but not at all to look after the public interests. They go further and say, they will never care so long as the company escapes its responsibility by taking risk notes. It is a matter known to several who have had anything to do with railways throughout the period of war crisis and during the control days that wagons were sold to the highest bidder and that the usual rate of Rs. 2 per wagon had been given up long ago and that we have now gone from Rs. 50 to Rs. 1,000. That was what was experienced by those who wanted a wagon in those days. Even now you cannot get a wagon unless you pay somebody, and, so far as packages entrusted to these companies are concerned, they will insist upon taking a risk note. After they have taken a risk note there is no responsibility for the company, if anybody complains of it they will not give open delivery upon request; they say, the company is not responsible. There have been many people who have complained before the Railway Committee, who have endorsed that view, that even 90 per cent. of the articles entrusted to railway companies were sometimes lost. Is that a state of things we should allow to continue? If Government is aware of these misdeeds, will they keep quiet even for one single moment without taking proper steps and putting an end to that? Therefore, I do not think I need appeal in vain when I ask the Government without imposing any limitations and leaving them free, to do something to find out corruption, bring the authors of it to book and remedy this evil. I need not go further than that. So far as the railway case is concerned, if we read the reports which are published in the newspapers, we will find everything in several columns about the misdeeds of these officials in the Railway Department.

Next, I will appeal to you to divert your attention for a moment to the Public Works Department which is generally known as the Department of Public Waste. I must at the outset say that we must be grateful to the Public Works Department which has rendered immense service for a long time and has been a civilising influence. As one great man has said, they have done wonders in bringing about out of arid regions fertile soil, where milk and honey flow. As regards major works of irrigation, one great man has said they are greater than the works of Pharaoh in magnificence and in utility. For the works in the matter of roads and communications and railway lines which they have done at immense cost of life and energy, we are indeed grateful; but for that department there would not have been such progress in this country or in any other country. That, however, should not blind us to the way in which the public money is wasted. We find corruption in other departments as well, in all these cases the people suffer, the people's money is taken by these officials or by these servants. But this is the only department which always wastes Government money by allowing bad material to be used or by showing favouritism to contractors, and in a hundred and one ways in which everybody knows and everybody feels that there is so much waste in this department.

And for this also we have another Public Works Committee. They do not concern themselves about corruption, which as a side attack this Railway Committee has done in the case of railways; but even there you will find there was a lack of supervision, and they also complained, with reference to tenders, that they should not be made to approved contractors—that is, to contractors who give more commissions, but to all without distinction: the tenders must be made public and no favour shown to one over another. And various other matters they have done. But my respectful submission is that there is waste in the Public Works Department, and the danger is that we leave it entirely in the hands of experts. If an expert says, black is white, we must accept it. Supposing instead of having a good plank, you have got rotten wood used, unseasoned wood is used, if an expert says, 'It is an excellent bit of wood,' we must bow our heads. We must judge for ourselves in a matter of this kind where common sense can be utilised. I do not think we should give our judgment because an expert says black is white. If you go to places where large amounts are being spent, you find wastage in various directions and I think it is possible to put down unnecessary waste in these directions and in the matter of purchasing these different materials. If you purchase it from any one source, of course perhaps trade discount will be brought into the books, and I do not know whether commission also will be shown in the books. That is also a thing to be considered. More attention must be given by Government, because more people suffer and the misery extends to the public when public money is being wasted like this. A building which would cost, say Rs. 50,000, costs a lakh of rupees, and for want of proper supervision Rs. 50,000 is loss to the Government, which means loss to the general tax-payer. Therefore every possible attention should be directed to that Department also. I must say here that it is because there are so many honest people that we complain of corruption. If on the other hand, the majority of people were dishonest, we should not complain here. Because we know that honesty is the rule and that dishonesty is the exception that we want to put an end to it. If the whole body is diseased, we need not give any medicine. Because there are wounds we want to heal them.

As to other departments, I do not wish to name any particular one, but I might tell you that generally in order to secure his continuance in an office a scheming manager will do anything. There are various instances to show that this disease of corruption is contagious. If a dishonest man, without knowing that he is dishonest, is given higher pay and promoted, his neighbour who finds that his coffers are empty whereas his neighbour is prosperous, will be thinking to himself, 'I am neither benefiting myself nor the Government by being honest: let us follow the good example set by the other fellow who gets such easy promotion,' and so the disease spreads.

These are the various circumstances in which this question can be looked into. I see from the various amendments, suggested to my Resolution, that one gentleman wants to confine it to the Railway Department. I do not positively refer to this department or to that department. I say wherever you find this corruption you must remove it. Why should you confine it to the Railway Department alone? Why should we confine it alone to the Railway Department? Is it because that is the only department which commits sin, as though the others are free from sin? Another gentleman suggests that appointments should only be made according to merit; that is certainly one means of checking this evil; because unjust promotion of undeserving people is

[Mr. B. Venkatapatiraju.]

not at all conducive to purity of administration. That also might be taken into account. But why should we confine it in one particular direction?

Now, Sir, as I am anxious that the third Resolution on the agenda should come on early for discussion, I will not take up much more time, and shall content myself with quoting—in answer to the charge of general indefiniteness that may be brought against my Resolution—what the Punjab Government has done since that would help us to know in what manner that Government proposes to tackle this evil in official quarters. The Punjab Government have appointed a Committee with Mr. King, Financial Commissioner, as Chairman and four other members to begin inquiries immediately on corruption in Government departments—they do not confine the inquiries to one particular department of Government—and to report upon the methods by which illegal gratifications are solicited and giving the conditions which facilitate or rather furnish occasion for corruption, the conditions which make successful detection and punishment of corruption difficult, and the remedies to be applied. They have also added another clause, which this Assembly may accept or reject; they say the information obtained by the Committee will be confidential and will not be used for the prosecution of the offenders or for their punishment departmentally. This was evidently intended to secure proper evidence and not to punish these people for their past misdeeds, but only to prevent them from committing them in future. I agree with that view which is embodied in the order of the Punjab Government, and therefore in my Resolution I have left the matter completely in the hands of the Government; the Government must appoint proper persons to inquire into this matter; and they may act on the information obtained so that it may not reflect on the persons giving evidence, or result in any way in their being punished for their past conduct, but only with a view to prevent future misbehaviour.

Taking all these things into consideration, I earnestly appeal to the Members of this Assembly, though most of us feel perhaps that when we have to speak of corruption we must speak with bated breath. Therefore when we have occasion to express our sentiments in this matter I hope that all Members who have come across corruption in one department or another will strengthen my hands by supporting my Resolution that corruption wherever found should be put down.

Mr. J. F. Bryant : Sir, I take exception to the remarks of my Honourable friend who has just spoken, on the ground that what he has said is far too general; it covers every department of Government. Sir, were a Committee appointed on the lines which he has suggested and did it perform its duty properly and go into corruption in all its branches and place at our disposal the blue books which might be evolved as a result of its labours, we Members of the Assembly with our short official life of three years' could hardly assimilate the conclusions which might be arrived at.

There is another point, Sir, on which I take exception to the remarks of my Honourable friend, and that is that the Committee would often trench upon the domain of the Provincial Governments. You are all aware that the Government of India possesses a power of general supervision and control over the Provincial Governments and that many of the departments overlap, for instance, income-tax. The Commissioner will, in future, be appointed

by the Government of India, whereas as regards subordinate officers, the Local Governments will have a predominant voice. There are numerous other instances in which there is overlapping of authority and that in itself leads to a great deal of confusion. Now, Sir, what my proposal amounts to is to reduce the whole matter to manageable proportions; to deal with one thing at a time instead of making a mess of the whole lot. That is, why, Sir, I take one department instead of traversing multifarious grounds which it will be impossible for an Assembly of this sort to cover within the time at its disposal. Now, Sir, I have selected the Railway Department because it is a department peculiarly within the cognisance of the Government of India. It is a department in which there is less overlapping of authority than in any other. Secondly, Sir, I would like to point out that the Railway Department is a department in which there is a great deal of proof that corruption on a very large scale exists. I would like to draw the attention of the Members of this House to the general debate that took place on Demand No. 51 in this very House when Dr. Nand Lal said corruption was rampant both in the Traffic and Engineering Departments, and that some Railway servants were thieves. I am not quoting his exact words, but that is the substance of what he said. The Honourable Sir George Barnes said:

'I quite agree; I deplore that corruption does exist on Railways.'

Mr. Pickford who handed up an instance of corruption said:

'I handed up that case. I was subjected by the Railway to an amount of oppression that was perfectly monstrous.'

I would also draw the attention of this Assembly to a paragraph in the Report of the Railway Committee issued in 1921 in which they say:

'The case represented to us is that pilferage and thefts of goods in transit are on the increase, that they have attained a magnitude which reflects seriously to the police and the Railway administrations, and that much of the thieving is done by the Railway staff. In ten years the amount paid as compensation by seven of the principal Railways has risen from 11.95 lakhs to 70.27 lakhs. An increase of 52 per cent in the goods earnings was accompanied by a rise of 488 per cent in compensation.'

The context showed that the compensation paid was largely compensation for thefts and loss in transit.

Then, again, Sir, I have also selected the Railway Department because there has been more than one Commission appointed to inquire into the matter of Railway administration. Those Committees have collected a vast amount of material, and hence the work which a Committee would have to deal with if it were now appointed by this House would be very much facilitated. Under these circumstances, Sir, I have great pleasure in moving the amendment which stands against my name, namely that the words 'in the Railway Department' be substituted for the words 'in the various Departments of the Government.'

Mr. E. L. Price : Sir, while I listened with great sympathy to all that Mr. Venkatapatiraju said, I could not but help thinking of a classic of my youth:

'The walrus and the carpenter were walking on the strand,
They wept like anything to see such quantities of sand,
If seven maids with seven mops swept it for half a year,
'Do you suppose' the walrus said, that 'they could sweep it clear?'
'I doubt it,' said the carpenter, and shed a bitter tear.'

[Mr. E. L. Price.]

I feel, Sir, that Mr. Venkatapatiraju is rather in the position of the walrus, and, if I may be allowed to do so, I will take the part of the carpenter, though, if I may also be allowed, I will shed my bitter tear on a more private occasion. But he does, in fact, propose that seven maids with seven mops should sweep it for half a year, and I, as the carpenter, have to regret that I do not think that even then he will get it clear, and the reason, I take it, and there is no doubt about it, is that there is a feeling all over the country that too low a standard of conduct does maintain itself, somehow or other, in the lower branches of the administration, in almost all directions. I know, and various people have brought to me most abominable cases where a man, for instance, in a suit—a perfectly simple suit, has not been able to get his subpoenas served on the necessary witnesses unless he bribes. Well, I will not mention any names although they were mentioned to me, but it appeared to me a very shocking thing that even such an ordinary thing as the service of subpoena could not be effected without giving a present, as *they* call it, or as I call it, a bribe. And, Sir, I think this debate, whatever the upshot of it is, must really reflect the feeling that exists all over the country that there is corruption all over the place in the lower branches of administration.

Now, I have felt that for some time, in fact when I was consulted about the formation of a party, I put that point forward as the first plank in the platform of any party that I joined, namely, that we must purify the public services in their lower branches. I was told by a Member of this House whom I consider, both from his reputation, his experience and his character, to be a distinct authority, and he assured me—and I was very glad to accept that assurance—that whatever the corruption may be now, it is nothing like as bad as it was a quarter of a century ago. He so assured me, and he is here now and I accept his assurance, of that fact. And surely it follows that if in the last 25 years corruption, as far as it still exists, has sunk from very high places in the administration to comparatively low ones, then the *morale* of the country, the conscience of the country, the character of the country is steadily improving, and my opinion is that there is nothing but the improvement of the country's *morale* that can really extirpate corruption. That I cannot support either Mr. Venkatapatiraju, with whom I have great sympathy, or Mr. Bryant, with whom also I have great sympathy, is simply because I do not believe that a Committee can work any improvement. I despair of that. But what I do not despair of is this, that the improvement that most certainly has taken place in the last 25 years will go on, and perhaps in another quarter of a century or happily sooner it may even reach that happy state when the lowest paid employee of the Government will nevertheless feel pride in his employment, and scorn to touch dirty money.

And to this end much more than Committees is wanted—education, education, education. The education, intellectual and moral, that has improved the upper ranks must finally permeate the lower, and then alone the problem will be solved.

The Honourable Sir William Vincent: Sir, I will deal as shortly as I can with this Resolution because,

Mr. President: I think the House must dispose of this on the assumption that if a Committee is appointed it shall deal solely with the Railway Department

or with all other departments. Once an amendment was moved on my left, the scope of the debate was limited to these two points.

The Honourable Sir William Vincent: Very well, Sir, I will leave it to Colonel Waghorn to deal with the Railway Department.

Colonel W. D. Waghorn: Members of this Assembly will be aware that we have only recently received the Railway Police Committee's Report dealing with the question of loss and pilferage of goods on Railways. The question of corruption on Railways has been specifically taken up and very thoroughly gone into by the Indian Railway Committee; we have not yet received their full Report so that we are not yet aware what their recommendations may be, but from the summary which was published in the papers on the 16th instant, it is evident that they have made certain recommendations on this subject for it is stated therein that 'Delays in settling claims are to be reduced to the utmost possible extent. Efforts to be made to stamp out serious and wide-spread abuses connected with allocation of wagons,' etc., etc. Then again we have only recently had another Committee to which the Honourable Mover of the motion referred, appointed by the Punjab Government, of which the Agent, North-Western Railway, was a member, to inquire into the same question.

I feel sure that Members will agree with me that it would be useless to go on appointing Committee after Committee to inquire into the same subject, and I think it is most desirable that we should await and consider the recommendations which the Indian Railway Committee will no doubt have made.

What is required is to get something done with a view to obtaining some improvement in regard to this undoubted evil.

I am in no way attempting to defend the Railways from a charge of corruption at this stage, but I do maintain that we shall very soon find ourselves over-burdened with suggestions made by the various Committees which in some cases will overlap, in other cases will possibly vary considerably. I can see this subject being again submitted for consideration by a Select Committee of this House to decide which of the various recommendations are to be carried out. It must, I think, be recognised that the root of this evil is somewhat more deeply seated than is indicated in the idea of localising any further inquiry, and I may say that it is in no way peculiar either to this country or to the Railways in this country, though it is true that the operating of commercial enterprises such as Railways affords special opportunities and temptations to this line of moral weakness.

So far as Railways are concerned, I feel sure that the real cure will be found in improving and raising the moral training and status of the staff and in obtaining the whole-hearted co-operation of the public themselves, for without their assistance the Railway Authorities are practically helpless in obtaining the evidence necessary to deal with cases.

I fully recognise the desirability of purity of administration in every branch of the service, Railways included, but I think that a subject of this nature, if it is to be a matter for a Committee as proposed in the original Resolution, should be dealt with on broader lines than is indicated in this amendment.

If I may offer my own opinion I think that if Members of this Assembly on returning to their constituencies will use their utmost influence and advise their friends to do the same to put down this evil and to bring to the

[Colonel W. D. Waghorn.]

notice of the Authorities any cases in which any corruption may exist, I feel sure that more good will be done than by the appointment of more Committees.

On the above grounds I would ask Members therefore to reject this amendment.

Mr. S. C. Shahani : Sir, I have given notice of an amendment with regard to the motion that has been brought forward by my friend, Mr. Raju. I will read my amendment and then ..

Mr. President : The Honourable Member cannot move his amendment at this stage. The debate must be restricted to the point I put to the Honourable Member.

Mr. S. C. Shahani : Then I confine myself to the point at issue. I am really surprised to see that anybody here in this House does believe that corruption is confined to the Railway Department. Large works are undertaken in the Railway Department and there is on that account more room for corruption there. But I suppose it is admitted that corruption prevails to an equally great extent in the Public Works Department and the Army Department; and, to some extent, in all other departments of administration.

Human nature is human nature, and, as Mr. Price has rightly pointed out, it will be very difficult to thoroughly cleanse the Augean Stables. Just as in every man, I suppose, there would be some duplicity, so in every Government there would be some corruption, and we should not be surprised if we are not able to extirpate it. Nevertheless means must be devised to reduce it. In a House such as this, many intelligent and experienced people, who have been engaged in different avocations of life, have come together; and I think a very useful purpose will be served if they come forward to suggest the *means* that may be adopted by Government in order to reduce corruption. That will be a valuable work indeed. I have been engaged not only in education but agriculture for the last 22 or 23 years, and my idea is that the law with regard to abatement of the offence of bribery should be changed. Until you change Section 9 of the Indian Penal Code, I can assure you that you would find it very difficult to reduce corruption in the country. People will always be afraid of coming forward with information that will be essential for the conviction of those that are guilty of bribery and corruption. I therefore urge upon the attention of this House the advisability of adopting the suggestion I make. I have also known a pretty intimate contact with the Revenue Department in Sind. I want to inform the House, that to my knowledge about 7 years ago corruption in the Revenue Department in Sind was a great deal reduced. But today I can honestly state that corruption in the Revenue Department is at its maximum height. And what is the reason? I say clearly, and without hesitation that the chief reason is the proportions that have been fixed for the different communities with regard to appointments in the Revenue Department. I strongly urge that Government should seriously consider the advisability of ordering in the most explicit terms possible that appointments should be made hereafter strictly in accordance with merit.

Mr. President : Order, order. If the Honourable Member continue his remarks on that point I shall not be able to allow him to move his amendment.

Mr. S. C. Shahani : I have served my purpose Sir, and with the remarks I have made I will resume my seat.

Dr. Nand Lal : Sir, the pernicious evil, the term 'corruption' does not only include illegal gratification such as is embodied in Sections 161, 162 and 163 of the Indian Penal Code, but it also includes bias, impartiality and dishonesty. I may submit at once that it is not only the Railway Department which is corrupt. But various Departments of Government are also corrupt.

Of course, the Government has got only one plea to raise, and that is this, that it is not only India where corruption is rampant but there are other countries also where you find corruption. In reply to that my submission to the House is this, that it is not a good plea. If the business of my neighbour is defective, should I put forward the plea that since that business is defective, therefore, I should tolerate the defect in my own business. This plea on the part of the Government will not hold good at all. Those who are not prepared to concede that there is corruption in the various departments, I may tell once for all that there are numerous instances which can be brought home to them that there is corruption and that it is rampant. For instance, take the Jail Department. If an inquiry be made from any jailor he will certainly deny corruption, but any convict prisoner who had the misfortune of staying there will bear testimony to the fact that he cannot live in the jail properly till the palms of the jailors and his subordinates are greased. If you go to the Railway you will find corruption everywhere. If a man goes to a station master and says, 'I want two wagons for my goods to be taken to a certain place,' the reply would be, there is no wagon available. But if a couple of rupees or a note worth five rupees is given to the station master, the required vehicles will spring up at once. (Cries of 'Not enough.')

May be thousands in some cases, and tens in other cases, but I am putting my case in a modest way. If you go to the Judicial Department you will find some of the magistrates are dishonest, and some of the subordinate judges are also corrupt. (Cries of 'No, no.')

I beg your pardon. I do not mean the Judges of the High Court. That would be contempt of court. Though, fortunately, some of the presiding officers in the subordinate courts are honest, they know that their subordinates are dishonest and they connive at their dishonesty. Is it not then right to say that dishonesty and corruption are rampant in this country? I may say that this is a blot on the name of our good Government, and I may say at once that the Government is comprised of two wings, officials and non-officials. When I say that there is a stain on the Government I share that myself. That stain comes to me and it comes to all Members of this Assembly. (Cries of 'No, no.')

We are part and parcel of this Government. I beg your pardon.

Mr. President : The Honourable Member may raise that issue with his fellow Members at a later stage in the debate. The issue at present is between a Committee on the Railway Department and a Committee to inquire into all other departments.

Dr. Nand Lal : As I have submitted at the very outset, there is corruption rampant. Now, the point before the House is this, whether some measures, which may be effective, should be adopted to eradicate this pernicious evil. There are a number of suggestions which may be placed before the Committee when one is constituted, but a few may be set forth for the information of those who are to take part in it. I suggest that the following

[Dr. Nand Lal.]

measures may be adopted, as for instance, a Board comprising honest and upright men should be constituted so that all complaints may be submitted to that body, and those gentlemen, who constitute that body may investigate them.

Mr. President: I have told the Honourable Member that the discussion of remedies is out of order.

Dr. Nand Lal: I bow to the ruling of the Chair. I may submit that both, some of the Indians and some of the Europeans, are guilty in this respect.....

Mr. President: Order, order. We are only discussing the issue between a Committee on the Railway Department and a Committee on other departments. What the Honourable Member is saying has nothing to do with this question.

Dr. Nand Lal: I will confine my remarks to that issue, and I will say at once that it is advisable that a Committee should be constituted and inquiries should be made so that we may be able to stamp out this evil from this country. It is simply shameful that we should tolerate this conduct on the part of some of the public servants in the various departments of Government.

Mr. C. W. Rhodes: Sir, I had not intended to participate in this debate, but I wish to draw attention to one aspect of the question. While I heartily agree with all that the President of the Railway Board said, I wish he had gone a little further and said something in defence or at least in extenuation of the subordinate staff of the Railway Department. A country gets the Government it deserves. Who taught these subordinates in time of economic distress to go wrong? I think while we are so busy pulling out the mote from the eye of the Government, we might do something to remove the beam in our own eye. I have been a quarter of a century in this country and I have never been asked to pay a penny by way of illegal gratification for any purpose whatever. If a man is asked to pay gratification, it is because somebody else before him of his own community has been willing to pay that money and has paid it very often for long periods. It is said that a man cannot get a railway wagon without paying a large sum of money for it and that statement is absolutely true, but that is because so many of the trading classes who want wagons in preference to those who are entitled to them in order of precedence have been willing to go to the station master and offer him money in the first instance. I think myself that the corruption that exists amongst the subordinate staff of the railways and perhaps of other departments too is really caused by the attitude of the public and if we ourselves, traders and merchants would adopt a higher tone of morals I think we should have a higher code of morals amongst the Government officials. I do not like to see all this condemnation of these men who as I say are under the pressure very often of economic necessity, when the fault really lies on ourselves. There is one community, I know, in Calcutta, (I need not particularise) who cannot buy a ticket without paying a gratuity to the booking clerk. They are a big trading class, but they have been accustomed all their lives to dole out money.

Mr. Jamnadas Dwarkadas: May I rise to a point of order, Sir. You have just ruled, when Dr. Nand Lal was speaking, that the issue is not a racial

one and that the remarks are to be strictly confined to the appointment of a Committee or to the Railway Department. I think the Honourable Member (Mr. Rhodes) is raising a racial issue.

Mr. C. W. Rhodes: The point I wish to make is this. It is not a racial question, because I was not saying that one community is at fault while other communities have absolutely clean hands. All I wish to say is that the public generally have the remedy in their own hands. To my mind, it would be useless to appoint a Committee to go into a question which, as Mr. Price has told us, can only be settled by raising the general standard of morality not only of the Government officials but of the whole country.

Mr. B. S. Kamat: Sir, Mr. Rhodes has gone into one or two points in his own way, points which, I think, deserve a word of criticism from me. In the opinion of Mr. Rhodes the cause of the trouble, that is the corruption, is due to the attitude of the public.

Now let me tell Mr. Rhodes that corruption is not confined to this country. I know a little bit of England, and from my own experience

Mr. President: Order, order. I did not interrupt the Honourable Member from Calcutta because his remarks were addressed to the Railway Department. The Honourable Member cannot bring in comparisons between one country and another.

Mr. B. S. Kamat: If, therefore, in the opinion of Mr. Rhodes the prevalence of corruption is due to the public, the only question is whether this sort of corruption is only confined to the public only. I really believe that the public are in effect the sufferers, and are blackmailed, and they have to submit to these things: and if Mr. Rhodes himself has not been affected and victimised, I believe that is because he belongs not to the ordinary public of tradesmen and those business men who belong to the country who have every now and then to deal with railway officers, but, fortunately for himself, he belongs to a higher type of the public, so that the railway servants are afraid to blackmail him. (Hear, hear.) Therefore, the conclusion which he has drawn that the public are to blame is, I believe, a very wrong conclusion indeed, and casts a reflection on the general community in this country which is totally undeserved. So far as the Government is concerned, the question is what is their attitude? Mr. Rhodes did not allude to that aspect of the question. If the Government attitude is one of very light supervision, I do think that corruption will not be put down entirely, at any rate for a long time to come. If, however, Government take the trouble to make a few examples, corruption will lessen. If every year on the railways some flagrant examples are brought to book in sufficient numbers, if those who suffer, the general public, are shown that if they take a firm stand and do not succumb to the threat and give bribes, then in that case the public will be able to understand the Government attitude. At the present moment it is because the public fears that they will have to suffer if they come before the Government and say that they have been participants in this corruption that corruption continues.

The Honourable Mr. C. A. Innes: Sir, my official connection with the Railway Department has lasted exactly for one week, so I feel rather shy in intervening in this debate. But there is one remark which has just fallen from Mr. Kamat to which I feel I must reply, namely his suggestion that

[Mr. C. A. Innes.]

Government does not take notice of instances of corruption brought to their notice, especially Government in the Railway Department. I am in a position to contradict that statement from first-hand knowledge. When two years ago I occupied the position of Foodstuffs Commissioner, in that capacity many instances of selling wagons came directly to my notice and to the notice of the officers who were working with me, namely the Directors of Civil Supplies. And I am in a position to say that one railway which I have in my mind on our representations dismissed so many station masters that they had to write to us and say that they were really very sorry they could not dismiss any more because they were being seriously handicapped by lack of expert assistance.

I hope, Sir, that this House will not accept the amendment which has been proposed by Mr. Bryant. I oppose the amendment for two reasons. In the first place, if this inquiry is to be held at all—and about that I say nothing—I think it would be a mistake to confine it to one particular narrow aspect of the question. It may be that the manifestations of corruption are more pronounced in the Railway Department than in any other department—I do not express an opinion on that question at all—but if an inquiry is held, and if that inquiry is to do any good, it must go deeper than that. It must lay bare the roots of the evil and, as Mr. Price, Mr. Rhodes and others have pointed out, the roots of the evil lie very deep. In the second place, I said, that in so far as the Railway Department is concerned, an inquiry at this time would be inopportune. I do not mean to deny that corruption does exist in the Railway Department. I am afraid that there is no doubt about it, and, if I can do anything in the matter, if I can wield one of the mops to which Mr. Price has referred, I shall certainly do so. But I say an inquiry would be a mistake at the present time, because we are just about to consider the report of the Railway Committee. That report will let light into the administration generally of the Railway Department, it will come in due course before this House, and, until we have had time to consider that report, I think it would be unfair for this House to ask the Government to undertake yet another Railway inquiry.

I oppose the amendment, Sir. (At this stage, Mr. Joshi rose to address the House.)

Mr. President: Does the Honourable Member wish to speak on this amendment? I observe that it is almost impossible for any Member to deliver the speech he wants to deliver and yet remain in order on this amendment. I propose, therefore, to put the amendment forthwith in order that we might deal with it and then come back to the larger question. I called upon Mr. Bryant to move that amendment because it raised a definite issue, that instead of having a roving commission we should deal merely with one of the cases of corruption supposed to be flagrant. Apparently the House does not wish to discuss that issue, and, therefore, I propose to put it from the Chair now.

Mr. J. F. Bryant: I should like, in view of the remarks which have fallen from the Honourable Member opposite (the Honourable Mr. Innes) to withdraw my amendment.

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

The Honourable Sir William Vincent: I speak now, Sir, on the understanding that I shall be in order in addressing the Assembly on the main Resolution. I will endeavour to deal with it, as I said before, very

shortly, because I know there is other important business which ought to come before the Assembly to-day. And whatever I may say to-day, I hope that this Assembly will realise that the Government are as anxious as any one else to stop this corruption, and, if I do not support the particular proposal made here, it is not because we are not in sympathy with the Mover, but merely because we doubt whether the method which he proposes is the best method of dealing with this evil. The Resolution, if Members will examine it, is of a character so vague and is couched in terms so general that I cannot think it would do any good. I ask Members to read it again. Will they look at it for one moment. It runs as follows:

'This Assembly recommends to the Governor General in Council that a Joint Committee of officials and non-officials be appointed to inquire into and report upon the best means of preserving the purity of administration in the various departments of the Government by putting down corruption.'

Now, this involves a roving commission extending its inquiries over every branch of the administration—think of it for one moment—central subjects, provincial subjects and everything else. Such Committee would have to sit, I suppose for 3 or 4 years, and the result would be absolutely nothing. The scope of the terms of reference are hopelessly wide.

Then, let me remind the Assembly of another thing. The majority of the departments in which allegations of corruption are generally made, are, if I may say so, provincial subjects. Mr. Shahani himself illustrated that by his speech; when speaking about the Railway Department, he rapidly diverged into a discussion on the Revenue Department. Now, revenue administration is purely a matter for the provinces, and I think his speech illustrated a defect that would stand in the way of this Committee.

Further, it was not a question, according to him—if I understood him correctly,—of corruption so much as of communal representation in Departments. Now is this Assembly to accept it that one community is more corrupt than another? (Cries of 'No.') Then, why was this suggestion made? I quite agree with the Member when he says that the best men should be appointed to offices; but I object to the suggestion that because appointments are made on a communal basis, therefore there must necessarily be more corruption.

To revert to the point I was dealing with. Other Departments in which corruption is mainly alleged to exist are the Police and the Civil Courts. Now these are all provincial departments and ought the Government of India to appoint a roving Committee to inquire into matters of that kind? Ought we not to leave this to the Provincial Governments? Is it not a fact that the Punjab Government has itself appointed a Committee to go into this subject. And why should the Government of India interfere with the Provincial Governments in the management of their own affairs? In the United Provinces, if Members will look up the debates, they will see that a similar Committee was proposed, and the Provincial Council deliberately determined after considering the question not to pursue the matter—that is, the Mover of the Resolution withdrew it. Is the Government of India going to dictate to local Governments what action they should take in this matter?

Again, it has been suggested throughout this debate that corruption is confined to Government servants, a statement to which I must take the

[Sir William Vincent.]

gravest exception. Again it was suggested by one Member, Dr. Nand Lal, that even Judges and Magistrates were guilty of corruption. And that is an allegation I definitely repudiate and deny. Further, I am quite certain every Member who has practised in Bengal or Behar or the United Provinces will support me. If the Honourable Member says this is true of the Punjab, then he is giving his own Province a very unsavoury reputation.

Dr. Nand Lal: May I make a personal explanation, Sir? When I said that the Magistrates and Subordinate Judges are dishonest, I did not mean to say that all of them were dishonest. I did say, and I repeat, that some Magistrates are dishonest, and similarly some Subordinate Judges are dishonest.

The Honourable Sir William Vincent: Sir, I am afraid that the Honourable Member again is speaking of his own Province. I am thankful to say, and I challenge anyone here coming from Bombay, coming from Bengal, coming from Behar, or coming from Madras, to say that the judicial officers in those Provinces are dishonest. I say again that the Honourable Member is singularly unfortunate in his remarks about his own Province.

But to return to what I began with, namely, the question of Government servants being the only persons in this country who are open to corruption. Have Honourable Members of this Assembly ever read the evidence given before the Police Commission, 1902. Do they remember—some men from Bengal must remember—Mr. Monro's evidence then, when there was an attack on the Police. What he said on this matter—and I may say proved beyond doubt—was that when you get down to the lower ranks of any kind of employment you find corruption just as prevalent outside Government service as in it. Take your Naib, take your Gomastah employed in a zemandari, or your peons; are they above suspicion? Are they any better or any worse than Government servants? (*A voice—'Worse.'*) I do not know if they are better or worse, but it is a well-known fact that they are corrupt. Take your panchayets. Take the case of private servants and employes of banks and hospitals. They are all the same and for this evil there is really one remedy only and that is the remedy explained so well by Mr. Price; but before I take up the point I want to endorse what he said about the improvement in Government servants, from my own experience. When I came out here to Bengal as an Assistant Collector, one often heard—and I say it with shame—of allegations of dishonesty brought against individual Deputy Magistrates and munsifs. I may say now such complaints are rarely if ever heard. Again, in the police, it is quite true that in the subordinate ranks of the police, there is a great deal of corruption; but any one who has studied police work in this country during the last twenty years will readily admit that there has been an immense improvement in that direction; where before officers of a higher grade—I mean of the rank of inspectors and sub-inspectors—took money, fewer of them take it now; moreover, they do not take money to do what they sometimes used to do in the old days, that is for running men in on false cases. Constables and low grade police officers generally, I know, take money for doing some supposed favour; but there has been a great improvement and if any instance of corruption is brought to the notice of any Magistrate or Judge or Superintendent of Police, then, I can assure this Assembly, that he is

only too ready to take every measure to punish the offender. The real question before this Assembly is whether you are going to correct this defect in our administration, this great fault in all business and land-holding concerns in this country, by a Committee. A Committee is supposed in these days to be a panacea for every evil; I myself have used it on many occasions, sometimes usefully and sometimes without success; but this is a case in which, I submit to this Assembly, a Committee will do really no good whatever.

May I cite to the Assembly the words of Sir Henry Stanyon in the debate in the United Provinces Council on this matter, because he seemed to me to go to the root of the matter? He said:

'No Committee that this Council may appoint can do anything whatever towards checking this evil or even go so far as to report particular instances that have occurred. Therefore we must look to the strengthening of public opinion; we must look to the time when the litigating public of this Province will have the courage to denounce bribery whenever it is attempted to be inflicted upon them.*** The law is not a panacea for all the ills that the flesh is heir to. Government has given the people the Sections of the Penal Code which are open to any complainant. When public opinion is strong enough, when officers, be they judicial or any other kind of officers, find that in taking bribes they run the risk of a force of public opinion rising against them and condemning them, then alone can this evil be cured. By no Committee that this Government may appoint can the evil be eradicated at the present time.'

Now, Sir, that is a statement which, I believe, will appeal to this Assembly. Further, as I have already pointed out, a roving Committee going round the country inquiring into matters many of which may not be within the cognisance of the Government of India at all, is about the worst form of remedy which, I believe, this Assembly could propose to the Government of India.

Colonel Sir S. D'A. Crookshank: Sir, as the representative in this Honourable House of that much maligned department which the Honourable Mover of this Resolution factiously termed as the Public Waste Department, I think, I may be allowed to say a few words. At any rate, let me thank the Honourable Mover for his appreciative remarks, that after all, this Public Waste Department does get its work done, and I should like him to have remarked also that it is instrumental in adding very largely to the revenues of the Government of India, to the extent,—I think, I am right in saying—last year of about 9½ per cent. of the 58 odd million pounds that have been spent on productive irrigation works. I am afraid I found his remarks as regards the other sides of the Public Works Departments, that is to say, the Roads and Buildings Branches, etc., to be singularly unconvincing. It is one thing to say that subordinates take a little here and a little there for passing bad work and for accepting bad materials, but the difficulty of course is to bring it home, and it is here that we want public opinion to help us. I may say from my personal experience of 30 years work in India for India and with Indians that the morale on certain sides of the department is low, and I think I am perfectly justified in saying that the higher classes of the department are free from corruption, although I must candidly admit that in certain sections amongst the junior members there is no doubt that there is a certain amount of corruption. I would, however, say, that the morale has improved, as the Honourable Mr. Price remarked, considerably during the last 25 or 30 years. This, I attribute, to the education of the masses and also to the increase in the amount of pay of those junior ranks. In many cases they were on very low pay, say on Rs. 20, Rs. 30 and Rs. 50, and it was really not possible for them to live on that amount. Now their pay has been increased all round, and

[Colonel Sir S. D'A. Crookshank.]

I am fully confident that there will be a corresponding betterment in the situation as regards corruption generally.

As far as the Committee to look into the Public Works Department goes, I really think that it would be quite impossible to get any practical utility out of a Committee of the nature suggested. It is entirely, as the Honourable Mr. Sarma has just remarked, a provincial matter, and if anybody is to take up the subject and appoint a Committee, it must be the duty of the Provincial Governments. This, I understand, is being considered by the Provincial Governments and is certainly never lost sight of by them. One has to realise that it is no good issuing orders and going on bringing out more orders and more regulations with the idea of trying to keep down corruption in the channels in which corruption can be exercised, because the practical result of that would be that you can never get on with the work at all. My Honourable friend, Mr. Kamat, had in a recent discussion pointed out that in order to get work done—and he instanced the construction of the Chamber in which the Honourable Members are now seated,—it is necessary to fairly throw down the money, otherwise you cannot get the job done. Advances have to be given out to the workmen, materials have to be purchased whatever market offers them, and it is in circumstances of this nature that possibly a little filtration will come in. But at any rate, the work has got to be done, and it is done as a rule under what I hope are satisfactory conditions. My belief is that aided by public opinion we shall be in a far better position to combat this nuisance than by the appointment of any number of Committees.

Mr. K. B. L. Agnihotri : Sir, I had no intention of intervening in the debate on this Resolution, but certain remarks in defence of the magistracy and judiciary which fell from the Honourable Sir William Vincent have made me accept the challenge he threw out, and I would bring this fact to his notice that corruption is not peculiar to the Province of the Punjab as he said in reply to Dr. Nand Lal, but it is also to be found in other Provinces in this country. Sir, I would remind my Honourable friend of the cases that occurred in Bombay. Most of my friends here must remember the case of Laghate which was brought before the court. Then, most of my friends here must also remember the case of a certain Sub-Judge in the United Provinces and several letters have appeared in the '*Leader*' very recently about the corruption of certain munsifs in that Province. From these illustrations it is apparent that bribery is prevalent in the United Provinces as well as in Bombay and the Central Provinces also, to which I have the honour to belong. My Honourable friend, on my right, had interpreted the remark that the Central Provinces was free from corruption. I may as well be permitted to draw his attention to certain cases which he himself had the pleasure—if it was a pleasure—of inquiring into. I beg to remind him of the cases while he was Deputy Commissioner of Raipur, Central Provinces. I only wanted to refresh the memory of the Honourable the Home Member and to remind him of the fact that no Province is free from corruption.

I would not go and make a sweeping remark that all the Judges and all the Magistrates and all Government servants are corrupt, far from that, Sir, for if there had been so much corruption I think that a Committee would have been appointed long ago to inquire into the matter and to eradicate the evil. It is only in a few cases that corruption is met with.

My Honourable friend, Mr. Rhodes, pointed out that the public was more responsible for all these acts of corruption than the Government servants themselves. I certainly admit that the public has its share of responsibility in these corrupt practices, but the fact remains that we have more control over our own servants than over the public, and if we have control over our servants, why should we not control them properly and bring them to book for corruption. He also defended its existence on the ground of economic necessity, but with the recent increments in the pay of employees of all the Departments of Government, even that ground does not hold water.

My Honourable friend, Sir Sydney Crookshank, said that the Departments were improving. I certainly admit that the corruption, one met with, 50 years ago, is not met with to-day. But that does not alter the fact that there is corruption, and if there is corruption, what is the harm in going to the very root of it and finding out the remedies to check it.

Mr. Abul Kasem : Sir, I have listened with a great deal of interest and with not a little amusement to the discussion which has taken place on this Resolution. I fully sympathise with the learned and Honourable Member who has moved this Resolution in his anxiety to remove corruption and put it down wherever it exists. But I am sorry I cannot agree with him in his suggestion that a Committee should be appointed to inquire into these matters. I object to that on the ground that it would be a waste of public money. A Committee appointed to inquire into the great question of corruption in all the Government Departments spread over this vast Empire would mean that a large amount of public money would be absolutely wasted. If you wish to check corruption, you must do it through the vigilance of the Departmental heads and by other Government officials themselves. There is no question of a principle involved, if the Government want to put down corruption, the people also want to put it down. If I want an undue favour from a Government official, be he a police official or a railway official, and thus gain an advantage over my neighbour or my opponent, and I am prepared to pay for it, the temptation is there, and if I cannot resist the temptation then it depends on the character and the moral courage of the official in charge to check it.

Public opinion must bestir itself and at the same time I think I do not appeal in vain when I appeal to Members of the Government that they must also be more energetic in putting down corruption wherever it exists and whenever it is brought to their notice.

I have been told just now by my friend opposite that several cases have cropped up in the United Provinces where judicial officers have been brought to book and punished for their bad conduct. If such examples are made of our public servants, corruption will be stopped very easily and more conveniently than by roving Commissions, appointed at public expense, moving about the country and to take evidence where no evidence is forthcoming. If people are prepared to give evidence of corruption before the Committee, why not let them come forward and give evidence of those corrupt practices before the authorities themselves, before the heads of departments; and the people who have it in their power to punish the men. If that is done, the corruption will be put down and, I think, Sir, that no useful purpose will be served by appointing a Committee. We have had various Committees and we people, I mean the nationalist people, have always complained, that whenever we raise a question of

[Mr. Abul Kasem.]

importance for the Government to decide, the Government want to shove it out by appointing a Committee to look into the matter. I do not like to be guilty of the same offence and shirk the responsibility by the appointment of a Committee on this occasion.

Rao Bahadur Pandit J. L. Bhargava : Sir, the purity of administration is one of the foremost assets of a nation and no case is too great and no vigilance too jealous which is exercised by the State for keeping the administration pure. Corruption is one of the greatest enemies of a good Government. It saps the very foundations of justice and by producing the sense of insecurity among the people provides a hotbed for discontent and uneasiness.

There is not the least doubt that in our country the administration in its lower branches is corrupt almost beyond redemption, and in the higher branches also there is much need for insisting upon purity. It can be said about most of the important departments of the Government that corruption is so rife that the payment of *Nazrana* has come to be looked upon as customary.

Take, for instance, first of all, the Police department, which is responsible for preserving peace and order. To be on the safe side, at least 50 per cent. of the first reports made to the Police are not unattended with tipping. In cognizable cases investigation by the police officer not infrequently results in the fleecing of the persons concerned which accounts for the enigma that most police officers starting with no deposits at their credit and owning no large properties at the commencement of their service, and while living during their tenure of office in a fashion much beyond the means of those who get ordinary salaries, are found to have amassed large fortunes and built palatial houses. Generally in cases falling under Section 411 of the Indian Penal Code, the intermediate links of the chain are forged or cut off at pleasure according to the non-payment or payment of the bribe. In riot and more serious criminal cases, the officers in charge of investigation take full advantage of their position and in some cases extort such large sums that persons or families who have to pay them are practically ruined and cannot make up the loss for years. The public is loath to believe that these depredations do not come to the knowledge of superior officers. The general belief is that the officers, for reasons best known to themselves, connive at this state of things, and this attitude of theirs encourages the wrongdoers.

The second important branch of administration with which the public come in contact is the subordinate judiciary which, as is well known, is hardly renowned for purity and integrity. In civil and criminal cases, justice is in a number of cases sold to the highest bidder. It may seem surprising to some of the Honourable Members that in some cases bargains are actually struck between the Judge or Magistrate and the parties to the knowledge of both the parties and with all the higgling of an ordinary bargain. In this state of things, it is hardly unnatural to find that people are losing faith and confidence in the justice of the judicial courts.

About the Public Works and Irrigation Departments, the less said, the better. It is generally believed among the public that even the higher ranks of these services sometimes participate in the illicit gains obtained by their subordinates and that in almost every contract, considerable portion of the contract money is generally devoted by the contractor to purposes other than the actual work of the contract.

Exposure of corruption of every department in detail would present a picture too dismal and gloomy and I need not delineate it, as I trust that the insecurity and liability to be molested by the avaricious public servant are matters too notorious to be denied by anybody. But I cannot help referring to the Revenue and Railway Departments in which the evil is rampant and the resultant injury is very considerable. It is a matter of common knowledge that the peon, the patwari, canal or revenue, and his immediate officers charged with the duty of attesting mutations and reporting persons for being appointed as Lambardars and Zaildars ply their nasty trade with a rigorousness and impurity as unabashed as those of the police officers and the corrupt judge; and that persons who have to send goods by rail or take their delivery, or to get full wagons or reserved compartments or carriages have to grease the palm of the Railway employee before they can secure their object.

Unfortunately things have gone so perverse that the healing department also stands to-day in need of itself being healed and in medico-legal cases as in other various modes, some of our medical friends also are not immune from the temptation of getting a salve for all the needs that avaricious flesh is heir to.

Sir, from my experience of more than 26 years as a lawyer, I can tell this Assembly that corruption is so rife in all these departments that in the interests of sound and honest administration, thorough inquiry and scrutiny in the matter are absolutely necessary.

It must also not be forgotten that this demon of corruption does not hold its sway only in the spheres where the subject and persons in authority come into contact, but that it appears in its hideous aspect in the exalted relations of official life also. It is not uncommon for persons in authority to accept illegal gratification in the matter of appointment of officials to posts, their transfer, promotion and preferment. It is clear that such corruption is by its very nature doubly cursed. It does not debase the bribe-taker and the bribe-giver only in reference to a particular transaction, but it, in its turn, goads the bribe-giver to make up the amount by corrupt means, thereby supplying double impetus to the cause of corruption.

It must, however, be admitted that so long as dishonest greed, malice and desire to achieve one's legitimate and illegitimate object by hook or crook, enervate the minds of private persons, corruption and bribery cannot be totally eradicated. I am hopeful, however, that with the growth of representative institutions, public spirit and responsibility in the people the ideals of social and neighbourly justice will evolve and change the situation for the better. Be that as it may, the duty of the Government is clear and plain. The purity of administration is the first and foremost concern of every Government. The public believe that the Government is fully cognizant of the broad fact of bribery and corruption raging in the various departments of administration. The continuance of the present state of things without the Government taking special steps to purge the administration of corruption is liable to be construed as tantamount to condonation of corruption, and, to my mind, there can be no greater or more serious a slur or accusation on the part of the people on the good name of the Government.

It is, therefore, absolutely necessary that a Joint Committee of officials and non-officials be appointed with the object mentioned in the Resolution,

[Pandit J. L. Bhargava.]

It will not be out of place here to remark that so far as my Province is concerned, the Punjab Government has already been pleased to take up the matter in regard to certain departments and has appointed a Committee. But the matter is of paramount importance and general application to the whole of India, and I think such a Committee, as is desired to be appointed, will look at the question from a broader point of view and inquire into the conditions of the whole of India and suggest means of uniform applicability.

Sir, it is no use mincing matters, as unless the existence and prevalence of the evil were not so patent as to necessitate the formation of a Committee entailing considerable expenditure. I, for one, would not have lent my support to a Resolution like this. To my mind, the evil of corruption has assumed proportions the enormity of which cannot brook overlooking and even the most superficial observer cannot disregard its prevalence. As the evil is not one which is to be disclosed by any inquiry, I beg to move that the words 'if any' occurring at the end of the Resolution be deleted out and the word 'prevailing in them' be substituted for them, so that there may remain no doubt about the fact of the prevalence of the evil necessitating the formation of a Committee.

Mr. President: Amendment moved :

'That the words 'prevailing in them' be substituted for the words 'if any,' appearing at the end of the Resolution.'

Rao Bahadur T. Rangachariar: I think the Honourable Mover has brought to notice the admitted state of things. The only question is what is the proper remedy to adopt. I quite admit in my own experience that things have considerably improved from year to year, from decade to decade in all branches of administration including the Police (Hear, hear) which had the worst reputation in my earlier days. That is due in a great measure to the improvement in their pay and prospects and also the system adopted of recruiting the best men with educational qualifications. So long as this recruitment was based upon merely communal basis, things were not as good as they were bound to be. But once you couple efficiency with communal representation you always get the best material. I am glad to say that that is being kept in view by the Government, and therefore it is that we find a decided improvement. There is corruption and corruption. If a District Magistrate misuses certain sections of the Code for political purposes, is it corruption or not? Of course, you must not confine corruption merely to the taking of rupees, annas and pies.

Mr. R. A. Spence: I rise to a point of order. Is the Honourable Member speaking to this amendment? He is speaking on the general proposition. You put the amendment, Sir.

Mr. President: The Honourable Member has not caught the scope of the amendment. The Resolution uses the words 'if any' which make it problematical whether there is any corruption. The amendment moved declares that there is corruption, and if anything, widens the scope of the debate.

Rao Bahadur T. Rangachariar: While I acknowledge that there has been considerable improvement we must also acknowledge that there is room for more improvement, and I think it should be the endeavour of Government and it should be the endeavour of this Assembly to bring about that improvement,

The Honourable Member, the Mover of this Resolution, I hope, will be satisfied if the Government will take steps to issue instructions to Heads of Departments to see that corruption, as far as is humanely possible, is extinguished. Let them be reminded of their duties. (*A voice.*—Reminder.) I do not mean reminders. Let instructions issue now on the basis of this discussion. There is a widespread complaint—almost every body who has spoken, has admitted that there is corruption in one department or other. Even the heads of departments admit it. Now, what steps are you going to take to improve this state of things? I do not think that Government Members have vouchsafed any reply in that direction. There is a suggestion made how is it that the people do not complain? It is all very well for gentlemen in the position of Mr. Rhodes to say, 'Oh, I am not at all victimised', because if he goes to the superior officers, he has got the ear of the superior officers, and if he complains, his word is taken for granted and the subordinates are booked. But, for instance, if the poor unfortunate millions of this country approach the head of the department, he says, 'Well, what is your evidence? Who were present?' as if bribes are taken in the presence of people, and you make it impossible for a man to prove the bribe. The very nature of the offence is such that it is impossible to prove it, because bribes are not taken in the presence of other people, and the unfortunate complainant finds the tables turned upon him if he dares to complain and he is victimised. Take, for instance, an irrigation overseer. Take a time of scarcity where the dispute is whether my field should get water first or your field should get water first.

It means life and death to that man. If he gets water in time he gets the crops and that is a case where he will not be anxious to complain. It will be for the heads of the departments to see really that their officers behave better. Therefore there is no use throwing the blame on the public. The public will not complain, having regard to the law as it stands, having regard to the deaf ear that heads of the departments turn to such complaints. As I have pointed out already, it is not everybody who can occupy the position of Mr. Rhodes. I would therefore earnestly suggest to Government to say now and to-day, now that the matter is admitted, that although there is an improvement there is still more room for improvement, that they will take serious steps to give instructions to the heads of departments to find out what are the sources of corruption. They know it best. I do not think a Committee will be able to find it out. It is the heads of the departments who know it best. Let them make an honest and earnest attempt to find out what are the sources of corruption, where it exists and how best to remedy it. If the Government will set themselves about the work, I think they will be doing themselves good, they will be doing the country good and I think we will all be thankful to them.

The Honourable Sir William Vincent: Sir, if it meets with the wishes of the Assembly, I am quite prepared to accept the offer made by the Honourable Mr. Rangachariar and address the heads of the departments which are directly under the Government of India (I wish to make this quite clear) on this subject, and we will also, at the same time, address Local Governments on another matter which I omitted to mention before, namely, the question whether any change in the law is necessary in order effectively to put down corruption. This is a very different proposition from appointing a Committee. Government has been criticized for making no constructive suggestion to remedy the evil of corruption. The answer is simple. Up to now in my innocence I imagined that I had only

[Sir William Vincent.]

to deal with the specific proposal made in the Resolution itself, namely, whether Government should appoint a Committee, but I did assure the Assembly at the time that the Government is as anxious as anybody else to prevent corruption. Therefore, although I cannot myself hope that the issue of the Circular letter proposed by the Honourable Mr. Rangachariar will be really efficacious and though I fear that this custom of corruption not only in Government offices but also elsewhere, is too deep-rooted to be got rid of by a circular, yet if increased vigilance or any action on the part of the Government of India on the lines proposed by the Honourable Member will do any good, we shall be only too glad to take it.

Mr. R. A. Spence: I beg to move that the question be now put.

Mr. B. Venkatapatiraju: Sir, the reply made by the Honourable Sir William Vincent has not suggested any remedies for putting down corruption. With reference to a suggestion made by Mr. T. Rangachariar that some practical action should be taken to purify the administration, Sir William Vincent suggested that he would issue a Circular but what I say is, 'We want some remedy.' What is the meaning of issuing a Circular. If the Circular mentions that the heads of departments should consult the persons concerned in order to find out the methods by which bribery is encouraged and how it could be put down and that they should make a report to Government, then Government might take some steps. If they collect the opinions of departmental heads it serves no useful purpose. They must consult the public with whom they are dealing and send a report to Government.

I do not understand what the Honourable Sir William Vincent means to do by issuing a Circular to Departments. The question is whether, as suggested by the Punjab Government, a Committee should be appointed to find out the sources of this corruption, or how best to put it down by consulting the public, and send a report for necessary action.

The Honourable Sir William Vincent: A great many of us know that corruption exists. It is not confined to Government offices. It is rife in many lines of life. Is there not a good deal of touting and corruption even in legal circles of a certain grade? The difficulty is to stop it. As suggested by Mr. Rangachariar, however, we will issue a Circular to departments enjoining on them the necessity for exercising greater vigilance and greater care in checking this evil,—not necessarily to submit reports of any kind, but to take such steps as they can to check and stop corruption.

Mr. S. C. Shahani: But there may be a necessity for a change in the law.

The Honourable Sir William Vincent: Certainly.

Mr. B. Venkatapatiraju: On the assurance given by the Honourable Sir William Vincent that some action will be taken by Government, I do not press this Resolution.

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

RESOLUTION re SEPARATION OF JUDICIAL AND EXECUTIVE FUNCTIONS.

Rai T. P. Mukherjee Bahadur: Mr. President, the Resolution which I beg to move before this House runs as follows:

'This Assembly recommends to the Governor General in Council that Judicial and Executive functions should be separated and steps should be taken to appoint a Committee consisting of officials and non-officials for preparing a scheme for the purpose at an early date.'

The subject which I have taken up to-day is not a new one, but it is an old subject, which has been discussed times without number in the press, on public platforms and in Legislative Councils by eminent Statesmen, and it is needless for me to discuss the merit of this Resolution by encroaching upon your valuable time. If I try to do so, I would naturally only repeat what the eminent persons had said long before on the subject.

The condemnation of this unholy combination of the executive and judicial functions in one hand has not been commenced in the present age of non-co-operation, but as far back as in Lord Cornwallis' time, in 1792, this system was vehemently condemned.

It is well known to Honourable Members here that this system of combination of both the functions has been condemned even by great Statesmen, such as Sir Cecil Beadon, Sir John Peter Grant, Sir Frederick Halliday, the Honourable Sir Harvey Adamson and others:

Sir, I cannot help quoting here some observations made by an eminent person like Sir Frederick Halliday on the subject:

'The union of Magistrate with Collector has been stigmatised as incompatible, but the junction of thief-catcher with Judge is surely more anomalous in theory, more mischievous in practice: so long as it lasts, the public confidence in our criminal Tribunals must always be liable to injury, and the authority of justice itself, must often be abused and misapplied, and the power of appeal is not a sufficient remedy for the evils.'

The danger of injustice, under such circumstances, is not in a few cases, not in a proportion of cases, but in every case: In all, the Magistrate is constable, prosecutor and Judge.'

Sir, the observations as quoted above may be read along with the observations of another great man, the Honourable Sir Harvey Adamson, the late Home Member with great advantage. It is not possible to quote here all what he said on the subject from his seat in the Viceroy's Council, but only a portion of his opinion I might be permitted to quote below:

'The inevitable result of the present system is, that criminal trials affecting the general peace of the district, are not always conducted in the atmosphere of cool impartiality, which should pervade a court of justice. Nor does this completely define evil, which lies not so much in what is done, as in what may be suspected to be done. For it is not enough that the administration of justice should be pure, it can never be the bedrock of our rule, unless it is also above suspicion.'

He further said in course of his address:

'That no Government is strong, when administration of justice is not entirely above suspicion.'

The experiment may be a costly one, but we think the object is worthy.

Then comes our venerable man Mr. R. C. Dutt, I.C.S., who spent his whole life in executive service as a successful District Magistrate and also as Divisional Commissioner. He strongly condemned the present system and so long as he was alive he advocated the entire separation of judicial from executive and he submitted a scheme for the purpose, which, I think, is not very costly.

[Mr. T. P. Mukherjee.]

Mr. Monmohan Ghose, an eminent criminal lawyer, and Sir Surendra Nath Banerjee, Kt., every year condemned the present system and passed successive resolutions on the platform of the Indian National Congress for the separation of these two functions. Furthermore, Sir Surendra Nath Banerjee, Kt. moved in this Council in 1913, 7th March :

‘ That the Government of India should make grants to the Local Government to carry out the experiment of separating the two functions.’

Sir, for the last 50 years or more, this question has been threshed out both in this Council and outside this Council, as well as on the public platforms. Recently this question was fully threshed out in the Council of State and in course of discussion the Honourable Member, Colonel Sir Umar Hayat Khan, who was himself a Magistrate for 20 years, said :

‘ I have known of cases in which District Magistrates have practically interfered and dictated the policy to be adopted in judicial cases, to their subordinate magistrates. There are many cases in which the subordinate officials have to carry out the instructions of their superiors and cannot decide as they think proper. They have simply to do, as they are asked to do in order to please the heads of the departments.’

Sir, in moving this Resolution, I do not make it my ground that the Magistrates always act unjustly, but I make it my ground that the administration of justice of my Government should be above suspicion and by all means the judicial integrity of our Criminal Courts should be preserved.

I have got another ground to press this Resolution before this House, that it is the general opinion that the District Officers are overworked as they have to look after multifarious subjects, and the consequence is that a District Officer cannot pay adequate attention to the welfare and convenience of the people who are entrusted to their care and custody, and I think the time has come, when the separation of Judicial and Executive should be made. No more the two functions should be allowed to co-exist, but now one should exist without the other.

Sir, only the other day the Honourable the Home Member frankly admitted in his speech before the Council of State, that Indian opinion generally has been strongly in favour of the separation of the Judicial and the Executive, and that his own feeling is that actual injury is caused by the present system, but it is exaggerated and he further admitted the necessity of trials being held in an atmosphere of cool impartiality and in some cases the apprehensions and suspicions of people do exist, and on this account there is a feeling of mistrust and distrust of our Courts in the minds of the people in some cases and he further enunciated a principle that ‘ it is all important in a judicial trial that the Courts should be such as to command the absolute confidence of those who appear before it.’ He further said :

‘ That it is indeed a general principle of the greatest importance whether the apprehensions are sound or not, and he further admitted that this system has its defects but they are largely exaggerated.’

Sir, I should like to quote a few lines more which the Honourable the Home Member said in this connection before the Council of State which are as follow :

‘ The meaning of the word ‘ separation ’ has been very well put by a great Law Member in the Government of India, and it is this : ‘ I think the Judicial officers should be speedily trained for their duties and that in performing these duties they should not be subjected to any form of executive pressure, for this purpose that there should be some separation is undoubted.’

Thus we gather the following undisputed facts from the speech made by the Honourable the Home Member before the Council of State :

- (a) That Indian opinion generally has been strongly in favour of the separation of the Judicial and the Executive.
- (b) That the actual injury is caused by the present system but it is exaggerated.
- (c) That the present system of administration of justice is not above suspicion and there is a feeling of mistrust and distrust of our Courts in some cases.
- (d) That there should be some separation at least.

Sir, the main objection is raised on the financial ground but there cannot be any reform without any additional expenditure.

If it is considered that this system is defective, if it is considered that the proposed reform is sure to increase the efficiency of the administration and to keep the administration of justice above suspicion, the Government should do it at any cost, even by curtailing the favourite expenditure on bricks and mortars and, if necessary, by curtailing the military expenditure.

Sir, the military expenditure has been enormously increased, just to make our Government more strong, but I can assure you, Sir, that if the proposed reform is introduced, even by curtailing the military expenditure, the Government will be much stronger.

I should mention here that the Honourable the Home Member, while addressing the Council of State on the subject, gave an assurance to the Mover of the Resolution, that the Government will meet the Honourable Member as far as possible. The matter is a Provincial one and if any Local Government decides to take up this question of separating the Judicial from Executive functions, the Government of India will raise no objection, but this question being one of general policy, meant for the whole of India, I think it is a fit subject which should be finally decided only by the Government of India.

Sir, we are very grateful to the Honourable the Home Member for the future hopes he has held out but, Sir, after the lapse of more than 50 years we are not satisfied with future hopes ; yes, we know that hope sustains life, but everything has its limit. Sir, it is high time that something substantial should be done now to bring about the desired reform, the necessity of which is admitted on all hands, without any further delay on the pretext that it is a Provincial matter.

Sir, we are fully aware that most of the Provincial Governments have got no funds, and if they like to introduce the long desired reforms it is not possible for them to do so unless they get an Imperial grant for the purpose. We are also aware that several Provincial Legislatures have already resolved to introduce the proposed reform and have recommended this to Government, but unless this Government provides funds for the purpose the resolutions would not be of any practical worth.

Sir, with the advent of our new Viceroy Lord Reading, the integrity of justice should be firmly rooted by introducing the proposed reform, and if it is approved, the proposed Committee would submit their final scheme after considering the proposed scheme of each Province.

Dr. Nand Lal : Sir, if the subject-matter of this Resolution is not the only concern of the Provincial Councils, then I am in support of this Resolution and I support it on the following grounds: firstly that it is anomalous to see that the District Magistrate, who gives instructions to the Public Prosecutor to prosecute certain accused persons, in some cases himself hears the appeals or hears the cases. This is an anomaly which ought to be removed, and I believe that the Government have got no answer to it. The second ground on which I support this Resolution is this, that this system of combination of executive and judicial, practically seems to be a remnant of mediæval times. To illustrate myself, I may cite an instance. There is a house in which the owner of the house cannot afford to have a number of servants who may be posted to do certain specific duties. This shows poverty in a miniature of the Government. At the present stage of our Government, we can, I believe, well afford to separate these two functions. No doubt it will entail a great amount of expenditure, I concede, so far as this point is concerned, but this expenditure could be met with. This is no ground, no argument, that since separation will prove expensive, therefore, we should tolerate that this evil should continue on. Therefore, Sir, supporting this Resolution, which speaks for itself, I make this submission very seriously before this Assembly, that they should be unanimous in supporting it; but, at the same time, they will have to bear this in mind, that they will have to make arrangements for the expenses which will be indispensably necessary to establish this separation.

Rai Bahadur Bishambhar Nath : Sir, it is superfluous for me to emphasise the importance of the separation of judicial and executive functions when the proposition has been thoroughly discussed for more than a quarter of a century in the meetings of the Indian National Congress, recommended and accepted at least in principle by the Government. It is an old history that the proposal was recommended by the Police Commission of 1863, a memorial signed by a number of eminent and experienced Judges and Statesmen of England was submitted to the Secretary of State for India in 1889 to carry the proposal into effect. If I am not mistaken it found its place on the list of the famous twelve reforms of Lord Curzon. In 1908, Lord Morley sanctioned the introduction of the reform and the experiment was to be made in certain districts of Bengal. But one fails to understand why the Government is so slow in carrying out even the proposals which are admittedly sound and are sure to improve the purity of administration and thus enhance the prestige of the Government. The reform has been introduced long since in some Native States such as Indore, and has worked successfully for now more than a decade. Is it not a pity that the British Government should lag behind? It is true the reform may cost the Government some more money than it spends at present, but the additional expense if unavoidable, I am sure, will not be grudged when the reform will remove the chief source of discontent and injustice.

I heartily support the Resolution that has been moved by my friend, Mr. T. P. Mukherjee.

Lala Girdharilal Agarwala : Sir, I am in full sympathy with the Resolution moved by my Honourable friend Rai Bahadur T. P. Mukherjee, except that I have a very small amendment to make, namely, to fix the time at one year within which the separation should be made. Sir, the reason for this small amendment is this. The question is a very old one. It was first raised by the

late Mr. Gokhale. It formed the subject of discussion at the second Indian National Congress of 1886, and thereafter it has been repeated year after year. It appears that a trial was given in Bengal by which two Additional Magistrates were appointed, but so far nothing whatever has been done. The question was very recently discussed in my own Provincial Council, namely, the United Provinces Council, and a Resolution was moved there in the following terms:—That this Council recommends to the Government to appoint a committee to work out a detailed scheme for the separation of judicial and executive functions and to prepare an estimate of the cost of the same.' At that time the Honourable Mr. Porter replied that he accepted the principle and the only question was as to details. His reply will be found at page 790 of the debates of the United Provinces Council in the following words:—'May I make it quite plain that the principle is accepted by the Government, and this committee is entirely to deal with the method in which it is to be carried out.' I submit respectfully that the question has become so old that one is apprehensive of the fact whether anything at all is going to be done unless a time is fixed. I am very sorry for making that statement. I apologise if I am not correct. With these few remarks I submit that the Resolution as moved by the Honourable Mover with the slight amendment I have suggested may be carried out.

The Honourable the President : The amendment moved is :

'That in line 2 of the Resolution after the word "separated" the words "within one year" be inserted.'

The question now is that that amendment be made.

The Honourable Sir William Vincent : Sir, I think the Council will remember that this question was discussed last year in another place, and as reference has been made to that debate in this Chamber to-day, I suppose I am at liberty to make some reference to it also. I do not however want to repeat what I said on that occasion. The real facts are these, that this subject is mainly a Provincial subject and we cannot get over that fact. Honourable Members of this Assembly cannot have it both ways; at times they speak of Provincial autonomy in regard to their own Province, but when they want anything done by the Government of India, then all principles of Provincial autonomy vanish, and, as in the present case, the Government of India is asked to interfere in what is definitely a Provincial subject, namely, the administration of justice and land-revenue administration. These are the two branches of administration which are mainly affected by the present proposal. At the same time, this question of separation does also affect the Central Government, and it was for this reason I did not attempt to get the Resolution disallowed, indeed, I am very glad to have this opportunity of stating what the intentions of Government are in regard to this matter. But I can only really repeat to this Assembly what I said last year in the Council of State, namely, that the subject is a Provincial one, but if any Local Government decides to take up the question—and the matter is one for them—the Government of India will proceed to make such legislative changes as may be necessary in order to give effect to the proposals of the Local Government, but we are not prepared to interfere with the discretion of the Local Governments in a matter which is mainly one of Provincial administration.

Now let us look at the position at the present moment. Two Local Governments have already appointed Committees to inquire into this matter,

[Sir William Vincent.]

one being the Government of the United Provinces and the other the Government of Bengal. The Committee appointed in Bengal will be presided over by an eminent Judge of the Calcutta High Court. I ask the Assembly, does it now seek to interfere in what is a Provincial subject and thus duplicate the steps already taken by two Provinces to inquire into it and to investigate a matter which will probably be made the subject of inquiry by other Provinces? It would be unreasonable to interfere in the matter. Non-officials have a majority in the Provincial Councils, and they can see to it that the matter is taken up at once. Hitherto, I imagine, the difficulty has been largely a financial one. We have been told, for instance, that in Bengal they have a deficit of 2½ crores, that was the last figure I heard, but I do not know whether it will affect them in taking up this question. In any case, it is not right for this Assembly to be guilty of vicarious generosity and to force Local Governments to take up schemes which they may not have the funds to finance.

I notice that one Honourable Member said that the funds ought to be found from Central Funds, but I may tell him at once that that is contrary to all the financial principles of the Reforms Scheme, as I believe everybody here will admit. At the same time the financial burden of any separation of judicial and executive is by no means small. In one Province in Lord Minto's time, when things were much cheaper than they are now, and we paid less for buildings and establishment, the cost was then estimated at 22 lakhs initial and 15½ lakhs recurring expenditure. But if there is a Province that wishes to initiate a scheme of separation and is prepared to finance it, we will help as much as we can; at the same time we ought not to force on them this particular project if they seek to use their resources in other ways.

The policy of the Government of India in 1908 in regard to this matter was laid down in the following words. I cite from what Sir Harvey Adamson said in that year in the Legislative Council. The Government decided as announced by my predecessor 'to advance cautiously and tentatively towards the separation of Judicial and Executive functions in those parts of India where the local conditions render that change possible and appropriate.'

We are prepared to go much further; let any Local Government come up and say that they want this change made and we are prepared to do our best to give effect to their recommendations, but we do not want to force our views on them.

In one Province I know the question was considered last year and for good reasons or bad reasons—I was told at the time they were very bad reasons—the proposal was turned down. That was in Madras. All I do want to ask this Assembly to do, is not to ask the Government of India to appoint a Committee on a matter which is already being inquired into by two Provincial Committees which is a Provincial matter and which this Assembly generally ought not really to attempt to control.

The amendment that in line 2 after the word 'separated' the words 'within one year' be inserted was rejected.

Mr. J. Chaudhuri: Sir, I have given notice of an amendment which will obviate the difficulties that have been pointed out by the Honourable

Home Member. May I move it now? My amendment is in the following terms:

'The Provincial Governments be asked to submit schemes for such separation in their respective Provinces in consultation with the Provincial Legislative Councils, and the schemes when received be submitted to a Committee consisting of Members of the Indian Legislature composed of two-thirds non-official and one-third official members to consider and recommend measures necessary for effecting such separation.'

The object of my amendment is this, that although schemes of separation may be formulated by the Provincial Governments, the Central Government will have to introduce legislation to give effect to them. Besides that, a scheme that will suit Bengal will not necessarily suit the United Provinces or Sind or Madras or Bombay. So, each Provincial Government should be left to itself to formulate its own scheme, and when those schemes are received by the Government of India, we may have a Committee to consider these schemes and consider what legislation will be necessary for giving effect to these schemes. It may require amendment of the Code of Criminal Procedure and in certain respects the revenue and the civil law as well. I do not wish to go into the history of this question, but I must mention that the Executive Government have opposed this scheme on the ground that it will be found financially to be much too expensive. But we are prepared in Bengal to present a scheme by which we can effect the separation without increasing the expenditure. Since a Committee has been appointed, I am not going to fasten any suggestions of my own on that Committee. I have pointed out that legislation by the Central Government may be necessary, and further, assuming that the giving effect to this scheme involves additional expenditure on any Provincial Government, the question of finding the necessary money for carrying out the reforms will have to be considered between the Provincial Government and the Imperial Government.

The Honourable Sir William Vincent has referred to the particular grievances of Bengal in this respect. We have been running the province with a deficit of 2½ crores. This question may be brought up before this Assembly in another connection, but in passing I must observe that the financial adjustment that has been made by the Late Finance Minister of the Government of India with the provinces is pressing hard against every province, and it is very unjust to the Provincial Governments. I shall only mention here that we in Bengal are merely revenue farmers on behalf of the Government of India. We raise nearly seven crores on income-tax for the Government of India and we do not get a pice.....

Rao Bahadur T. Rangachariar: I rise to a point of order, Sir.

Mr. J. Chaudhuri: I have only mentioned this point to indicate the injustice of the adjustment. I will not refer to it in detail. But I say this, that even my friend Mr. Rangachariar will admit that it is the unprogressive revenues that have been allotted to the provinces. For instance, we have to rely on land revenue and excise.....

Mr. President: Order, order. The Honourable Member is breaking his own undertaking.

Mr. J. Chaudhuri: I was mentioning those facts because occasion may arise when the provinces may have to come up to the Government of India not only for legislation, but also for helping them with assignments on a more

[Mr. J. Chaudhuri.]

equitable basis for carrying out the necessary reforms. I need not dilate upon the grievances of the provinces at the present moment. But I invite the attention of the House to them only to show that in this matter the provinces are not the final authority on this question, and there will soon be occasion for the Provincial Governments to come up to the Government of India not only for legislation, but to appeal to them to come to their rescue with necessary allotment of funds. That is sufficient for me to explain the scope of my amendment. I say in the last part of my amendment: 'to consider and recommend measures necessary for affecting such separation.' Sir, my object in placing these facts before this House is that it will be necessary for the Central Government not only to take up the necessary measure of legislation, but it may also be necessary to go into the question of finance. I, therefore, beg to move my amendment, and I am sure that it will meet with the acceptance of this House. The Committee need not be committed to any definite scheme. My amendment is wide enough to meet any contingency that may arise. With these words, Sir, I beg to move my amendment.

The Honourable Sir William Vincent: I think I can go some way to meet the Honourable Mover of this Amendment, though I cannot by any means accept all the proposals. I think I may guarantee that when proposals for separation are received by the Government of India, we shall be ready to appoint such a Committee as Mr. Chaudhuri proposes to ascertain what would be the best method of giving effect to the proposals. I agree with a great deal of what he said as to conditions varying in different provinces, and it seemed to me that, if that view be accepted, it was a convincing and a very cogent argument against the appointment of an all-India Committee. Surely, if conditions differ in different provinces, then the matter is one for the provinces to consider. I have no doubt also that legislation will be necessary finally and the assistance of members of this Assembly, official and non-official, will be readily accepted by the Government of India in framing that legislation. When, however, the Honourable Member suggests that the Government of India are to make assignments or give doles to the Government of Bengal or any other Government for a purpose of this kind, then I must say quite definitely that I can hold out no hopes of that being done, and indeed I hope that it will never be done, because this system of doles has proved in the past a very evil one.....

Mr. J. Chaudhuri: I did not expect any dole. I simply suggested:

Mr. President: Order, order.

The Honourable Sir William Vincent: The Honourable Member did not use the word 'dole,' but he used the word 'assignment'; whatever be his word for monetary assistance, whether it is subsidy, dole, or assignment—none of these things will the Government of India, if I know anything about them, give the Provincial Government of Bengal for carrying out the separation of executive and judicial functions. But if it is a question of appointing such a Committee, as the Honourable Member suggests to consider the legislation necessary to give effect to schemes of separation, I think I can meet him. On the other hand, I am not prepared to ask the Local Governments to submit such schemes. Indeed, I think it is really an insult to a large Provincial Government like Bengal, Bombay or the United Provinces, to suggest to them that they have

not considered this matter and that we seek to control them in a provincial matter of this kind. As soon as we do get schemes from them, or when we have even two or three schemes, I am quite ready to take steps for the constitution of such a Committee as the Honourable Member proposes.

Dr. H. S. Gour: I move that the question be now put.

Mr. J. Chaudhuri: In view of the assurance given by the Honourable Sir William Vincent I do not press my amendment. I only want to correct certain misapprehensions in his mind. I did not say that we want any dole from the Government of India. What I meant was that Lord Meston's assignment as between the Provinces and the Central Government is considered unjust all over India, and the day is not far distant when this Assembly will have to take up the question of a fairer apportionment of the revenues between the Government of India and the Provincial Governments and pass a final judgment on Lord Meston's award. That is all that I meant.

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

Mr. K. Ahmed: Sir, I beg leave to move:

'That after the words 'Judicial and Executive functions should be' the word altogether' be inserted.'

'That before the word 'steps' the word 'proper' be inserted.'

'That after the words 'consisting of' the words 'Members of the Indian Legislature of both Chambers composed of three' be inserted.'

'That before the word 'non-official' the word 'two-thirds' be inserted.'

that is to say, I agree with the Honourable Mover, but I want that there should be a majority of non-officials in the Committee.

Sir, the pros and cons of this subject have been discussed and it is no longer necessary at this hour of the day to trouble the House any further. It has been admitted by the Honourable the Home Member that he had a Resolution to answer in the last Session of the Council of State. It has also transpired that in Bengal a Resolution of this description has already been carried by a majority. That Resolution moved by Babu Kishori Mohan Chaudhuri only a few months ago runs as follows:

'That this Council recommends to the Governor in Council that early steps may be taken for the separation of judicial and executive functions in the administration of this Presidency.'

Sir, the Resolution which was moved in the Council of State by my Honourable friend, Mr. Bhurgri, runs thus:

'That this Council recommends to the Governor General in Council to make a definite declaration that the time has arrived for the complete severance of judicial from executive functions, and that early steps be taken to accomplish the severance almost immediately.'

Sir, this Resolution of the Council of State was withdrawn only on a statement made by the Honourable the Home Member that this was a Provincial matter altogether. Furthermore, Sir, in the Legislative Council of Madras a similar Resolution was carried by a majority of 45 to 23 votes. I think I am right in saying that in the United Provinces too the Local Government have given an assurance that the Resolution will be given effect to. In the Punjab I find that some sort of understanding has been come to between the Council

[Mr. K. Ahmed.]

and the Government. I suppose, Sir, it is high time that we must have some decision on this question one way or the other. We have held up this matter for a long time, and the sooner something is done the better. Sir, a very able and energetic member of the Indian Civil Service, the late Mr. R. C. Dutt, was in favour of this reform and there are many other views in favour, notably that of the Indian National Congress. We should therefore get together a Committee and my Amendment seeks to bring about a composition consisting of two-thirds non-officials and I am sure, Sir, that this Resolution and my amendments will meet with the approval of the House.

Rai T. P. Mukherjee Bahadur : I have no objection to accepting the amendments proposed by my friend.

Dr. Nand Lal : It does not depend only on the Mover's acceptance of the amendment.

Mr. President : Order, order. The original question was that :

'This Assembly recommends to the Governor General in Council that judicial and executive functions should be separated and steps be taken to appoint a Committee consisting of officials and non-officials for preparing a scheme for the purpose at an early date.'

An amendment has been moved which runs as follows :

'That after the words 'Judicial and Executive functions should be' the word 'altogether' be inserted.'

'That before the word 'steps' the word 'proper' be inserted.'

'That after the words 'consisting of' the words 'Members of the Indian Legislature of both Chambers composed of three' be inserted.'

'That before the word 'non-official' the word 'two-thirds' be inserted.'

The motion was negatived.

Mr. President : The question is that the main question be now put.

The motion was adopted.

Mr. President : The question is that :

'This Assembly recommends to the Governor General in Council that judicial and executive functions should be separated and steps be taken to appoint a Committee consisting of officials and non-officials for preparing a scheme for the purpose at an early date.'

Rao Bahadur T. Rangachariar : Sir, I think it will facilitate the voting on this occasion if you will permit the first part of the Resolution to be put separately, and I think the Honourable the Mover will omit the second portion, if the first portion is accepted. The point is this. We are all looking for the principle. If the whole motion is rejected, we may feel that this Assembly does not recognise the principle of separation. If the first portion is accepted, I think the Honourable Mover will not press the second portion.

Mr. President : I have put the question from the Chair; I cannot divide the question now. I may point out to Honourable Members that we have been discussing this question for an hour. If they have taken an hour to discover that, it has taken them too long.

The question was again put from the Chair,

The Assembly divided as follows :

AYES--46.

Abdul Quadir, Maulvi.
Abdulla, Mr. Saiyed Muhammad.
Agarwala, Lala G. L.
Agnihotri, Mr. K. B. L.
Ahmed, Mr. K.
Asad Ali, Mr.
Ayyangar, Mr. M. G. M.
Ayyar, Mr. T. V. Seshagiri.
Bajpai, Mr. S. P.
Barodawalla, Mr. S. K.
Bhargava, Pandit J. L.
Bishambhar Nath, Mr.
Chaudhuri, Mr. J.
Chaudhuri, Mr. N. N.
Faiyaz Khan, Mr. M.
Ginwala, Mr. P. P.
Girdhardas, Mr. N.
Gour, Dr. H. S.
Gulab Singh, Sardar.
Hajeebhoy, Mr. Mahomed.
Ibrahim Ali Khan, Lieutenant Nawab.
Lahwar Saran, Munshi.
Jamnadas Dwarkadas, Mr.

Jatkar, Mr. B. H. R.
Jejeebhoy, Sir Jamsetjee.
Joshi, Mr. N. M.
Lakshmi Narayan Lal, Mr.
Majumdar, Mr. J. N.
Mamohandas Ramji, Mr.
Man Singh, Bhai.
Mukerjee, Mr. T. P.
Nag, Mr. G. C.
Nand Lal, Dr.
Rangachariar, Mr. T.
Shahab-ud-din, Chaudhri.
Shahani, Mr. S. C.
Singh, Babu Ambika Prashad.
Singh, Babu B. P.
Sinha, Babu Adit Prashad.
Sinha, Beohar Raghbir.
Sircar, Mr. N. C.
Sohan Lal, Bakshi.
Subrahmanayam, Mr. C. S.
Subzposh, Mr. S. M. Z. A.
Ujagar Singh, Baba Bedi.
Vishindas, Mr. H.

NOES--35.

Aiyer, Sir P. S. Sivaswamy.
Bradley-Birt, Mr. F. B.
Bryant, Mr. J. F.
Clarke, Mr. G. R.
Clayton, Mr. H.
Cotelingam, Mr. J. P.
Crookshank, Sir Sydney.
Dalal, Sardar B. A.
Dentith, Mr. A. W.
Faridoonji, Mr. R.
Fell Sir Godfrey.
Gidney, Lieutenant-Colonel H. A. J.
Hullah, Mr. J.
Hussanally, Mr. W. M.
Ikramullah Khan, M. M.
Innes, Mr. C. A.
Kabraji, Mr. J. K. N.
Kamat, Mr. B. S.

Lyle, Mr. D. R.
McCarthy, Mr. F.
Mitter, Mr. D. K.
Muhammad Hussain, Mr. T.
Muhammad Ismail, Mr. S.
Mukherjee, Mr. J. N.
Percival, Mr. P. E.
Price, Mr. E. L.
Ramayya Pantulu, Mr. J.
Rao, Mr. C. Krishnaswami.
Rhodes, Mr. C. W.
Sapru, the Honourable Dr. T. B.
Sim, Mr. G. G.
Spence, Mr. R. A.
Vincent, the Honourable Sir William.
Waghorn, Colonel W. D.
Zahiruddin Ahmed, Mr.

The Resolution was adopted.

PRECEDENCE OF NOTICES OF BILLS AND RESOLUTIONS.

Mr. President : In normal circumstances I should now adjourn the House, but I have had representations made to me that I ought to call upon

[Mr. President.]

the Mover of Resolution No. 3* in order to give him precedence to-morrow. As far as I can judge the matter, I am not able to do that under the rules: otherwise I should be defeating the ballot which was held in order to establish priority, first of all, for to-day, and secondly, for to-morrow. If the Honourable Member in whose name the Resolution stands has any points to submit to me on that question, I am prepared to hear him.

Rai J. N. Majumdar Bahadur: Sir, all that I can submit is, that many Members of the House, both on the official and on the non-official side, consider the matter of my Resolution a very important one and they are willing to sit on the matter. I was asked by several friends here to request the Honourable the President to allow my Resolution to be moved. Of course, we sometimes do sit here up to 6 and 7 o'clock or later. Of course, I cannot reasonably ask the House to sit a little longer, but, at the same time, the subject is such an important one, that if the sense of the House is taken—and I request the President to take the sense of the House—I think they will allow the Resolution to be moved now, and the discussion can follow to-morrow.

Mr. President: On the point regarding the sense of the House, the matter to which I must first pay attention is the state of the ballot paper establishing priority of Resolutions. If the Honourable Member is so certain that the sense of the House is with him, the state of the ballot paper would reflect that certainty. It does not. I cannot permit him to move now in order to establish his priority to-morrow morning, because by doing so I should be giving him a practical certainty of occupying the entire day to the exclusion of those who won places in the ballot for to-morrow. Standing Orders 7 and 9 cover the question. Standing Order 7 says, 'The relative precedence of notices of Bills and Resolutions given by non-official Members shall be determined by ballot in accordance with the procedure set out in Schedule I.' The important words there, from my point of view at present, are 'shall be determined.' These are imperative words. Rule 7 of the Schedule governs the conditions which we are now discussing: 'To determine the priority of non-official business during the remainder of the Session, ballots shall be held for such days and on such occasions as the President may, from time to time, appoint; and due notice shall be given to Members of any proposed ballot.' I am not aware that the Honourable Member objects to the notice that was given, and as far as I am able to judge the procedure, under the chairmanship of one of the panel of chairmen, was in order.

Let me draw his attention and the attention of Members of this Assembly as to what he proposes to do. The ballot was taken in this form, that the

* This Assembly recommends to the Governor General in Council that he may be pleased to move the Secretary of State for India in Council for taking necessary steps for ensuring:—

- (1) the transfer, from the beginning of the next term of the Legislative Councils, of all Provincial subjects to the administration of the Governor acting with Ministers;
- (2) the transfer, from the beginning of the next term of the Legislative Assembly, from among the Central subjects of all subjects except Army, Navy, Foreign and Political Departments to the administration of the Governor General acting with Ministers, provision being made for such constitutional changes as may be necessary in that behalf, on the lines of the provision for administration of transferred subjects of the Local Governments; and
- (3) conferment, from the beginning of the fourth term of the Legislative Assembly, of full Dominion Self-Government in India.

first name emerging from the ballot box was given the choice which day he would move his Resolution, to-day or to-morrow; the second name coming out naturally chose the day which the first name had not chosen. Thus the first place on each day is filled. What the Honourable Member now asks for is to place him, whose name stands third on the first day, in front of the man whose name is first on the second day, and that I cannot imagine in any sense would be just. That would only be permissible if our ballot established a continuous priority covering several days. This ballot sets up a water-tight compartment for each day. If the procedure of the ballot is accepted by the House, as I imagine it is, then the House must accept the way in which its operation affects the transaction of business.

If I may return for a moment to what the Honourable Member said in regard to the sense of the House, when the sense of the House is so overwhelmingly in favour of a given course, the action to be taken by non-official members in trying to make certain that a subject will be discussed is surely so obvious that I need not mention it from the Chair.

Rai J. N. Majumdar Bahadur: May I request the President to take up the matter to-day?

Mr. W. M. Hussanally: May I say a word, Sir? The hours of sitting of this Assembly are not fixed. At the last Session in Delhi, sittings sometimes lasted till 7 o'clock and even after; so that it is entirely within the discretion of the Chair to sit longer or not. If the hours of the Assembly were fixed, I could understand your objection to taking up the matter now, but if it lies within your discretion to sit longer or not, it will be entirely within your discretion to allow my friend to move his proposition to-day or not.

Mr. President: Standing Order 6 reads 'The Meetings of the Assembly shall (subject to the direction of the Governor General) ordinarily commence at 11 A.M. and ordinarily terminate at 4 P.M.' The Honourable Member is well aware that we have not strictly observed that rule; but we have found it to the convenience of Members not to work as late as we would have to if I allowed the Resolution of the Honourable Member from Bengal to be moved and discussed now. For that purpose the Assembly would have to sit till 9 or 10 P.M. to-night. The matter is entirely in the hands of the Assembly. I think the word 'ordinarily' leaves a discretion to the Chair, and I propose, unless there is strong objection from the Chamber, that the Assembly should adjourn now.

Dr. H. S. Gour: I move, Sir, that the House do sit for half an hour more.

Mr. President: From the point of view of the just operation of priority in the ballot, this Resolution must be disposed of to-night or not at all.

The Honourable Sir William Vincent: Sir, the Resolution is a very complicated and difficult one and it will take time; there are also a large number of amendments. I am quite prepared to take the discussion up, but I do think that it will be a little hard on Government Members if this Assembly begins a debate of this kind after half-past five. We certainly could not finish it even by 9 or 10 P.M.

Mr. Kamat: Sir, I believe this question is of such overwhelming importance that the whole country is perhaps waiting to see it discussed in

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B class clerks	50-140

They see no reason to adopt the scales recommended by the McAlpin Committee for the Bengal Secretariat in preference to those recommended by the Booth Committee after detailed local inquiry into the special conditions of the Director-General's office establishment.

'POSTAL POLICY IN INDIA.'

422. **Mr. M. K. Reddi Garu :** (a) Has the attention of Government been drawn to the article 'Postal Policy in India' at page 5 of the last June edition of *Labour*, the Postal organ of the Post Office employees in Calcutta?

(b) Will the Government state :

(i) If it is a fact that the avowed policy advocated by the Post Office Commission of 1850 was that the Post Office was to be maintained for the benefit of the people of India and not for swelling the revenues ;

(ii) Is it a fact that the Post Office Department is not working at a loss, but that its heavy surplus revenues since the last few years are being credited to Government ordinary revenues?

Colonel Sir S. D'A. Crookshank : (a) Government have seen the article referred to.

(b) (i). The fact is as stated by the Honourable Member.

(ii) Since 1910-11 the Post Office has not been working at a loss, the average annual surplus for the 5 years ending 31st March 1920 being about Rs. 60 lakhs. In arriving at this figure, however, the cost of post office buildings was not taken into consideration. Charges on this account together with the revisions of pay sanctioned last year at an annual cost of more than Rs. 130 lakhs have entirely absorbed the surplus. As the Honourable Member is aware, the rates of postage were raised slightly from the 18th April last but it is as yet too early to state with any accuracy what the increase in revenue has been. It is not expected to exceed 12 lakhs a year on this account.

REMOVAL OF THE HYDERABAD SIND GARRISON.

423. **Mr. S. C. Shahani :** (a) Are Government aware that on the 23rd March 1921, His Excellency the Governor of Bombay informed the Municipal Deputation that waited upon him from Hyderabad, Sind, to request the removal of the garrison stationed there from their present site to a site on the Ganja Takar, that the question was under the consideration of the Army Department and that the question would be personally gone into by the Western Command with His Excellency the Commander-in-Chief and a decision arrived at?

(b) Will the Government be pleased to state the result of the discussion and correspondence in the Army Department on the subject?

Sir Godfrey Fell : (a) The Government of India have no information regarding the Municipal Deputation which waited upon His Excellency the Governor of Bombay in March 1921.

(b) The position is as follows :

From the military point of view, the present Cantonment is satisfactory. If the removal of the Cantonment to another site is to be considered, a primary condition is that no fresh expenditure should be thrown upon the military estimates.

The Government of India have recently directed that the question should be further examined by the local, civil and military authorities concerned, and thereafter by the Government of Bombay in communication with the General Officer Commanding-in-Chief, Western Command. The Government of India have not yet had any final report regarding the result of these discussions. They have, however, received a report from the General Officer Commanding-in-Chief, Western Command, which shows that there is no other site in the vicinity of Hyderabad which can be compared with the present site either in height, in freedom from mosquitoes, or in space available for parade grounds.

The Ganjo Takar site, to which the Honourable Member refers, is reported to be a series of small flat-topped hills surrounded by water and infested with mosquitoes in wet weather. These hills would only accommodate a few bungalows apiece; the Cantonment would be strung out to an impossible length; and space for parade grounds and recreation could not be fitted in.

The Honourable Member will therefore realise that the removal of the Cantonment presents considerable difficulties. The Government of India are considering whether, subject to the fulfilment of the condition mentioned above, the Cantonment could be removed to some other locality altogether, but they are not prepared at present to hold out any hopes that this will prove practicable.

TELEGRAPH OFFICE FOR MIRPUR BATHORO.

424. **Mr. S. C. Shahani :** (a) Is it a fact that there are no Telegraph Offices in the Karachi District from Tatta right up to Keti Bunder?

(b) Do Government propose to consider the advisability of opening a Telegraph Office at Mirpur Bathoro, where there is a local demand for it?

Colonel Sir S. D'A. Crookshank : (a) and (b). The Post and Telegraph Department has at present local demands for 277 new combined offices. Estimates for 45 of these have not yet been made out. The remaining 232 involve the construction of 3,304 miles of telegraph line, the erection of 3,900 miles of wire and an expenditure of :

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Stores	10.66 "

The amount asked for for the current year for the construction of Railway, Canal and Departmental construction work was :

	Rs.
Cash	28.78 lakhs.
Stores	150.75 "

which included :

	Rs.
Cash	2,00,000
Stores	8,00,000

[Mr. Kamat.]

this Assembly. I therefore feel that in the general public interest this question should be discussed either just now or to-morrow morning under your discretion. If in any case the whole of this question is dropped, there will be a general feeling in the country that the question is dropped because the Government of India did not like to have it discussed.

Mr. President : The Honourable Member has made what appears to me to be a reflection both on the Chair and on the Government of India. I am not concerned to defend the Government of India, but the course which has been suggested to me by the Honourable Member is one which I cannot follow. The ballot has been established in order to give every member an opportunity. I may repeat what I said to the Honourable Member from Karachi that the more important the subject is, the more is it in the hands of the non-official members to take their own precautions to see that it is discussed.

The Honourable Sir William Vincent : I submit, Sir, there is no justification whatever for the remarks just made by the Honourable Mr. Kamat. I came down here prepared to discuss the Resolution to-day, and I must repudiate the suggestion made by the Honourable Mr. Kamat. Because Honourable Members have wasted time on comparatively unimportant Resolutions over which we have been sitting the whole day, the accusation is now brought against Government that they are unwilling to face the music on this particular Resolution. To clinch this matter further, as this accusation has been made against us, I will do my best,—I can give no undertaking on this point,—but I will do my best to show the Honourable Member and this Assembly generally that we are in no way afraid to meet this Resolution or to take the sense of the House on it. I will try—I use the word ‘try’ again deliberately, as I cannot undertake to do it—I will try to give time for this Resolution on an official date, if necessary.

Mr. Kamat : I rise to a point of explanation, Sir. I did not mean that the Government of India wanted to drop this question on set purpose. What I said was that the result of to-day’s discussion would lead the country to believe—it may be a very wrong belief—that the Government of India did not like to have this discussion. I am perfectly certain that the Honourable Sir William Vincent came here with the determination to have this question discussed, and in the afternoon I knew very well that he himself wanted to have this discussion. What I said was about the feeling likely to be aroused in the country if this discussion is dropped. I never said that the Government of India wanted to shirk this discussion.

The Honourable Sir William Vincent : The Honourable Member’s remarks seemed to me to make an insinuation of that kind.

Rao Bahadur T. Rangachariar : I do not wish to pursue the matter further after the assurance given by the Honourable Sir William Vincent, but I may remind you, Sir, that at the last Session when a similar question arose you allowed Mr. Price to move his proposition in order to take it up the next day. You will probably remember, Sir, the arrangement.

Mr. President : Does the Honourable Member say that the ballot was taken on the same conditions?

Rao Bahadur T. Rangachariar : Yes,

The Honourable Sir William Vincent : My recollection is the same as that of the Honourable Mr. Rangachariar.

Mr. President : Until that point is cleared up, I think I cannot advert to it at this moment. I remember the instance, perfectly well, but the point at issue is, whether the ballot was governed by the same conditions as the ballot in this case.

Rao Bahadur T. Rangachariar : We got up a little earlier on the previous day, so that the discussion might be carried on the next day.

Mr. E. L. Price : My recollection is that the discussion was not continued on the next day. I do not recollect the conditions, but it was a good many days afterwards.

Mr. President : It is perfectly true that non-official business which is in course of transaction has to be interrupted by the adjournment of the House, but may be carried over from one day to the next day on which non-official business is taken. I do not consider that rule overrides the priority which is established by the ballot. I do not think that is a subject on which the discretion of the Chair can reasonably be exercised. In any case, as I have pointed out in reply to Mr. Kamat, if the importance of the subject justifies the statements which have been made here during the last 15 minutes, it justifies the withdrawal of Resolutions Nos. 1, 2 and 3 standing on the agenda for to-morrow.

Rai J. N. Majumdar Bahadur : Sir, may I raise this point? Supposing my Resolution had been taken up to-day, and supposing the discussion of it had not finished, would it have been carried over to the next day, and would it have precluded the discussion of the Resolutions down on the paper for to-morrow? I should like a ruling on that point.

Mr. President : The point that is put to me now is a hypothetical one; and one danger that every occupant of the Chair has always avoided is the answering of hypothetical questions.

Mr. J. Chaudhuri : Sir, may I request the Honourable the Home Member to assign a day for the discussion of this Resolution, as he did in the case of the Resolution moved by Mr. Samarth a few days ago?

The Honourable Sir William Vincent : I have already informed the House that I will do the best I can, but I cannot guarantee time on an official date, because we have now reached rather a late stage in this Session and I have been pressed by various non-official members to give them time for the introduction of certain Bills. I shall have great difficulty in doing even that owing to extra days being taken up for demands for the Budget. I can only add that I am quite willing to do the best I can in the matter.

Just one point more, Sir, the Resolutions for to-morrow—I think I have the right list in front of me—are being moved one by Mr. Latthe, one by Sir Sivaswamy Aiyar, then one by Colonel Gidney and one by Mr. Jamnadas Dwarkadas which substantially raises nearly the same question as arises in the Resolution standing in the name of Mr. Majumdar on to-day’s agenda and for which we are endeavouring to find time. In the

The Honourable Dr. T. B. Sapru: (a) The answer is in the affirmative.
(b) The question does not arise.

INDIANS IN POLITICAL AND FOREIGN SERVICE.

417. Munshi Iswar Saran: (a) With reference to the statement made by the Honourable the Law Member on the 15th March 1921 in this Assembly which runs as follows :

‘I am authorized to state on behalf of Government that the principle of taking Indians into those higher appointments in the Political and Foreign service has been conceded by the Government and that a scheme is being prepared which, when it is ready, will, I venture to think, afford every satisfaction to this House and to the outside public.....’

Will Government lay on the table the scheme that was being prepared on the 15th March 1921?

(b) If the scheme be not ready, will Government state how much more time will its preparation take?

(c) Will Government be pleased to expedite the preparation of the scheme?

The Honourable Sir William Vincent (on behalf of the Honourable Sir John Wood): The Honourable Member is referred to the answer given to Question No. 171 put by Mr. N. M. Joshi.

PAY IN SECRETARIAT AND ATTACHED OFFICES.

418. Mr. M. K. Reddi Garu: Will the Government be pleased to say if it is a fact:

- (a) that the Secretariat Establishment Committee presided over by the Honourable Mr. Hailey had considered proposals as regards increases of pay of both the Secretariat and Attached Offices; and
- (b) that the scales as announced by the Staff Selection Board on the 6th September 1920 are the same as recommended by the Establishment Committee?

The Honourable Sir William Vincent: (a) Government are not aware how far the Committee considered the question of Attached Offices. They made no recommendations as to the pay of the clerical staff of such offices.

(b) This question therefore does not arise.

ATTACHED OFFICES, GOVERNMENT OF INDIA SECRETARIAT.

419. Mr. M. K. Reddi Garu: Will the Government kindly furnish a statement showing the Attached Offices classified according to their importance and the scales of pay granted, or likely to be granted with the date of effect of revisions in each case?

The Honourable Sir William Vincent: The information has been called for and will be supplied to the Honourable Member when complete, but I may say at once that it is impossible to classify the Attached Offices according to importance.

REVISION OF PAY IN ATTACHED OFFICES.

420. Mr. M. K. Reddi Garu: Will the Government kindly state:

- (a) If all the Attached Offices, including those in Calcutta have been granted revisions on the time-scale basis with full benefit of past services to each of the staff and with retrospective effect of revisions as in the cases of the Imperial Secretariat offices and all higher services?
- (b) If the answer is in the negative, will the Government kindly say why such a differentiation has been made or is being made in each case as regards scales of pay and date of effect of revisions and why there should be any disparity of treatment?
- (c) Is the case of the office of the Director-General of Posts and Telegraphs being considered?

The Honourable Sir William Vincent: (a) The information has been called for and will be furnished in due course.

(b) I cannot answer this sub-question until the information asked for in the foregoing sub-question is forthcoming.

(c) Yes.

OFFICE OF THE DIRECTOR-GENERAL OF POSTS AND TELEGRAPHS.

421. Mr. M. K. Reddi Garu: Will the Government of India be pleased to state:

- (a) If they are prepared to place the office of the Director-General of Posts and Telegraphs on the same footing with the Bengal Secretariat?
- (b) Whether the Government will now grant to the staff of the office of the Director-General of Posts and Telegraphs the same time-scale of pay with full benefit of past services for each clerk as has been recommended by the MacAlpin Committee for the Bengal Secretariat offices?

Colonel Sir S. D'A. Crookshank: As the answer involves giving a somewhat lengthy explanation, perhaps, with your permission, Sir, I may place the reply on the table.

(a) The Government of India are not prepared to place the office of the Director-General of Posts and Telegraphs on the same footing with the Bengal Secretariat as they consider that the scales of pay in that office should be fixed with reference to those prevailing in other large administrative offices under the Imperial Government or the Government of Bengal situated in Calcutta, and do not agree that the conditions of service in the office in question are identical with those in the Bengal Secretariat.

(b) The Government of India appointed a special Committee under the chairmanship of Mr. J. R. T. Booth, I.C.S., Postmaster-General, with instructions, among other things, to submit recommendations for the revision of pay in the office of the Director-General of Posts and Telegraphs. This Committee recommended the following scales:

					Rs.
A class clerks	...	...	...	...	80--250
B class clerks	...	...	...	...	50--150

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They see no reason to adopt the scales recommended by the McAlpin Committee for the Bengal Secretariat in preference to those recommended by the Booth Committee after detailed local inquiry into the special conditions of the Director-General's office establishment.

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(b) (i). The fact is as stated by the Honourable Member.

(ii) Since 1910-11 the Post Office has not been working at a loss, the average annual surplus for the 5 years ending 31st March 1920 being about Rs. 60 lakhs. In arriving at this figure, however, the cost of post office buildings was not taken into consideration. Charges on this account together with the revisions of pay sanctioned last year at an annual cost of more than Rs. 130 lakhs have entirely absorbed the surplus. As the Honourable Member is aware, the rates of postage were raised slightly from the 18th April last but it is as yet too early to state with any accuracy what the increase in revenue has been. It is not expected to exceed 12 lakhs a year on this account.

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(b) Do Government propose to consider the advisability of opening a Telegraph Office at Mirpur Bathoro, where there is a local demand for it?

Colonel Sir S. D'A. Crookshank : (a) and (b). The Post and Telegraph Department has at present local demands for 277 new combined offices. Estimates for 45 of these have not yet been made out. The remaining 232 involve the construction of 3,304 miles of telegraph line, the erection of 3,900 miles of wire and an expenditure of :

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for combined office extensions. The Legislative Assembly having reduced the cash portion of this demand by Rs. 13 lakhs there was a corresponding reduction under stores of Rs. 60,75,800.

So far as can be foreseen at present there will be less than

						Rs.
Cash	...	...	...	...	...	50,000
Stores	...	...	...	...	...	2,00,000

available for the construction of combined office lines in India and Burma and whatever amounts are available will be distributed to the various Directors of Telegraph Circles to be used to the greatest advantage. Directors are in communication with Postmasters-General and Local Governments as to priority of claims.

To link up Mirpur-Batharo would cost approximately Rs. 2,527 Cash and Rs. 11,300 Stores. It is fifth in the priority list for Sind and will have to take its turn with places on the priority list of the Southern, Northern and Central Divisions in the Bombay Presidency. There are 8 Post Office Circles to deal with, which, assuming the availability of Rs. 50,000 Cash and 2,00,000 Stores would give each Circle about Rs. 6,250 Cash and Rs. 25,000 Stores. The possibility of linking up this place for some years to come is, therefore, it is feared, somewhat remote.

ASSISTANT COLLECTORS IN THE KARACHI CUSTOMS HOUSE.

425. **Mr. S. C. Shahani :** (a) Will Government be pleased to state, if there is a rule that ordinarily no gazetted officer is to remain in the same post for over three years?

(b) If the reply is in the affirmative, will Government be pleased to state if any extraordinary circumstances have necessitated the continuance for more than three years of the two Assistant Collectors in the Custom House, Karachi?

The Honourable Mr. C. A. Innes : Certain principles have been laid down regarding the tenure of certain Secretariat appointments. These principles, however, have no application to the Imperial Customs Service. Officers of this Service are liable to transfer from one port to another according to the exigencies of the Service and their tenure of appointment at particular ports is not limited by rule.

PAY AND PROSPECTS OF EMPLOYEES OF KARACHI CUSTOMS OFFICE.

426. **Mr. S. C. Shahani :** Will Government be pleased to state if they have received from the Bombay Government any proposals regarding the improvement of the pay and prospects of the employees other than the Imperial Service, and the Preventive Officers, in the Customs, Karachi, which were forwarded to the Bombay Government by the Commissioner in Sind in September 1920?

The Honourable Mr. C. A. Innes : Not yet.

PROMOTION OF TELEGRAPHISTS, ETC., IN THE POSTAL DEPARTMENT.

427. **Mr. S. C. Shahani :** Will Government be pleased to state:

(a) if telegraphists as also subordinate employees in the Postal Department have been recently given promotions according to their length of service;

(b) if it is intended that the concessions made in the case of the classes of employees referred to above will be extended to the non-ministerial employees of other Imperial Departments like Customs and Income-Tax who rise from the ministerial to the non-ministerial grade; and

(c) if the reply to part (b) be in the negative, the reasons why the concessions are not to be extended?

The Honourable Mr. W. M. Hailey : (a) The clerical staff in Post Offices who were formerly on a graded system have been brought on to a time-scale of pay according to the length of their past permanent service in the Department. Telegraphists have from the first been on a time-scale; this has recently been revised.

(b) and (c). In the Customs Department, promotions from the ministerial to the non-ministerial grades are made only in exceptional cases and there is no intention of allowing service in the ministerial grade in such cases to count towards increments in the non-ministerial grade. Without a reference to Local Governments concerned, it cannot be stated whether the concession referred to in part (a) of the question has been or will be extended to the Income-Tax Department. It is only recently that special income-tax agencies have been organised in the different provinces for the administration of the Income-Tax Act and the staffing of the Department has been left in the hands of Local Governments.

RISE IN PRICES OF CORN.

428. **Mr. Muhammad Yamin Khan :** What steps has the Government taken and what further steps, if any, is it going to take to check the rise in prices of corn and to bring them to pre-war normal standard?

Mr. J. Hullah : The Honourable Member is referred to the reply which I gave on the 19th September to Question No. 312.

GAMBLING IN GRAIN PITS.

429. **Mr. Muhammad Yamin Khan :** Is the Government aware of the evils of gambling in grain pits, and is it going to stop it by legislation?

Mr. J. Hullah : Government are aware that speculation in grain is often regarded as an evil, but they do not think that sufficient grounds exist for attempting to control the practice by legislation.

Mr. Abul Kasem : Is it not a fact that gambling in grain pits is prevented by legislation in Bengal?

Mr. J. Hullah : Not so far as I know.

RAILWAY ACCIDENTS ON OUDH AND ROHILKHAND RAILWAY.

430. **Mr. Muhammad Yamin Khan :** (a) How many persons were killed and injured by the Railway accident caused by a broken bridge near Amroha on the Oudh and Rohilkhand Railway Line?

(b) What steps or precautions, if any, has the Government taken to stop or avoid an occurrence of this nature in future?

Colonel W. D. Waghorn : (a) The number of persons killed in the recent railway accident at Amroha, Oudh and Rohilkhand Railway, as far as is known, is 42 including the engine crew of 3, and the number of injured 30.

(b) So far as avoiding a recurrence at the site is concerned, a committee of experts appointed by Government has recommended that the new bridge should be built with about 50 to 60 feet of additional waterway, and with piers and abutments founded on wells sunk to 15 feet below the bottom of the deepest hole scoured out on the day of the disaster.

As regards precautions for the general avoidance of such accidents, it is not possible to take any measures which will constitute a guarantee of safety. There are already in force rules governing the construction and inspection of bridges generally. By this means every reasonable precaution possible has been taken.

CORRESPONDENCE *re* CALCUTTA MUNITIONS CASE.

431. **Mr. A. B. Latthe :** (a) Will the Government place on the table the correspondence leading up to the order of the Government of India directing the withdrawal of the complaint against Rao Bahadur Karnani and Mr. Banerjee, two of the accused in the Calcutta Munitions case?

(b) If this cannot be done, will the Government explain fully the reasons which induced the Government to pass that order?

(c) Is the Government aware of the reply which was given by the counsel for the accused in this case to the remarks of the Advocate-General? If so, does the Government accept that reply as correct? If it does not, is the Government going to take any steps against the said accused?

(d) What is the total expenditure incurred on this case up to the withdrawal of the case against the two accused?

(Vide reply to Question No. 373.)

SOUTH AFRICANS VISITING OR RESIDING IN INDIA.

432. **Mr. A. B. Latthe :** Does the Government propose to undertake any legislation sanctioning the same treatment to South Africans visiting or residing in India as is meted out to Indians who have been residing in or visiting South Africa?

Mr. J. Hullah : The attitude of the Government of India towards retaliatory legislation against South Africans residing or settling in India was fully explained in the speech of the Honourable Sir George Barnes delivered on the occasion of the introduction of the Indian Emigration Bill in the Legislative Assembly on the 21st March 1921.

EXPENDITURE ON THE MUNITIONS FRAUD PROSECUTIONS.

433. **Rai S. C. Sen Bahadur :** (a) Will the Government be pleased to state the amount of total expenditure that the Government incurred in the Munitions Fraud prosecutions?

(b) Are the Government aware that while withdrawing the prosecution against Rai Bahadur Sukh Lal Karnani, Mr. J. C. Banerjee and Mr. H. Stringer in what is known as the Munitions Fraud Case before the Chief Presidency Magistrate of Calcutta the Advocate-General of Bengal made a statement to the effect that the Government of India had been informed from various sources that if the prosecution of Karnani and Banerjee were proceeded with, widespread commercial and industrial interests would be seriously affected? Will the Government be pleased to state what widespread commercial and industrial interests would have been affected if the trial against these two persons were proceeded with?

(c) Will the Government be pleased to state when the Government first came to know that widespread commercial and industrial interests would be seriously prejudiced if the prosecution against the said two persons were proceeded with?

(d) Will the Government be pleased to state if there is any truth in the report of the Associated Press telegram, dated Simla, August 12, that the Government's decision to apply for permission to withdraw the said prosecution was not known to His Excellency the Viceroy until the withdrawal had actually taken place? If so, will the Government be pleased to state on whose authority the sanction to withdraw the case was accorded?

(e) Did any one approach the Government for withdrawing the prosecution against the said two persons? If so, who?

(f) Will the Government be pleased to lay on the table all papers relating to the withdrawal of the above prosecution?

(Vide reply to Question No. 373.)

ASSAM TEA GARDEN COOLIES AT CHANDPUR.

434. **Rai S. C. Sen Bahadur :** (a) Are the Government aware that with reference to the treatment of the Assam Tea Garden coolies at Chandpur in April last the Secretary of State for India stated in the House of Commons that the Government of Bengal had acted towards the coolies with great humanity?

(b) Will the Government be pleased to state if the said statement of the Secretary of State for India in the House of Commons was based on any material supplied to him by the Government of India? If so, will the Government be pleased to state what acts of the Government of Bengal were meant in the said statement of the Secretary of State?

The Honourable Mr. C. A. Innes : The statement referred to by the Honourable Member was based on the information contained in the Press Communiqué published by the Government of Assam on the 6th of June last and the Report of the Honourable Sir Henry Wheeler published on the 8th of June. Copies of these documents were cabled home to the Secretary of State.

TRANSFER OF BABU T. P. MUKERJEE OF THE POSTAL DEPARTMENT.

435. **Mr. M. K. Reddi Garu:** Will the Government be pleased to state:

- (a) if it is a fact that under departmental regulations, Postal officers in the grade of Rs. 250—350 are liable to transfer only within the circle and outside the circle in which they work;
- (b) if it is a fact that an officer by name Babu Tarapada Mukerjee of Calcutta has been transferred out of India, on his own pay; and if so, on what grounds;
- (c) if it is true that he is the leader of the Post Office workers and the founder of the R. M. S. Association, Calcutta;
- (d) will the Government be pleased to lay on the table any Resolution of protest on his transfer, received from the Provincial Postal and R. M. S. Association, by Government, and what action have the authorities concerned taken on that Resolution?

Colonel Sir S. D. A. Crookshank: (a) There are no such regulations. A postal officer of any grade is liable to serve in any part of India or Burma, but it is the practice of the Department to confine the posting of the men in the lower grades to the postal circle in which they are recruited. The present limit of Circle transfer is Rs. 350.

(b) Yes. Babu Tarapada Mukerji is, for administrative reasons, under order of transfer to Burma where he is likely to get acting promotion in the next higher grade. Acting promotion in the grades above Rs. 250—350 generally involves transfer to another Circle.

(c) Government has no definite information on the point, but it is believed to be so.

(d) The papers are laid on the table.

Copy of a telegram dated 13th August 1921, from Secretary, Burma Postal Association, to the Director General of Posts and Telegraphs.

Burma Postal Association strongly protests against transfer of Babu Tarapada Mukerjee from Bengal to Burma on same pay. This is a flagrant and deliberate violation of solemn pledge given not to penalise the executive officers of Postal Associations on the hackneyed reason of interest of service. Solicits sympathetic reconsideration.

Extracts from the Proceedings of a Meeting of the Sylhet District Postal Association held on the 8th August, 1921.

2. Resolved unanimously that Babu Tarapada Mukherjee's name be suggested as president elect at the coming session of the Postal and Railway Mail Service Conference to be held at Lahore on the 9th, 10th and 11th October 1921.

3. This Association views with alarm the transfer of Babu Tarapada Mukherjee to Burma on the hackneyed reason of "interest of service" who is the recognised leader and the backbone to the entire body of Postal and Railway Mail Service employees throughout India and records its indignant protest against this transfer.

5. Resolved that the number of appointments in the selection grade be increased and that such appointments be kept open to the officials of the clerical cadre.

6. This Association records its deep disappointment at the present mode of recruiting men for the Telegraph Department from outside thus ignoring the claims of the registered postal candidates in the Postmaster-General's office.

7. The reply of the Director General refusing the grant of special concession to the combined hands is disappointing in consideration of the additional telegraph work thrust on the shoulder of the already overworked officials of the Department.

8. The officials picked up for the Inspectors and Superintendents' Head clerk have got better pay and prospects than those of the clerical cadre. With the introduction of the time scales of pay their pay has been raised to Rs. 100—175. Again some junior men of this cadre have got the lion's share in the selection grade in the Bengal and Assam Circle although it is altogether inconsistent with the Government of India Resolution No. 6458, dated the 23rd September 1920. It is therefore urged that the selection grade appointments be kept entirely open to the men of the clerical cadre.

9. Resolved that the copies of the Resolutions Nos. 2, 3, 5 to 8 be sent to the Viceroy, the Director General, Postmaster-General, Deputy Postmaster-General, Shillong, the S. P. Sylhet and the Secretary to the Provincial Postal Association, Calcutta.

H. C. SINHA, Secretary,

Postal Association, Sylhet.

An Extract from proceedings of the general meeting of the Association held on the 17th August 1921 at 6 p. m.

III. Read the Resolutions passed by the Provincial Association, Calcutta, in a meeting held on the 2nd August 1921 and forwarded by the Honorary Secretary, Provincial Association, Calcutta, with his endorsement No. 160, dated the 2nd August 1921.

(a) Resolved that this Association learns with alarm and dismay the action of the Government in ordering transfer of Babu Tarapada Mukherji, B. A., a staunch devotee to the cause of the Subordinate staff of the Department generally to Burma on his own pay on the hackneyed plea of "interest of service" when his wife is struggling between life and death and holds that such an action on the part of the authorities, which is in direct contravention of Government's repeated assurance of good will to the Association is nothing but an attempt to persecute the recognised leader of the movement and thereby to repress the legitimate and constitutional development of the Association.

(b) Resolved also that this Association enters its most indignant protest against the persecution of such a recognised leader when humanity itself is calling aloud for sympathy and compassion on him and records a note of warning to the authorities that the continuance of such persecution will only lead to a tension of feeling amongst the employees and urges upon the Government to cancel said order of transfer in order to arrest the seriously increasing discontent.

(c) That this Association fully endorses the views of the Provincial Association, Calcutta, as embodied in their resolutions above referred to and urges upon the Government to take immediate steps in the matter.

No. 19P., dated Mymensingh, the 23rd August 1921.

Copy forwarded to (1) the Director General, Posts and Telegraphs, Calcutta, (2) the Government of India, Department of Commerce, (3) the Postmaster-General, Bengal and Assam, Calcutta.

(Sd.)

Honorary Secretary,

Postal and Railway Mail Service Association, Mymensingh.

POSTAL CLUB.

CALCUTTA.

The 2nd August, 1921.

At a meeting of the members of the Postal Club held on Tuesday, the 2nd August 1921, the following resolutions were unanimously carried:—

(a) After the recognition by the Government of the right of the employees to form associations and after the assurance repeated on occasions that office bearers and those taking

active interest in the cause of the associations would not be penalised, this meeting is surprised to find that Babu Tarapada Mukherjee, who has been devoting the best of his energies on behalf of the Postal and Railway Mail Service Association and for the subordinate staff generally, has been transferred to Burma on his own pay on the hackneyed reason of 'interest of service' without any the least justifiable ground for this transfer out of India except for the purpose of penalising him on account of the interest he was taking on behalf of his fellow workers.

(b) This meeting records its indignant protest against the persecution of the recognised leader of the subordinate staff and is deliberately of opinion that nothing is calculated to exasperate the officials and try their patience to the breaking point more than this heartless and senseless transfer of their leader when he is under the shadow of an impending calamity—possibly the greatest which can overtake a family man.

(c) This meeting is constrained to construe the Director General's action as an attempt towards injuring the Postal and Railway Mail Service Association and therefore views the Director General's action as a breach of faith.

(d) This meeting while indignant at the Director General's action, recognises that the Postal and Railway Mail Service employees in Burma would have sufficient reasons to congratulate themselves and to be grateful to the Director General for transfer of Babu Tarapada Mukherjee if the Postal and Railway Mail Service officials in Bengal and Assam Circle would consent to his expatriation.

WAR INDEMNITY PAYABLE TO INDIA.

436. **Mahmood Schamnad Sahib Bahadur:** Will the Government be pleased to state whether they have made out the exact sum due to India out of the Indemnity payable by the enemies in the late war? If not, whether they do not propose to do so immediately and submit it to the Home Government?

The Honourable Dr. T. B. Sapru: The Government of India have furnished the India Office with an estimate of the various claims (approximating Rs. 80,75,947) official and private against Germany and her Allies under categories (1) to (4), (6) and (8) to (10) of Annexure I, Section I, Part VIII of the Treaty of Versailles for presentation to the London Reparation Committee. Claims under categories (5) to (7) relating to pensions to naval and military victims of the war and allowances to the families and dependants of mobilised persons, etc., which constituted the bulk of India's claims, were preferred by Secretary of State himself direct. Details are still awaited but the Government of India have some reason to believe that the amount of £17.4 millions, which has been allotted by the Imperial Conference held in London, to India as its share of the total amount due from Germany, is, on the calculations made at Home, in excess of the actual sums by which India should eventually be out of pocket under the headings for which Germany admitted in the Treaty of Versailles her liability to payment of reparation, and that no other part of the Empire has obtained a similar proportion.

ENHANCEMENT OF RAILWAY FARES.

437. **Mahmood Schamnad Sahib Bahadur:** Will the Government be pleased to state:

- whether the raising of the railway fare during the war period was not done on the understanding that the former rate would be restored after the war;
- whether Government has approved the action of the Railway authorities in raising the fare still higher;
- are the Government aware that the raising of the fare still higher is very much felt and resented by the travelling public?

Colonel W. D. Waghorn: (a) On the assumption that the Honourable Member refers to passenger fares, I may say that when Government in 1917 sanctioned increased maxima rates for first and second class passenger fares generally and for intermediate and third class fares by mail and fast passenger trains only, there was no understanding such as is implied in the question.

(b) Railway administrations are permitted to vary the basis of the fares charged between the maxima and minima rates prescribed by Government. As is indicated in the reply to (a), the enhancements sanctioned by Government referred to first and second class fares, and to intermediate and third class fares by mail and fast passenger trains only, the maximum rate for ordinary third class traffic being retained—Railway administrations which have taken advantage of the increased maxima rates sanctioned by Government, and of their ability to quote rates on the basis of the maximum sanctioned for third class traffic by ordinary trains, have done so in order to meet the greatly increased working expenses on Indian Railways, and in the opinion of the Railway Board their action is justified.

(c) Government recognise and regret the inconveniences involved in any enhancement of fares which affects the poorer classes of the community, but circumstances have rendered necessary the steps taken to enable the earnings of railways to keep pace with the increase in working expenses, and it is only in the case of the fares of intermediate and third class passengers who elect to travel by mail and fast passenger trains that revised maxima were sanctioned in 1917.

DISBANDMENT OF THE 2-73RD MALABAR INFANTRY.

438. **Mahmood Schamnad Sahib Bahadur:** (a) Will the Government be pleased to state the reasons that induced them to mark out the 2-73rd Malabar Infantry for disbandment?

(b) Do the Government propose to reconsider their decision as this is the only regiment from Malabar?

Sir Godfrey Fell: (a) Owing to reductions that are being made in the Indian Army, the disbandment of units which are surplus to India's requirements must be carried out. The 2-73rd Malabar Infantry was considered unfit for service in Mesopotamia and had to be returned to India.

(b) The Government of India regret that they cannot reconsider the decision to disband the regiment.

TRANSFER OF ADEN TO THE COLONIAL OFFICE.

439. **Mahmood Schamnad Sahib Bahadur:** Will the Government be pleased to state whether the transfer of Aden to the Colonial Office has been decided on with the consent of the Government of India? If so, what are the reasons that induced them to consent?

The Honourable Dr. T. B. Sapru (on behalf of the Honourable Mr. Denys Bray): I would refer the Honourable Member generally to the answer given by the Honourable Mr. Bray in the Council of State on the 26th March 1921, to a question on the subject of Aden asked by the Honourable Mr. Bhurgri. The question of the transfer of the administration of the Aden Settlement to the Colonial Office is still under consideration.

CLERICAL ESTABLISHMENT IN THE OFFICE OF THE DIRECTOR OF MEDICAL SERVICES IN INDIA.

440. **Rai Bahadur Bakshi Sohan Lal:** Will the Government be pleased to state:

- The total strength of the clerical establishment of the Office of the Director of Medical Services in India before the outbreak of war and the number of appointments sanctioned on account of war since 1914?
- The minimum pay of clerks and the pay of the Chief Clerk before the present revision in the Office of the Director of Medical Services?
- The minimum pay of the clerks in the Office of the Director-General of Indian Medical Service and that of the Chief Superintendent before the present revision?

Sir Godfrey Fell: (a) The authorised strength of the clerical establishment of the Office of the Director of Medical Services in India at the outbreak of the war was 31. This was increased during the war to 109. The present sanctioned strength is 167.

(b) The minimum pay of a clerk before the present revision was Rs. 40 per mensem; the pay of the Chief Clerk was Rs. 550 a month.

(c) The minimum pay of a clerk in the office of the Director-General of Indian Medical Service, before the present revision was Rs. 50 a month; the pay of the Chief Superintendent was Rs. 500 a month.

OPIMUM SOLD IN AND EXPORTED FROM INDIA.

441. **Mr. N. M. Joshi:** (1) Will the Government be pleased to give the most recent figures for:

(a) the amount of opium sold per annum (i) in India, (ii) for export abroad;

(b) the price realised by the Indian Government for the export of opium in the last financial year;

(c) the amount of the Indian opium exported to Mauritius;

(d) the amount of the Indian opium exported to the Straits Settlements?

(2) Will they also be pleased to state the terms of the five years' opium contract with the Hong Kong Government?

The Honourable Mr. W. M. Hailey: The most recent figures available and the years to which they refer, are given below:

(a) Amount of opium sold per annum:

For consumption in India	...	...	Mds.
			10,986
For export abroad	...	...	in 1919-20;
			9,837 chests.
			(=14,215 Mds.) in 1920-21.

(b) The price realized by sales for export in 1920-21 is Rs. 3,04,37,750;

(c) Nil in 1920-21;

(d) 3,040 chests in 1920-21;

(2) The agreement provides for the supply of opium at Rs. 4,000 per chest, subject to reduction if a lower price is charged to any other Government. The Government of Hong Kong agrees to take substantially the whole of its requirements from India, but is under no obligation to take a minimum quantity of opium.

DANGEROUS DRUGS BILL.

442. **Mr. N. M. Joshi:** Is the Government of India prepared to introduce, on its own initiative, a Dangerous Drugs Bill, similar to Mr. Shortt's Bill recently passed for the United Kingdom and Ireland?

The Honourable Mr. W. M. Hailey: So far as the Government of India are concerned, that is, as regards the import and export of these drugs, there is already in existence completely effective legislation. As regards the internal traffic in opium and its derivatives this also is strictly controlled by legislation; it is, however, now a provincial transferred subject and, therefore, one which in future would more appropriately be regulated by legislation, should this be necessary, in provincial legislatures.

For fuller information on the subject, I would refer the Honourable Member to the despatches on the subject published in the Supplement to the 'Gazette of India' of the 17th instant.

COMMITTEE ON LABOUR CONDITIONS IN FIJI.

443. **Mr. N. M. Joshi:** Will the Government of India be pleased to state if the Committee recently appointed by them to proceed to Fiji with a view to inquire into the labour conditions in that Colony is free also to inquire into the causes of the Indian riots of February 1920 and the methods adopted to suppress them?

Mr. J. Hullah: The attention of the Honourable Member is invited to the Press Communiqué, dated June 27th, 1921, paragraph 6 of which reads as follows:

'The Government of India and the Government of the Fiji Islands have agreed accordingly that the terms of reference to the Committee about to visit Fiji should be as follows: (1) To inquire into the condition of Indians now resident in Fiji and to ascertain the causes of discontent; (2) to advise whether or not, having regard to all the circumstances of the case, Fiji offers a suitable field for Indian colonization. It will be understood that it is not the intention of Government of India that the Committee should interfere in the domestic affairs of the Colony. Its functions will be to collect first-hand information regarding the conditions of Indian life in Fiji. It will report to the Government of India, and its report will furnish material for decision by the Indian Legislature whether Indian colonization in Fiji should be permitted under the new Emigration Bill.'

It will thus be seen that it is not the intention of the Government of India to interfere with the domestic affairs of the Colony, though the Committee may and will ascertain the causes of discontent with a view to enable them to furnish material in their report for a decision as to whether Indian colonization in Fiji shall be permitted under the new legislation regarding Emigration.

TRANSFER OF ADEN TO THE COLONIAL OFFICE.

444. **Mr. N. M. Joshi:** (a) Has the transfer of the administrative control of Aden from the Government of India to the Colonial Office been decided upon?

(b) If so, what steps did the Government of India take to consult Indian public opinion on the point especially the opinion of the large Indian community settled in Aden?

(c) Are they aware of the fact that the proposed transfer has excited considerable discontent in the Indian commercial community in Aden?

(d) If the transfer has not yet been finally settled, will they give the Indian Legislature an early opportunity of discussing the whole question? And, if so, how and when do they propose to give such opportunity?

The Honourable Dr. T. B. Sapru: (a) I would refer the Honourable Member generally to the answer given by the Honourable Mr. Bray in the Council of State on the 26th March 1921, to a question on the subject of Aden asked by the Honourable Mr. Bhurgri. The question of the transfer of the administration of the Aden Settlement to the Colonial Office is still under consideration.

(b) The Government took no special steps to ascertain the views of particular communities, in view of the unanimous Resolution passed by the Aden Chamber of Commerce on the 19th January 1920, expressing 'its earnest desire that Aden should be placed under the British Colonial Office, which it is believed would be conducive to the extension of Aden trade and the welfare of its inhabitants.'

(c) The Government are aware that certain traders and residents of Aden have since shown considerable discontent over the proposed transfer.

(d) Government would welcome an expression of the opinion of the Indian Legislature. I would remind the Honourable Member that the proposal has long been a matter of common knowledge, and that it has been open to any Honourable Member of either House to raise a discussion on it by means of a Resolution at any stage in their last sessions and in this.

Mr. N. M. Samarth: Is it or is it not a fact that the Aden Chamber of Commerce referred to in the reply have since represented to Government that they were under the impression that Aden was going to be transferred to the Egypt Government?

The Honourable Dr. T. B. Sapru: I want notice of that question.

EMOLUMENTS OF THE INDIAN IMPERIAL SERVICES.

445. **Mr. N. M. Joshi:** Will the Government of India be pleased to state:

(a) if they have received protests from public bodies like the Deccan Sabha of Poona and the Western India National Liberal Association with regard to the proposed increments in the emoluments of the Indian Imperial Services, as foreshadowed by the Secretary of State in his recent replies in the House of Commons?

(b) If so, whether they will give an opportunity to the Indian Legislature for a discussion of the new proposals before they are given effect to?

The Honourable Sir William Vincent: (a) Yes.

(b) I would refer the Honourable Member to the Home Department Resolution No. D.-449, dated the 26th July 1921, and Finance Department Resolution No. 1559-E.A., dated the 16th August 1921, from which he will see that we have already given effect to the orders of the Secretary of State on the memorials of the services.

PASSENGER ACCOMMODATION IN TRAINS BETWEEN ELLICHPUR AND YEOTMAL.

446. **Khan Sahib Maulvi Abdul Qadir:** (a) Are the Government aware that in all the trains running between Ellichpur and Yeotmal there is only one upper class compartment available and that there are no second and intermediate class carriages in those trains and in consequence of the absence of such carriages middle class passengers are put to much inconvenience?

(b) If so, will Government take early steps to remedy the defect?

Colonel W. D. Waghorn: The matter has been brought to the notice of the Railway Administration concerned who are making inquiries as to whether second and inter class carriages can be provided on the trains referred to and also whether the additional upper class accommodation asked for is justifiable.

THE BENGAL MUNITIONS CASE.

447. **Dr. H. S. Gour:** (a) Is it a fact that the Bengal Munition prosecutions have been finally withdrawn?

(b) If so, by whose authority were the prosecutions launched and who authorised their withdrawal, and why?

(c) Is it a fact that the misappropriations are estimated at 9 Crores of Rupees? If not, what is their correct estimate?

(d) What has been the total cost of this prosecution? Will Government name all the solicitors, pleaders and counsel engaged for the prosecution and the total sums paid to each of them?

(e) Is it a fact that the direct charges related to Rs. 1,49,000 alleged to have been obtained by cheating by the accused?

(f) What arrangement has the Government made, or does it propose to make for the realization of this money?

(g) Is the Government aware that the withdrawal of this prosecution has caused great public indignation?

(h) Will the Government lay on the table all papers relating to the subject?

(Vide reply to Question No. 373.)

PAY OF THE CLERICAL STAFF, MEDICAL SERVICES, ARMY HEADQUARTERS.

448. **Rai Bahadur Bakshi Sohan Lal:** (a) Will the Government be pleased to state how far it is correct:

(i) that the scale of the pay of the clerical staff of the Medical Services in the Army Headquarters is nearly double that of the clerical staff of the Director-General of Indian Medical Service;

(ii) that there are two efficiency bars in both the lower and upper divisions of the attached offices, whereas there is only one in the Secretariat?

(b) If so, what is the reason for this differentiation?

Sir Godfrey Fell: (a) (i). No. A comparative statement shewing the rates of pay sanctioned for the clerical staff in the office of the Director of Medical Services at Army Headquarters and of the Director-General, Indian Medical Service, is laid on the table.

(a) (ii). Yes, except in the case of Army Headquarters offices, where there is only one efficiency bar in each division as in the Secretariat.

(b) The pay of the clerical staff in the office of the Director of Medical Services is based on the scales of pay authorised for Army Headquarters offices, and that of the clerical establishment of the office of the Director-General, Indian Medical Service, is the general rate of pay for Attached Offices. The Honourable Member is referred to the reply given by Mr. O'Donnell on the 1st March 1921 to clause (b) of Question No. 337.

As regards the efficiency bars, when the Secretariat scale was introduced, one bar was thought to be sufficient; but when the point was reconsidered later on in the case of the attached offices, it was thought desirable, in the interests of efficiency, to have two bars in future instead of one.

Name of office.	Chief clerk in Medical Services or Chief Superintendent in Director-General, Indian Medical Service office.	Superintendent.	Assistants.	Clerks.	Stenographers.	REMARKS.
Office of the Director-General, Indian Medical Service.	Rs. 600-40-800	Rs. 350-25-600	Rs. *120-8-160-10-350 with efficiency bars at Rs. 200 and Rs. 300.	Rs. 75-4-155-160-5-175 with efficiency bars at Rs. 115 and Rs. 155.	Rs. 150-10-300-150-5-250.	* A technical assistant draws Rs. 280-10-450.
Medical Services at Army Headquarters.	600 plus a duty allowance of Rs. 50-25-75.	500-20-600	+200-12-440 with an efficiency bar at Rs. 332-350-20-450.	+90 8-250 with an efficiency bar at Rs. 146-250-25-300.		+ Probationers officiating and temporary assistants draw Rs. 175. + Probationers officiating and temporary clerks draw Rs. 75.

SHIPMENT OF WHEAT FLOUR TO FOREIGN COUNTRIES.

449. **Rai Bahadur Paudit J. L. Bhargava :** (a) Is it a fact that large quantities of wheat flour are being shipped to foreign countries from the Port of Karachi?

(b) If the answer be in the affirmative, will the Government be pleased to consider the advisability of stopping forthwith the export of wheat flour, wheat and other foodgrains outside India?

Mr. J. Hullah : (a) No. The export of wheat flour from Karachi or any other port in India is not allowed except in very small quantities allotted to certain countries in the Indian Ocean.

(b) The export of all food grains from India is already under severe restrictions amounting almost to complete prohibition.

RAILWAY POLICE COMMITTEE'S REPORT.

450. **Mr. K. B. L. Agnihotri :** Will the Government be pleased to state the steps that they propose to take, on the recommendations of the Railway Police Committee's report, to stop thefts on the railways?

The Honourable Sir William Vincent : Railway Administrations are being consulted with reference to the recommendations contained in the Report of the Railway Police Committee, and the steps it is proposed to take on them will be considered when replies have been received.

FINANCIAL RELATIONS WITH PROVINCIAL GOVERNMENTS.

451. **Mr. P. S. Kamat :** (a) Will Government be pleased to say if they have considered whether the time has come to revise the financial relations with Provincial Governments and get the Meston Committee's arrangements modified?

(b) Are Government aware of an acute feeling prevailing amongst Bombay merchants particularly about the division of income-tax receipts between the Central and the Provincial Governments in the light of the state of Provincial finance in Bombay?

The Honourable Mr. W. M. Hailey : (a) Government do not consider that there would be any justification for a general revision of the nature suggested.

(b) I am aware that representations were made from Bombay both to the Financial Relations Committee and to the Parliamentary Joint Committee asking for a larger share of the income-tax receipts than was finally allotted to the provinces in the Devolution Rules framed by Parliament.

DUTY ON COMPONENT PARTS OF MACHINES.

452. **Mr. B. S. Kamat :** (a) Will Government be pleased to state if their attention is drawn to the fact that a duty of 11 per cent. is chargeable on the component parts of machines, whereas the machines themselves are charged a duty of 2½ per cent. only?

(b) If so, do Government propose to take any steps in the matter?

The Honourable Mr. C. A. Innes : The attention of the Honourable Member is invited to item 53 of the Import Tariff Schedule under which

machinery and component parts thereof as defined in the item are admitted at the 2½ per cent. rate of duty. Component parts of machinery which do not satisfy the criteria imposed in item 53 are assessed at 11 per cent. The whole question of the definition of machinery and component parts thereof is at present under the consideration of the Government of India.

SEPARATION OF EXECUTIVE AND JUDICIAL FUNCTIONS.

453. **Rao Bahadur P. V. Srinivasa Rao Pantulu Garu :** Will the Government be pleased to state if the separation of executive and judicial functions was given effect to as an experimental measure anywhere in India? If so, when, where, and how?

The Honourable Sir William Vincent : There has been during the last fifty years in India a gradually extending separation of judicial from executive functions, but there has been no experiment of a complete separation anywhere in India.

EMOLUMENTS OF ALL-INDIA SERVICES.

454. **Rao Bahadur P. V. Srinivasa Rao Pantulu Garu :** Have the Government of India submitted any proposals to the Secretary of State regarding the increment in emoluments of all-India Services? If so, will the Government be pleased to place them on the table?

The Honourable Mr. W. M. Hailey : I would invite the Honourable Member's attention to the replies which I have already given to questions asked by Mr. Rangachariar and Mr. Neogy.

EXPENDITURE ON HIS ROYAL HIGHNESS THE PRINCE OF WALES' VISIT.

455. **Rao Bahadur P. V. Srinivasa Rao Pantulu Garu :** Will the Government be pleased to state what is the estimated expenditure in connection with the visit of His Royal Highness the Prince of Wales? If an estimate of the same is prepared, will the Government be pleased to place it on the table?

The Honourable Sir William Vincent (on behalf of the Honourable Sir John Wood): A sum of Rs. 20,00,000 has been provided in the Budget for expenditure on account of His Royal Highness the Prince of Wales' visit, and the Government of India do not anticipate that this amount will be exceeded. Estimates within this figure are still under consideration, and it is not proposed to place them on the table.

COST OF INDIAN ADMINISTRATION.

456. **Rao Bahadur P. V. Srinivasa Rao Pantulu Garu :** Is the Government of India aware that there is real and widespread discontent among the people that the present administration of the country has become too costly and top-heavy? If so, do the Government propose to take any steps to effect a reduction?

The Honourable Sir William Vincent : Government do not propose to take any steps to effect a reduction in the Government of India itself where the administration is by no means top-heavy. In the Provinces

Ministers are appointed by the Governor, and their salaries are voted by the Legislative Council of the Province. The Members of a Governor's Executive Council are appointed by His Majesty and are of such number not exceeding four as the Secretary of State in Council may direct. The Government of India will, however, always be prepared to consider any representations from a Local Government that the number of Members is excessive, but it must be remembered that they are not the controlling authority and the work has increased very greatly under the Reforms. The Honourable Member will readily understand that the new system of ministerial and council Government inevitably requires a larger Secretariat.

KHOREAL SHOOTING CASE.

457. **Mr. K. Ahmed :** (a) Is it a fact that the Government has received complaints regarding the Khoreal Shooting Case tried at the Calcutta High Court sessions?

(b) Will the Government be pleased to state whether it intends to take steps in the way of legislation to meet such complaints?

(c) Are the Government aware that the father of Hira had exclaimed in the course of the trial that justice has been denied to him?

(d) Are the Government aware that in the Editorial Column, the *Indian Daily News* in its issue of the 24th June 1921, has remarked that 'In our view the verdict is to be regarded not only with suspicion but with pity at the perverse mentality of those who were only too ready to pronounce the prisoner not guilty in 5 minutes, lest the prestige of the British Raj suffer by the conviction of a European'?

The Honourable Sir William Vincent : (a) No complaints, apart from the adverse comments in the public press, have been received.

(b) The question of undertaking legislation is under consideration, and I have already stated what the intentions of Government are.

(c) Government have no information on the point.

(d) No. I cannot find any such passage in the editorial column of the *Indian Daily News* of the 24th June 1921.

Mr. K. Ahmed : Was there a telegram sent by a pleader of Howrah to His Excellency the Viceroy with regard to this matter?

The Honourable Sir William Vincent : I am afraid all telegrams sent to the Viceroy do not come to the Home Department.

Mr. K. Ahmed : Is it not a fact that a memorial was sent to the Government asking for the removal of this great anomaly of miscarriage of Justice?

The Honourable Sir William Vincent : I have told the Assembly that we propose to appoint a Committee to investigate the system. I cannot remember any petition asking us to reopen this particular case, though I am speaking of course from memory and may be wrong.

ISLAMIC DEPUTATION TO ENGLAND.

458. **Mr. K. Ahmed :** (a) With regard to the Islamic Deputation to England, will the Government be pleased to state how and under what circumstances the said Deputation was sent and how its members were selected?

(b) Was there any hint for such selection of members given from England through the Secretary of State for India or did Government select them according to their discretion?

(c) Will the Government be pleased to state in full what was the cost for such Deputation giving particulars in detail regarding what subsidies they have received and whether the amount paid was that demanded by its members?

(d) Were the members of the said Deputation received by His Majesty's Government and given reception and hospitality similar to other Deputations from different countries received by His Majesty's Government in England?

(e) Is it a fact that the costs of the Deputation were borne by the Government of India, whereas the cost of the other Deputations from different countries received by His Majesty's Government in England were defrayed by the British Exchequer?

(f) Will the Government be pleased to lay on the table the statements submitted by the members of the said Deputation?

(g) What principle was followed for payments towards the cost of the Deputation if its expenses have been met from Indian revenues?

The Honourable Sir William Vincent: (a) In order that the views of Indian Muslims might be fully represented in England, the Government of India who had already made frequent representations considered it advisable in the last resort, to make a further effort by sending a Deputation consisting of influential Muhammadans to place their views before the Conference in London. The Members were selected by the Government of India.

(b) No. The Members were selected at the discretion of the Government of India.

(c) The precise cost of the Deputation is not known; approximately the total cost was between £2,000 and £3,000, i.e., between 30,000 and 40,000 rupees. The delegates were allowed actual travelling expenses between India and England; cost of their passports; rent of flats and ten guineas (approximately Rs. 130) a day each during their stay in England. Members claimed 20 guineas a day (i.e., approximately Rs. 300). The amounts were fixed by the Secretary of State.

(d) Government have no information, but they were no doubt hospitably received.

(e) Yes. No information is available as to the procedure adopted in regard to the Deputations from other countries.

(f) Complete statements have not yet been received.

(g) As the Deputation sent out was in all India interests, the expenditure is being borne by Indian revenues.

Mr. R. A. Spence: Is there any chance of the Legislative Assembly being paid on the same rates as the Deputation was paid?

The Honourable Sir William Vincent: I am afraid, not.

INDIAN REPRESENTATIVES TO CONFERENCES.

459. **Mr. K. Ahmed:** Do Government propose to make it a rule that in the matter of selecting representatives to represent India and its people, at any Conference anywhere it should be left entirely to Indians or their representatives to select their own people?

The Honourable Sir William Vincent: Government are not clearly aware of the Conferences to which the Honourable Member refers. If the people of India wish to select persons to represent themselves at any Conference to which they are entitled to send a representative, they will doubtless do so.

ENGLISH LIQUOR SOLD IN INDIA.

460. **Mr. K. Ahmed:** Will the Government be pleased to state of what amount of money and of what quantity Great Britain sell wine and liquor per year in India?

The Honourable Mr. C. A. Innes: The Honourable Member is referred to the annual and monthly statements of the Sea-borne Trade of British India, which are available in the Library.

INDIAN AND BRITISH OFFICERS IN THE WAR BETWEEN GREECE AND TURKEY.

461. **Mr. K. Ahmed:** (a) Will the Government be pleased to state in full whether any Indian and British officers are in the battle fields where the Greeks and their allies are fighting with the Turks?

(b) If the answer be in the affirmative, will the Government be pleased to take early steps through the Secretary of State and the Prime Minister to withdraw the officers?

Sir Godfrey Fell: (a) So far as the Government of India are aware, the only officers of our forces who are with the Greeks in Anatolia, are a few British officers of comparatively junior rank who are attached to the Greek Headquarters *behind the fighting line* and who take no part whatever in the operations. Their sole function is to study the course of operations from a professional point of view. It is customary when any foreign powers are engaged in hostilities for officers of neutral powers to be attached in this manner.

The Greeks, it is understood, have no allies.

(b) In view of the reply just given, this question does not arise.

Mr. K. Ahmed: Are the Greeks allied to the British in this war?

The Honourable Sir William Vincent: The answer is in the negative, if as I understand the Honourable Member inquires whether the British are the allies of the Greeks in this war.

URINAL AND OTHER CONVENIENCES IN THIRD CLASS CARRIAGES.

462. **Rai T. P. Mukherjee Pahadur:** Is the Government aware of the inconveniences of the public for want of privies and urinal arrangements and water arrangements in all third class compartments of Railway trains; if so, does the Government intend to remove them?

Colonel W. D. Waghorn: Government have received no complaints from the travelling public in regard to the want of latrines in third class carriages.

It may be stated that all railways have provided adequate arrangements in this respect in third class stock recently constructed, or now being built.

As regards arrangements for drinking water, I would refer the Honourable Member to my reply to a somewhat similar question asked by my Honourable friend, Rai Sahib Lakshmi Narayan Lal.

RETURN TICKETS.

463. **Rai T. P. Mukherjee Bahadur**: Is the Government aware of the inconvenience of the public owing to discontinuance of the practice of issuing Return Tickets? If so, does the Government intend to introduce it in the near future?

Colonel W. D. Waghorn: It is presumed the Honourable Member refers to the issue of return tickets at reduced fares. In view of the demands for passenger accommodation which exceed the available supply, and of the increased cost of working railways in India, Government do not propose to ask Railways to re-introduce the concession of return tickets at reduced fares in the near future.

EXTERNEES FROM CANTONMENTS.

464. **Dr. Nand Lal**: (a) Will the Government be pleased to give a detailed statement of all externees from the different Cantonments throughout India during the last five years, with cause of their externment?

(b) Is the Government aware of complaints that Section 216 of the Cantonment Code, 1912, operates very harshly on the civil population of Cantonments? If so, does it mean to modify the Section accordingly?

(c) Has the Government gone through the columns of the *Fortnightly Cantonment Advocate*, a magazine of the All-India Cantonments' Association, for the months of January to May last, and noted the orders of the different Cantonment Magistrates under Section 216 of the Cantonment Code, 1912?

(d) Has the Government noted the correspondence which has passed between one Kashmiri Lal Bansal, Sub-overseer, Dal Mandi, Ambala Cantonment, and the Military authorities, reported in the columns of the same magazine, *Cantonment Advocate*, for 25th May 1921, pages 11, 12 and 13? If so, does the Government intend to interfere in the matter?

Sir Godfrey Fell: (a) and (b). The Honourable Member is referred to the reply given to a somewhat similar question asked by Mr. Agarwala on the 19th September, No. 242.

(c) Yes.

(d) The Government have seen the correspondence in question. The facts of the case are as follows:

The Amballa Cantonment Committee have made a rule—which they are competent to do—that private water connections are to be given only to those houses which pay a water-tax on a basis of at least a Rs. 40 rental. Lala Kashmiri Lal, the registered rental of whose house was Rs. 4, obtained a private water connection without the permission or knowledge of the competent Cantonment authority. On discovering these facts, the Cantonment Committee raised the registered rental of Lala Kashmiri Lal's house to Rs. 40 and demanded and recovered from him the water-tax based on this amount. Lala Kashmiri Lal appealed to the Commissioner, who decided that the Cantonment Committee were not competent to impose the enhanced rental of Rs. 40 and cancelled the order. He directed that any amount paid in excess of that due on a basis of a Rs. 4 rental should be refunded to Lala

Kashmiri Lal. Meanwhile the Cantonment Committee cut off the connection which Lala Kashmiri Lal had obtained surreptitiously and without authority. In so doing they were acting within their powers. The Government of India do not intend to interfere in the matter.

SUNDAY FEES.

465. **Mr. E. L. Price**: With regard to Sunday Fees and Mr. C. A. Innes' undertaking given on 9th March last (page 799 of the Official Reports) will Government be pleased to state whether the practice at Karachi and Madras has now been brought into line with Bombay and Calcutta?

The Honourable Mr. C. A. Innes: The subject has been examined. It was found, however, that the question of Sunday fees opened up that of overtime fees generally. Certain inquiries are now being made with the object of seeing how far the practice both in regard to Sunday fees and overtime fees can be assimilated from port to port, and the Government of India hope to be in a position shortly to discuss provisional proposals to Local Governments.

ELECTORAL ROLLS OF THE BOMBAY EUROPEAN CONSTITUENCY.

466. **Mr. E. L. Price**: (a) Is the Government of India aware that the electoral rolls of the European constituency in the Bombay Presidency for electing Members to the Legislative Assembly were prepared last year and are being prepared this year in accordance with the old definition of the terms 'European' and 'Anglo-Indian' and not in accordance with the revised definition of European as finally sanctioned by the Secretary of State and notified in Government of India Reforms Office Notification No. 767-F. of 27th July 1920, Schedule II, Part II?

(b) Will the Government of India be pleased to state what steps are being taken to rectify this anomaly?

The Honourable Dr. T. B. Sapru: The Government of India have no information as to what definition of the term 'European' has been adopted by the Bombay Government in preparing the electoral rolls referred to, but the Local Government have been addressed on the subject and a copy of the Honourable Member's question has been sent to them.

REFUSAL OF COINED SILVER IN THE PUNJAB.

467. **Mr. E. L. Price**: (1) Are Government aware that Government Treasuries in the Punjab have lately refused coined silver tendered by the public?

(2) Will Government be pleased to state why such action has been permitted?

The Honourable Mr. W. M. Hailey: (1) and (2). Government have made inquiries regarding this matter, and understand that in May last, owing to great difficulties as regards storage which had arisen from the accumulation of large stock of coined rupees, the Accountant General, Punjab, authorised the Rawalpindi, Amritsar and Jullundur treasuries to accept only so much coin, tendered for the issue of supply bills or telegraphic transfers or

for exchange into notes, as could be accommodated locally. He gave instructions however to the Treasury officers concerned that coin tendered in payment of Government dues was on no account to be refused. From a letter recently received by Government from the Karachi Chamber of Commerce it appears that similar instructions were issued to the Ludhiana treasury last month. The Controller of the Currency reports that he is now arranging to remove coin from the Lahore to other Currency offices, in order that the facilities in the Punjab which had to be restricted can be restored.

INCREASE OF ARRIVALS BY RAIL INTO KARACHI.

468. **Mr. E. L. Price :** (a) Are Government aware that the arrivals by rail into Karachi rose steadily year by year from 1911 to the period of the Great War, showing enormous improvement in Railway carrying capacity?

(b) Are Government aware that the capacity of the Railways for carrying goods into Karachi has very seriously deteriorated since 1918, and that even the smaller traffic offering has not been readily moved and that in March 1921 produce on the Oudh and Rohilkhand and Bengal and North Western Railways could not be lifted, in consequence of which four chartered steamers were detained in Karachi Port for 16 to 30 days on demurrage?

(c) Can Government give the public any assurance that in the event of any revival of Karachi trade the Railways will now be able to lift and rail into Karachi more traffic, and, if so, up to what quantity per mensem?

Colonel W. D. Waghorn : (a) The reply is in the affirmative.

(b) Apart from circumstances which resulted directly from the War, and temporary congestions of traffic which occurred on account of the shortage of coal, and strikes in the early part of this year, Government are not aware that the capacity of railways for carrying goods into Karachi has seriously deteriorated since 1918.

(c) Government are able to say that in the event of a revival of the trade at Karachi, railways will be able, unless unforeseen circumstances arise, to cope with the traffic offered.

It is not possible to indicate the detailed figure asked for in the last part of the question as so much depends on the locality and the particular railway on which the traffic originates.

WAGES IN FIJI.

469. **Mr. K. B. L. Agnihotri :** (a) Has the attention of the Government been drawn to a telegram of Mr. C. F. Andrews published in the *Statesman* of 14th August 1921?

(b) Are Government in a position to state if Mr. Andrews' calculation regarding wages in Fiji is substantially correct?

(c) Will the Government be pleased to publish and lay on the table the report of the Fiji Wages Commission, along with Mr. Chowla's note of dissent?

Mr. J. Hullah : (a) Yes.

(b) Mr. Andrews refers in his telegram only to the wages of field workers, and in making his calculations, he has taken the rate of exchange to be two

shillings for each rupee. On the assumption that the rate of exchange averages for the current year 1s. 6d. per rupee, the wages including the regular bonus of 6d. per day, but excluding the additional bonus of 1s. 0d. to 4s. 6d. per week, which Indian labourers now earn in Fiji would work out as follows :

		Minimum per month.	Maximum per month.
		Rs. A. P.	Rs. A. P.
Field labourers		37 5 4	49 5 4
Mill labourers		38 0 0	65 5 4
Skilled labourers such as loco. drivers		86 0 0	94 10 8

The prices at which Indian commodities are supplied by employers in Fiji and the mean prices ruling in the United Provinces and Madras may be compared as follows :

<i>In Fiji.</i>	<i>In India (Retail prices reported by Director of Statistics on July 26, 1921).</i>
Rice 4 seers per rupee	... <i>United Provinces</i> .—4 seers 2 ch. per rupee. <i>Madras</i> .—5 seers 13 ch. per rupee.
Dhall 3 seers 9 ch. per rupee	... <i>United Provinces</i> .—4 seers 11 ch. per rupee. <i>Madras</i> .—Not quoted.
Salt 9 seers per rupee	... <i>United Provinces</i> .—10 seers 8 ch. per rupee. <i>Madras</i> .—15 seers 12 ch. per rupee.

Mr. Andrews appears to be mistaken in stating that the wages now obtained by the bulk of Indian labourers in Fiji are equivalent roughly in purchasing power to between nine and fourteen rupees per month in Indian currency.

(c) A copy of the report is laid on the table. The report is, however, over 16 months old, and is of little value as a picture of the conditions now actually subsisting in Fiji.

INTERIM REPORT

TO

HIS EXCELLENCY CREIL HUNTER RODWELL, KNIGHT COMMANDER OF THE MOST DISTINGUISHED ORDER OF SAINT MICHAEL AND SAINT GEORGE, GOVERNOR AND COMMANDER-IN-CHIEF IN AND OVER THE COLONY OF FIJI.

MAY IT PLEASE YOUR EXCELLENCY,

WE, the Commissioners appointed by the Commission issued to us under Your Excellency's hand and the Public Seal of the Colony bearing date the thirty-first day of January, one thousand nine hundred and twenty, have the honour to submit herewith an interim report dealing with the question of the present cost of living as compared with the cost in former years in its relation to the rates of wages paid to Indian labour.

2. Pursuant to the powers vested in us under the terms of Your Excellency's Commission, the Commission co-opted Mr. S. S. Chowla, a selection which was in accord with the views of the Indian community, whilst Mr. D. M. Manilal, Barrister-at-Law, appeared before the Commission in support of the Indian interests.

3. The Commission further invited Mr. J. L. Hunt, Chairman of the Planters' Association, to co-opt with them in their investigations, and it is to be regretted that that gentleman did not see his way to accept the invitation. Mr. Hunt, however, expressed his willingness to appear as a witness before the Commission which he subsequently did and gave useful evidence.

4. The Commission entered upon its labours on the 3rd February last, and has held sittings at Suva on the 3rd, 6th, 7th, 9th, 10th, 20th, 27th and 28th February and on the 1st, 2nd and 4th March, and examined twenty witnesses solely in connection with the subject indicated.

Cost of Foodstuffs.

5. A mass of evidence was adduced before the Commission to prove the increased cost of foodstuffs and other articles considered essential to support life per unit in reasonable comfort. In 1913 it was stated to have averaged about two pounds six shillings per month, as against four pounds fifteen shillings per month at the current rates, being an increase of over one hundred per cent. The cost of the statutory ration prescribed by the Indian Immigration Ordinance, 1891, for the same periods varies from two shillings and eight pence half-penny per week in 1913, to, say, five shillings and six pence at the present time. A reliable guide to the increased cost of living is furnished by a return prepared by Mr. Dalton, the Acting Inspector General of Prisons. The dietary scale for Indian prisoners contains the foodstuffs, with the exception of ghee, which constitute the basis of all Indian diets. The increased cost on this scale is some eighty-eight per cent. and in making any comparison it is to be remembered that the prices paid are Government contract price.

6. During the sittings of the Commission on more than one occasion it was pointed out that an attempt was being made to raise the pre-war standard of living. Mr. Manilal, who appeared on behalf of the Indian interests, admitted that such was the case. However laudable his ambition may be, and however much it may meet with sympathy, yet the scope of the Commission it was felt did not permit of such a proposition being entertained in the manner admittedly put forward. The functions of the Commission as they are understood to be, were to report upon the present cost of living as compared with the cost in former years, and to report whether existing wages at the present cost of necessities afforded a reasonable means of livelihood when compared with the wages prevailing in former years. This, in the opinion of the Commission, does not in any way indicate a raising of the standard of living from the pre-war rate.

Scale of Foodstuffs.

7. The subjoined table shows the statutory scale of diet sanctioned by law under the Indian Immigration Ordinance, 1891, and the scales in support of which evidence was called before the Commission.

Weekly quantities.

Article.	Statutory Scale.	Petition Scale.	Jaganath's scale.
Sharps	...	16 lbs	10 lbs.
Rice	...	9½ lbs.	6 lbs.
Garlic	...	...	7 lbs.
Dhall	...	1½ lbs.	4 lb.
Mustard oil	...	3½ ozs.	2½ lbs.
Masala	...	...	½ bottle.
Ghee	...	7 ozs.	1 lb.
Milk	...	1s. worth.	1 lb.
Onions	...	1s. 6d. "	7 pints.
Vegetables	...	6d. "	1 lb.
Salt	...	7 ozs.	2s. worth.
Sugar	...	14 ozs.	1 lb.
Tobacco	...	...	3 lbs.
Tea	...	1s. 6d. worth.	3d. worth.
Kerosene	...	4 ozs.	1 lb.
Matches	...	1 bottle.	1 bottle.
Coconut oil	...	6d. worth.	4 boxes.
Soap	...	6d. worth.	1 bottle.
Blue	...	...	3d. worth.
Soap and blue	...	9d. worth	2d. worth.
Salmon	...	...	...
Curry	...	2½ ozs.	1 tin.
Shaving	...	(see masala).	(see masala).
Cigarette paper	...	3d. worth	...
Meat or fish	...	4d. "	...
	...	1s. "	...

Witnesses were called with the object of proving that the statutory scale was totally insufficient; in fact two witnesses went so far as to depose that they, whilst under indenture, consumed their weekly rations in three days, and for the remaining four days of the week lived on their friends or as best they could. Such evidence as this is obviously unworthy of credence; thousands of Indians since 1891, during the first six months of their indenture, have

lived upon this scale of ration without detriment to their health. The Commission after reference to the report of Messrs. McNeill and Chimman Lal, the Commissioners appointed by the Government of India in 1913, to report upon the conditions of Indian immigrants in Fiji and other Colonies, find that, in setting out the scale in the report it is in no way adversely criticised, nor do the immigrants themselves appear to have made any complaints on the insufficiency or otherwise of the statutory ration, since no mention of any complaint of such a nature is to be traced in the report. Whilst the Commission are of opinion that the present allegation has no real foundation, but is one born of yesterday and only now advanced to bolster up a claim to a higher standard of living, they desire to qualify the preceding observations by pointing out that the statutory scale was only applicable to immigrants for the first six months of their residence in Fiji, and that it does not include such articles as milk, tea or vegetables, articles which the Commission consider the labourer may reasonably expect to be able to afford.

8. It soon became obvious to the Commission that it would be a hopeless task to attempt to follow the line taken by Mr. Manilal and his adherents and deal with each article in detail as set out in the mass of evidence before the Commission, but that the most satisfactory method would be to adopt a scale of essential foodstuffs, ascertain the present day cost thereof as compared with the cost of a similar scale in 1914. With this object in view a scale was prepared by Dr. Aubrey Montague, Acting Chief Medical Officer. The Commission have adopted this scale as a maximum diet scale. It is as follows:—

Weekly scale.

	1920.	1914.
	s. d.	s. d.
Rice, 7 lbs. at 3d.	1 9	1 0
Sharps, 7 lbs. ...	1 3	0 10½
Dhall, 1½ lbs. at 6d.	0 7½	0 2½
Ghee, ½ lb. at 3s.	1 6	0 7½
Mustard oil, ½rd bottle	1 0	0 4
Masala ½ lb.	1 0	0 6
Sugar, 2 lbs. at 2d.	0 4	0 4
Salt, ½ lb.	0 1½	0 ½
Milk, 1 lb.	1 0	0 9
Vegetables, 3½ lbs.	1 0	0 6
Tea, ½ lb.	0 6	0 3
Total	13 1	5 5

This scale contains only articles of food usually consumed by Indians, the different ingredients are in the proportions generally regarded as those most suitable for nutrition; but the total quantities represent the maximum both of flesh-forming and energy-producing materials that the average person can obtain physiological benefit from. With it as a maximum diet scale may be compared the statutory scale, approximately a minimum one on which moderate health can be maintained and which is devoid of the simplest accessories. The great majority of Indian labourers undoubtedly live and throughout their residence in Fiji always have lived on a diet lying between these two extremes. The maximum scale cost five shillings and five pence per week in 1914, ten shillings and a penny per week in 1920; the minimum cost two shillings and eight pence half-penny in 1914 and five shillings and six pence farthing in 1920, or slightly less if flour is substituted for the whole or a portion of the rice ration. The increase in cost on the maximum scale amounts to eighty-six per cent; on the minimum approximately one hundred per cent. These figures are based in each case upon the current retail prices. The Commission consider that the daily cost of food for the Indian labourer at the present day if he is to maintain health, and the pre-war standard of living, which was a reasonable one, is from one shilling to one shilling three pence, representing an increase over the pre-war cost of at least eighty-six per cent. All the evidence shows that the increase in the cost of many other goods, particularly all fabrics and metal goods, since 1914, is at a much higher ratio than this, and the Commissioners after making allowance for those expenses in which there has been no change, consider that the increased cost of living to the Indian labourer amounts at moderate estimate to not less than one hundred per cent. Part of this increase is due to a scarcity of raw products and manufactured articles resulting from the war, and the results of this scarcity must be borne by the community generally. The rest may be due to the vast inflation of currency as a result of paper money and various other causes and may properly be remedied by an increase of wages.

Rates of wages.

9. The Commission find that from a date previous to 1910 the minimum wage paid to a town labourer was two shillings per diem, and that this wage was increased by the Government and by the Municipal Council of Suva towards the end of 1919 to two shillings and six pence per diem, and further that in the districts of Rewa and Mavua a rate of six pence per diem less than the town rate obtained generally.

10. A witness expressed the opinion that the equitable method of comparison of wages in 1914 and 1920 would be between the wages of an indentured Indian labourer in the former year and of a free Indian labourer in the latter. The Commission are unable to accept this method of comparison whether as an estimate of the relative cost of labour to the employer or reward of labour to the employed. As regards the cost to the employer of indentured labour, there should be added to the daily wage paid a proportion of the cost of introduction of the labourer to the Colony and of other charges incidental only to the indentured system, amounting in all to the additional sum of about 6d. per diem. As regards the remuneration of the indentured labourer, besides the receipt of a wage of one shilling a day, he by each day's work reduced his indebtedness to his employer for the cost of his immigration to the Colony by about six pence. This is in agreement with the fact that the labourer could commute his obligations to his employer by the payment of a sum of money. The Commission consider, and in this they are in agreement with the arguments generally used in favour of the indenture system, that when the immigrant had completed the term of his indenture, he had a just expectation that his wage-earning capacity would be at least equal to his pay as an indentured labourer, together with the daily proportion of the expenses of his introduction. This has always been obtained by him whether altogether as a daily wage or partly as a wage and partly as a bonus on reindenture.

Recommendations.

11. So as to adjust the disproportion between the cost of necessaries and prevailing rates of wages, the Commission beg to submit the following recommendations. As already stated the town labourer before the war earned two shillings per day, and it is on this basis that our calculations have been founded. In 1919, the two shillings rate was increased to two shillings and six pence as already shown; if, therefore, the labourer were to receive from his employer each week free of cost or in the alternative the current retail costs of: 7 lbs. rice; 7 lbs. sharps; 1 lb. dhall; one-third of an Imperial quart bottle of mustard oil (or the proportionate part thereof for less than one week) commodities which at the date of this report, can be purchased retail for 4s. 6d. he, together with the 25 per cent. advance which he has already received on the 2s. rate of wage, would be in receipt of 62½ per cent. to 66 per cent. advance on that rate.

12. In the case of the country labourer, his wages are influenced by such perquisites as free lodging and land or by facilities for renting land, and thus augmenting his income by his own work in his spare hours or by the work of his family. The evidence obtained regarding the Rewa and Navua districts shows that the rate of wages has been lower in these districts compared with that of the town labourer by six pence per day, and it is likely that similar conditions have maintained the wages in other country districts at a similarly lower level than in town. Therefore it appears equitable that the differences in the wage should be maintained and, owing to the increased cost of commodities, that the additional facilities obtained by country labourers should be now valued at nine pence per day as compared with town labourers. The Commission beg to recommend, as a country wage comparable to the town wage that they have recommended one shilling and nine pence per day, together with the supply free of cost each week or, in the alternative, the retail cost current at the time of: 7 lbs. rice; 7 lbs. sharps; 1 lb. dhall; one-third of an Imperial quart bottle of mustard oil (or the proportionate part thereof for less than one week).

13. The Commission quite realise that the position of the country labourer is controlled by a variety of considerations which do not exist in the case of the town labourer. It follows, therefore, that no precisely uniform figure can be arrived at as in the case of a town labourer, but we consider the above mentioned recommendations would constitute a fair working basis. It represents an increased wage of a little over sixty-six per cent.

14. In submitting this recommendation the Commission desire to point out that the commodities selected for supply to the labourer free of cost and at the expense of the employer are the staple commodities of the Indian national diet in which, even at the present time, an immediate rise in price may be anticipated. Any such rise falls consequently upon the employer and not upon the labourer; the latter's position is therefore fully secured.

15. The Commission have considered the possibility of reducing the cost of living by encouraging the increased production of food crops in the Colony, and hope that their recommendations may lead employers to take steps in this direction. It must, however, be remembered that the labour supply is limited and it would probably be false economy to divert labour from the highly remunerative industries of copra or sugar cultivation and preparation to the possibly less remunerative cultivation of rice and other staple Indian foodstuffs unless the prospect of their increasing scarcity should make it a necessity.

16. As regards prevailing prices, the Commission find that the price of the essential foodstuffs has been from time to time controlled by the Necessary Commodities Commission, and are therefore accepted by this Commission as being fair and reasonable under the existing condition of things, but that no such control has been exercised over the selling price of articles of wearing apparel. This Commission have endeavoured to ascertain the selling price of such articles both in India and in England, but so far have not been able to form an opinion whether profiteering to any great extent is current with respect to the class of goods in every day use by the Indian labourer. Should it be found on the further information obtained from India or elsewhere that it is possible to sell in Fiji the goods referred to at a rate cheaper than the rates deposed to in evidence before the Commission it is recommended that the Necessaries Commodities Commission control the prices of standard qualities of such goods or, if this is found to be impracticable, that the Government import such goods in wholesale quantities and retail them throughout the Colony at rates slightly over the cost price. Further relief would thus be afforded to the Indian community which, we feel certain, would be fully and gratefully appreciated.

We have, etc.,
A. K. YOUNG,
Acting Chief Justice,
Chairman.

A. MONTAGUE.
P. R. BACKHOUSE.
BADRI MAHRAJ.

E. L. BAKER;

Secretary.

Dated the 4th March 1920.

1. Mr. S. S. Chowla dissenting.

2. Mr. Brabant and Mr. Ellis dissenting from any report being made for the present time for political reasons and before the evidence of all classes of the community has been heard.

APPENDIX 1.

PETITION SCALE.

Weekly expenses for a single man.

	£	s.	d.
16 lbs. sharps	0	3	0
6 lbs. rice at 8d.	0	1	6
2 lbs. dhall at 8d.	0	1	0
¼ bot. mustard oil	0	1	6
¼ lb. masala	0	0	9
Onions	0	0	6
Vegetables or potatoes	0	1	8
1 lb. ghee	0	3	0
¼ lb. salt	0	0	1½
2 lbs. sugar	0	0	4
4 ozs. tea	0	0	9
Milk	0	1	0
1 bot. kerosene	0	0	9
Matches	0	0	6
Soap and blue	0	0	9
Tobacco	0	1	6
Coconut oil	0	0	6
Shaving	0	0	3
Cigarette paper	0	0	4
Meat or fish	0	1	0
TOTAL	1	0	6½

APPENDIX 2.

JAGANATH'S SCALE.

Living expenses—a single man.

	Prices, 1914.		Prices, 1920.	
	£	s. d.	£	s. d.
10 lbs. sharps ...	0	1 3	0	1 9
7 lbs. rice ...	0	1 0	0	1 9
1 lb. garlic ...	0	0 1	0	0 6
2½ lbs. dhall ...	0	0 6	0	1 3
1 bot. mustard oil ...	0	0 6	0	1 6
1 lb. masalas ...	0	0 3	0	0 6
1 lb. ghee ...	0	1 3	0	3 0
7 pts. milk ...	0	0 7	0	1 9
1 lb. onion ...	0	0 3	0	0 6
Vegetables and potatoes ...	0	1 0	0	2 0
1 lb. salt ...	0	0 4	0	0 1½
3 lbs. sugar ...	0	0 6	0	0 6
Tobacco ...	0	0 3	0	0 3
1 lb. tea ...	0	0 3	0	0 6
1 bot. kerosene ...	0	0 4	0	0 7
4 box matches ...	0	0 1	0	0 4
1 bot. coconut oil ...	0	0 3	0	0 6
Soap ...	0	0 3	0	0 6
1 tin salmon ...	0	0 9	0	1 6
Blue ...	0	0 1	0	0 2

TOTAL ... 0 9 5½ 0 19 5½

For 52 weeks or a year ... 23 18 10 49 4 10

Yearly expenses—

	Prices, 1914.		Prices, 1920.	
	£	s. d.	£	s. d.
Land rent ...	1	5 0	1	5 0
Hut tax ...	0	10 0	0	10 0
1 belt ...	0	0 6	0	1 0
2 pair dhoties ...	0	10 0	2	2 0
1 only handkerchief ...	0	0 6	0	13 6
8 only shirts ...	0	6 0	0	13 6
2 singlets ...	0	1 0	0	3 0
1 pair socks ...	0	0 6	0	1 6
2 pair dagri suits ...	0	12 0	1	16 0
1 blanket ...	0	3 0	0	8 0
1 mosquito net ...	0	5 0	1	0 0
1 sheet ...	0	3 0	0	12 0
1 pair boots ...	0	12 6	1	5 0
1 hat ...	0	2 0	0	8 0
1 umbrella ...	0	3 0	0	8 6
1 towel ...	0	1 0	0	2 6
2 yards calico ...	0	1 0	0	4 0
2 plates ...	0	1 0	0	2 6
2 bowls ...	0	1 0	0	3 0
1 frying pan ...	0	1 0	0	2 6
2 sauce pans ...	0	2 0	0	8 0
2 large spoons ...	0	1 0	0	2 6
1 billy can ...	0	0 6	0	1 6
1 bucket ...	0	1 0	0	2 0
1 lantern ...	0	3 0	0	6 0
1 lamp ...	0	2 0	0	5 0
1 padlock ...	0	0 6	0	1 3
1 dish ...	0	1 6	0	3 6
1 tea pot ...	0	1 3	0	4 0

TOTAL ... 5 13 0 13 2 9

The year total ... 39 10 10 62 2 7

Manager to the A. J. C. Patel Bros.,
Suva—Jaganath.

APPENDIX 3.

STATUTORY RATION.

Prescribed by the Indian Immigration Ordinance, 1891, comparing pre-war prices with the present.

Article.	Weekly quantity.	Pre-war cost.	Present cost, 1920.
		s. d.	s. d.
Rice, or rice and flour ...	9½ lbs.	1 4½	2 5
Dhall ...	1½ lbs.	0 3½	0 10½
Ghee ...	7 ozs.	0 6½	1 3½
Mustard oil ...	3½ ozs.	0 1½	0 4½
Curry-stuff ...	2½ ozs.	0 1½	0 3½
Sugar ...	14 ozs.	0 1½	0 1½
Salt ...	7 ozs.	0 0½	0 1½
Total ...	...	2 8½	5 6½

APPENDIX 4.

PRISON SCALE.

Comparative statement of cost of rationing one Indian prisoner per week for years 1913 and 1920.

	1920.		1913.	
	s. d.	at	s. d.	at
Rice, 5½ lbs. at 3½d. ...	1 7½	at 1½d.	0 9½	
Bread, 10 lbs. at 3½d. ...	2 7½	at 1½d.	1 3½	
Dhall, 14 ozs. at 4½ per lb. ...	0 3½	at 1½d.	0 1½	
Curry, 2 ozs. at 2½ per lb. ...	0 3½		0 1½	
Sugar, 14 ozs. at 1½d. per lb. ...	0 1½		0 1½	
Mustard oil, 5½ ozs. at 1d. ...	0 5½		0 2	
Green vegetables, 2 lbs. 10 ozs. ...	0 3		0 3	
Chillies ...	0 3		0 3	
Salt ...	0 0½		0 0½	
Cost of one unit weekly ...	5 11½		3 2	

INTERIM REPORT.

(MINORITY)

TO

HIS EXCELLENCY SIR CECIL HUNTER RODWELL, KNIGHT COMMANDER OF THE MOST DISTINGUISHED ORDER OF SAINT MICHAEL AND SAINT GEORGE, GOVERNOR AND COMMANDER-IN-CHIEF IN AND OVER THE COLONY OF FIJI.

MAY IT PLEASE YOUR EXCELLENCY,

I, THE Co-opted member of the Commission (representing Indians) issued under Your Excellency's hand and the Public Seal of the Colony dated 31st of January, 1920, have the honour to submit the following report dealing with the question of the present cost of living as compared with the cost in former years and its relation to the rates of wages paid to Indian labourers:—

(a) The present cost of living as compared with the cost of former years (1913-14) has gone up as follows:—

Foodstuffs—generally speaking 100 per cent. Foodstuffs under Dr. Montague's scale (hereinafter mentioned) 86½ per cent. Foodstuffs—imported from India under Dr. Montague's scale (hereinafter mentioned) 118½ per cent.

Clothing and other necessaries generally speaking at least 125 per cent.

(b) The present rates of wages as compared with the rates prevailing in former years are as follows:—

Suva—	s. d.
1904 to November 1919 ...	2 0
Since November 1919 ...	2 6

Rewa—

Government employees—

In pre-war days s. d.

At present 2 0

Others—

Before 1915 1 6

Since 1915 2 0

Navua—

Sugar Company's employees—

Before 1917 1 6

Since 1917 2 0

Others—

In pre-war days 2 0

At present 2 0

(c) At the present cost of necessities the wages earned by the Indian labourers do not afford a reasonable means of livelihood.

(d) I recommend that the Government, Municipal, Plantation and other unskilled labourers all over the Colony should be paid at the rate of 4s. a day, or at the rate of 3s. 6d. a day with weekly rations of 7 lbs. sharps and 7 lbs. rice supplied free by the employer. In the case of domestic servants an increase of 25 per cent. on their wages should be made. I also recommend that in the case of those with a family, a bonus, similar to the one fixed by the Government in the case of its Indian employees, viz., the sum of £5 per annum in respect of wife and £2-10-0 per annum in respect of a child, should be given.

My reasons for the above report and recommendations are set out in the schedules annexed hereto.

I have, etc.,

S. CHOWLA,

Co-opted Member,

Representing Indians.

SUVA;

The 10th March 1920.

1. *The ration scales under the Indian Immigration Ordinance and Prison Regulations.*—The statutory scale of rations given to the indentured Indians during their six months of service was not, in my opinion, sufficient in quantity for the majority of the Indians who had to buy additional rations for their use. I believe it was just sufficient in the case of some and perhaps for a small minority it was a little more than sufficient. Mr. Badri Mahraj informed me that it was not sufficient in the case of many Indians whom he had the honour to superintend. This was, no doubt, due to the fact that the wants and needs of the Indians were not studied by those who were responsible for bringing them into this Colony under indenture. We have it in evidence given before the Commission that the scale of gaol rations which was, no doubt, based on scientific methods had to be altered several times since 1914. Why the scale under the Indian Immigration Ordinance was not reconsidered or altered is difficult for me to surmise. Neither the statutory nor the gaol ration scale should be considered in any way applicable in the case of time expired Indian labourers.

2. *Other scales.*—The scale of expenses put in by the Rewa witnesses and advocated by their Suva compatriots is, in my opinion, an exaggerated one. The ration scale (Schedule B) prepared by Dr. Montague and adopted by the Commission is a very fair one. I would not call it liberal. The scale I am enclosing herewith (Schedule C) does not differ from the one prepared by Dr. Montague except in the case of dhall and mustard oil. 4 ozs. of dhall and 1½ ozs. of mustard oil should be the minimum for an Indian labourer's daily consumption and these quantities will make his food agreeable. I have also added under a sub-head some other items, viz., kerosene, tobacco, matches, soap and blue that a man has to buy practically every week. The total expenses thus come to 12s. 4d. a week. If we deduct this amount from his wages recommended by me, viz., 24s. a week, the balance remains 11s. 8d. which is only equal to 4s. 8d. as compared with pre-war days for buying other necessities of life such as clothes, utensils, bedding, et cetera.

3. *The wages.*—The wages for unskilled labourers in or about Suva have been at the rate of 2s. per day since March 1904 in the case of the employees of the Municipal Council and as appears from the evidence of Mr. Rennie for at least 11 years in the case of men employed by the Government up to 5 or 6 months ago when the sum of 6d. a day was added. On the Rewa the rate of wages went up to 2s. a day in 1915 and at Navua it went up to 2s. a day in the year 1917.

4. *Prices of foodstuffs.*—We have it on evidence that the prices of foodstuffs have gone up, generally speaking, 100 per cent. since the year 1914. Regarding the foodstuffs imported from India the retail prices have gone up 200 per cent. in the case of mustard oil, 100 per cent. in the case of ghee and 140 per cent. in the case of dhall. The Government contract prices for these items have gone up 152·33 per cent., 100 per cent. and 150 per cent., respectively. During the strikes in Australia the prices of foodstuffs go further up. It is not unknown that even big firms in Suva will pretend during the strikes, not to have a supply of any of these lines whilst they favour certain customers who would obtain these goods in limited quantities. Under the circumstances, one cannot blame the Indian retailer for charging, nor the consumer for paying inflated prices. A packet containing 3 lbs. of rice said to have been purchased from one of the big firms for 2s. was produced before the Commission at its first sitting. It was a little superior to the white broken rice and perhaps what is known as Ballam rice. The contract price for the present year for this kind of rice is 36 per cwt. or 2s. per 6 lbs. 3½th ozs. whereas the Indian who produced the rice was given 3 lbs. for the same amount of money. It is evident therefore that the Indians have paid during the last Australian strike very exorbitant prices for rice as well as for wheat flour or sharps was available for their use. They have felt unable to do without these, and no matter what the price may be, or how superior the quality, they must have sharps and rice. The strikes in Australia are not governed by any ascertainable law for their occurrence or duration and whenever there is a shortage of sharps or rice, mustard oil, onions or potatoes, the Indian has got to live and he will pay any prices for what he considers his absolute necessities. The Necessary Commodities Commission has done nothing in the way of giving them any relief. They fixed the maximum selling prices of rice (3d. per lb.), sharps (7s. for 40 lbs.), dhall (3½s. per lb.), ghee (2s. per lb.) and mustard oil (¾d. per quart) in March 1918. These prices were cancelled in June following with the exception of that of sharps which is, of course, imported from Australia with the result that they have gone up by leaps and bounds. The question of importation of foodstuffs such as rice, dhall, mustard oil, ghee and masala and the methods to be adopted regarding sale of these goods by merchants at a small reasonable percentage of profit should receive the attention of the Government.

4a. From the evidence given before the Commission it is quite clear that the cost of wearing apparel has gone up considerably since pre-war days. Dhooties which were sold at 4s. a pair in pre-war days are now sold at 14s. a pair and calico has gone up 166·66 per cent. Other articles appear on Schedule D.

5. *Adequate wages.*—In view of the above and bearing in mind that the value of a pound sterling has decreased from £15 in 1917 to £8-9s-1½p. at the present time, I trust the Government will consider my recommendation for 4s. a day wages or 3s. 6d. a day with weekly ration of 7 lb. rice, and 7 lb. sharps moderate suggestion. In order to keep a man in comfort or ease or to be able to partially support a wife with possible children it would not be unreasonable to ask for 5s. as the minimum per day. I recommend therefore that in the case of those with a family and there are many such as will be seen from the returns supplied to the Commission by the Sirdars of Suva labourers, a bonus (similar to the one fixed by the Government in the case of its Indian employees) should also be given, as the procreation and maintenance of the children is a service to the State. It supplies labourers and citizens for the future, particularly in a Colony like Fiji where the population is very small in density.

6. *Will it be sound in principle and workable?*—It may be said that there is no industry in Fiji that can afford to pay 4s. or more a day. Whilst I doubt this statement very much, I am prepared to state that such industries should rather perish than prosper on underpaid labour. But if Hawai or Levuka (nearer home) is able to pay decent wages to Indians it is not understandable why the employer everywhere should not be able to pay on the scale suggested by me. The remedy is in the hands of the legislature of the Colony. The increased scale of wages to the labourers and other Indian employees means an increased scale of salaries all round, an increase in the price of sugarcane and other produce of the Colony. This additional expenditure could be met by the introduction of income-tax. No further difficulties can be apprehended if these suggestions are carried out and the importation of the Indian foodstuffs is controlled by the State instead of by the capitalists and

merchants who are not satisfied with a reasonable percentage of profit on the goods they import for consumption in the Colony or the goods they buy from the producer to export from the Colony. A few years back the employers were making out that it was not possible to pay labourers a better wage than 1s. or 1s. 6d. a day and they are still hoping to be supplied with labour from India on the same scale. They should not be of the same opinion now that things have come to such a pass that the Indian labourer considers his life not worth living under the present trying financial conditions. I do not at all consider it impolitic, on the contrary I deem it absolutely necessary from even a limited view of politics, that the Fiji Government should lose no time in passing the necessary legislation to secure to an Indian labourer 4s. a day or 3s. 6d. with rations of rice and sharps as the minimum wage. There seems to be no prospect of India listening to the demands of Fiji for labour after the recent occurrences and what labour is available in this Colony feels itself so treated that we are faced with the prospect of losing what we have instead of gaining fresh strength. The Colony of British Guiana is advertised in the Indian papers and Fiji will be unable to retain any of those who have spent most of their life-time in Fiji unless they are satisfied on the question of wages.

7. *Living in town as compared with country.*—Mr. Hunt and Mr. Duncan, who are the only persons examined in reference to wages paid in country districts are themselves interested in planting and they naturally have no desire to give Indian labourers a rise in wages. They seem to rely a great deal upon facilities afforded by some plantations in the shape of housing accommodation and patches of land for cultivation of rice or vegetables with or without medical assistance. It must be noted, however, that few plantations do give these facilities to their labourers: besides living on the plantations is purely dependent upon the good-will of the employer. The labourer stands the chance of being turned out bag and baggage at any time. In fact, cases are not unheard of where after the expiry of their indentures Indians with their families or cattle have been asked to leave the lines without arrangements having previously been made for their accommodation elsewhere. As regards blocks of land for cultivation, that is again dependent upon the favour of the employer. As regards medical assistance it exists in theory only. The dwellings on the plantations have already been the subject of serious criticism by deputations from India and the traditions of the coolie lines are such that very few self-respecting Indians would care to live in such dwellings. The perpetual labourer does not exist, and naturally, an average Indian lives on a patch of land of his own where he does not have the 'advantages' offered by the employers of labour. There is no reason why he should not get the same wages as his Suva brother, the more so, as provisions of all kinds (except, perhaps, dhall, if grown in the district) and clothing retailed in country places are no cheaper but dearer than the provisions and clothing in Suva. Again, the fact that the wife of an Indian labourer in country districts happens to be industrious enough to cultivate some rice and a few vegetables should not penalise her man or husband in the way of small wages. Every person is entitled to the fruit of his, or her, extra industry. The wages, therefore, of all labourers throughout the Colony should be uniform and, I recommend, on a sliding scale according to the prices of provisions.

8. *The recommendation of the Majority.*—I understand the recommendation of the majority is not to raise the standard of wages of Suva labourers, to let it remain as at present, viz., 2s. 6d. a day, and to decrease it in the case of labourers in country districts from 2s. to 1s. 9d., with free weekly rations valued at 4s. 6d. It is insufficient in the case of town labour, and hardly any better than what I hear an Indian labourer is actually getting in country district; as, for instance, in Navua 2s. 6d. a day, in Rewa 2s. a day which he has been getting since 1915. Besides, labourers employed by Government in forming roads in country districts have been getting wages at the rate of 2s. a day for many years. In order to improve matters all round, it is absolutely necessary to raise the wages in money and give the people the chance to be happy and contented, particularly as they have pinned high hopes upon the results of the Commission; otherwise, I am afraid they will be sorely disappointed.

S. CHOWLA.

Dated the 10th March, 1920.

SCHEDULE "A."

It was at the instance of the Indian Women's Association and that of the representative body of the Indians who went in a deputation to the Agent-General of Immigration that I was co-opted by the Commission to sit with them.

2. The Commission held its first sitting to take evidence on the 6th February 1920 and further sittings on the 7th, 9th, 10th and 21st days of February and 2nd of March 1920

for the same purposes. Mr. Badri Mahraj was present on the 21st February and 2nd March 1920 only.

3. The first witness called was *Abdul Karim*, a retail storekeeper of Nasinu, who supplied the Commission with very valuable information indicating the rise in the wholesale and retail prices of necessities of Indian life-foodstuffs, clothing and utensils. He also gave a scheme of the expenses of an average Indian which differed in some respects from the table prepared by those Rewa Indians who had gone in a deputation to the Agent-General of Immigration. He said his customers who were labourers as well as agriculturists on a very small scale were not able to buy as many goods as they required for want of funds for which reason even he could not live on the business he was carrying on as a storekeeper. The next witness was *Ramsewak*, a mechanic at Nausori. He advocated the standard which he said had been prepared in his presence. He gave his family expenses for bare maintenance which differed very widely from the one he was advocating. He explained, however, that all the members of his family were living together, were economising and purchased what was absolutely necessary. The next witness examined was *Jagdeo Lal*, a labourer and a farmer with a small piece of land and a large family. This witness gave out his list of weekly and annual expenses for his family, but coming to figures he could not reconcile his earnings with the estimated expenses except in a general way by relying, like the rest of them, on his bit of land and the work of his wife. He said they stinted themselves in order to buy their clothes or pay for other expenses, sometimes went without tea, sometimes without burning lamp and so forth. *Nur Ahmad*, a labourer working for an Indian at Nausori, was next examined. This witness stated in his evidence that under the present conditions he preferred working for board, residence and clothing to being obliged to buy his necessities with 2s. a day which he considered insufficient. There is no reason to doubt the statement of this witness as he, like others, has actually been and at present is a labourer. The next witness called was *Jagnandan Singh*, an ex-cook of Koronivia near Nausori, with a family of seven. He agreed that the list put in by the Rewa Indians showed what was absolutely necessary for the class of Indians they represented. He gave a list of the expenses of his family. He said he was given food by his employer and that the wages he earned for the use of his family had not the same purchasing value as some things had gone up three times the previous price and other things four times.

Mahipal Singh, who was next called, said that the statutory rations were insufficient for him when under indenture that he had to borrow money and look to others for help and under the present rate of wages he was not being properly fed. The next witness heard by the Commission was *Mr. J. L. Hunt*, a planter and an employer of Indian labour on the Rewa. He said that the Indians under indenture used to get 1s. 3d. a day in the nineties with certain other advantages, that the statutory rations were more than sufficient, that the Indians were in the habit of selling some of their rations and, *inter alia*, that the present rate of wages ranged from 11s. to 15s. a week in the Rewa district. *Mr. James Dalton*, Acting Inspector General of Prisons, then put in a statement showing cost, under contract prices of Europeans, Fijian and Indian prisoners. He said that in 1916 the ration scale was larger than at present, that it was altered in 1918 but as there were several complaints under the latter and a certain percentage of prisoners had lost weight it was altered again, that under the present scale there were no complaints and that the health of the prisoners was good. He said that the scale had been altered several times since 1916. The next witness called was *Jaganath*, who himself was a labourer before he started business as a storekeeper. He has had opportunities of knowing the needs of labourer. His scale, on the whole, agreed with the one proposed by some of the previous witnesses. His evidence as regards the selling price of things was very important. He compared the present prices of necessary commodities and other necessary articles with the past. *Mokham* who then gave evidence said the statutory rations were insufficient, that his employer, Mr. Hunt, gave all his labourers extra rations, that he had to work outside to get money to buy some rations, after his indenture expired he took up a piece of land, he was working on 2s. 6d. a day, his wife worked 4 days in a week at 2s. a day. He said it cost him and his wife £2 6s. 0d. a week but could not say how this was made up. *Kannan* was next called who said it cost him £2 a week to live at the present time, that the statutory scale was insufficient. *Deepan* who followed corroborated the foregoing witness in regard to the insufficiency of rations given them during the first six months of their indenture period. He admitted he could live on 3s. a day *plus* what he grew on his land, that he went out three days in a week to work for others at 2s. or 2s. 6d. a day, and that he and his wife were living very poorly. Then came *Dular* who said his family consisting of wife and seven sons existed on what rations he could buy with the 2s. and the charity of neighbours and the wild guavas that his children picked. It certainly must be a miserable existence as

was proved when his wife and some of his children were introduced who although looked healthy wore dirty and torn clothes. He said he had to "beg, borrow or steal" to keep his family and himself going. Their appearance and clothing revealed their poverty and so did that of another man who with a large family was just shown in but not actually examined. The children were half-naked, looked delicate and then in their dirty clothes, the little girls were wearing a little jewellery as is worn by female children of any class in India or caste no matter at what sacrifice. *Gokul* who came next said that he got 1s. 6d. a day for a year or two after his indenture expired some 18 years ago, that he worked for the Municipal Council ever since he became a free man at 2s. a day and that he was at the present time getting 2s. 6d. a day. *Mr. Pillay* was next examined. He produced invoices in respect of dhoties and certain other articles and supplied information regarding the cost and sale prices of various articles. *Mr. John Rennie*, who was the next witness, said he was an overseer in the Public Works Department and had been so for 11 years, that the labourers were being paid 2s. 6d. a day at the present time and 2s. a day was the least that he paid ever since his being in the service. *Mr. J. W. Stocks*, Town Clerk, was next examined who said his books showed that since March 1904 the labourers for the Municipal Council had been paid at the rate of 2s. a day and that since November last they have been paid at the rate of 2s. 6d. a day. *Umadat* and *Beni* deputed by Navna Indians then gave evidence, the former in respect of the prices prevailing for the necessities of life and the latter regarding the weekly expenses of a labourer. On the 2nd of March *Mr. Duncan* was examined. This gentleman seemed to think that the basis of a living scale for an Indian should not be any better than what was fixed by the law of indenture. He was an extremist wanting to feed an Indian on kinds and quantities of foodstuffs required to generate "energy" as if the Indian was no more to him than a mere machine to be exploited by the European planter for his own benefit. He dogmatises about the quality and quantity of food the Indian immigrants would have to live upon in India, without remembering that a great many Indians who would not have been mere labourers here and really abandoned a higher scale of living by force of circumstances. This witness was asked to explain his conclusions in the light of a 100 per cent. rise in the cost of rations and there was no answer when the chairman observed that the rise in wages was only 25 per cent. since recently) *Mr. Duncan* had nothing to say. He seems to have been labouring under the fixed idea that the Commission had power to enquire into the cost of living upon the supposed "perfect" scale worked out by the Immigration Ordinance which was, in my opinion, most faulty, in spite of the fact that it had remained hitherto unrevised. The witness was presumptuous enough to advice the Commission as the meaning of the terms of reference which had already been discussed and thrashed out on a previous occasion. I have nothing to do with the fears entertained by this witness about bringing the country (wages) into line with Suva (wages) nor with the anxiety to oblige an Indian to work the whole week or to compel him to abstain from tobacco or to prevent him from trying to live as an European and I do not believe for a moment that the Indian has become more extravagant or that he eats more than is good for him. The scale indicated by *Dr. Montague* is a reasonable one, in my opinion, I mean to adhere to it, to arrive at my finding.

Dated the 10th March 1920.

S. CHOWLA.

SCHEDULE B.

Scale of rations per unit prepared by *Dr. Montague, M. B.*

	1920.	1914.
	s. d.	s. d.
Rice, 7 lbs. at 3d. ...	1 9	1 0
Sharps, 7 lbs. ...	1 3	0 10½
Dhall, 1½ lbs. at 6d. ...	0 7½	0 2½
Ghee, ¼ lb. at 3s. ...	1 6	0 7½
Mustard oil, 7 ozs. ...	1 0	0 4
Masala, ¼ lb. ...	1 0	0 6
Sugar, 2 lbs. at 2d. ...	0 4	0 4
Salt, ¼ lb. ...	0 1½	0 0½
Milk, 1 lb. ...	1 0	0 9
Vegetables, 2½ lbs. ...	1 0	0 6
Tea, ¼ lb. ...	0 6	0 3
Total ..	19 1	5 5

SCHEDULE C.

Scale of rations per unit referred to and recommended in the Minority Report.

	1920.	1914.
	s. d.	s. d.
(a) —		
Rice, 7 lbs. at 3d. ...	1 9	1 0
Sharps, 7 lbs. ...	1 3	0 10½
Dhall, 1½ lbs. at 6d. ...	0 10½	0 3½
Ghee, ¼ lb. at 3s. ...	1 6	0 7½
Mustard oil, 10½ ozs. ...	1 6	0 6
Masala, ¼ lb. ...	1 0	0 6
Sugar, 2 lbs. ...	0 4	0 4
Salt, ¼ lb. ...	0 1½	0 0½
Milk, 1 lb. tin ...	1 0	0 9
Vegetables ...	1 0	0 6
Tea, ¼ lb. ...	0 6	0 3
Total ...	10 10	5 8
(b) —		
Kerosene ...	0 6	0 3½
Tobacco and matches ...	0 6	0 4
Soap and blue ...	0 6	0 3

SCHEDULE D.

List of clothing and other articles put in by the Manager of *V. M. Pillay and Brothers*.

	1915-16.		1918-1919.	
	Cost.	Sale.	Cost.	Sale.
	s. d.	s. d.	s. d.	s. d.
H. Calico 36" ...	0 7½	0 9	1 9	2 0
D. Trousers ...	8 7	4 0	7 4	8 0
D. Coats ...	3 9	4 6	7 9	8 6
Print 28", 30" yd. ...	0 4½	0 6	1 0½	1 3
Singlets 36", 34" ...	0 5½	0 6	1 4½	1 6
Felt hat, labour ...	4 8	5 0	7 6	8 3
Shirt, tropical ...	1 10	2 0	4 6	5 0
Dhoties, 10 yards ...	1 9	2 0	6 4½	7 0
Dhoties, Madrasesees, red, 6 yards ...	1 9	2 0	5 0	6 0
Dhoties Do. 5 yards ...	1 6	2 0	4 2	5 6
Umbrellas, common ...	3 0	3 6	6 0	7 0
Sarces ...	8 6	10 0	13 6	10 0
Lanterns ...	2 9	3 0	4 6	5 0
Plates, enamelled ...	0 5	0 6	0 10½	1 0
Bowls, enamelled ...	0 5	0 6	1 1½	1 3

VALUE OF IMPORTS AND EXPORTS.

470. *Mr. K. B. L. Agnihotri*: Will the Government please state:

- The total value of the Imports and Exports of the country during the period from April to June 1921?
- The amount of duty received?
- The amount of the excess or the deficit in duty from the amount budgeted?

The Honourable *Mr. C. A. Innes*: (a) Imports—Rs. 76,14,64,852.

Exports—Rs. 63,01,42,135.

(b) Rs. 7,63,80,000.

(c) It is not possible to give a precise answer to the Honourable Member's question; the budget estimates are for the whole year. I may mention, however, that unless there is a very marked revival in trade during the ensuing cold weather, the actual customs revenue is likely to fall considerably short of the Budget estimate.

SALARIES OF TEMPORARY INDIAN I. M. S. OFFICERS.

471. **Rai Bahadur Bishambhar Nath :** (a) Will the Government be pleased to state if it is a fact that the salaries of the temporary Indian I. M. S. Officers are going to be increased? If so, when and how much increase will be given?

(b) Will the Government be pleased to state if it is a fact that there is a difference in salaries between such temporary Indian I. M. S. Officers of general service who go out to serve outside India and temporary European I. M. S. Officers recruited in the United Kingdom? If so, will the Government be pleased to remove the distinction?

Sir Godfrey Fell : (a) The attention of the Honourable Member is invited to the reply given to the question asked on 10th September 1921 by Rai Bahadur Bakshi Sohan Lal, No. 126.

(b) Yes. With regard to the second part of this question, I would refer the Honourable Member to the reply given to part (d) of the question asked by Professor Shahani on the 5th September 1921, No. 42.

RECRUITMENT FOR THE INDIAN MEDICAL SERVICE.

472. **Rai Bahadur Bishambhar Nath :** (a) Has the attention of the Government been drawn to the Resolution of the United Provinces Liberal Conference published in the issue of the *Leader* of the 11th August 1921 about the recruitment for the Indian Medical Service into two divisions, Military and Civil?

(b) Do the Government propose to take steps to give effect to the proposal? If so, when?

Mr. H. Shairp : (a) Yes.

(b) The question of the organisation of the Indian Medical Service is under consideration. Government can make no pronouncement at present.

AGREEMENT ON APPOINTMENTS OF INDIANS TO THE OUDH AND ROHILKHAND RAILWAY.

473. **Rai Bahadur Bishambhar Nath :** (a) Will the Government be pleased to state if it is a fact that all Indians drawing Rs. 15 and upwards in the service of the Oudh and Rohilkhand Railway have to sign an agreement at the time of their appointment?

(b) If the answer is in the affirmative, does clause (2) of the agreement contain the words: 'The said..... clearly understands that the condition of his service are temporary and terminable at any time on one month's notice or without notice on payment of one month's salary, that under no circumstances shall he be entitled to gratuity or pension, though he will be eligible for a gratuity for good, efficient, faithful and continuous service at the

discretion of the Railway Board, and that the authority which appoints him has the power, for any reason that may to him appear sufficient, to dismiss the said..... without appeal, and that he shall be liable to fine or reduction from salary or wages for breaches of rule or discipline?'

(c) If there is such a clause in the agreement, will the Government be pleased to state why the conditions of service are temporary when the appointments are made permanently?

(d) Will the Government be pleased to state if such agreements are made with the employees of all other Railways in this country?

Colonel W. D. Waghorn : (a) It is a fact that all Railway Staff including Indians drawing Rs. 15 and upwards on the Oudh and Rohilkhand Railway are required to sign an agreement on appointment.

(b) Clause (2) of the agreement does contain the words quoted.

(c) A statement regarding service being temporary is put in the agreement in order that the employee shall understand that there is no obligation on the part of the Railway to employ him indefinitely in the event of it being found necessary to reduce establishment.

(d) The terms of the Oudh and Rohilkhand Railway Agreement are similar to those on the other State Lines.

POWERS OF VETO BY IMPERIAL AND PROVINCIAL GOVERNMENTS.

474. **Lala Girdharilal Agarwala :** In what matters, if at all, have the extraordinary powers of Veto been exercised by the Imperial and Provincial Governments concerning the Acts of the Indian or Provincial Legislatures and with what effect?

The Honourable Dr. T. B. Sapru : Neither the Government of India nor any local Government has any such power of Veto; but the Honourable Member is possibly referring to the powers conferred respectively on the Governor General and the Governor by Section 67 (2) and Section 72-D (4) of the Government of India Act. Further, under Section 81 assent can be withheld by a Governor from a Bill passed by a local Council, or by the Governor General from an Act passed by a local Legislature. There has been no instance of the exercise of the powers in question by the Governor General nor, so far as the Government of India are aware, have the corresponding powers of the Governor been exercised.

(Question No. 475 was withdrawn.)

ARTICLE IN 'MODERN REVIEW'—'IS THERE SEMI-SLAVERY IN ASSAM?'

476. **Mr. K. C. Neogy :** (a) Has the attention of Government been drawn to an editorial note in the *Modern Review* (Calcutta) for August 1921, headed 'Is there semi-slavery in Assam?'

(b) If so, are Government in a position to make any statement regarding the facts referred to therein?

The Honourable Mr. C. A. Innes : Welfare of labour is a Provincial subject, under the Devolution Rules, and the question would have more usefully been put in the local Legislative Council. The Government of India, however, understand that the facts are more or less as follows: Labour imported into Assam for work on the tea gardens costs these tea companies a considerable sum, and at one time the question of the enticement of labourers from one garden to another was a very burning one in Assam. Proposals were made for legislation on the subject, but these proposals were negatived. Accordingly, the tea companies have dealt with the matter themselves by binding themselves to a code of rules. The Government of India have no copy of those rules, and have no further information on the subject.

Mr. K. C. Neogy : Will the Honourable Member accept a copy of these rules from me.

The Honourable Mr. C. A. Innes : With pleasure.

WITHDRAWAL OF MUNITIONS CASE.

477. **Mr. K. C. Neogy :** With reference to the withdrawal of prosecution in the Munitions Fraud cases against Karnani and Banerjee, will Government be pleased to state whether there was any proposal at any time to make the aforesaid two persons, or either of them, refund the money alleged to have been wrongfully obtained by each, or to make them forego their dues on their outstanding bills, or to get them to consent to any other terms, as a condition of such withdrawal of prosecution?

(Vide reply to Question No. 373.)

WITHDRAWAL OF MUNITIONS CASE.

478. **Mr. K. C. Neogy :** Is it a fact that Billingham sent a telegram to the Secretary, Government of India, Commerce and Industry Department, to the following effect:

'Armstrong and prosecution offer to withdraw case if I admit prosecution justified and relinquish private claims. Is Government selling justice?'

(Vide reply to Question No. 373.)

WITHDRAWAL OF MUNITIONS CASE.

479. **Mr. K. C. Neogy :** (a) Did the Advocate-General, Bengal, in withdrawing the case against Karnani and Banerjee, make the following statement in the Calcutta Police Court: 'Widespread commercial and industrial interest would be seriously affected by reason of the association of Karnani and Banerjee with various business concerns of a Swadeshi character. Influenced by that consideration, Government had come to the conclusion that in the interests of the public it was not desirable to proceed with the prosecution?' If so, did he correctly interpret the policy of Government?

(b) Was the opinion of the Advocate-General, Bengal, obtained on the question of withdrawal of prosecution in any of these cases before deciding on it or making any proposal thereanent to the accused?

(Vide reply to Question No. 373.)

COUNSEL AND PLEADERS IN THE MUNITIONS CASE.

480. **Mr. K. C. Neogy :** (a) What is the number of counsel, pleaders and solicitors, respectively, that were engaged by Government in the case against Karnani and Banerjee, and how much has been, or is to be paid to them by way of fees?

(b) What is the total expenditure incurred by Government in this case?

(Vide reply to Question No. 373.)

ENGAGEMENT OF THE ADVOCATE-GENERAL, BENGAL, IN THE POLICE COURT.

481. **Mr. K. C. Neogy :** In how many and what cases, during the last ten years, was the Advocate-General, Bengal, engaged on behalf of the Crown in the Police Court?

The Honourable Sir William Vincent : During the last ten years, the Advocate-General, Bengal, appeared before the Presidency Magistrate in 1914-1915 in a case against Messrs. Ganpat Roy and Company on a charge of trading with the enemy, and he has appeared again in the recent series of Munitions cases.

Mr. K. Ahmed : May I ask a Supplementary Question with regard to Question No. 477?

Mr. President : Order, order. That question was answered yesterday.

FEES OF MR. ROSS ALSTON AND THE ADVOCATE-GENERAL IN THE MUNITIONS CASE.

482. **Mr. K. C. Neogy :** (a) Is it a fact that in the Munitions case Mr. Ross Alston was engaged as a junior to the Advocate-General on a much higher fee than the latter?

(b) If so, what were their respective rates of fees?

(c) In how many and what previous instances has junior counsel been paid at such a higher rate than the Advocate-General of Bengal while engaged in the same case on behalf of the Crown?

(Vide reply to Question No. 373.)

PERMANENT STRENGTH OF THE INDIAN MEDICAL SERVICE.

483. **Mr. K. C. Neogy :** How has the total strength of the permanent officers of the Indian Medical Service varied during the last 10 years, and how many of them have been Indians?

Sir Godfrey Fell : The actual strength of the permanent officers of the Indian Medical Service in 1911 was—Europeans 696, Indians 46, total 742. For 1921 the figures are—Europeans 597, Indians 146, total 743.

To work out the figures for each of the past ten years would be a laborious task, and the Government trust that the information now given will serve the Honourable Member's purpose.

RELATIVE STRENGTH OF INDIANS AND NON-INDIANS IN THE INDIAN MEDICAL SERVICE.

484. **Mr. K. C. Neogy :** (a) What is the policy of Government, if any, with regard to the maintenance of a relative strength of Indians and non-Indians in the Indian Medical Service?

(b) Will Government be pleased to lay on the table the latest correspondence if any with the India Office on the subject?

Sir Godfrey Fell: (a) The question of fixing the proportion of Indians that should be recruited for the Indian Medical Service is under the consideration of the Secretary of State for India. In recent years, there has been a large increase in the number of Indians in this Service, and the policy of the Government of India is towards the liberal employment of Indians.

(b) As the proposals of the Government of India are still under the consideration of the Secretary of State, the correspondence cannot be laid on the table.

NON-REGISTRATION OF INDIAN MEDICAL GRADUATES IN THE UNITED KINGDOM.

485. **Mr. K. C. Neogy:** (a) Has there been a recent decision of the British Medical Council that Medical graduates of Indian Universities cannot be registered in the United Kingdom?

(b) If so, will Government be pleased to state how this will affect the prospects of such Medical graduates in the matter of competing for the Indian Medical Service, in view of the requirements that 'candidates (for Indian Medical Service) must possess, under the Medical Acts in force at the time of their appointment, a qualification registrable in Great Britain and Ireland'?

(c) How is the said disability proposed to be removed, and what action has Government taken in the matter?

Mr. H. Sharp: (a) and (b) The Honourable Member is referred to the reply given by me to Question No. 174 asked by Mr B. S. Kamat on the same subject.

TEMPORARY OFFICERS IN THE INDIAN MEDICAL SERVICE.

486. **Mr. K. C. Neogy:** (a) What has been the total number of temporary officers in the Indian Medical Service during each year since the outbreak of the last War?

(b) How many of them are Indians and how many non-Indians?

(c) How many Indian temporary officers have been made permanent, and how many non-Indians?

Sir Godfrey Fell: (a) The figures are as follows:

1914, 60; 1915, 113; 1916, 173; 1917, 401; 1918, 216; 1919, 135; 1920, 37; the total being 1,138.

(b) Of this number, 1,004 are Indians and 134 Europeans and Anglo-Indians.

(c) Indians, 84; Europeans and Anglo-Indians, 6.

DRINKING WATER ON THE BENGAL AND NORTH-WESTERN RAILWAY.

487. **Rai Bahadur Lachhmi Prasad Sinha:** (a) Does the Government know that the passengers on the Bengal and North-Western Railway line are put to great inconvenience and trouble for want of supply of drinking water at railway stations?

(b) Is the Government aware that as a result of this several passengers died while travelling during the last few months?

(c) If so, will the Government be pleased to state whether any action has been taken to remove this longstanding grievance of the travelling public? If not, what steps are proposed to be taken?

(d) Will the Government be also pleased to state in detail how many watermen and gardeners are employed by the B. N. W. Ry. Company between the Katihar and Barawni Junctions in each station?

Colonel W. D. Waghorn: (a) The arrangements for the supply of drinking water at stations on the Bengal and North-Western Railway are similar to those on other Railways. They are believed to be adequate, but improvements are being continually made as funds are available.

In this connection I would refer the Honourable Member to the reply given to item (e) of the question asked by Rai Sahib Lakshmi Narayan Lal.

(b), (c) and (d). Government have no information in the matter but inquiry will be made.

WAITING ROOMS AT MAHESHKHUNT.

488. **Rai Bahadur Lachhmi Prasad Sinha:** (a) Is it a fact that the B. N. W. Ry. Company have provided no first and second class waiting room at Maheshkhunt Railway Station?

(b) If so, will the Government be pleased to state what action is proposed to be taken in the matter?

(c) Will the Government be pleased to state the number of first and second class waiting rooms there are on the B. N. W. Ry. between Katihar and Barawni Junctions, as also the number of first and second class tickets issued from and received at the different stations between Katihar and Barawni Junctions?

Colonel W. D. Waghorn: (a) and (b). The information required by the Honourable Member is being obtained and I shall be glad to furnish him with it when received.

(c) The number of first and second class waiting rooms between Katihar and Barawni Junctions is eight. As regards the number of first and second class tickets issued and received at the stations between these two junctions, the Honourable Member has mentioned no period but the Agent has been asked to furnish these figures for the last 12 months and, when received, I shall be pleased to furnish him with them.

DR. ANSARI'S ARTICLE ON 'NON-CO-OPERATION.'

489. **Mr. J. K. N. Kabraji:** (a) Has the attention of the Government been drawn to certain statements in an article by Dr. M. A. Ansari, Member of the Indian Khilafat Delegation and General Secretary of the Indian National Congress, in the May number of the *Venturer* (published in England) relating to the non-co-operation movement?

(b) If so, will Government be pleased to say whether the following statements are correct:

(i) That from twenty-five to twenty-six thousand titles have been formally renounced;

- (ii) That upwards of two hundred persons were wounded and some killed in the Delhi disturbances of 1919 ;
- (iii) That no foreign orders for piece-goods have been given since January.
- (c) In case any or all of these statements are incorrect, will Government take measures to give publicity to the true facts ?

The Honourable Sir William Vincent: (a) Yes.

(b) (1). The statement that from twenty-five to twenty-six thousand titles have been formally renounced is incorrect. So far as we are aware, thirty-nine titles only have been surrendered up to date, and thirty-three at the time the article appeared.

(2) The casualties in the Delhi disturbances were not upwards of 200 persons as stated, but 38.

(3) The statement that no foreign orders for piece-goods have been given since January is totally incorrect.

(c) The paper in question has a very small circulation and Government consider that the statement in this Assembly is sufficient contradiction.

ENROLMENT OF PLEADERS AND RECRUITMENT OF SERVICES IN THE NORTH-WEST FRONTIER PROVINCE.

490. **Dr. Nand Lal:** (a) Is it a fact that there are numerical and racial limitations on the enrolment of pleaders in the North-West Frontier Province; and, if so, what are the reasons for such limitations ?

(b) Will the Government be pleased to state :

(i) as to how many Hindu LL. B.'s applications for enrolment as pleaders, in the North-West Frontier Province were rejected in the period between January 1917 to January 1921, and how many of them belonged to that very Province ?

(ii) the reasons for such and so many rejections ?

(iii) the rules for such enrolment ?

(iv) as to how many Judicial and Executive, and Political posts have been filled by Hindus, Muhammadans and Europeans, respectively ?

(v) if any attempt has been made to recruit the judiciary from the Bar and, if so, how many and what class of judicial posts have been given to the members of Bar ?

The Honourable Sir William Vincent: (a) The rules regulating the enrolment of pleaders in North-West Frontier Province contain no numerical or racial limitations. In practice, however, the number of licenses granted is limited to the probable requirements of litigants. The objects of this limitation are (1) to ensure to every legal practitioner to whom a license is granted a reasonable expectation of earning a living, and (2) to prevent touting and the fostering of unnecessary litigation.

(b) (i). The information is not available, but it will be collected and communicated to the Honourable Member.

(ii) The reasons are those stated in reply to part (a) of the question.

(iii) The rules made by the Chief Commissioner under Section 9 (2) of the North-West Frontier Province Law and Justice Regulation 7 of 1901 were published in his Notification No. III, dated the 25th September 1918, a copy of which is laid on the table.

(iv) The information asked for by the Honourable Member is available in the Quarterly List published by the North-West Frontier Province, which I will place at his disposal if required.

(v) There are at present in the Provincial Civil Service four LL. B.'s and one Barrister. The District and Sessions Judges in the North-West Frontier Province are included in the Punjab cadre.

LISTED POSTS IN THE INDIAN CIVIL SERVICE.

491. **Dr. Nand Lal:** Will the Government be pleased to state as to what action they have taken in connection with the Resolution *re* 'Listed Posts in the Indian Civil Service,' which was adopted in the Legislative Assembly on 17th February 1921 ?

The Honourable Sir William Vincent: The Honourable Member is referred to the answer given to-day to Rai Bahadur Girishchandra Nag's question on the same subject.

STAFF OF ENGINEERING DISTRICTS, NORTH-WESTERN RAILWAY.

492. **Dr. Nand Lal:** Will the Government be pleased to state whether :

(a) It is a fact that the Karachi, Quetta, Rawalpindi, Simla and other Headquarters Engineering Districts of the North-Western Railway are reserved for Europeans ?

(b) It is a fact that no Indian Engineer has yet held charge of any of the aforesaid districts except as a stop gap in one or two cases ?

If the answers to (a) and (b) are in the affirmative, would the Government of India be pleased to state the reasons ?

Colonel W. D. Waghorn: (a) and (b). The answer to both questions is in the negative. In appointing Engineers to take charge of the various Districts the most suitable and best qualified officer for the post is selected.

INDIANS IN THE ENGINEERING DEPARTMENT, NORTH-WESTERN RAILWAY.

493. **Dr. Nand Lal:** (a) Are the Government aware that the Indian officers in the Engineering Department of North-Western Railway, generally nurse the feeling that they are not treated fairly in the matter of appointments ?

(b) If not aware thereof, then, will the Government be pleased to call for the opinions of each and every such officer ?

Colonel W. D. Waghorn: (a) The answer is in the negative.

(b) As all railway officers have the right to represent any grievance for the consideration of Government, it is not proposed to take action in the direction suggested by the Honourable Member.

ACCOMMODATION FOR EUROPEANS AND INDIANS, NORTH-WESTERN RAILWAY.

494. **Dr. Nand Lal:** (a) Is it a fact that the North-Western Railway Administration has provided quarters for their European and Anglo-Indian

employees at Lahore and none for Indians other than the Station Staff? If so, will the Government be pleased to say as to why this distinction is allowed?

(b) Is it a fact:

(i) that the North-Western Railway have recently constructed a number of bungalows for the residence of their officers stationed at Lahore;

(ii) that all these bungalows have been allotted to Europeans;

(iii) that several junior Indian officers applied for them and their applications were refused?

If so, will the Government be pleased to state the reason for such refusal?

(c) Will Government be pleased to state whether these bungalows have been built only for Europeans, if not, why this total exclusion of Indian officers?

(d) Do the Government propose to direct the Railway Administration to accommodate junior Indian officers in preference to seniors in Lahore and other congested places?

Colonel W. D. Waghorn: As this is a lengthy answer, I will, with your permission, lay it on the table.

(a) No. This is not the case. Quarters for the staff are built for appointments, and the individual who holds the appointment, whether European, Anglo-Indian or Indian, occupies the quarter built for that appointment.

There is a large number of quarters in Lahore built for Indian employees of the Engineering, Loco. and Carriage and Wagon Departments.

(b) (i). Yes. Seventeen bungalows have been built of the following types:

1 Deputy Type,

6 District Officers' type,

10 Assistant District Officers' type.

(ii) Thirteen have been so far allotted and these have been allotted to Europeans, who at present hold certain appointments.

(iii) Yes. Certain junior Indian Officers have applied, but it has not yet been definitely decided whether any and, if so, which of these bungalows can be allotted to them.

(c) The original intention was to provide accommodation for European officers first, as it is becoming increasingly more difficult for them to obtain quarters and accommodation can more readily be obtained by Indians than by Europeans in a place like Lahore.

(d) It is not proposed to issue any definite orders, as each case must receive consideration on its merits so long as there are only a very limited number of bungalows built.

It is the intention eventually to allot these bungalows also to definite appointments.

TECHNICAL ALLOWANCE GRANTED TO EUROPE-RECRUITED ENGINEERS.

495. **Dr. Nand Lal:** (a) Are the Government aware that the grant of a Technical allowance to Europe-recruited Engineers of the Indian Service of Engineers and the denial of the same to those recruited in India, on grounds

of alleged superior training of the former, are deeply resented by the India-recruited Engineers?

(b) Have any memorials been received by the Government from the India-recruited officers concerned protesting against the grant of Technical allowance to Europe-recruited Engineers only?

(c) If the reply to (a) and (b) be in the affirmative, will the Government be pleased to say what action they propose to take in order to remove the grievance?

Sir S. D'A. Crookshank: (a) Memorials have been received to this effect.

(b) Yes.

(c) The matter is under the consideration of the Government of India and no pronouncement in connection therewith can yet be made.

BOOKING DIFFICULTIES AT RAILWAY STATIONS.

496. **Dr. Nand Lal:** Is the Government aware of the difficulties that the public have to experience in booking goods on every Railway station in India, especially the bigger and busier stations? If so, what steps has the Government taken to remove the trouble?

Colonel W. D. Waghorn: The Honourable Member is referred to the reply given to a similar question asked by Haji Wajih-ud-din in this Assembly.

CREATION OF A RAILWAY CENTRAL ADVISORY BOARD.

497. **Dr. Nand Lal:** Does the Government intend creating one Central Advisory Board consisting of traders, merchants, elected Members of the Legislative Assembly, and other gentlemen of light and experience to help the Central Government by offering suggestions with a view to eradicate corruption in the Railway departments, and alleviate grievances of the public in connection with Railway administration?

Colonel W. D. Waghorn: The Honourable Member is referred to the reply given to Haji Wajih-ud-din's question regarding the formation of Advisory Boards.

COST OF ADMINISTRATION ON NORTH-WEST FRONTIER.

498. **Dr. Nand Lal:** Will the Government of India be so pleased as to lay on the table figures showing the total annual cost of (i) the Executive administration, (ii) the Judicial administration and (iii) the Political Department of:

(a) the Peshawar, Kohat, Bannu and Dera Ismail Khan Districts of the Punjab, in 1899, 1900 and 1901, up to the date of the separation of the North-West Frontier Province from the Punjab, and

(b) of the North-West Frontier Province in each of the years from 1902 to 1920?

The Honourable Dr. T. B. Saprú (on behalf of the Honourable Mr. Denys Bray): The attached statements give the information required by the Honourable Member.

Statement showing the expenditure of Judicial Administration, Executive Administration and Political Department of the Divisions noted below for the years 1899, 1900 and 1901.

Districts.	3. Land Revenue.			19-A. Law and Justice.			25. Political.			TOTAL.		
	Rs.	A.	P.	Rs.	A.	P.	Rs.	A.	P.	Rs.	A.	P.
(1899-1900.)												
Peshawar ...	1,64,256	0	0	1,23,843	0	0	4,84,380	0	0	7,72,479	0	0
Kohat ...	1,12,648	7	4	34,040	15	10	44,160	11	0	1,90,850	2	2
Bannu ...	1,08,184	0	0	42,618	0	0	1,63,130	0	0	3,13,932	0	0
Dera Ismail Khan...	2,11,475	0	0	93,490	0	0	2,26,267	0	0	5,31,232	0	0
Total ...	5,96,563	7	4	2,93,991	15	10	9,17,937	11	0	18,08,493	2	2
(1900-01.)												
Peshawar ...	1,61,659	0	8	1,30,108	12	10	5,15,025	6	5	8,06,793	3	11
Kohat ...	1,40,971	3	1	31,710	7	2	38,938	13	8	2,11,620	7	11
Bannu ...	1,11,019	0	0	53,131	0	0	2,42,052	0	0	4,06,202	0	0
Dera Ismail Khan...	2,45,877	0	0	97,161	0	0	3,55,938	0	0	6,98,976	0	0
Total ...	6,59,526	3	9	3,12,111	4	0	11,51,954	4	1	21,23,591	11	10
(1901-02.)												
April to 10th Nov-												
ember.												
Peshawar ...	1,07,341	14	10	77,512	1	8	3,31,776	7	1	5,16,630	7	7
Kohat ...	83,747	3	9	19,569	8	6	26,313	4	6	1,29,631	0	9
Bannu ...	72,569	0	0	36,233	0	0	2,02,669	0	0	3,11,471	0	0
Dera Ismail Khan...	1,51,922	0	0	55,680	0	0	2,39,113	0	0	4,46,715	0	0
Total ...	4,15,539	2	7	1,88,994	10	2	7,99,871	11	7	14,04,446	8	4

B

Statement showing the annual cost of (i) Executive, (ii) Judicial Administrations and (iii) Political Departments from the year 1901-02 to 1920-21.

—	3. Land Revenue.			19-A. Law and Justice.			25. Political.			TOTAL.		
	Rs.	A.	P.	Rs.	A.	P.	Rs.	A.	P.	Rs.	A.	P.
1901-02 ...	2,60,613	4	6	1,71,088	0	5	10,80,871	11	1	15,12,573	0	0*
11th November 1901 to March 1902.												
1902-03 ...	7,29,932	5	7	4,79,506	6	9	20,97,866	15	4	33,07,305	11	8
1903-04 ...	7,66,678	10	5	4,82,951	15	0	23,27,183	1	6	35,76,813	10	11
1904-05 ...	8,20,423	1	2	4,90,692	5	8	24,52,256	11	11	37,16,372	2	9
1905-06 ...	7,63,098	0	7	4,93,956	5	2	26,00,780	9	7	38,57,834	15	4
1906-07 ...	7,15,040	12	5	5,24,769	4	8	25,72,576	8	10	38,12,377	9	11
1907-08 ...	5,98,411	14	2	4,14,067	14	10	27,00,716	6	6	38,13,196	3	6
1908-09 ...	5,58,744	9	11	5,42,005	5	3	32,41,775	3	10	43,42,525	3	0
1909-10 ...	5,87,200	5	8	5,52,444	2	11	30,53,873	7	8	41,93,518	0	3
1910-11 ...	5,88,174	5	7	5,70,203	6	3	31,44,972	9	7	43,03,350	5	5
1911-12 ...	6,03,663	11	5	5,79,955	10	3	30,61,755	12	8	42,45,375	2	4
1912-13 ...	6,11,662	6	0	6,16,005	9	11	31,47,088	8	0	43,74,756	7	11
1913-14 ...	6,20,762	8	10	6,19,809	2	1	31,59,306	7	7	43,99,869	2	6
1914-15 ...	6,48,562	11	2	6,49,779	12	3	31,60,553	14	6	44,58,396	5	11
1915-16 ...	6,32,823	13	0	6,41,577	3	3	33,77,482	1	6	46,51,883	1	9
1916-17 ...	6,57,547	11	6	6,64,689	12	6	37,09,366	3	0	50,31,638	11	0
1917-18 ...	6,66,877	8	7	6,92,720	8	11	46,50,458	13	10	60,10,056	15	4
1918-19 ...	6,91,580	7	6	7,10,592	11	3	48,42,183	14	2	62,44,267	0	11
1919-20 ...	8,24,371	10	10	7,79,372	10	4	48,69,599	8	8	64,73,343	13	10
1920-21 ...	9,35,828	1	1	9,33,485	0	10	46,02,904	0	5	64,72,217	2	4†
Total ...	1,32,81,997	15	11	1,17,09,565	4	6	6,38,06,072	10	2	8,87,97,635	14	7

* The figures represent actuals from November 1901 up to the end of March 1902.

† Subject to modification on the books being finally closed.

7 PER CENT. STERLING LOAN.

499. **Mr. B. S. Kamat :** (a) Will the Government of India be pleased to state whether the Secretary of State for India had consulted them before raising the 7 per cent. sterling loan in London on the terms he did, and, if so, will Government state the view they had represented?

(b) Will Government be pleased to state the exact position occupied by the Finance Department of the Government of India in relation to advice to the Secretary of State for India in financial matters, and, if any such advice counts as against the advice of his Financial Advisers in London?

The Honourable Mr. W. M. Hailey : (a) The answer is in the negative; the circumstances which precluded the Secretary of State from consulting the Government of India beforehand have been stated in the Government of India's letter to the Bombay Chamber of Commerce No. 1529-F., dated 17th May 1921, which I have laid on the table in replying to a question on the subject by Mr. Price.

(b) Any advice given to the Secretary of State for India is given by the Government of India as a whole, and not by any particular Department. The last part of the question does not therefore call for answer.

PAY OF THE CLERICAL STAFF OF THE METEOROLOGICAL AND OTHER ATTACHED OFFICES.

500. **Rai Bahadur Bakshi Sohan Lal :** (a) Will the Government be pleased to state :

(i) whether it is correct or not that the pay of the clerical staff of the Meteorological and other Attached Offices has been fixed at a lower rate than that of the staff of the Secretariat,

(ii) whether this differential treatment is consistent with the principle laid down by the Secretary of State in Council that similar labour should receive the same rates of wages?

(b) Is it a fact that the heads of Attached Offices protested against the revised scale; if so, will the Government be pleased to say why the opinions of the heads of Attached Offices were disregarded?

The Honourable Sir William Vincent : (a) (i). Yes.

(ii) The principle that there should be equality of remuneration for similar labour has not been departed from. The class of work required in Attached Offices is of a different class from that required in the Secretariat establishment.

(b) The several Departments are being consulted and I will let the Honourable Member have a reply in due course.

CLERICAL STAFF OF THE SECRETARIAT AND OTHER ATTACHED OFFICES.

501. **Rai Bahadur Bakshi Sohan Lal :** Will the Government be pleased to lay on the table the following statements :

(i) The total strength of the clerical staff of each of the Secretariat Departments, Army Headquarters and the Attached Offices with the number in the upper division and that in the lower division;

(ii) the extra expenditure to Government owing to the revision of pay in each of the Secretariat Departments and in each of the Attached Offices ;

(iii) The extra expenditure that will be necessary to give effect to the proposal to give the Secretariat scales of pay to the staff of the Attached Offices on exactly the same lines as in the case of the Secretariats, particularly that part of the scheme which allows each employee to count his total service for fixing initial pay under the new scale ?

The Honourable Sir William Vincent : (i) and (ii). The information has been called for and will be supplied when complete.

(iii) I shall have the estimates worked out if the Honourable Member is particularly anxious for them, but I hope he will not press his request, as this will involve a very great deal of labour.

SHORTAGE OF PAPER AND ITS HIGH PRICES.

502. **Beohar Raghubir Sinha :** (a) Are the Government aware that shortage of paper and its high prices are causing grave anxiety ?

(b) What steps have the Government taken or do they intend to take in connection with running a pioneer paper concern as suggested by the Industrial Commission ?

(c) Will the Government be pleased to state for the last ten years :

(i) the quantity of paper manufactured in different factories in India, and

(ii) the quantity of paper imported in India ?

Mr. A. C. Chatterjee : (a) The reply is in the affirmative.

(b) The Government of India have at present no intention of establishing a pioneer factory for making paper. A number of paper pulp and paper mills are already in existence in India and Burma, and it is believed that the number will shortly increase. A special section of the Economic Branch of the Forest Research Institute, Dehra Dun, in charge of an experienced officer, has been formed to investigate the possibilities of the various raw materials available and the best methods of preparing pulp and manufacturing paper from them. An experimental pulp and paper making plant has been obtained and will shortly be erected. The results of the experiments conducted will be published and the advice of the Officer in charge is available to the public. Officers of the Institute examine and report on localities with a view to their exploitation for pulp manufacture, and it is principally due to their activities that private enterprise has been undertaken or extended.

The Honourable Member is mistaken in thinking that the Indian Industrial Commission suggested the establishment of a pioneer paper concern. The suggestion to which he is presumably referring, related to the establishment of a pioneer pulp factory, and the work which is described above as having been undertaken at the Forest Research Institute, is exactly in accordance with the Commission's suggestion.

(c) Two statements are laid on the table showing the figures for the last ten years of (i) the quantity of paper manufactured in India and (ii) the quantity of paper imported in India.

I.

Statement showing the quantity of paper manufactured in India during the last ten years.

										Tons.
1911	...	...	...	...	...	...	...	...	...	28,536
1912	...	...	...	...	...	...	...	...	...	26,925
1913	...	...	...	...	...	...	...	...	...	27,050
1914	...	...	...	...	...	...	...	...	...	28,712
1915	...	...	...	...	...	...	...	...	...	30,361
1916	...	...	...	...	...	...	...	...	...	31,928
1917	...	...	...	...	...	...	...	...	...	31,861
1918	...	...	...	...	...	...	...	...	...	31,362
1919	...	...	...	...	...	...	...	...	...	30,969
1920	...	...	...	...	...	...	...	...	...	28,611

II.

Statement showing the quantity of paper imported in India during the last ten years.

	1911-12.	1912-13.	1913-14.	1914-15.	1915-16.	1916-17.	1917-18.	1918-19.	1919-20.	1920-21.
	Tons.	Tons.	Tons.	Tons.	Tons.	Tons.	Tons.	Tons.	Tons.	Tons.
Paper (including packing paper, printing paper and other kinds)	41,100	40,942	50,871	46,753	42,407	32,727	20,981	15,935	27,724	50,387
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
Value of writing paper and envelopes*	28,38,485	33,66,870	38,90,400	25,48,875	28,30,800	53,14,905	39,70,830	40,01,352	44,90,374	2,03,60,870

*Quantity not shown in the annual statement of the Sea borne Trade for British India.

MRS. BESANT'S ADDRESS IN THE MALABAR REFORMED COUNCIL.

503. **Beohar Raghubir Sinha :** (a) Has the attention of the Government been drawn to the Presidential address delivered by Mrs. Annie Besant in the Malabar Reformed Council on 28th April 1921 ?

(b) If so, do not the Government propose to ask all Local Governments to get it translated into the vernaculars of the various Provinces and widely circulate the same ?

The Honourable Sir William Vincent : (a) Yes.

(b) Government do not think it necessary to take the action suggested.

MEMBERS OF PROVINCIAL EXECUTIVE COUNCIL.

504. **Beohar Raghubir Sinha :** (a) With reference to the Communiqué explaining that the appointment of the Honourable Mr. Hugh Macpherson, C.S.I., as a Member of the Executive Council of Bihar and Orissa had already been determined upon before the debates in the Bihar and Orissa Legislative Council and the Legislative Assembly, regarding the number of Members of the Executive Council, will the Government be pleased to say why it did not announce the fact when it gave the assurance that the retention of the second Member of the Council would be reconsidered on the occurrence of a vacancy ?

(b) Will the Government lay on the table a comparative statement showing the distribution of portfolios among the two Members of the Council in the Governments of the United Provinces, the Punjab and the Central Provinces, and among the three Members of Bihar and Orissa and the volume of work to be done by them?

(c) Is it a fact that besides official Members of Council, the Government of Bihar and Orissa has a Board of Revenue and Divisional Commissioners?

(d) Is it a fact that the Province of Bihar and Orissa is exempted from paying any contribution to the Imperial Government?

(e) Do the Government of India propose to instruct the Government of Bihar and Orissa to reduce the cost of its administration in order to enable it to pay a contribution or grant like that paid by the Central Provinces and Berar?

The Honourable Sir William Vincent : (a) It is not correct to say that in the debate in the Legislative Assembly on the 5th March 1921, Government gave an assurance that the retention of the second Member of the Executive Council would be reconsidered 'on the occurrence of a vacancy,' i.e., on the occurrence of the first vacancy. What Government said was that the matter would be reconsidered 'as soon as the Honourable Mr. LeMesurier retires which would be in 1922.' That contingency has not yet arisen.

On the date of the debate, i.e., the 5th March 1921, the Government of India had recommended the appointment of the Honourable Mr. McPherson to succeed the Honourable Sir Walter Maude, but they were not then in a position to make any announcement on the subject, as Mr. McPherson's appointment had not been approved by His Majesty the King-Emperor.

(b) The information is being collected and will be furnished in due course to the Honourable Member.

(c) Yes.

(d) Yes.

(e) No.

NEW CAPITAL OF DELHI.

505. **Beohar Raghubir Sinha :** Will the Government be pleased to state approximately :

- (a) the actual expenses already incurred on the new Capital at Delhi;
- (b) the estimate of further expenditure which will be incurred in completing it;
- (c) the estimated annual cost of upkeep of the new Capital when it is completed;
- (d) the approximate annual cost of upkeep of all the Government of India property in Simla;
- (e) the annual cost of the move to Simla and back including all charges entailed thereby;
- (f) the total annual recurring cost of the Government of India Headquarters' staff, establishments, etc., including all allowances, travelling allowances, contingencies, etc.;
- (g) the approximate amount of working time of the staff and establishment lost in packing up and in settling down on each occasion of the move from Delhi to Simla and Simla to Delhi?

The Honourable Sir William Vincent : (a) The gross outlay to the end of March 1921 was about 490 lakhs and the nett outlay about Rs. 477 lakhs. These figures may be altered in the supplemental accounts.

(b) The latest estimate of further expenditure which will be incurred in completing New Delhi amounts to Rs. 797.8 lakhs nett. The cost will, however, be greater by about Rs. 64.5 lakhs nett if the annual grants cannot be raised to and maintained at the rate of Rs. 150 lakhs (or more) per year until the present programme of works is completed.

(c) No estimate of the cost of upkeep has ever been framed, and any estimate of this kind framed at the present time would not be of any practical value.

(d) The annual cost of upkeep of all 'Central' buildings and roads in Simla, excluding the Viceregal Estates and all provincial and railway properties, amounts approximately to Rs. 3 lakhs.

(e) The cost of the annual move to and from Simla is estimated approximately at Rs. 3,87,000.

(f) The exact figures which the Honourable Member desires under this head are not known. It would be possible for the Honourable Member to collect such figures as he requires from the book 'Demands for Grants' presented to the Assembly in the March Session. Such figures may include figures included under the answer to part (e).

(g) It is difficult to state the working time lost by the establishment in packing up and settling down on each occasion of the move. But experience shows that there is a partial dislocation of work for some days. As the establishment moves in batches, all urgent and a large proportion of ordinary work is disposed of without delay.

ALL-THE-YEAR-ROUND CAPITAL OF INDIA.

506. **Beohar Raghubir Sinha :** (a) With reference to the words in the Despatch of 26th August 1911, to the effect, that the Government of India had earnestly considered the possibility of finding a suitable site for an all-the-year-round Capital, will the Government be pleased to state what practical consideration was really devoted to the subject and to place on the table the papers relating thereto, if any?

(b) Will the Government further be pleased to state what steps, if any, were ever taken by Government to ascertain whether any site suitable for an all-the-year-round Capital could be found?

(c) Was any Committee ever appointed to examine possible sites?

(d) If so, what places did they visit?

(e) If not, do the Government now propose (i) to appoint a Committee to consider whether it will not be economical to abandon New Delhi and locate the Government of India in an all-the-year-round Capital in a central position and (ii) meanwhile, to defer all further expenditure on New Delhi pending the report of that Committee?

The Honourable Sir William Vincent : (a) to (d). I presume that the Honourable Member is referring to the opening words of paragraph 5 of the Despatch of the 25th August 1911. It was there stated that 'the question of providing a separate Capital for the Government of India had often been

debated, but generally with the object of finding a site where that Government could spend all seasons of the year. Such a solution would ***be ideal, but it is impracticable. The various sites suggested are either difficult of access or are devoid of historical associations.' This statement differs essentially from the summary given by the Honourable Member. It relates to previous discussions and debates and not to any particular discussion. The remaining items in these parts of the question do not therefore arise. I will add, however, that, so far as I am aware, Government have never appointed a Committee with the sole object of finding a suitable site for an all-the-year-round Capital.

(e) Government are not, as at present advised, prepared to take the action suggested.

PREPARATION OF THE ANNUAL BUDGET ESTIMATES.

507. **Beohar Raghubir Sinha:** (a) Is it not a fact that much inconvenience and difficulty is experienced in the preparation of the annual Budget estimate for the financial year (1st April to 31st March), owing to the fact that the estimate is prepared at a time when it is impossible to forecast the probable nature of the year and its effect on the Revenue?

(b) Is it not a fact that the commencement of a new financial year falling in the midst of a working year causes breach of continuity both in the allotment of funds for works and in their execution?

(c) Is it not a fact that the adoption of a number of varying official years for various departments causes inconvenience in administration?

(d) Did not the Chamberlain Currency Committee strongly recommend the abandonment of the present financial year and the retention in its place of a new convenient year commencing after the close of the monsoon when the nature of the season can be forecasted with some approach to accuracy?

(e) Why has no action been taken on this recommendation?

(f) Do the Government propose now to devote their practical consideration to this question and to abolish the various existing official years, to substitute one uniform official and financial year from Diwali to Diwali or from 1st November to 31st October?

The Honourable Mr. W. M. Hailey: (a), (b), (d), (e) and (f). The Chamberlain Commission, in paragraph 128 of their Report, in dealing with the difficulties of preparing a budget in India, referred to a suggestion that the date of the beginning of the financial year should be altered from the 1st April to the 1st November or the 1st January. They added that there might be administrative difficulties in carrying this suggestion into effect, but that financially it would be a great improvement. It is a fact that budgeting in India presents greater difficulties than in most other countries, owing to the extent to which the revenue depends upon the character of the monsoon. The question of altering the financial year has been considered on more than one occasion by Government, and the conclusion has hitherto been that the practical advantages would probably be outweighed by certain disadvantages. It would not be possible within the compass of this reply to detail all the pros and cons, but I can assure the Honourable Member that the question is a much more difficult one than may appear at first sight. The Chamberlain Commission's suggestion came up for consideration during the war and it was decided to postpone its consideration till a more convenient time. Government

think that the time has now come when the matter might profitably be considered afresh, particularly in view of the fact that owing to the Reforms certain new conditions have been set up arising from the financial powers now possessed by the various Legislatures. The question is one which concerns intimately not only the Central Government, but also the Provinces and of course the commercial community. Steps will now be taken to consult the Provincial Governments, and Government will consider, in the light of the replies received, whether there is a case for pursuing the matter and for consulting public opinion upon definite proposals.

(c) The official year is the same for all Departments. It is true that certain Administration Reports are for other than the official year but Government are unaware that this has led to any administrative inconvenience.

SUBJECTS FOR THE IMPERIAL CONFERENCE.

508. **Peohar Raghubir Sinha:** Will the Government be pleased to lay on the table a list of the subjects that are going to engage the attention of the Imperial Conference?

The Honourable Sir William Vincent: It is presumed that the question has reference to the recent Imperial Cabinet Meeting. A list of the subjects on the agenda for that meeting so far as is known to the Government of India is laid on the table.

List of subjects on the Agenda of the Imperial Cabinet Meeting.

1. Holding of an Imperial Conference to Consider the Future Constitution of the Empire.
2. Imperial Patents.
3. Anglo-Japanese Alliance.
4. Arrangements for Securing a Common Imperial Foreign Policy.
5. India's Share in the Reparations to be Obtained from Germany under the Treaty of Versailles.
6. Civil Aviation.
7. Report of the Imperial Wireless Committee, 1919-20.
8. Imperial Statistical Bureau.
9. Inter-Imperial Communications by Land and Sea.
10. Imperial Shipping Committee.
11. Position of British Indians in other parts of the Empire.
12. Naval, Military and Air Defence.
13. Overseas Settlement.
14. Control of the New Hebrides.
15. State-aided Empire Settlement.

EXPENDITURE IN RESPECT OF CHRISTIAN CLERGY AND OTHER RELIGIONS.

509. **Beohar Raghubir Sinha:** (a) Will the Government be pleased to state what amount is spent annually as pay or emoluments to the Christian Bishops, Archdeacons and Chaplains?

(b) What are the duties in public interests consigned to them?

(c) Is this expenditure incurred in the interests of all the peoples of India or those of one particular community or religion?

(d) Is any such expenditure incurred with respect to other religions, interests or communities in India?

Mr. H. Sharp : (a) The total expenditure during the year for which the latest figures are available, viz., 1919-20 was Rs. 21,14,724.

This figure includes allowances to (i), Registrars of Dioceses and (ii) non-official Clergy for occasional assistance to Clergy paid by Government.

The sums, however, under (i) and (ii) are extremely small.

(b) and (c). The duties assigned to Clergy paid by Government are chiefly to assist in providing the ministrations of religion for the British-born Christian servants of Government, civil and military, and in particular, the latter.

These persons have been brought to India and unlike the adherents of certain other faiths find in general no indigenous religious organisation at work in the country.

(d) Certain expenditure is annually incurred by Government on the provision of non-Christian religious instructors for Indian regiments. It may be added that non-Christian religions have been and are financially assisted by the State (i) by grants of land and alienations of land revenues made for religious purposes, e.g., the support of temples, mosques, etc., and (ii) by the expenditure of money for archaeological purposes on non-Christian places of worship.

INDIAN LOAN IN ENGLAND.

510. **Beohar Raghubir Sinha :** (a) Is it a fact that an Indian Loan has been raised in England at a high rate of interest?

(b) Is it a fact that its proceeds are to be spent in England for the purchase of Railway materials?

(c) Was it not possible to purchase the materials in cheaper markets and thus prevent loss to India?

The Honourable Mr. W. M. Hailey : (a) The Secretary of State raised in April last (a) Sterling loan £7½ millions at 7 per cent. interest. The terms of the loan have been the subject of much public discussion in India, and notably in certain correspondence between the Government of India and the Indian Merchants' Chamber and Bureau, Bombay, which has been published. It is entirely a matter of opinion whether, having regard to the circumstances in which the loan was floated, the rate of interest could be regarded as 'high'.

(b) Yes.

(c) The expenditure on railway stores in England covers materials required both for State-managed and Company-managed lines. As regards the possibility of purchasing such materials in India, I understand from the Department of Industries that in the case of State railways all possible purchases are invariably made in India in accordance with the Stores Purchase Rules, if the quality and the price of the Indian article are not unfavourable. In the case of Company-managed railways, purchases are made by the railways themselves who are not bound by the Stores Purchase Rules.

As regards purchases for state railways made in England, it is true, that in a limited number of cases, such purchases have for particular reasons been made in England, where they could have been made at cheaper rates abroad. It does not, however, follow that purchases abroad would have been more economical in the long run. The papers relating to this subject have been laid on the table, and it is possible that the matter may come under discussion in connection with the Resolution of Sir Vithaldas Thackersey on the question of the purchase of stores.

TEACHERS UNEMPLOYED THROUGH NON-CO-OPERATION MOVEMENT.

511. **Beohar Raghubir Sinha :** (a) Will the Government be pleased to state the number of Head Masters and Assistant Teachers in different Provinces who have been thrown out of employment as victims of the Non-Co-operation Movement, their schools having been converted into National Schools?

(b) Do the Government contemplate providing for these men and specially for those of advanced age—in some way—thus rewarding their past services?

Mr. H. Sharp : A statement giving the required information is laid on the table. A further report from Bombay is awaited and will be furnished to the Honourable Member on receipt.

Statement showing the number of teachers in different Provinces who have been thrown out of employment on account of the non-co-operation movement, and the steps taken by Local Governments to provide for them.

Province.	Number of headmasters and assistant masters thrown out of employment.	Action taken to provide for these men.
Madras	Six teachers in Tinnevely and three headmasters, twelve assistant teachers, two pandits and three drill masters in the Guntur District have been thrown out of employment. It is also understood that some thirty elementary schools have been nationalised.	Government is prepared to render help in proper cases.
Bombay	Two teachers in the Central Division have resigned their posts owing to their schools being converted into national schools. Two acting assistant masters in the Larkana District have been thrown out of employment on account of low attendance due to the non-co-operation movement.	The Educational Inspector is being asked whether he can provide for them. The case of teachers under the Surat Municipality, which may be said to have nationalised its schools, is still under consideration.
Bengal	Three headmasters and fifteen assistant masters.	Orders have been issued for helping such of these teachers as are deserving and qualified by giving them preference while making appointments.
United Provinces	Two assistant teachers	One has been admitted for training as language teacher in the Government Training College, Lucknow. No information is available as regards the other.
Punjab	Two headmasters and fourteen assistant teachers.	Fourteen have been provided for in Board schools and two in Government institutions.

Province.	Number of headmasters and assistant masters thrown out of employment.	Action taken to provide for these men.
Burma ...	Thirty-one assistant teachers	Endeavours are being made to provide for all loyal teachers in schools affected by the boycott movement, either by finding employment in Government service or by supplementing grants to aided schools to enable them to retain their services.
Bihar and Orissa ...	Two headmasters and four assistant masters have reported to Inspectors as having been thrown out of employment.	The number is so small that it should be possible for them to find employment without difficulty and Government do not therefore contemplate making any special provision for them.
Central Provinces	Two headmasters. Twelve assistant teachers as far as known.	One headmaster under training in the Training College. The question of providing employment for the other is still under consideration. Seven assistant masters are engaged in Government Municipal or aided schools. Five were either over age or unqualified or did not accept the appointments offered to them.
Assam ...	None.	
Coorg ...	None.	
Delhi ...	None. One or two assistant teachers who deliberately left recognized schools in order to join national schools have since fallen out of employment owing to the reduction of staff.	
N.-W. F. Province.	None.	
Administered Areas	Two Muhammadan elementary schools in Bangalore with eight teachers on the staff have been nationalised.	No application has been received from these teachers for employment.

INCREMENTS TO HIGHER SERVICES.

512. **Beohar Raghubir Sinha:** (a) Has the attention of the Government of India been drawn to the reported recent announcement in the House of Commons by the Right Honourable Mr. Montagu expressing his intention to grant further increments to the higher services in India?

(b) Are the Government aware that this is causing a great stir and has created a sense of opposition among the Indians?

(c) Do the Government propose to consider the question of impressing on the Secretary of State, the advisability of abandoning the proposed scheme?

The Honourable Mr. W. M. Hailey: (a) The decisions of the Secretary of State as regards the pay of the Imperial Services in India have now been published in the Resolution of the Home Department No. D-449, dated 26th July 1921, and that of the Finance Department No. 1559-E.A., dated the 16th August 1921. The Honourable Member has doubtless already read those Resolutions and has realised that his apprehensions of considerable increments were unfounded. No general revision of pay has been undertaken. All that has been effected is the removal of certain inequalities in the treatment previously accorded to the different services.

(b) Government are aware that the Secretary of State's announcement caused some comments in India.

(c) In view of my replies to parts (a) (b) of this question, it seems unnecessary to answer part (c).

AGRICULTURAL LANDOWNERS.

513. **Raja Surj Baksh Singh:** (a) Will the Government be pleased to state in what Provinces of British India the system of agricultural landowners known as Zamindars, Taluqdars, Istimrardars or territorial magnates, etc., prevails?

(b) Will the Government be pleased to state, Province by Province, the area of land owned by such agricultural landowners?

(c) Will the Government be pleased to state, Province by Province, the annual land revenue demanded by Government from such agricultural landowners?

(d) Will the Government be pleased to state, Province by Province, the annual agricultural demands known as rents of such agricultural landowners from their cultivators?

(e) Will the Government be pleased to state, Province by Province, the area and the annual Government demand of the agricultural land held under the Nazul system in which the Government itself is the landowner?

(f) Will the Government be pleased to state, Province by Province, the average collection per year under parts (c), (d) and (e)?

(g) Will the Government be pleased to state in what Provinces of British India the system of under proprietors as distinguished from superior proprietors prevails?

Mr. J. Hullah: The meaning of the term 'Zamindar' varies so much in different parts of India that it is impossible to class all zamindars as landowners under a single system. Similarly the expressions 'territorial magnates' and 'under-proprietors' are not sufficiently precise to enable this question to be answered without an amount of explanation which it would be impossible to confine within reasonable compass. To show how elastic is the expression 'under-proprietors,' the Honourable Member is referred to Land Systems of British India by Baden-Powell, Volume I, pages 200-205 and 535 and Volume II, page 697.

With reference to part (e) of the question, the term 'Nazul' is not applied to all land of which Government itself is the landowner. If the Honourable Member will be more precise as to the nature of the ownership regarding which he desires information, the Government will consider whether this information can be obtained. He will find a certain amount of statistical information in Table V of the Agricultural Statistics of British India.

GOLD COINS IN INDIA.

514. **Raja Surj Baksh Singh:** Will the Government be pleased to state why gold coins are not introduced into India in the same way as they are in the United Kingdom?

The Honourable Mr. W. M. Hailey: The Honourable Raja is under a misapprehension if he thinks that gold coins now circulate in England. In

point of fact, the sovereign is legal tender in India just as much as it is in England; but it is obvious that where, as is the case in both countries at present, gold is at a substantial premium as compared with its legal tender value, the sovereign cannot, in practice, be used as a medium of exchange.

STUDY OF CO-OPERATIVE CREDIT IN SCHOOLS.

515. Raja Surj Baksh Singh: Do the Government propose to advise the Provincial Governments to appoint Committees to prepare books for graduated studies of Co-operative Credit to be introduced into the primary schools?

Mr. J. Hullah: The Government of India will bring the Honourable Member's question to the notice of the Local Governments.

OFFICE OF JUSTICE OF THE PEACE AND MAGISTRATE.

516. Raja Surj Baksh Singh: (a) Will the Government be pleased to state why the office of Justice of the Peace is not conferred upon Indians of merit in the same way as that of Magistrate?

(b) Will the Government be pleased to state the number of Europeans and Indians holding the honorary offices of Justice of the Peace and Magistrate?

The Honourable Sir William Vincent: (a) There is no provision in the Code of Criminal Procedure for the appointment of Indians as Justices of the Peace save in the Presidency Towns. Appointments of Justice of the Peace within and without the Presidency Towns are in the hands of the Local Governments, and the Government of India are not concerned with them.

(b) The Honourable Member is referred to the Civil Lists issued by the Local Governments.

STATEMENT OF POSSESSION OF ARMS.

517. Raja Surj Baksh Singh: Will the Government be pleased to state if any statement of the Arms in the possession of persons exempted under the Arms Rules is taken periodically?

The Honourable Sir William Vincent: Under the Indian Arms Rules, 1920, any exempted person may be required by any general or special order in writing of the Local Government to register in such manner as may be specified in the order any fire-arm or ammunition in respect of which he is exempted from the operation of any provision of the Arms Act. The Government of India understand that orders in regard to registration are in force in Bombay, Bengal and the Central Provinces and that in the latter two provinces the arms, etc., in the possession of exempted persons are verified annually. They have no information as to the orders in force in other Provinces.

ALL-THE-YEAR-ROUND CAPITAL OF INDIA.

518. Raja Surj Baksh Singh: Will the Government be pleased to state if it is contemplated to have in the near future one business capital of the Government of India all the year round instead of two as at present? If so, will the erection of Council Chambers at Delhi be postponed?

The Honourable Sir William Vincent: The Honourable Member is referred to the reply given by me to part (c) of Beohar Raghubir Sinha's Question No. 506 in this Assembly.

REGISTRATION OF MARRIAGES UNDER ACT III OF 1872.

519. Raja Surj Baksh Singh: Will the Government be pleased to state, Province by Province, how many marriages have been registered under Act III of 1872 (Special Marriage Act), since the commencement of that Act?

The Honourable Sir William Vincent: A statement giving the information for the period 1911 to 1920-21 is laid on the table. The subject is a provincial one and the information collected has been restricted to the period mentioned, because of the labour and trouble involved in obtaining the information for earlier years.

Statement showing the number of marriages registered under the Special Marriages Act, 1872 (Act III of 1872), during the period from 1911 to 1920, inclusive.

Year.	Madras Presidency.	Bombay Presidency.	Bengal Presidency.	United Provinces.	Burma Province.	Bihar and Orissa Province.	Central Provinces.	Assam Province.	Coorg Province.	Delhi Province.	North-West Frontier Province.
1911-12	...	...	37	...	...	2	...	1	...	...	...
1911	4	8	...	1	...	...	...	...	...	...	...
1912-13	...	...	26	...	1	...	...	...	...	...	...
1912	7	2	...	...	...	...	...	...	...	...	...
1913-14	...	...	35	...	...	7	...	4	...	...	...
1913	9	3	...	...	...	...	...	...	...	...	...
1914-15	...	...	26	...	1	...	1	...	...	...	...
1914	9	6	...	1	1	...	8	4	...	...	...
1915-16	...	...	...	...	...	...	2	...	...	...	...
1915	4	2	35	...	...	4	...	4	...	...	...
1916-17	...	...	44	...	1	...	...	...	...	...	...
1916	8	5	...	...	...	6	...	3	...	...	...
1917-18	...	...	32	...	...	...	...	...	...	...	...
1917	4	13	...	...	...	10	...	3	...	...	...
1918-19	...	...	43	...	1	...	2	...	...	...	...
1918	8	14	...	...	...	...	...	...	...	...	...
1919-20	...	...	85	1	1	...	...	1	...	...	...
1919	9	13	...	...	...	7	...	...	...	...	...
1920-21	...	...	28	...	1	...	...	...	...	...	...
1920	12	17	...	...	...	9	...	...	...	...	...
TOTAL	74	77	351	3	6	68	5	24	...	...	...

ADVICE BY ELECTED MEMBERS TO MEMBERS OF THE EXECUTIVE COUNCIL.

520. Raja Surj Baksh Singh: With reference to the instructions to His Excellency the Governor General given by His Majesty the King-Emperor published in India in the month of June last, do the Government of India propose to attach every year two elected Members of the Legislative Assembly to each Member of the Governor General's Council for the purpose of advising such Member?

The Honourable Sir William Vincent: The Honourable Members of this Assembly have given notice of Resolutions on the subject of association of standing committees with the Departments of the Government of India and Government will announce their present policy in the Debate on these Resolutions.

HIGH RATES FOR STORES IN ENGLAND.

521. **Beohar Raghubir Sinha**: Has the attention of Government been drawn to an article appearing in the *Bombay Chronicle* of the 8th July last over the signature 'Indian' who points out that the decision to invest the 7 per cent. English Loan of seven million pounds in the purchase of stores in England at rates which are in some cases over 50 per cent. more than the prevailing market rate on the Continent imposes upon this country the heavy loss occasioned by the monopolised purchase in England at excessive rates?

Mr. A. C. Chatterjee: The Government have seen the article referred to. The Honourable Member is referred to the latter part of the answer given to clause (c) of his Question No. 510.

PURCHASES OF STORES FOR GOVERNMENT OF INDIA.

522. **Beohar Raghubir Sinha**: (a) Do the Government propose to assure the public that it will not confine its purchases of stores to England but purchase them in the world's cheapest market?

(b) Do Government propose to consider the question of appointing two Members of the Assembly elected by it to the Stores Advisory Committee constituted for the purpose of assisting those charged with the duty of obtaining foreign stores for the Government of India?

Mr. A. C. Chatterjee: This question will be dealt with fully in connection with the Resolution of Sir Vithaldas Thackersey on the same subject. I may add with regard to (b) of the question, that under the Rules for the supply of articles for the public service, articles not manufactured in India are, with certain exceptions, obtained by indent on the Director-General of Stores, who is under the control of the High Commissioner. It would obviously be impossible to set up an Advisory Committee in India to advise the High Commissioner in London.

PRICE OF 'CROWN BARS.'

523. **Beohar Raghubir Sinha**: Is it a fact as announced by Reuter that while Belgium was ready to give delivery at British ports of 'Crown Bars' at the rate of £9-15-0 a ton, the rate in England was £16 a ton?

Mr. A. C. Chatterjee: The Government of India have no information whether the prices quoted by Reuter in the cable in question were accurate or not at the time, nor have they considered it necessary to make inquiries on the subject, particularly as the statement in question bore no reference to the purchase of stores for India.

EDUCATIONAL COMMISSIONER WITH THE GOVERNMENT OF INDIA.

524. **Nawab Khwaja Habibullah**: (i) Will the Government be pleased to state:

(a) When was the post of the Educational Commissioner with the Government of India created?

(b) The salary of the Educational Commissioner?

(c) The total amount spent per year, since the creation of the post, for travelling and other allowances for him and for establishment charges due to the creation of such a post?

(ii) Will the Government be pleased to lay on the table the correspondence, if any, that passed between the Government of India and the Secretary of State for India, resulting in the appointment of the Educational Commissioner?

(iii) Do the Government propose to consider the advisability of abolishing this post altogether without any delay?

Mr. H. Sharp: (i) (a). The post of Educational Commissioner was created on the 4th April 1915.

(b) The pay is Rs. 2,500 rising by annual increments of Rs. 100 to Rs. 3,000.

(c) The total expenditure on the Educational Commissioner's establishment including his own salary during the period in question was as follows:

Year.	1915-16.	1916-17.	1917-18.	1918-19.	1919-20.	1920-21.
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
...	20,900	40,169	48,964	44,178	28,115	39,826

(ii) The papers asked for are placed on the table.

(iii) The Government of India see no grounds for the abolition of the post.

PAPERS REFERRED TO IN MR. SHARP'S REPLY TO NAWAB KHAWAJA HABIBULLAH'S QUESTION REGARDING THE POST OF EDUCATIONAL COMMISSIONER WITH THE GOVERNMENT OF INDIA.

Extract from the Government of India's Financial despatch No. 18, dated the 1st January 1915.

4. The first objective of the new Department (of Education) was to formulate a general statement of policy, more particularly in the matter of education. In order to attain this objective conferences of a representative character were obviously necessary as a preliminary measure. Lord Minto's Government felt that at such a stage the educational expert adviser of the Government of India ought to be in the Secretariat, in constant and close touch with the Government of India. The relatively simpler issues in the case of sanitation were met by a re-distribution of work between the Sanitary Commissioner and the Director-General, Indian Medical Service, and it was not felt necessary to have a Secretary to the Government of India for sanitation alone. Three large and representative conferences were held on education at Allahabad and Simla; and three similar conferences were held on sanitation at Bombay, Madras and Lucknow. These conferences were fruitful and inspiring and enabled us to formulate a general policy of education and sanitation in our Educational Resolution No. 301-C.D., dated the 21st February 1913, and our Sanitary Resolution No. 888-908, dated the 23rd May 1914. Meanwhile large imperial grants have been given out aggregating Rs. 483·2 lakhs non-recurring and Rs. 124 lakhs recurring for education, and Rs. 406·2 lakhs non-recurring and Rs. 55·2 lakhs recurring for sanitation. In addition, grants amounting to Rs. 82·33 lakhs a year have been made to District Boards in certain provinces, which will facilitate the advance of local self-government and rural sanitation. Moreover, we hope to give further grants when the state of our finances permits. The position has, therefore, now completely changed. Policy has been enunciated. Grants have been given. Schemes are being worked out. In preparing those schemes more than one Local Government has asked for the advice of our Colleague, Sir Harcourt Butler, and Mr. Sharp, and from every point of view it seems to us that the time has now come when it is desirable for our Department of Education to be in more constant touch than at present it is with the administration of Local Governments, without, it must be added, in any way interfering with their discretion or interrupting the steady process of decentralization.

5. In the despatch already quoted (No. 13, dated the 27th January, 1911) Your Lordship expressed considerable doubt as to the wisdom of the change involved in the abolition of the appointment of Director-General of Education. You were particularly impressed with the fact that the extensive tours of the Director-General of Education fulfilled a most useful purpose in increasing the appreciation of provincial distinctions and difficulties by the Government, in diffusing information and in assisting local officers by suggestions based on a wider range of experience than they themselves could command. While for reasons already given we considered it desirable to frame our proposals temporarily on different lines, we fully recognize the force of your Lordship's criticisms at the present stage. Indeed we now consider that the time has come to appoint a touring expert educational officer with functions somewhat similar to those exercised by Mr. Orange. We feel the need of such an officer, especially in connection with the most profitable utilization of the imperial grants still unspent and those which we hope to give in future. We would, however, prefer that he should be called "Educational Commissioner with the Government of India" instead of "Director-General." The latter title is indeed misleading, as it suggests direction where advice and assistance will alone be given. The designation which we propose corresponds with that of Sanitary Commissioner with the Government of India.

6. Our first proposal, therefore, is that the present post of Joint Secretary in the Department should be abolished and that a post of Educational Commissioner with the Government should be created on a salary of Rs. 2,500 rising by annual increments of Rs. 100 to Rs. 3,000.

It is an essential part of our scheme that the Educational Commissioner should have free access to the Member in charge of his Department and that when at headquarters he should have times fixed for regular interviews with the Member. His notes would, however, go to the Member through the Secretary. The Secretary will then be in the position of Secretaries of the Indian Civil Service in other Departments with a considerable accession to his work.

Extract from the Secretary of State's Public despatch No. 53, dated the 12th March 1915.

I have considered in Council the letter of Your Excellency's Government in the Finance Department, No. 18 (Salaries), dated the 1st January last, in which you propose a revised scheme for the permanent organization of your Department of Education. The most important modification proposed is the appointment of an Educational Commissioner with the Government of India, in the place of the present Joint Secretary. I approve this step, and I also approve your recommendation as to the title of the new appointment with the object of defining its duties as concerned with the giving of advice and assistance to Local Governments and not with direction. The Commissioner should in effect discharge the functions which the Decentralization Commission described as appropriate for an Imperial Inspector-General.

2. I approve the salaries proposed for the Educational Commissioner,

EXECUTIVE COUNCILLORS IN BENGAL.

525. **Nawab Khwaja Habibullah:** (a) Is the Government aware that a Resolution was passed on the 7th February 1921, in the Bengal Legislative Council by an overwhelming majority recommending to the Government of India and His Majesty's Government in England to take necessary steps to reduce the number of Executive Councillors in Bengal to two and that a considerable volume of public opinion exists outside the Council to that effect?

(b) Is it a fact that the Senior Member of the Bengal Executive Council is due to retire in April 1922?

(c) Will the Government be pleased to state if they will recommend to His Majesty's Government to give effect to the above Resolution?

The Honourable Sir William Vincent: (a) The answer to the first part of this question is in the affirmative. The Government of India have no information as to the second part.

(b) Yes.

(c) The question of reducing the number of the Members in the Council of any particular Governor must of course depend on the volume of work falling on the Local Government concerned, and cannot be settled off-hand. The Secretary of State is considering the question of making it plain to future Members of Governors' Executive Councils on appointment that reductions may be decided on in the strength of such Councils which may affect their terms of office.

LISTED POSTS IN THE INDIAN CIVIL SERVICE.

526. **Nawab Khwaja Habibullah:** Will the Government be pleased to state what action they have taken to give effect to the Resolution moved by Mr. Wali Mohamed Hussanally, M.L.A., and passed by the Assembly on the 17th of February 1921, re listed posts in the Indian Civil Service for officers of the Provincial Civil Service?

The Honourable Sir William Vincent: The Honourable Member is referred to the answer given on the 15th September 1921, to Rai Bahadur Giris Chandra Nag's question on the subject.

RETRENCHMENT BY INSPECTOR OF OFFICE PROCEDURE.

527. **Nawab Khwaja Habibullah:** (a) Will the Government of India be pleased to state, Department by Department, the amount of retrenchment that has been effected in the Imperial Secretariat by the Inspector of Office Procedure since his appointment?

(b) The names of all whose services have been dispensed with on the recommendation of the Inspector of Office Procedure and the salary each of them was drawing? The number of officers in each Department of the Imperial Secretariat before and after the creation of the above post?

The Honourable Sir William Vincent: The Honourable Member appears to be mistaken in assuming that the appointment of Inspector of Office Procedure was created with the object of reducing appointments in the Imperial Secretariat. The appointment was made with the object of effecting improvements in procedure and thereby in efficiency.

Such improvements in certain cases would have no immediate financial effect and the financial effect of others cannot be estimated. He has under this head made proposals which will effect economy in stationery and office machinery.

2. The Inspector has also been required to report upon proposals for increases of establishment and for reduction of temporary establishment in various Departments and Attached Offices from time to time. His recommendations which have usually been accepted would have had the following effect.

	Saving.
	Rs.
Public Works Department	25,260
Army	58,580
Director General, Indian Medical Service	16,500
Inspector General, Imperial Service Troops	6,360
D. C. I.	5,760
Medal Section	28,856
Army Headquarters	5,13,420
Total	6,54,716

3. No record of the names of persons whose services have been dispensed with has been kept. Of course the services of an officer in permanent employment cannot be dispensed with, merely for purposes of effecting a reduction in establishment without the payment of compensation. Such persons would therefore have been persons on temporary employ.

OFFICERS OF THE CALCUTTA PORT TRUST.

528. **Nawab Khwaja Habibullah**: Will the Government be pleased to state:

- (a) The number of officers by nationality in the Calcutta Port Trust?
(b) The highest and the lowest salary drawn by a European, Indian and Anglo-Indian officer?

The Honourable Mr. C. A. Innes: (a) Number of officers, i.e., superior employees:

Europeans	...	...	...	...	...	217
Anglo-Indians	...	...	...	...	...	210
Indians	...	...	...	...	...	2,497
(b)				Highest pay drawn.	Lowest pay drawn.	
				Rs.	Rs.	
Europeans	...	...	...	5,000	150	
Anglo-Indians	...	...	...	750—1,000	45—100	
Indians	...	...	...	850—850	45—100	

PRESIDENTSHIP OF THE FISCAL COMMITTEE.

529. **Nawab Khwaja Habibullah**: (a) Will the Government be pleased to state if the name of Sir Ibrahim Rahimtoolah, Member, Bombay Executive Council, was discussed and dropped by the Government of India regarding the Presidentship of the Fiscal Committee which is soon to be appointed?

- (b) If so, will the Government be pleased to state reasons?
(c) Is the Government aware that Indians from all quarters are demanding to have an Indian President of the Fiscal Committee?
(d) Will the Government consider the feasibility of appointing an Indian to the post?

The Honourable Mr. C. A. Innes: (a), (b), (c) and (d). The question who should be President of the Fiscal Commission is still under consideration. The Government of India hope to be able to make an announcement on the subject shortly.

INDIANS, EUROPEANS AND ANGLO-INDIANS IN THE IMPERIAL SERVICES.

530. **Nawab Khwaja Habibullah**: (a) Will the Government be pleased to state the number of (i) Indians, (ii) Europeans, and (iii) Anglo-Indians holding permanent appointments in each of the following Imperial Services, viz., I.C.S., I.M.S., I.E.S., Customs, Forest, Meteorological, Survey, Police, Marine, Mint, Agriculture and Public Works?

(b) Will the Government be pleased to state if any proportion for future recruitment in each of the above services has been fixed between Indians and Europeans? If so, what is the percentage fixed for Indians, service by service?

The Honourable Sir William Vincent: The Honourable Member is referred to the statement laid on the table on the 15th September 1921 in connexion with Mr. N. M. Joshi's question on the subject.

INDIAN OFFICERS IN THE FOREIGN AND POLITICAL DEPARTMENT.

531. **Nawab Khwaja Habibullah**: Will the Government be pleased to state how many Indian officers there are in the Foreign and Political Department, and the pay, maximum and minimum, drawn by an Indian and European, respectively?

The Honourable Sir William Vincent (on behalf of the Honourable Sir John Wood): The Honourable Member is referred to the answer given to Question No. 171 put by Mr. N. M. Joshi.

CREATION OF AN INDIAN BAR.

532. **Nawab Khwaja Habibullah**: With reference to the Resolution regarding creation of an Indian Bar adopted by the Legislative Assembly on the 24th of February last, will the Government be pleased to state if they have addressed the various Local Governments, Law Associations, etc., and received their opinions?

The Honourable Sir William Vincent: The Local Governments and other authorities have been addressed on the subject and they have been asked to secure the views of High Courts and other judicial authorities and of recognized legal associations. Their replies have not yet all been received.

PARLIAMENTARY DEPUTATION TO STUDY INDIAN CONDITIONS.

533. **Nawab Khwaja Habibullah**: (a) Is it a fact that a Parliamentary Deputation from England is coming to India soon, to study Indian conditions?

(b) If so, will the Indian Exchequer bear the whole or any portion of its cost?

The Honourable Sir William Vincent: (a) The Empire Parliamentary Association, which comprises the Parliaments of the United Kingdom and the Self-governing Dominions in the British Empire, proposed to send a delegation to visit India during the next cold weather. It is presumably to this delegation that the Honourable Member refers.

(b) I would refer the Honourable Member to the motion accepted by this Assembly at its meeting on the 5th September 1921.

TRANSFER OF CONTROL OF HIGH COURT, CALCUTTA.

534. **Nawab Khwaja Habibullah**: (a) Is it a fact that the Government of India is contemplating the transfer of the control of the High Court of Calcutta from itself to the Bengal Government?

(b) Will the Government be pleased to invite the opinion of Law and Public Associations of the Province before deciding this question?

The Honourable Sir William Vincent: (a) The Governments of Bengal and Assam and the Honourable the Chief Justice and the Judges of the Calcutta High Court have been consulted upon the question.

(b) I think there is little doubt that such a change would not be made without ascertaining public opinion.

SIR WILLIAM MEYER'S EVIDENCE BEFORE THE RAILWAY COMMITTEE.

535. **Nawab Khwaja Habibullah:** (a) Has the attention of the Government been drawn to a report by the special correspondent of the *Hindu* of Madras, published in the issue of the 6th of July 1921, regarding the evidence of Sir William Meyer, High Commissioner for India in England, before the Railway Committee?

(b) If so, will the Government be pleased to state if the report given therein is a correct gist of his evidence?

(c) Will the Government be pleased to lay on the table a full and correct version of his evidence?

Mr. A. C. Chatterjee: The Honourable Member is referred to the answer given to Question No. 229 asked by Sir P. S. Sivaswamy Aiyer.

COST OF BRITISH AND INDIAN SOLDIERS.

536. **Beohar Raghurib Sinha:** (a) Are the Government aware that in reply to a question in the House of Commons put by Commander Bellairs on April 26th in 1921, the Right Honourable Mr. Montagu stated that 'a recent estimate of the Government of India gives Rs. 1,971 and Rs. 111 as the cost of a British and Indian soldier, respectively'?

(b) Do the Government propose to refer the above for the consideration of the Sub-Committee of the Committee of Imperial Defence when deciding the ratio of Europeans to Indians in the strength of the Indian Army?

Sir Godfrey Fell: (a) Yes.

(b) The views of the Military Requirements Committee on the question of the ratio of Europeans to Indians in the Indian Army have been communicated to the Sub-Committee of the Committee of Imperial Defence.

REVISION OF ESTABLISHMENT IN THE KARACHI CUSTOMS.

537. **Mr. E. L. Price:** Will Government be pleased to state:

(a) Whether the 2½ lakhs voted by this Assembly on 9th March last for revision of Establishment in the Karachi Customs have yet been utilised for the purpose?

(b) If not, when the money will be so utilised?

(c) Whether Government is prepared to take any steps to show to those concerned that the delay is not to be attributed to this Assembly?

The Honourable Mr. C. A. Innes: (a) The provision of 2½ lakhs in Demands for Grants for the revision of the Establishments of the Karachi Customs House was made at the instance of the Local Government concerned, which is in administrative control of the establishments. Definite proposals for the revision of the staff have not yet been made to the Government of India by the Local Government.

(b) The money will be utilised for the purpose when the proposals of the Government of Bombay have been received and examined by the Government of India.

(c) A copy of this question and answer will be communicated to the Government of Bombay.

Lala Girdharilal Agarwala: I beg to ask Question No. 538.

The Honourable Sir William Vincent: I am sorry but we have got much further with Questions and Answers than I expected and I have not brought any more answers with me. May I answer the Honourable Member's question to-morrow?

Mr. President: We will begin with the Honourable Member's Question No. 538 to-morrow.

TREATMENT OF THE WOUNDED IN THE MALABAR DISTURBANCES.

Rao Bahadur T. Rangachariar: With your permission, Sir, I beg to ask the following question of which I have given notice to the Honourable the Home Member:

(a) Will the Government be pleased to state whether they have received any information regarding the arrangements made by the Military or Civil Authorities in Malabar for giving medical relief to the wounded in the various encounters which took place between the Moplahs and the Troops on and after the 20th August and, if so, will the Government be pleased to give particulars of such arrangements?

(b) Will the Government be pleased to state the number of casualties that took place including the killed and wounded on both sides up to date from 20th August 1921?

(c) Will the Government be pleased to state what arrangements are being made to give protection to the Hindu and Christian population in the affected taluks of Malabar?

The Honourable Sir William Vincent: (a) Stretcher parties and medical appliances accompany the fighting columns and we have been informed by the Local Government that the Moplah wounded when they are captured, are treated in exactly the same way as our wounded men. The fanatical Moplah, however, prefers to fight till death. It is difficult to secure the wounded and only a few have been captured.

(b) As far as is known, 11 soldiers and police officers and one English planter killed and 12 wounded, and also several police officials wounded, the exact number of whom is not known. It is impossible to give a correct estimate of casualties among the Moplahs. At Pukkottur alone the killed are estimated at 400, and 10 were killed recently in fighting four miles from Manjeri.

(c) A number of refugees of all classes have been concentrated at Calicut. There is a sufficient military force and all steps that are possible for the protection of the inhabitants are being taken. But the country is difficult and communications are still interrupted. A relief fund has been started; but it will be impracticable to administer it until normal conditions are restored.

Mir Asad Ali Khan Bahadur: Is it a fact that the loyal Moplahs have been of assistance and help to the Government in supporting law and order?

The Honourable Sir William Vincent: I have received information, though not officially, that loyal Moplahs have been of the greatest assistance to the Government.

Mr. E. L. Price : Sir, as a Supplementary Question, I should like to ask the Honourable the Home Member how he reconciles the answer given now with the statement made by the Head of the Government in India on the 3rd September in this House that the situation was well in hand?

The Honourable Sir William Vincent : I regard the situation as well in hand from a military point of view both then and now.

Mr. K. Ahmed : Sir, I rise to refer to the curt answer given by the Honourable the Home Member that the Moplahs are being treated just the same as other people, Europeans, etc. But were there a sufficient number of stretcher bearers, nurses, etc., for them?

Mr. President : Order, order. The Honourable Member is entitled to ask a Supplementary Question but not to raise a Debate.

STRIKES IN BOMBAY.

Sir Jamsetjee Jejeebhoy : With your permission, Sir, I desire to ask the Honourable the Home Member a question of which I have given him private notice. I desire to ask Government whether they have any information about the strikes in Bombay?

The Honourable Sir William Vincent : We have to-day received a telegram from Bombay received by that Government on the 17th September that 900 employees of the Alliance Mills, of whom 70 per cent. are Muhammadans struck work this morning owing to Shaukat Ali's arrest, at the Motilal Petty Mills 500 employees all Hindus and at the Jivraj Balu Mills 1,500 employees mainly Hindus have come out.

An attempt was also made, I understand, to get the Maneck Chand Petit Mill hands out without success. The Kasturchand Mill struck work and tried to force the Kohinur Mill employees. The Goldmohur Mill workers are out on strike, but the strikers have dispersed without violence.

From a later telegram dated the 18th September received by us to-day, I learn that out of four mills on strike on the 17th, three resumed work on the 18th. Ten other mills are on strike also, and the number of employees affected is about 19,000. My information is—and the Honourable Member will understand that I have not had time to verify it at present—that in every case the Mill hands were forced to come out by a small disorderly element.

Mr. K. C. Neogy : Sir, may I request the Honourable the Home Member to make a similar statement with regard to Bengal?

Mr. President : Has the Honourable Member given notice of the question?

Mr. K. C. Neogy : No.

Mr. President : In that case, he must give notice both to the Chair and to the Department to whom it is addressed.

Mr. Jamnadas Dwarkadas : I want to ask a Supplementary Question, Sir. Will the Honourable the Home Member be pleased to inform the House whether any measure is being taken by the Government of Bombay to give protection to such mill-hands as do not want to go out, but are being compelled to do so by others?

The Honourable Sir William Vincent : I should have thought the Honourable Member had sufficient confidence in the Government of His Excellency Sir George Lloyd as to be assured that it would take all measures necessary for the purpose.

Mr. Jamnadas Dwarkadas : Personally I have every faith, and I do not want the information for my own use; I wanted the information to be given to the House in order that the public may be aware of what is being done.

The Honourable Sir William Vincent : If the Honourable Member wishes, I shall try to obtain it for him, but I think the Bombay Government will feel a little hurt at his suggestion.

Beohar Raghubir Sinha : I beg permission, Sir, to ask my question. I was a little late.

ELECTION OF DEPUTY PRESIDENT.

Mr. President : The Assembly will now proceed to elect a Deputy President from those nominated on the 19th. The election will be by means of a ballot, each Member receiving one ballot paper which will be initialled by the Secretary. In order that it may proceed in an orderly manner, I propose that Members on this side (left side) of the House pass the Secretary first beginning with Mir Asad Ali Khan Bahadur. The following names have been duly nominated :

Khan Bahadur Mir Asad Ali.

Dr. Gour.

Rai Jadunath Majumdar Bahadur.

Sir Jamsetjee Jejeebhoy.

If there are any Honourable Members who have not yet recorded their votes, they will advance to the Secretary's table and record them in the ballot paper.

Are there any further votes to be recorded?

The Secretary will now open the ballot box and count the votes.

BALLOT FOR DEPUTY PRESIDENT.

Mr. President : There have voted

12 NOON.	for Mir Asad Ali Khan Bahadur	...	...	17
	for Dr. H. S. Gour	...	...	34
	for Rai Jadunath Majumdar Bahadur	...	...	11
	and			
	for Sir Jamsetjee Jejeebhoy...	...	...	40

[The President.]

Therefore, under the rules governing this election, the name of Rai Jadunath Majumdar Bahadur falls out of this ballot which will now be held between the candidates who remain, namely,

Mir Asad Ali Khan Bahadur,

Dr. H. S. Gour, and

Sir Jamsetjee Jejeebhoy,

For the further information of the Assembly I should add that the total of the votes cast in that election was 106, of which 4 were spoilt votes, because the cross was placed in the wrong position on the paper. I wish to draw the particular attention of Members to the fact that the cross must be placed exactly opposite the name of the candidate for whom they wish to vote.

Members will now advance to the table in the order taken for the first ballot.

Members desiring to cast their votes must come to the table at once.

Any further Members desiring to cast their votes?

The Secretary will now open the box and proceed to count the votes.

In the second ballot there have voted :

for Mir Asad Ali Khan Bahadur	...	...	12
for Dr. H. S. Gour	...	...	49
and	...	...	
for Sir Jamsetjee Jejeebhoy	...	...	47

No one candidate of these three has received a majority of the votes, and, therefore, a third ballot must be held between

Dr. H. S. Gour and

Sir Jamsetjee Jejeebhoy.

The name of Mir Asad Ali Khan Bahadur falls out.

An equal number having been voted for both candidates, I request the Secretary to re-count the ballot papers.

There have voted :

for Dr. H. S. Gour	...	...	53
for Sir Jamsetjee Jejeebhoy	...	...	53

I give my casting vote for Sir Jamsetjee Jejeebhoy. (Applause.)

I therefore declare Sir Jamsetjee Jejeebhoy duly elected Deputy President of this Assembly. The assent of the Governor General is required by Statute and will be duly sought.

Sir Jamsetjee Jejeebhoy : Sir, I beg to take this opportunity of thanking the Members of this House for the honour they have done me by electing me their Deputy President. I realize that it is a great privilege, and I esteem it very highly that they should have shown this mark of their confidence in me. I also realize that the responsibility of this privilege is heavy, and I need hardly say that I hope for the co-operation of every Member in this House in the task that lies before me. I thank you, Sir.

RESOLUTION RE RECONSTITUTION OF THE PROVINCES OF INDIA.

Mr. A. B. Latthe : Sir, I beg to move that :

'This Assembly recommends to the Governor General in Council that he may be pleased to undertake the task of reconstituting the Provinces of India in consultation with the various Local Governments and with a view to facilitate the constitutional development of the Provinces.'

Sir, this question is not new either to the Government of India or to this Legislature. As the House is aware, when the Secretary of State and the Viceroy were investigating the question of constitutional reforms in India in consultation with the various deputations that they received, this question was pressed upon their attention by various deputations, and more prominently by the deputation headed by Mr. Lionel Curtis. Among the various proposals that were placed before the Secretary of State and the then Viceroy, I may mention as illustrations two. One class of proposals was based upon the fact that people speaking the same language and practically belonging to the same race were divided among different Provinces with the result that their development proceeded along quite different lines. For instance, the Canarese people of the Bombay and the Madras Presidencies may be considered ; also the Mahratta people, who are divided between the Central Provinces and the Bombay Presidency, is another illustration of the same mistake that has been committed in the formation of the various Provinces. A more striking example of this class of division of people between the various Provinces is that of the Uriyas. They are said to have been divided among three different Provinces, part of the Uriya population going under the Central Provinces, another part going under the Madras Presidency and a third part going under Bihar and Orissa. Then, there were complaints on another score also, namely, that some of the Provinces consisted of such heterogeneous elements that constitutional Government really could not develop in them. For instance, take the Bombay Presidency. You will find that it consists of Sind on the one hand and the Carnatic on the other hand. Well, the whole of the Bombay Presidency is divided from Sind by a vast area consisting of Native States and also what is known as the desert of Kutch. Geographically, therefore, Sind has very little to do with the Bombay Presidency. The constitution of the population there also is quite different from the Presidency proper. Now, if a question arises in the Legislative Council of the Bombay Presidency on which the Members from Sind are divided from the Members of the Presidency proper, what would be the result? In a constitutional Government when a difference like this arises, the proper course is to appeal to the electors. But, supposing that the Sind Members and the people in Sind desire to follow a certain course, they will appeal to their own electors and the Members of the Presidency proper will appeal to their electors. But, if you consider the condition of things in these two parts of the Bombay Presidency, you will find that the electors in the Bombay Presidency proper are absolutely unable to form any opinion regarding questions which arise in relation to Sind. The condition of things is entirely different and it is impossible for the electors in the Bombay Presidency to form any reasonable opinion in ordinary circumstances. Of course, in special circumstances, they might arrive at the right conclusion, but, ordinarily speaking, it would be impossible for the electors in the Bombay Presidency proper to form any opinion regarding any questions arising which were peculiar to Sind. This is the result of the heterogeneous nature of the

[Mr. A. B. Latthe.]

arrangements that we now have in the various Provinces. I take these merely as illustrations and I make it perfectly clear to the House that I do not wish to insist upon any particular redistribution of areas. All that I want now to insist upon the attention of the House is, that this question should be considered and disposed of once for all. I want to make this very clear in order to avoid the House going into side issues. Some people may not like Sind to be a separate Province; some may like it to form part of the Punjab; some may like to continue the present condition of things as they are. I do not now ask the House to commit itself to any particular view, but I point this out as an illustration of the difficulties which naturally will arise for any constitutional solution of differences of opinion that may arise between the different parts of the Bombay Presidency. These considerations were pressed upon the attention of the Secretary of State and of the then Viceroy, Lord Chelmsford. I may add that this question was also brought before the Supreme Legislative Council by the Honourable Mr. Sarma in the form of a Resolution, but, at that time what to my mind seems to have weighed very much with the Secretary of State and with the Viceroy and also with the Members of the Legislative Council was that they thought, that if the question of the reconstitution of the Provinces were to be mixed up with the question of constitutional reforms, then the constitutional reforms that were in contemplation then would be postponed indefinitely and the path of constitutional reforms would be hindered. That seems to have been the feeling of several Members and that was the feeling of the Secretary of State and the Viceroy when they drafted their joint report. This is quite clear from certain remarks which they have made in one part of their report. Mr. Montagu and Lord Chelmsford very clearly observed that it was quite necessary to consider this question as soon as possible after the reforms came into existence. I will read a short extract from what they say in regard to this question. They said :

‘ Nevertheless, while we discard as impracticable the idea of calling into existence new provincial states as part of our own constructive scheme, we are impressed with the artificial and often inconvenient character of existing administrative units. We have seen how historical reasons brought them about. We cannot doubt that the business of Government would be simplified if administrative units were both smaller and more homogeneous; and when we bear in mind the prospect of the immense burdens of Government in India being transferred to comparatively inexperienced hands, such considerations acquire additional weight. It is also a strong argument in favour of linguistic or racial units of Government, that by making it possible to conduct the business of legislation in the vernacular, they would contribute to draw into the arena of public affairs men who were not acquainted with English. We believe emphatically that redistributions of provincial areas cannot be imposed upon the people by official action; and that such a process ought in any case to follow and neither to precede nor accompany constitutional reform.’

They go on to say :

‘ But we are bound to indicate our own clear opinion that wherever such redistributions are necessary and can be effected by process of consent the attempt to do so should be made, and, therefore, we desire that it should be recognised as one of the earliest duties incumbent upon all the reformed provincial Governments to test provincial opinion upon schemes directed to this end.’

This extract naturally gives rise to a question which must be uppermost in the minds of Honourable Members. The Secretary of State and Lord Chelmsford suggested that this question should be taken up by the Provincial Governments. But, as Honourable Members must be aware, this has been declared to be a central subject by the rules framed under the Government of India Act and I do not think that the initiative can possibly be taken by the provincial

Governments. At the best what they can is to recommend to the Government of India, and it is the Government of India which is the final authority in this respect.

Then there is also another difficulty which has to be faced. Suppose the Bombay Presidency wants the Canarese districts of the Madras Presidency to be transferred to itself. Well, I submit, that it would be a difficult procedure for either the Bombay Government or the Madras Government to proceed with a consideration of this question. What I think would be the right course is that the Government of India should formulate a tentative scheme—I do not wish that they should impose their own will on any Province—and submit it to the Provinces concerned and ask the provincial Governments to consult their own Legislatures and their people, and, in consultation with the people and their representatives in the provincial legislative councils, the provincial Governments should make their own recommendations which should finally be considered by the Government of India. That is the course which would be the right course to adopt, and it is with a view to call the attention of the Government of India to this question that I beg to move this Resolution.

From the amendments which have been suggested to my Resolution, it seems that there is some misapprehension about the scope of my Resolution. One of the amendments says that it is not only the Local Governments but the people concerned who should be consulted. Well, when I said that the Local Governments should be consulted, I included the local Legislatures also, which form part of the Governments of the Provinces, and, as the provincial councils now consist of representatives of the people elected on a very wide franchise, I think they fairly represent the popular opinion in the various Provinces. I have also no objection if the people outside the Councils are also consulted. By all means consult all the people concerned; but, if the initiative should be taken by the Government of India so that the people belonging to the different Provinces may have one definite scheme, one common scheme, to consider and so that the people living in the various Provinces may be in a position to decide the matter once for all. I do not think that it is now necessary to deal with that question at any greater length. The necessity has been very clearly recognised by the Secretary of State and by the late Viceroy, and I have not the least doubt, that so far as the necessity of the case is concerned, there will be practical unanimity in the country. If the recent constitution of the Indian National Congress is any indication of public opinion, I should think that the public opinion amongst the educated classes especially is quite clear on this point. Honourable Members might know that the Congress has divided itself recently into Provinces on a linguistic basis.

1 P.M.

And that shows the opinion of at least a large majority of educated people in the country.

Taking that as an indication of public opinion in one section of the public at least, I think that the Government should proceed with the consideration of this question and approach the Local Governments with a request to elicit public opinion, and should once for all decide this question. With these words I beg to move the Resolution.

Mr. Harchandrai Vishindas : Sir, coming from a Province which has been especially referred to in the speech of the Honourable Mover, *viz.*, Sind, I take leave to offer a few observations. I will begin by saying that I do not at all approve of the spirit of this Resolution, because it is not consonant with the spirit of the reforms, whatever the Montford scheme may say

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to the contrary, because it has got separatist tendencies. Instead of encouraging separatist tendencies we ought to be cosmopolitan and united, and whatever may be the view of other Provinces, so far as the Bombay Presidency is concerned, and its relation to Sind, I do emphatically repudiate the suggestion that Sind is in any way prepared to separate itself from Bombay—subject of course to the reservation that we expect to receive fair treatment in the matter of the Sukkur Barrage.

Now Mr. Latthe has, I think, mostly directed his campaign towards the linguistic basis. But just for a moment, if this Assembly takes into consideration the various aspects of the question, it will find that such a redistribution of territories in India would be highly impracticable. Sind has been referred to specially by Mr. Latthe on the ground of its being greatly isolated from Bombay Presidency proper not only territorially but also by reason of its language. But why should you take into consideration the language of Sind alone? Why not take into consideration the various other languages which prevail in the various parts of the Presidency, Gujarati, Marathi, Kanarese and so on; are you going to divide the Bombay Presidency into as many separate Governments and separate Legislatures, as there are languages in it? And how are you going to segregate in a circumscribed area people speaking the same language from the rest? That would be impracticable, because in one division you would find a mixture of various languages. Then, so far as Sind is concerned, she has been under the dominion of the Bombay Government for over half a century, and although various attempts have been made at enticing it away from the Bombay Presidency, seducements on the part of the Punjab, blandishments from various quarters. (Laughter.) Sind has not yielded to these blandishments at all because it considers its continuance in the Bombay Presidency not only in its own interests but in the interests of the Presidency as a whole. I hear a vociferous dissentient voice behind me, which I am sorry to say is not quite a representative voice of my Province. Now, what I said, Sir, is that considering that this country has got a mixture of languages in its various Provinces, it will be impracticable, it will be impossible, to effect this reconstitution of territories on the basis that has been suggested. But, then, as I said, I think the tendency of all civilised countries should be, not to be exclusive and intolerant, but united and tolerant. Now, if you were to exclude any particular community from any part, what would be the result? Instead of our being from time to time in touch with the feelings, the habits and manners of people of different communities and different languages, we should be rather effecting a kind of cleavage. I am not at all in touch with the habits, with the customs or the opinion that prevails in other Provinces, especially those of Madras, with regard to which the Resolution of the Honourable Mr. Sarma was moved; but I can say this much, that barring a few Provinces on the west coast of the Bombay Presidency, there has not come forth from the public of India any such complaint or any such representations which would necessitate the disunion that Mr. Latthe contemplates.

That is so far as the question of principle is concerned. It may be that there are some people in some isolated Provinces who have got some considerations of their own which I cannot fathom in favour of this separation; but I am not aware of any representation from a multiplicity of Provinces in India for the purpose of effecting this territorial redistribution.

Then, there is also another consideration. The Government of India at present have got their hands full of work. (Laughter.) I think it is highly against the interests of the public that they should be overburdened, and that is so in our own interests. What I would like is that Government should concentrate all their energies and attention upon giving us more reforms, such as Provincial Autonomy, Dyarchy in the Central Government, and so on. If attention is diverted to these minor things which are of no importance at the present moment and which do not give rise to the least inconvenience to the public, then those more important objects will be greatly retarded. Therefore, Sir, through you I appeal to this Assembly not to pass this Resolution but to put their seal of approval upon the principle that I am putting forward—that we here should be for union, for tolerance, for cosmopolitanism and for mixture, rather than for intolerance and exclusiveness. (Hear, hear.)

Rai G. C. Nag Bahadur: Sir, the Resolution asks the Government to undertake the task of re-constituting the Provinces of India to facilitate constitutional development. In other words, it asks for steps to be taken for accelerating the fulfilment of the pledges given in paragraph 246 of the Montagu-Chelmsford report and, again, in clause 15 of the report of the Joint Parliamentary Committee.

In Assam, from which I come, this question of re-arrangement or re-adjustment of provincial boundaries has been hanging fire for close upon 47 years—since 1874, when the district of Sylhet was transferred from Bengal to the Chief Commissionership of Assam against the unanimous protests of its inhabitants. The people of Sylhet have been demanding re-union with Bengal ever since. Whether on racial or linguistic grounds, their claim for this re-union is admitted on all hands to be unassailable. In the last Session of this Assembly, I interpellated the Government on this very question. The Home Secretary replying to me on behalf of Government stated, that the Government were not aware of any general desire on the part of the inhabitants of Sylhet for such a change. Sir, I confess, I was simply taken aback when I heard this reply. It was borne in upon me then how isolated and out of touch the Government of India were from the currents of public life of this country. I have already mentioned that the district of Sylhet was transferred to Assam in the year 1874. A persistent agitation has been carried on—from the platform and in the press—ever since for re-uniting it with Bengal. I shall very briefly mention a few facts in support of my statement. In 1874, as soon as the people came to know of the intentions of Government to cut off the district from Bengal and join it to the new administration which was proposed to be set up under a Chief Commissioner, the whole district rose up in protest, and a memorial was presented to Lord Northbrook. Nothing came of it, but Lord Northbrook promised that there would be no change whatever in laws and procedure under which the district was governed while in Bengal. I have no intention to detain the House to-day in order to show how far the pledge has been kept in the past, and how far it is likely to be kept in the future when Assam becomes a self-contained Province with a High or Chief Court of its own, and the Calcutta High Court ceasing to have jurisdiction over Sylhet. When Lord Curzon partitioned Bengal, and constituted the Province of Eastern Bengal and Assam, Sylhet with the rest of Assam was amalgamated in the newly-created Province. This Partition, although highly distasteful to the inhabitants of

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Bengal, was welcome to Sylhet in that it united it once more—after 41 years—with its sister districts of Mymenisngh, Tipperah and Dacca. In 1911, the Partition was upset to the joy of Bengal, but to the misfortune of Sylhet, because as the result of the territorial changes announced in the Durbar of 1911, Sylhet found herself once again cut off from the neighbouring districts of Bengal. Directly the changes were announced, the whole district was convulsed by an unparalleled agitation, and a memorial was presented to Lord Hardinge protesting against it. In December 1917, a Deputation consisting of the leading men of the district waited upon the Secretary of State and the Viceroy with an address in Calcutta, and urged the desirability of effecting our re-union with Bengal. The question of territorial re-distribution came up twice in the now defunct Council of the Governor General within recent years, and on both the occasions the question of Sylhet was brought up in debates. In all the Conferences, literary or political, held within recent years in the district of Sylhet, the same question invariably came up for discussion, and Resolutions demanding re-union with Bengal were passed. Lastly a Re-union League was formed in August 1920 on the eve of the introduction of the Reformed Councils to carry on a vigorous agitation for effecting the re-union of the district with Bengal. The Chief Commissioner (Sir Nicholas Beatson-Bell), fully aware of the depth of feeling that lay behind the agitation, felt nervous, and came down to Sylhet to argue with, and induce the leaders of the movement to give up the agitation, but without success. This was in September last year. In October following at the Durbar held at Shillong, Sir Beatson-Bell delivered a speech describing the agitation in Sylhet for re-union with Bengal as a 'torpedo' launched to wreck the ship of reform in Assam. I may be allowed to presume that the Government of India are not unaware at least of what the Chief Commissioner of the Province said on the occasion with regard to this agitation. Now, I ask, did not the Chief Commissioner here indirectly admit the movement to be a powerful and wide-spread one? Had the desire proceeded from a small section of the inhabitants, would he not have dismissed it as deserving of no consideration? But there is not a word in his speech to show that he regarded it as confined to a section, big or small. Any one who would read his exhortation addressed to the people of Sylhet, would have no doubt left on his mind that so far as he, Sir Nicolas Beatson-Bell was concerned, he was convinced that the desire of the people for being with Bengal was both genuine and general. I do not wish to take up more time of this House over this point. I think I have said enough. I leave it to Honourable Members to say whether it is not adding insult to injury for any one to say in the face of all this evidence, and of evidence to the contrary, that the desire for re-union is confined to a small section, and not general. Then, again, I was told also in the same reply that the matter should first of all be brought up in the local Council. Sir, I think that in this matter the Government of India and the Secretary of State for India are the final deciding authorities. That being so, I do not understand why we should be driven from pillar to post and from post to pillar. I claim to be representative of the inhabitants of Sylhet in this House.

I think I am well within my rights to bring up the matter, and press for an inquiry, full and impartial, to ascertain the wishes of the inhabitants in regard to this matter. When the same subject came up before the Council of the

Governor General in February 1920, the Honourable the Home Member, Sir William Vincent, gave the Council clearly to understand that the Government of India were in no way opposed to an examination of the question. Let us hope that he will now fulfil his promise. Sir, I move my amendment which is:

'That the Governor-General in Council should be pleased to undertake the task of reconstituting the Provinces of India after ascertaining the wishes of the people of the areas primarily concerned through the various Local Governments.'

We are not going to propose that the Local Governments or the local Councils should be ousted in the consideration of the matter. All that we ask for is that the initiative should be taken by the Central Government, as they are the final authority in the matter.

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. The Honourable the President was in the Chair.

Mr. W. M. Hussanally : Sir, I rise to support the proposition which my Honourable friend, Mr. Latthe, has brought forward for the reconstitution of Provinces in India. It is one of the burning questions which has exercised the minds of many people in many Provinces, and I do not think I can do better than quote a small paragraph from the opinion of Lord Hardinge when he recommended the separation of Bihar from Bengal in his Despatch to the Secretary of State. He says:

'We are satisfied that it is in the highest degree desirable to give the Hindi-speaking people now included within the Province of Bengal separate administration. These people have hitherto been unequally yoked with Bengalees and have never therefore had a fair opportunity for development.'

Lord Hardinge added further:

'There has moreover been a very marked awakening in Bihar in recent years and a strong belief has grown up among the Biharees that Bihar will never develop until it is dissociated from Bengal.'

That was the opinion of Lord Hardinge when he recommended the separation of Bihar from Bengal. Bihar is a separate Province now, and I daresay there are several other Provinces similarly situated which require separation and a time must come sooner or later when this question must be taken up in right earnest. My Honourable friend, Mr. Harchandrai, my co-adjutor and colleague, has brought in the question of Sind and he argued that Sind did not require separation from Bombay. I certainly dissociate myself from this view, and I believe there is a considerable body of opinion in Sind, that Sind must sooner or later be separated from Bombay. In support of this view I shall quote the opinion of the Sub-Committee of the Sind Provincial Conference that was appointed some time ago to consider this question. It says:

'But at the same time we think the Commissionership in Sind should be abolished, because the status of our Commissioner should be raised to that of a Governor in Council assisted by a Legislative Council and that the slur of a non-regulated Province should be removed from the brow of Sind.'

Again, the authors of the Montford Report said:

'The retention of the administration of a Province in the hands of a single man precludes the possibility of giving it a responsible character.'

Sir, Sind has remained under the sway of Bombay ever since its conquest, and the question which has pertinently been asked is, what has the Bombay Government done for Sind? Education in Sind is neglected most deplorably, particularly of the Muhammadan community to which I have the honour to belong. We have cried ourselves hoarse so far as that matter is

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concerned, and I was only speaking to the Honourable Mr. Sharp yesterday about the state of Muhammadan education in Sind. We have cried ourselves hoarse asking to be given a direct connection by sea from Karachi to Aden, for almost a generation, and we have all heard the reply that was given to me in reply to a question put by me the other day, that the British Post Master General did not think it feasible for some time long because it would not pay. We have been crying ourselves hoarse asking for the construction of a direct line of Railway from Karachi to Delhi, and it has yet to come. We have been crying ourselves hoarse for a direct railway line from Karachi to Bombay, and that has also yet to come. We in Sind have always thought that Bombay is jealous of Sind and that the Government of Bombay, swayed by the interests of Bombay and of the Bombay merchants and magnates will not allow Karachi to grow.

And I think my Honourable friend, Mr. Price, will bear me out in this connection. So far as the conditions of the Province are concerned, economic, agricultural, commercial, educational, nay in almost every direction we are put back by Bombay and we shall certainly be very glad to make ourselves secure and get away from Bombay (Cries of 'No, no'). Yes, Mr. Vishindas will certainly say 'no'. The development of Karachi and Sind can only be accomplished when we get provincial autonomy. The question of the separation of Sind from Bombay must come up sooner or later and I for one believe that there is a considerable body of opinion in Sind that think that unless Sind is detached from Bombay and made autonomous, Sind has nothing to gain.

(An Honourable Member : Very doubtful.)

Mr. W. M. Hussanally : The Honourable Member who has just spoken says it is very doubtful but I say most emphatically that even as far as the Education Department to which he belongs is concerned, I think that we should have had a University of our own in Karachi long before this, because the conditions of higher education in Sind are deplorable and education will be stimulated only when we have a University of our own.

In any case, the proposition brought forward by my Honourable friend, Mr. Latthe, does not ask the House to separate Provinces from existing Governments all at once. The question that he wants to be considered is, that the matter should be taken up in hand with regard to several Provinces all over India, and a decision arrived at as to which Provinces, if any, need readjustment. That proposition in itself is a very harmless one and I trust the House will give it its most careful attention.

The cases of Canara and of Maharashtra which have been quoted by Mr. Latthe are in point. Canara as a whole must either go to Bombay or Madras and similarly Maharashtra must be under one Government. There are several other Provinces in India which require a similar treatment. Therefore it is not the question of Sind alone that has to be considered. The general question must be taken up and decided once for all. My Honourable friend, Mr. Vishindas, has raised side issues which he need not have done at the present moment. With these few words, Sir, I support the motion before the House.

Mr. J. Ramayya Pantulu Garu : Sir, I have got an amendment.....

Mr. President : We must first dispose of the amendment moved by Mr. Nag.

Mr. E. L. Price : Sir, may I withdraw my amendment in favour of No. 4* ?

Mr. President : The Honourable Member's amendment is not before the House.

Mr. A. B. Latthe : Sir, I rise to say that I accept the amendment which has been moved.

The Honourable Sir William Vincent : Sir, I should like to draw the attention of the House to the terms of the Resolution that is before the House, namely :

This Assembly recommends to the Governor General in Council that he may be pleased to undertake the task of reconstituting the Provinces of India in consultation with the various Local Governments.....

To that Resolution an amendment has been moved, but it is an amendment which makes it in no way less comprehensive than it was originally.

The Honourable the Mover very rightly suggested that in the discussion of this Resolution, Members would do well to avoid debating the needs of any particular Province ; he felt, I think, that this would lead many Members into side issues. At the same time, so strong is the feeling in various Provinces that we have already had a discussion about the difficulties in particular areas, e.g., Sind and Sylhet, and if my Honourable friend, Mr. Chaudhuri speaks—and I am sure he is ready to speak—he will have further proposals to make ; about Singbhum and Manbhum ; further if the Honourable Member from Bihar and Orissa gets up to speak, we shall have yet fresh proposals in regard to Orissa. If another Member whom I have in my mind were to speak we should have a proposal, to re-distribute the territory in a certain Province not according to a linguistic basis but according to some other basis based on provincial jealousy. I am not, however, sure if that Honourable Member will speak to-day.

In his Resolution, the Honourable the Mover did not give me any guide as to the criterion by which he proposed to distribute Provinces. I read his Resolution very carefully and it was only when he spoke that I learnt he really proposed a linguistic basis. Now, if Honourable Members will kindly refer for a moment to the Montagu-Chelmsford Report which is the basis of all these proposals, they will find stated there the following :

'We cannot doubt that the business of Government would be simplified if administrative units were both smaller and more homogeneous; and when we bear in mind the prospect of the immense burdens of Government in India being transferred to comparatively inexperienced hands, such considerations acquire additional weight. It is also a strong argument in favour of linguistic or racial units of Government.'

I think the Honourable Mover of the Resolution quoted a portion of that last passage and I will leave out some words. Finally, the authors of the Report go on to say this :

'But we are bound to indicate our own clear opinion that wherever such redistributions are necessary and can be effected by process of consent the attempt to do so should be made; and therefore we desire that it should be recognised as one of the earliest duties incumbent upon all the reformed provincial Governments.'

I draw the attention of Honourable Members to these words ?

'To test provincial opinion upon schemes directed to this end.'

Now, after that, the Joint Committee considered this question and they said :

'The Committee have two observations to make on the working of this clause. On the one hand, they do not think that any change in the boundaries of a Province should be made without due consideration of the views of the Legislative Council of the Province.'

* On the Notice Paper.

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On the other hand, they are of opinion that any clear request made by a majority of the Members of a Legislative Council representing a distinctive racial or linguistic territorial unit for its constitution under this clause as a sub-province or a separate province should be taken as a *prima facie* case on the strength of which a commission of inquiry might be appointed....

That is the position according to the Joint Committee's report and according to the report of Mr. Montagu and Lord Chelmsford. There must be a clear request from the majority of the persons affected. The Honourable Member behind me said, that such a request had been put forward in the case of Sylhet. If it has been put forward to the Assam Council and comes to the Government of India, through the Government of Assam, I can promise him the most careful consideration. Further than that, I do not think the Honourable Member is entitled to ask me to go on vague allegations of what has been done at various public meetings. There is one and only one representative body of Assam opinion and that is the Legislative Council. Now, another point that ought to be mentioned is the danger of opening up this question of redistribution. You have had examples to-day in the speeches made about Sind; already I see a break in the unity of this Assembly here—one Member from Sind and another from the same Province taking divergent views. May I cite on this point a quotation from a speech made by Sir Surendra Nath Banerjea made on a similar motion to the present in respect of one Province. It has been useful to me on more occasions than one. He said :

'What I say is that as soon as you start an inquiry of this kind in any particular area, that will constitute the signal for strife, for conflict, for controversy, for agitation, for bitterness. I ask my friend, is he prepared to disturb the prospect of responsible government that is opening up to us by this weird spectre of redistribution of territory? We know what is in Bengal. We know what fierce, what bitter and angry passions were evoked. Men lost their heads; they could think of nothing else, they could dream of nothing else, they could speak of nothing else. Would he like an agitation of that kind to wreck the fair prospects of Self-government?'

That is a serious question for this Assembly also to consider. The Government of India is, on the other hand, quite prepared to take up any specific case in which the requirements of the Joint Committee are fulfilled and to examine it on its merits. But I do not think that this Assembly, which is composed of practical men, and has a genuine sense of responsibility will ask us to do more than that. I want to put the case to the Assembly frankly. Does any one here believe that the proposal which was made by the Honourable Mover for the reconstruction of every Province in India is a practical proposition? (Mr. Spence.—No!) Would any one of the Members of the Assembly, were he in my place here on the Government benches, accept it; wouldn't he say at once, 'Well, this is purely an academic discussion and not a practical proposition; you can't do it.' Members of this Assembly have got to look at things not only from a theoretical point of view, but from a practical point of view, and I am quite sure they will. Indeed I do not think the Honourable Member, when he proposed this, can have considered the immensity of what he is proposing. Look at the difficulties involved. Just now a single proposal affecting a part of one Province has caused a difference of opinion. But, according to the Mover, the Central Provinces would give up some territory to Bombay, or Bombay would give up some to the Central Provinces; Bombay and Madras are to be wholly redistributed on a linguistic basis. The territories in Bihar and Bengal are to be redistributed and what effect is all this going to have on the constitutional

position? Is not there a great deal of what Mr. Harchandrai Vishindas said—that the proposal has a separatist tendency, that the Mover is not asking for unity, not encouraging that spirit of nationalism in which lies the hope for the future of this land. I am told that Sind is separated from Bombay in language and other respects, and yet the laws for Sind are made by the Government of Bombay. In what respect does it differ from my own country, Wales? Our legislation has been done for years by the British Parliament, but I have not heard of any complaints of injustice on this account or that it has led to anything unfair. The Province of Sind is in no worse position than Scotland or Wales, *vis a vis* the British Parliament. But, once you embark on this redistribution business, think of the dislocation and provincial jealousies called into activity, think of Provinces like the United Provinces. I have already had notice of a Resolution to separate the two Provinces of Agra and Oudh (now united), on some basis which is not very clear to me but which I understand is certainly not linguistic. The proposal probably arises out of differences of opinion between the residents of Agra and the residents of the Province of Oudh. Think of the differences which arise once you start a general proposal of this kind. I alluded just now to the immensity of the task which would lie before Government if this Resolution was accepted, and in this connection may I remind the Assembly—though indeed it is hardly necessary—of the immense volume of work that falls on us now in consequence of the Reforms, of the constant new projects coming up from day to day, of the changes in the administration, the changes in the law which we are from time to time called upon to carry out. Will Honourable Members consider this and say whether it is more important that this Assembly should ask the Government of India to occupy its time on such subjects as the amendment of the Criminal Procedure Code, the Press Act and the amendment of various repressive measures; or on impossible schemes of the character now proposed; which is the more beneficial or likely to promote the general welfare of the country? Is it to the advantage of the people that Government should give up its legitimate duties and embark on a Sisyphean task of the kind proposed by the Honourable Member? That is the practical question for them to consider. We, who have read some of the papers regarding the partition of Bengal, are aware of the immense labour which the partition of one Province involved. Again, in 1911, the labour of constituting the new Province of Bihar and Orissa was very much greater than Members of this Assembly possibly realise. Now, let me ask the Members of the Assembly to consider what would be the labour involved in a reconstruction of the whole of India, and that at a time when this country is in a transition state of political progress.

I do not want the Honourable Member however to think that I am not in sympathy with many of the proposals that have been put forward. That is not the case as I have tried to say before. There are cases, no doubt, in which hardship is caused by the present administrative distribution but what I want to say—and I want to carry the House with me—is this, that this proposal for a general inquiry of this kind is not a practical proposition.

Again, I am told, that the basis of this redistribution is to be linguistic. At least that is what I understood. Now is that in all cases a proper test? Is it the sole test? Are not there others? Are not there other matters which are equally important? Is not historical connection a consideration of great importance? Can geographical, commercial

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and industrial considerations be overlooked? Are not all these matters of great practical importance? Last Session or the Session before that, an application was made to the Government to reconstitute the Province of Orissa on a linguistic basis. We have been making inquiries since then with a view to seeing what is possible in that direction. But even up to this present moment I am quite unsure as to whether the people of parts of Midnapore, which are Oriya speaking, would not prefer to remain in Bengal. There are other areas now in the Central Provinces and other areas in Malras which it was proposed to join to Orissa, but I think Honourable Members from Madras will bear me out that it is an open question whether the residents of these areas would like to join the Province of Orissa or whether they would not like for historical reasons—for sentimental reasons I dare say largely—to remain in that Province to which they have been attached for many years.

The commercial aspect is again a matter of very great importance which can not be neglected, and where is this linguistic test to end? How are you going to decide the Province to which a bi-lingual area is to be attached? What again is to be the unit for decisions? Are you going to make Chota Nagpur a separate Province? Are the Santhals to have a separate administration? There is no end to these linguistic divisions.

Finally, I want to refer to the cost of this proposal. What does this Assembly think would be the cost of a total redistribution of the whole of the Provinces? Apart from the dislocation of business, the delay to reforms, think of the cost of putting up new buildings here, creating new establishments there. The present reforms, I am told,—and I think it has been said with justice—have cost the country a good deal. But that would be nothing to the cost which a proposal of this kind would necessarily involve. I will quote one instance. A great deal has from time to time been said of the creation of an Andhra Province. One of my Honourable colleagues at one time was very keen on this. I am not sure whether it was my unhappy duty on that occasion to oppose his proposal but I am quite clear that at any rate on this occasion it is his to support me. Well, there is a great deal to be said for an Andhra province, and (speaking without prejudice), the Honourable Member has converted me to some extent to his views. Indeed I do not doubt that at some time in the future some redistribution of territory will be necessary or some change in the arrangements. But that will have to be made gradually as opportunity offers. When we consider the question of one Province, the Andhra Province, I find the greatest difference of opinion as to whether the old or the new Province is to retain such important items as the seat of the Madras Government, the High Court, and the University. And what does this Assembly think would be the cost of creating a new Province, with a new Governor, new Ministers, a new Secretariat, a new University, a new High Court, a new Executive Council—I am not sure about this last item—and new establishment of various kinds? Why the cost would be absolutely prohibitive and this cost would be multiplied many times if the Honourable Mover's proposal is accepted. I am jealous of the reputation of this Assembly for reason and considered judgment, and for that reason I hope that they really will not support the Resolution of the Honourable Mover, though, as I have said, I am quite prepared to consider any specific case in which the requirements of the Joint Committee are fulfilled.

Mr. President : The Mover of the Resolution has expressed his willingness to accept the amendment moved by the Member from Assam on my right,

and the Honourable the Home Member has dealt with the main principle of the Resolution which was open for discussion. I shall dispose of the particular point referred to by Rai G. C. Nag Bahadur before we go further.

The amendment moved is :

'That the words 'after ascertaining the wishes of the people of the areas primarily concerned through' be substituted for the words 'in consultation with'.

The question is that that amendment be made.

The Assembly divided as follows :

AYES—54.

Abdulla, Mr. Saiyed Muhammad.
Abdur Rahim, Mr.
Abul Kasem, Maulvi.
Agnihotri, Mr. K. B. L.
Ahmed, Mr. K.
Amjad Ali, Maulvi.
Asjad-ul-lah, Maulvi Miyan.
Bagde, Mr. K. G.
Bajpai, Mr. S. P.
Bhargava, Pandit J. L.
Bishambhar Nath, Mr.
Chaudhuri, Mr. J.
Chaudhuri, Mr. N. N.
Das, Babu B. S.
Faiyaz Khan, Mr. M.
Ginwala, Mr. P. P.
Girdhardas, Mr. N.
Gour, Dr. H. S.
Gulab Singh, Sardar.
Hussanally, Mr. W. M.
Jatkar, Mr. B. H. R.
Joshi, Mr. N. M.
Kamat, Mr. B. S.
Lakshmi Narayan Lal, Mr.
Latthe, Mr. A. B.
Majumdar, Mr. J. N.
Mannohandas Ramji, Mr.

Man Singh, Bhai.
Misra, Mr. P. L.
Mitter, Mr. D. K.
Muhammad Ismail, Mr. S.
Mukherjee, Mr. J. N.
Mukherjee, Mr. T. P.
Nabi Hadi, Mr. Syed.
Nag, Mr. G. C.
Nand Lal, Dr.
Neogy, Mr. K. C.
Price, Mr. E. L.
Pyari Lal, Mr.
Reddi, Mr. K.
Shahani, Mr. S. C.
Singh, Babu Ambika Prasad.
Singh, Babu B. P.
Sinha, Babu Adit Prashad.
Sinha, Babu L. P.
Sinha, Beohar Raghubir.
Sircar, Mr. N. C.
Sohan Lal, Bakski.
Srinivasa Rao, Mr. P. V.
Subzphosh, Mr. S. M. Z. A.
Ujagar Singh, Baba Bedi.
Venkatapatiraju, Mr. B.
Vishindas, Mr. H.
Yamin Khan, Mr. M.

NOES—37.

Agarwala, Lala G. L.
Aiyer, Sir P. S. Sivaswamy.
Akram Hussain, Prince A. M. M.
Asad Ali, Mir.
Ayyangar, Mr. M. G. M.
Ayyar, Mr. T. V. Seshagiri.
Barodawalla, Mr. S. K.
Bradley-Birt, Mr. F. B.
Bryant, Mr. J. F.
Cotelingam, Mr. J. P.
Crookshank, Sir Sydney.
Dalal, Sardar B. A.
Faridoonji, Mr. R.
Fell, Sir Godfrey.
Gidney, Lieutenant-Colonel H. A. J.
Hailey, the Honourable Mr. W. M.
Hajeebhoy, Mr. Mahomed.
Hullah, Mr. J.
Innes, Mr. C. A.

Jamnadas Dwarkadas, Mr.
Jejeebhoy, Sir Jamsetjee.
Lyle, Mr. D. R.
Mudaliar, Mr. S.
Muhammad Hussain, Mr. T.
Percival, Mr. P. E.
Ramayya Pantulu, Mr. J.
Rangachariar, Mr. T.
Rao, Mr. C. Krishnaswami.
Rhodes, Mr. C. W.
Samarth, Mr. N. M.
Sapru, the Honourable Dr. T. B.
Sim, Mr. G. G.
Spence, Mr. R. A.
Subrahmanayam, Mr. C. S.
Townsend, Mr. C. A. H.
Vincent, the Honourable Sir William.
Zahiruddin Ahmed, Mr.

The motion was adopted.

Mr. President : Before putting the other amendments I propose to put the Resolution down to the word 'India' in line 2 so as to give the Assembly an opportunity of deciding the question of principle. If the question of principle is decided in favour of the Resolution as standing on the paper, then

[The President.]

the amendments can be moved. If the question of principle is decided in the negative, then the amendments fall to the ground.

Mr. A. B. Latthe: Sir, with reference to the attitude of the Government as explained by the Honourable the Home Member I want to point out to the House one or two points which I think will clear up the matter. The Honourable the Home Member proceeded on the basis that I took the linguistic as the only basis on which Provinces should be reconstituted. The second assumption which, I think, he made was that I wanted that all the Provinces in India should be reconstituted. At the very outset I may say that I did not mean either of these two things.

Languages may be one of the bases and probably the principal basis on which Provinces could be re-formed, but I do not think that anybody could claim that every little language in India should have a separate Province. Nor do I think that it will ever be possible to do so. But because each little language and dialect cannot be provided with a separate Province, I do not think it right that the principal languages like Marathi, Hindi, Canarese and other languages should also be denied the right of having separate Provinces. All I mean is that each question should be considered on its own merits.

Even the Honourable the Home Member seemed to agree that there was a case for consideration with reference to the Andhra Province and some other Provinces. My only point in bringing this Resolution before the House was, that wherever it may be practicable, wherever it may be necessary, this question should be considered. I submit that it is only the Government of India that can consider this question and ask for the opinion of the Province concerned. If, for instance, there is a question of having a separate Canarese Province, in which I am concerned, some part of the Canarese people are in the Madras Presidency, some in the Bombay Presidency, and it may be quite possible that the Madras Canarese people may not like to come under Bombay. I do not know much of that, and I am not going to make any dogmatic statement on the point; but I submit that the Bombay Council or the Bombay Government cannot properly consider the question of having the Madras Canarese districts transferred to itself. It is the Government of India who ought to look at the general question in a general way, and where they think it possible or practicable or expedient to have a separate Province, or a sub-Province as has been suggested in the Montford report, they should consult public opinion and the opinion of the Local Government. That is all I said. I do not think that the House should be frightened by the idea of having a larger number of Provinces than we now have. I think most Honourable Members are aware that the United States, which I am quite sure is a smaller country than India, consists of 48 States, while we have a far smaller number of Provinces at present, and even if the number of Provinces were to be as large as the principal languages, I do not think that we shall have anything like that number of Provincial States in India. Then, as regards the question of cost, wherever it might be impossible to bear the additional cost involved in the creation of a separate Province, I think the people would be quite willing to drop the proposal. But that does not apply to a proposal to have a sub-Province. In this case, as I understand, the Governor will continue the same, but the Legislature and the Ministers will be different for a different sub-Province. That will be much less expensive than is feared by some people. At any rate my point in asking the House to accept this Resolution is, that the question should be considered wherever it may be necessary. It is, I submit, quite clear that in

certain cases this question must be considered as of great and urgent necessity. I also submit to the House that in accepting this principle, they do not commit themselves to any particular readjustment. All I say is that the Government should proceed with the consideration of the question and I, therefore, commend my Resolution to the acceptance of the House.

The Honourable Sir William Vincent: I should like again to draw attention to the terms of the Resolution. If I have misunderstood the Honourable Member, I am quite open to correction. What he recommends in the Resolution is the reconstitution of the Provinces of India, that is, all the Provinces of India. That is a work of such magnitude that the Government of India cannot think of undertaking it at present. On the other hand, as occasion arises, if any particular Province or area feels it is unjustly treated, and the requirements prescribed by the Joint Committee are fulfilled, then the Government of India are quite prepared to consider any proposal which comes up from the Local Government concerned. What the Joint Committee Report had in mind was that the area which is affected should make a representation on that subject to the Local Government in the local Council, and through them to the Government of India, to show that in fact, there was a general consensus of opinion among those affected that the change is desirable. The difference between the Honourable Member and myself is that I want this procedure to be adopted and he seeks to force the Government of India to make a general inquiry.

Mr. President: The question is:

That the words down to and including the word 'India' in line 2 of the Resolution stand part of the Resolution.

The Assembly divided as follows:

AYES—38.

Abdulla, Mr. Saiyed Muhammad.
Agarwala, Lala G. L.
Agnihotri, Mr. K. B. L.
Ahmed, Mr. K.
Atmjad Ali, Maulvi.
Ajjad-ul-lah, Maulvi Miyan.
Bagde, Mr. K. G.
Barua, Mr. D. C.
Bhargava, Pandit J. L.
Chaudhuri, Mr. J.
Chaudhuri, Mr. N. N.
Das, Babu B. S.
Fayaz Khan, Mr. M.
Ginwala, Mr. P. P.
Gott, Dr. H. S.
Gulab Singh, Sardar.
Huseanally, Mr. W. M.
Ikramullah Khan, M. M.
Jatkar, Mr. B. H. R.

Joshi, Mr. N. M.
Latthe, Mr. A. B.
Majumdar, Mr. J. N.
Manmohandas Ramji, Mr.
Man Singh, Bhai.
Misra, Mr. P. L.
Mudaliar, Mr. S.
Mukherjee, Mr. J. N.
Mukherjee, Mr. T. P.
Nag, Mr. G. C.
Nand Lal, Dr.
Neogy, Mr. K. C.
Ramayya Pantulu, Mr. J.
Reddi, Mr. K.
Sinha, Beohar Raghubir.
Sircar, Mr. N. C.
Srinivasa Rao, Mr. P. V.
Venkatapatiraju, Mr. B.
Yamin Khan, Mr. M.

NOES—53.

Abul Kasem, Maulvi.
Aiyer, Sir P. S. Sivaswamy.
Akram Hussain, Prince A. M. M.
Asad Ali, Mir.
Ayyangar, Mr. M. G. M.
Ayyar, Mr. T. V. Seshagiri.
Bradley-Birt, Mr. F. B.
Bryant, Mr. J. F.
Clayton, Mr. H.
Cotelingam, Mr. J. P.
Crookshank, Sir Sydney.

Dalal, Sardar B. A.
Faridoonji, Mr. R.
Fell, Sir Godfrey.
Gidney, Lieutenant-Colonel H. A. J.
Girdhardas, Mr. N.
Hailey, The Honourable Mr. W. M.
Hajeebhoy, Mr. Mahomed.
Hullah, Mr. J.
Innes, Mr. C. A.
Jamnadas Dwarkadas, Mr.
Jejeebhoy, Sir Jamsetjee.

NOES—53—contd.

Kabraji, Mr. J. K. N.
 Kamat, Mr. B. S.
 Lakshmi Narayan Lal, Mr.
 Lyle, Mr. D. R.
 McCarthy, Mr. F.
 Muhammad Hussain, Mr. T.
 Muhammad Ismail, Mr. S.
 Nabi Hadi, Mr. Syed.
 Percival, Mr. P. E.
 Price, Mr. E. L.
 Pyari Lal, Mr.
 Rangachariar, Mr. T.
 Rao, Mr. C. Krishnaswami.
 Rhodes, Mr. C. W.
 Samarth, Mr. N. M.
 Sapru, The Honourable Dr. T. B.
 The motion was negatived.

Shahani, Mr. S. C.
 Sim, Mr. G. G.
 Singh, Babu Ambika Prasad.
 Singh, Babu B. P.
 Sinha, Babu Adit Prasad.
 Sinha, Babu L. P.
 Sohan Lal, Bakshi.
 Spence, Mr. R. A.
 Subrahmanayam, Mr. C. S.
 Townsend, Mr. C. A. H.
 Ujagar Singh, Baba Badi.
 Vincent, The Honourable Sir William.
 Vishindas, Mr. H.
 Waghorn, Colonel W. D.
 Zahiruddin Ahmed, Mr.

RESOLUTION RE: TRANSFER OF JUDICIAL ADMINISTRATION OF THE NORTH-WEST FRONTIER PROVINCE.

Sir P. S. Sivaswami Aiyer: Sir, the Resolution* which stands in my name falls into two parts which I hope the President will separately put to the vote. The Resolution may look rather long and formidable, but briefly put, it asks for two things: first, that the control of the judicial administration in the North-West Frontier Province be restored to the High Court of the Punjab; and, secondly, that a Committee be appointed for examining the policy of separation of the North-West Frontier Province from the Punjab. The two parts of the Resolution are intended to raise the whole question of the wisdom or otherwise of the creation of the North-West Frontier Province. I despair of doing justice to the subject within the limits of time allowed by the rules and I crave the indulgence of the House and the President if it is necessary for me to occupy their attention a little longer than the time allotted. Frontier officers may, perhaps, consider it a piece of temerity on my part to meddle with a subject which it has been their business to deal with for the best years of their lives. Though I cannot claim the intimate personal knowledge possessed by my Punjab friends, like Dr. Nand Lal, I have endeavoured to study the official literature on this subject so far as it was available to me and any observations I may make are almost entirely based upon the official reports. Members of the Government may, perhaps, feel that I am treading upon a very delicate ground and that a discussion of the subject in the Assembly may possibly give rise to undesirable complications in the relations of Government with the tribes on the border. I am fully sensible of the responsibility of Members of the

* This Assembly recommends to the Governor General in Council:

- (a) that the powers of control and superintendence over the judicial administration in the North-West Frontier Province now vested in the Judicial Commissioner and the Chief Commissioner of that Province and all jurisdiction, original, appellate or revisional now vested in them and all powers and authority in relation to the administration of justice including the power to make rules for regulating the practice of the courts and to authorise legal practitioners to appear and practise in such courts be transferred to the High Court of the Punjab and that the necessary legislation be undertaken to invest the High Court of the Punjab with the same jurisdiction, powers and authority in the five administered districts of the North-West Frontier Province as are now exercisable by that Court in the territories now vested in the Government of the Punjab and the Delhi Province.
- (b) that a Committee be appointed including a certain number of elected members of the Indian Legislature for the purpose of considering and reporting:
- (i) whether the separation of the five administered districts of the North-West Frontier Province from the Punjab Province has fulfilled the expectations of the Government of India from the political, military or financial point of view or has been attended with any substantial advantage to the internal administration; and
- (ii) whether it is expedient to re-amalgamate the said districts with the Punjab Province leaving under the direct control of the Government of India the political administration of the unadministered tracts on the British side of the Durand line.

House in dealing with the complicated question of foreign policy and I may assure the Government that I have no wish to embarrass them by inviting any pronouncement of foreign policy. My purpose is to deal solely with the internal effects of the creation of the North-West Frontier Province and to bring to the notice of the House the evil results which have flowed from that policy and I hope that before I sit down, I may be able to convince the House that the time has come for a re-examination of the policy which underlay the partition of the Punjab.

With regard to the administration of justice in the Province, I venture to think that the control should be transferred to the High Court of the Punjab. Upon the wider question of the re-amalgamation of the Province of the Punjab I do not propose to urge the House to commit itself to any definite expression of opinion without an inquiry like the one I ask for in the second part of my Resolution. I hope, however, to make a sufficiently strong *prima facie* case to induce the Government to order an enquiry by a Committee. Let me very briefly refer to the considerations which weighed with the Government of Lord Curzon in deciding upon the creation of the Province.

The main reasons which influenced the Government of Lord Curzon related to the question of foreign policy and the conduct of the relations with the independent tribes on the border. Lord Curzon was of opinion that it was, from the nature of things, impossible for the Punjab Government to carry out a foreign policy which it neither originated, in the first place, nor was responsible for, in the last, with the same influence, zeal or despatch as the Government of India. He thought that the intervention of the Punjab Government between the frontier and the Government of India was productive of departmental irresolution, dissipation of responsibility and long and injurious delays and was attended with no compensating advantages. It is not necessary for my purpose to go into the question whether Lord Curzon's indictment of the Punjab Government was fair or justified. Granting that it was expedient to remove the management of foreign policy and of the relations with the border tribes, from the hands of the Punjab Government, the question had to be considered whether it was necessary to effect a partition of the Punjab and vest the control of the internal affairs of the five settled districts and of the trans-frontier charges in the hands of the same authority. Lord Curzon referred to and discussed the proposals to take all the trans-frontier charges from Chitral to Gomal and place the political officers for all these agencies under a single high officer, who equally with them should be appointed by the Government of India and report exclusively to the latter upon all political and external affairs leaving the internal administration of Cis-frontier affairs, in the hands of the Punjab Government. He admitted that this proposal possessed at one time attractions for himself, but he was unable to discover a single official who supported it. He quoted the dictum of Sir Alfred Lyall that it was the established principle from Peshawar to Karachi that the frontier could only be managed properly, if both sides of it were in the hands of the same authority and expressed his concurrence with it. It may be true, as stated by Mr. Merk, that the populations on either side of the boundary line are closely interwoven and intermingled, socially, commercially and in all matters of every day life and that the daily intercourse of these peoples gives rise to numerous questions, disputes and disagreements which must be settled promptly. In the face of a strong expression of opinion by high officials with experience of the tract, it might look presumptuous to entertain a different

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opinion; but the closeness of connections and relations between the populations on either side of a border is not an exclusive feature of the North-West Frontier. Such conditions must prevail, more or less, in every case where States, Provinces or Districts adjoin each other. It does not seem to be an inevitable consequence of these conditions that the administration of the affairs on both sides of the border should be in the hands of the same authorities. In the case of several of the Native States which adjoin the British Provinces, the conduct of external relations with the States is left in charge of Residents or Agents directly subordinate to the Government of India, while the administration of internal affairs on our side of the border is left to a Local Government. The experiment of constituting all the political agencies alone on the frontier into a single trans-frontier charge directly under the control of the Government of India, was one which might well have been tried and it seems to have been rather too readily assumed that the system of two co-ordinating groups of officials, one dealing with the external relations and the other with the internal affairs of the population of the settled districts was bound to give rise to friction. One cannot help doubting whether the creed of frontier officers as to the impossibility of separating the management of affairs on both sides of the border is not a venerable superstition.

With regard to the financial aspect of the scheme, Lord Curzon expected that the total cost of the civil administration at the start was not likely to be greater than under the existing conditions, while if his anticipations were realised, there was every reason to hope that a saving would be effected. But when the details of the scheme were worked out, the actual additional cost to Government of the formation of the new Province was estimated at Rs. 3,55,507. It may be pointed out here that Lord Elgin, the predecessor of Lord Curzon, was entirely opposed to the creation of a separate Frontier Province. When the details of the scheme for the administration of the new Province were worked out, Sir Mackworth Young, the Lieutenant-Governor of the Punjab, felt bound to record his disapproval of the scheme and wrote a memorandum in which the dangers and drawbacks of the proposal were set forth with great force and admirable foresight. He pointed out among other objections that the miniature administration which was proposed to be constituted would be much less efficient than that which existed as part of a large provincial organisation, that the machine of British administration was complex and could not be run properly on a small scale, that the sphere of the new Province would not afford a training ground for the acquisition of large and varied experience, that the requisite administrative experience could not be acquired in the political department, that the duties of district and judicial officers would be likely to fall into disregard and that supervision in the various departments would prove inadequate. He was of opinion that the scheme was not the best with reference to future probable developments on the frontier and that the actual cost of working the scheme would greatly exceed the forecast. The masterful personality of Lord Curzon enabled him to carry his scheme through. It came into working in 1901 and has been in force for a period of twenty years. Sufficient time has been given for the trial of the experiment and it is worth while to take stock of its results.

From a financial point of view, the cost of administration of the Province has far exceeded the original estimate and the excess of expenditure over the revenues amounted in the year 1920 to more than 109 lakhs. The Province has thus been a source of great drain upon the Imperial treasury.

From the military point of view, the necessity for punitive expeditions has not disappeared. The cost of frontier expeditions from 1901-02 to 1919-20 amounted to 29 crores odd. It may be urged that the cost of the Third Afghan War in the year 1919-20, viz., Rs. 23,87,00,000 should, in fairness, be excluded and that the cost of the dozen expeditions or so, into the frontier is only Rs. 5,17,00,000. On the other hand, if you add the figures for the present expedition into Waziristan, the figures are likely to be very much swollen, and I do not know whether the military expenditure incurred on frontier expeditions during the last twenty years will bear favourable comparison with the expenditure incurred during the previous twenty years. The principles of Lord Curzon's military policy were stated to be the withdrawal of our regular garrisons from advanced posts in the tribal area, the employment of local militias in the defence of tribal country and the concentration of troops in British territory upon the principal lines of advance.

It was expected that a hold would be acquired upon the allegiance of the tribesmen by providing them with military employment and that they would have a direct interest in the preservation of the peace. His policy of withdrawal of garrisons from advanced posts has apparently been abandoned and the expeditions which the Government have been obliged to send and our experience during the last Afghan War indicate that his policy has not been successful in securing the loyalty of the border tribes. But this is a matter on which I should prefer to ask the Military authorities to say whether they still adhere to the military policy enunciated by Lord Curzon or have scrapped it.

Our political relations with the tribes do not seem to have undergone much improvement. The so-called tribal allowances which are, in the language of the vulgar, nothing more than 'bribe or blackmail' but which Lord Curzon euphemistically called 'confidential communications with the tribes' have apparently undergone enormous increase. The political expenditure incurred during the year 1919-20 was 53 lakhs odd while in the year preceding it was nearly 58 lakhs.

While the creation of the new Province has not been attended with any substantial advantage in the improvement of our external relations, it has produced no improvements in the internal administration of the Province at all commensurate with the annual expenditure. While the revenues of the province have increased from 46 lakhs odd in 1903-04 to 70 lakhs odd in 1919-20, the cost of administration has risen from 55 lakhs odd in 1903-04 to 180 lakhs odd in 1919-20. The cost of collecting the land revenue of 20 lakhs odd in 1919-20 amounted to over 8 lakhs which works out to a percentage of nearly 40 per cent. In the case of the Punjab, the cost of collecting the land revenue in the year 1918-19 works out only to about 17 per cent.

In his book on 'India under Lord Curzon and After' Mr. Lovat Fraser, an admirer and champion of Lord Curzon's administration admits that the principal defect of the separation of the North-West Frontier was:

'that its land revenue administration in the settled tracts was unsatisfactory, the land tenures along the frontier are complicated and require delicate handling which they have only partially obtained. In a Province primarily occupied and manned, to handle people and issues beyond the administrative boundary, the ordinary details of Civil administration are liable to be somewhat disregarded.'

This is exactly what was predicted by Sir Mackworth Young.

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It is, however, in the discharge of its primary function of protection that the administration has proved a hopeless failure. During the year 1919-1920, the latest for which the Administration Report is available, the total number of raids by trans-frontier men was 611 and in the course of these raids 298 British subjects were killed, 392 were wounded, 463 were kidnapped and 94 had to be ransomed and the value of the property looted amounted to Rs. 21,30,209. It is stated in the Administration Report that it is a singularly unfortunate record of the year in which increases in every single class of crime are shown, but there has hardly been a year in which raids have not been committed on the most daring and terrifying scale. I am informed that in the year 1920-21, the number of raids was 391, that 153 persons were killed and 157 injured, that 56 kidnapped persons were ransomed and that the value of the property looted was Rs. 2,86,285.

It is not known how many were kidnapped without being ransomed. In 1909-10, it is stated in the Administration Report, that 'owing to the desolate and broken nature of the country, it is not feasible at present to cope with kidnapping raids. The only remedy is to prevent ingress of raiders from Afghanistan.' In 1915-16, the Mahsud raids in Dera Ismail Khan produced a state of affairs without a parallel and the history of the district is said to be one long tale of rapine and outrage by Mahsuds and in spite of the superhuman efforts on the part of the troops, militia constabulary and police, its northern half had been almost ruined. The kidnapping, especially of Hindus, is said to be a very lucrative pastime for the raiders. The Pathan villagers are apathetic when their Hindu fellow residents are kidnapped. More energy and enterprise on the part of the more courageous villagers would often result in the rescue of their unfortunate and less bold Hindu brethren. One District Magistrate complained of the bad example set by Hindus in ransoming their relations. Possibly, an Englishman whose wife or children may be kidnapped by the raider may exhibit more stoicism under the circumstances for fear of setting a bad example or may be better able to command the services of a punitive expedition. But I do not know. It is, however, satisfactory to observe that the Sessions Judge and the Judicial Commissioner before whom this remark of the District Magistrate went up took a juster view of the matter. They were of opinion that the unfortunate people had no choice in the matter. They got little assistance from the Muhammadan villagers, many of whom no doubt shared in the ransom and so far Government had been able to do little to help them. Some of these raids are committed by outlaws. Outlawry has lost its terrors and the career of an outlaw offers attractions to the more adventurous spirits. Facilities in the means of communication have rendered their operations easier and they have numerous friends and sympathisers within the districts with whom they find shelter and protection during their marauding expeditions. The fear of reprisals prevents people from coming forward to give evidence against them. Raids and outrages are often committed under the very nose of the police and it is worth noting that the number of property offences has largely risen even in the cantonments of Peshawar, Nowshera, etc., in spite of the fact that they had largely increased garrisons. The success of the trans-border raiders re-acts in turn upon the lawless characters inside the settled districts and encourages them also to commit crimes in the hope that they would be ascribed to the trans-border tribes. In condemnation of the management of Frontier affairs by the Government of the Punjab, Lord Curzon

quoted with approval the following passage from a letter of Lord Lansdowne's Government, dated the 17th October 1899:

'The Government of India cannot consider its present relations with the trans-frontier tribes on the Punjab border as either suitable or satisfactory and the absence of any friendly understanding between them and the neighbouring British officers may at any time prove a source of serious danger and anxiety. The country within a day's ride of one of our most important garrisons is indeed almost a *terra incognita* and there is no security for British life a few miles beyond the border. Punitive expeditions have been frequent but have been attended with very few permanent results and there is probably no other spot in the world where after 35 years of peaceful occupation a great civilised power has obtained so little influence over its semi-savage neighbours or has acquired so little knowledge of them.'

I should like to ask whether after 68 years of peaceful occupation and 20 years after the creation of a costly frontier Province under the direct control of the Government of India the same description does not still hold good.

Turning now to the statistics of internal crime, with the exception of the year 1906 which is said to have been a year of low water-mark in the history of crime, hardly a year has passed in which the high officials who are responsible for the administration of law and justice and who are sincerely anxious to cope with such crime have not had to deplore the steady growth in the number of violent offences. The number of murders committed in 1902 was 180 and in 1919 it was 445. The number of attempts to murder was 55 in 1902 and 149 in 1919. There were 31 cases of kidnapping in 1902 and 119 in 1919. Dacoity with murder increased in the period from 10 to 98 and the number of cases of other dacoities from 59 to 410. The number of serious offences against persons and property under classes (2) and (3) totalled 218 in the year 1904 and steadily increased during the 15 years. During the year 1919 the total reached the figure of 3,378. Serious crimes have thus increased nearly 16 times during those 15 years. The value of property stolen and carried away rose from Rs. 98,752 in 1904 to Rs. 19,98,734 during the same period but varied during the years 1915-18 from 6 to 3½ lakhs. This steady growth of crime cannot be attributed to any disposition on the part of the authorities to stint expenditure on the police. The strength of the police, which was 2,450 in 1903 rose to 4,601 in 1918 while the cost during the same period rose from Rs. 5,86,733 to Rs. 16,89,945. The strength of the frontier constabulary which is employed for the purpose of checking raids rose from 2,372 in 1904 to 3,959 in 1919 and the expenditure on this force rose from Rs. 3,82,063 to Rs. 10,73,400 during the same period.

Various causes have been from time to time suggested by the authorities in explanation of the growth of crime. There is no doubt that there is the perennial problem of the blood-feud and crime due to the excitability of the Pathan temperament which leads to violent outbreaks on very slight provocation. The unsettled conditions on the border and the contagious character of crimes committed by trans-border men are also responsible for the prevalence of crime in the interior. Making every allowance for the operation of these factors, the large and steady growth of crime must be ascribed to defects in the police and criminal administration which are admitted by all the high officials of the Province. The low percentage of convictions due to the tainted nature of the evidence brought forward, the failure of the law to provide a suitable method of settling disputes relating to women, the inadequate and

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undiscriminating method of working the preventive provisions of the law, the lack of local knowledge due to the frequent change of officers and their short tenure of office, the unsatisfactory nature of the alliance between the police of the Punjab and the North-West Frontier Province, the slackness and incompetency of the native magistracy, the unsuitability of the system of law to a population whose ethics are those of the dark ages, the lack of legal training on the part of the superior judiciary have all been recognised and commented upon as affording an explanation of the growth of crime. Time and again the inefficiency of the police and the incompetency of the Magistrates have been noticed in severe terms by the Judicial Commissioner and the other authorities. For a condemnation of the police and criminal administration one need not go further than the latest official reports.

The *Jirga* system of reference of criminal cases for trial by councils of elders which is authorised by the Frontier Crimes Regulation is not a little responsible for the slackness and inefficiency of the Magistracy and the Police. The provisions of the Frontier Crimes Regulation are undoubtedly drastic but, for aught I know, they may be very well suited to the requirements of a turbulent population. The procedure of a reference to the *Jirga* may also be specially adapted to their conditions. It has been pointed out that it is an approximation to the Panchayat system which has been encouraged in other parts of India with the special feature of covering both criminal and civil actions. In the actual working, however, the *Jirga* system has vastly contributed to miscarriage and contamination of justice and the consequent demoralisation of the people. During the year 1919, 491 cases and 1,483 persons were referred to *Jirga* for trial and only 40 per cent. of the persons tried were convicted. The Chief Commissioner was of opinion that the figures illustrated the tendency for the victims' relatives to include innocent persons in the prosecutions. The reasons for this state of things are to be found in the method of working of the *Jirga* system in practice. Only the other day, I was informed by a very respectable and well educated Pathan gentleman that the men who are appointed to serve on the *Jirga* were usually men of straw, without any sense of responsibility and were appointed by Magistrates from among their hangers-on to provide them with a livelihood, that corruption was rampant among them and that respectable men were unwilling to serve on *Jirgas*. The police know that when there is no judicial proof forthcoming, they have only to recommend to the District Magistrate that the case be made over to *Jirga*. The *Jirga* consists mostly of illiterate men who cannot sift evidence and though no access is allowed to the *Jirga* while in session and all approaches are guarded by the police, the relations of the parties manage to find out who have been appointed and summoned as members of the *Jirga* and interview them all beforehand and the *Jirga* is thus largely accessible to influence.

Wealthy people and those who have influential connections have greater chances of getting off, while poor people and menials who have neither money nor influence to save themselves have little chance of escape, if once hauled up by the police. The *Jirga* meets in session once in three months and accused persons have frequently been kept for several months in the lock-up awaiting trial by the *Jirga*. Commenting upon the system of *Shahi-Jirga*, the Judicial Commissioner observed that the principle of the Frontier Crimes Regulation was that the strength of local knowledge supplemented by local inquiry afforded the proper corrective for the weakness of direct judicial evidence,

whereas under the *Shahi-Jirga* system there was no local inquiry and it might happen that of the members of the sub-*Jirga* told off to try a particular case, not one man came from the locality where the crime was committed. So, they would possess no local knowledge to assist them towards a right verdict. It is not necessary for the *Jirga* to record evidence and the *Jirga* men very often write in their reports that they have made secret and open inquiries into cases. Witnesses need not be examined in the presence of the accused, nor is it necessary to record evidence. No cross-examination is allowed and no legal practitioners are admitted. The only opportunity given to the accused to object is when the *Jirga* men are nominated. They are then asked whether they have any objections to the persons proposed, but as their objections are generally over-ruled by the Magistrates, the accused dare not take objection lest they might make enemies of the nominees. The facility with which a conviction can be obtained before the *Jirga* offers a strong temptation to the police to save themselves the trouble of investigation and report that there is no evidence forthcoming to satisfy the regular courts. Many of who doubtless met a Hindu gentleman of Peshawar, Lala Jiwan Mal, who, if his allegations are well-founded, has been forcibly deprived of property in the possession of his family for about 40 years.

The Honourable Dr. T. B. Sapru: I rise to a point of order. This case is *sub-judice*. This gentleman approached me officially with regard to his case.

Mr. President: I am informed officially that this case is *sub-judice*. The Honourable Member is therefore out of order.

Sir P. S. Sivaswamy Aiyer: I have only said, 'If his allegations were well-founded' and I am not going to take it up further.

Mr. President: Even that is out of order.

Sir P. S. Sivaswamy Aiyer: The authorities have been at their wits' end to discover the causes and remedies for this unsatisfactory state of things. In commenting upon the Criminal Administration for 1910, the Chief Commissioner remarked that none of the superior judiciary had much legal training and that they had doubtless done their best with the evidence placed before them. But when out of 317 cases of murder admitted to have occurred, only 16 persons suffered the full penalty of the law, it was obvious that the terrors of the law had little deterrent effect. The remarks of the Judicial Commissioner in the Report for 1911 are very instructive. After allowing for and eliminating the various reasons which have from time to time been put forward in explanation of the growth of crime such as border unrest, the attractiveness of an outlaw's life, the high standard of proof demanded by the courts, the weakness of the subordinate magistracy and the increase in the number of legal practitioners, he comes to the conclusion that the most potent cause of the present conditions is that a great part of serious crime goes unpunished, partly because most cases never reach the stage of a trial in court at all and partly owing to the weakness of the prosecution in cases heard and decided. His inference is that the present machinery, political as well as judicial, is not fully adapted to the peculiar conditions of society in the Frontier Province. He rightly observes that he would trust rather to the improvement of the judicial machinery than to any radical change in the criminal law.

[Sir P. S. Sivaswamy Aiyer.]

In commenting upon the Administration of Criminal Justice in 1914, the Judicial Commissioner remarked as follows :

'The criminal work of the Indian Magistracy can hardly be called good except in a few cases. The Sessions Judge, Peshawar thinks that the reason for their shortcoming is that either the Magistrates are inexperienced or have fallen into a groove from which it is impossible to displace them' *

'The standard of efficiency in the Provincial Service leaves much to be desired. The same stagnation is noticeable in the sphere of criminal work as on the civil side.'

He dwells upon their dilatory methods of disposal, upon the perfunctory method of recording evidence and the want of supervision of the clerical establishment. In the Report for 1915 Mr. Bolton, the District Magistrate of Peshawar, observed that there had been so much political and other work during the year that it had not been possible to devote the same attention to the details of criminal work as in former years.

The various defects in the judiciary which have thus been brought to light in the successive Administration Reports clearly indicate that they are due to a vicious system of recruitment and to the disadvantages necessarily involved in the administration of a miniature province. As regards the system of recruitment, I need only refer to the answers furnished by the Government to the interpellations of the Honourable Mr. Sachchidananda Sinha last year. No minimum educational standard is fixed for appointment in the executive or in the educational services.

In the Police, the minimum educational qualification is equivalent to the Punjab University Matriculation, but the Chief Commissioner may dispense with a knowledge of English. 19 out of 50 in the Provincial Civil Service have not passed even the departmental tests. Appointments even of Extra Assistant Commissioners are made rather on considerations of family position than on the merits of the candidate, his educational qualification or his fitness. Constant changes of personnel, mental stagnation and lack of opportunities for acquiring legal knowledge and training and several of the other defects brought to light are the direct results of the limited area of the administration.

In the sphere of civil justice, the work of the members of the Provincial Civil Service, of the Assistant Commissioners, and even of the District Judges, has been condemned and the explanation is to be sought for in the constant changes of personnel, in the appointment of officers who were unfit by previous training and experience, and in the paucity of sufficiently qualified officers in the Provincial Civil Service. One unfortunate consequence of the frequent change of officers is the enormous influence acquired by the permanent staff of the Court. Here, again, the root causes of the unsatisfactory state of things are to be found in unsound methods of recruitment and in the unavoidable difficulties inherent in the administration of a small Province.

Before passing from the subject of judicial administration, I should like to refer to the policy of strictly limiting the number of pleaders which finds favour in this Province and its effects. The policy is pursued under the impression that any increase in the number of pleaders will tend to foster litigation. It is curious that the authorities who are responsible for the granting of *sanads* to pleaders should not realise that even assuming that an increase in the number

of pleaders would have such effect, it is one to be welcomed rather than obviated. Resort to the outlet of litigation is a necessary stage in the evolution of a lawless and turbulent community into a peaceful and law-abiding one. On the other hand, this limitation in the number of pleaders renders justice dearer by enabling the few men at the Bar to charge extravagant fees, renders it possible for a rich litigant to retain all the pleaders in a small place and reduces the efficiency of the Bar by absence of competition.

In the Medical Department work has been seriously hampered by the difficulty of providing an adequate subordinate establishment.

Similar inconvenience has been experienced in the Agricultural Department also.

In the sphere of higher education, I do not know whether any progress made can be regarded as sufficiently satisfactory. The Chief Commissioner seems to have realised a little too prematurely the necessity for guarding against the danger of educating a class for whom there might be no employment and to have set about achieving the end by a system of prohibitive fees.

If the Members of the House have followed me so far, they will find it difficult to believe that the creation of the North-West Frontier Province has been a blessing or a success. The administration has failed in the discharge of its most essential duty of protecting life, liberty and property. Such progress as the Province may have achieved in any sphere could have been at least equally achieved under the Punjab regime. The enormous expenditure which the general tax-payer in other parts of British India has been called upon to bear for the nurture of the Government of India's bantling has borne no adequate results. The military policy of Lord Curzon has been practically abandoned. Judging from the answers given by Sir Henry Dobbs to the Honourable Mr. Sachchidananda Sinha last year, Lord Curzon's frontier policy seems to be in the melting pot. I cannot help thinking that the requirements of internal administration of the Settled Districts were sacrificed by Lord Curzon for the *will of the wisp* of a foreign policy, which, now as ever before, is in practice, a policy of drift and opportunism. I do not complain of the policy of drift which has frequently led to success as notably in the case of the East India Company. Our frontier policy is the resultant of military, financial and political factors which vary in force from time to time. In the face of the evidence furnished from the official records, I trust the Government will recognise the necessity and desirability of a thorough re-examination of the whole problem of the internal administration of the North-West Frontier Province. In the old days of the East India Company, the Government of the whole country was the subject of periodical inquiry once every 20 years. Is it an unreasonable demand that after 20 years of trial the policy of the creation of a separate Province should be re-examined by a strong and impartial Committee.

Whatever conclusion the Government may come to upon the second part of my Resolution, I hope they will at least see their way to accept the first part of my Resolution which seeks to re-vest in the High Court of the Punjab the control of the judicial administration of the Frontier Province. The amount of dislocation of the existing arrangements involved in my proposal will be extremely small. The officer who now performs the functions of a Judicial Commissioner in the Frontier Province may easily be provided for in the Punjab High Court, even if the Frontier Province is to preserve its separate entity.

[Sir P. S. Sivaswamy Aiyer.]

The transfer of control over the judicial administration to the High Court of the Punjab would be neither anomalous nor unprecedented. When the partition of Bengal was carried out by Lord Curzon, the jurisdiction of the Calcutta High Court was preserved over East Bengal. When the Delhi *enclave* was carved out of the Punjab into a separate Province, the jurisdiction of the Punjab High Court over the Delhi area was preserved and even in the North-West Frontier Province the jurisdiction of the Punjab High Court is preserved in respect of European British subjects. Under Sections 6 and 10 of the North-West Frontier Province Law and Justice Regulation of 1901, the rights of European British subjects are very jealously safeguarded and so far as they are concerned, they can resort to the Punjab High Court. If the judiciary system of the North-West Frontier Province is not good enough for the European British subjects, why should it be regarded as satisfactory for the Indian population? I do not want to level down distinctions between Europeans and Indians, but I want them to be levelled up. It may be said that the location of the ultimate Court of Appeal within the Province at Peshawar is an advantage to the people and that it would cause inconvenience and hardship to oblige them to resort to Lahore to exercise their right of appeal, but this objection proceeds upon ignorance of the facts that for over six months in the year from April to October the Judicial Commissioner sits at Nathiagali which is on the top of a hill 20 miles from Abbotabad, that it cannot be reached by conveyance, that it has no lodging places, that there is great difficulty in securing accommodation, that no legal practitioners are available at Nathiagali, that they have to be taken there from outside on payment of very high fees, that the journey from Peshawar to Nathiagali occupies about 24 hours and is much longer and is more costly than the journey from Peshawar to Lahore. The Judicial Commissioner has no colleagues and sits alone, while in the High Court of the Punjab litigants can have the advantage of benches of judges and of an undoubtedly larger and better Bar.

It may perhaps be suggested that a bench of two Judges can be provided for by the appointment of an Additional Judicial Commissioner in the North West Frontier Province, but such an arrangement cannot possibly be attended with the same advantages as are available under a High Court with a larger personnel of Judges. The additional Judicial Commissioner will presumably be chosen from the cadre of the Frontier Province where the legal and judicial qualifications of Judges are by no means of a very high order. The appointment of District Munsifs and Subordinate Judges cannot possibly be as satisfactory under such a system as it would be if the power of appointment or recommendation were vested in the High Court of the Punjab.

I hope the Government will not allow any false sense of prestige or of loyalty to settled facts to stand in the way of redressing a state of things which can only be described as a scandal.

Dr. Nand Lal : Sir, Sir Sivaswamy Aiyer has put the case of the North-West Frontier Province very ably and I adopt all the arguments and the accounts read out by that Honourable Member of this Assembly. Last Session I had the privilege of inviting this august Assembly's attention to certain conditions which are prevalent in that Province. I am not going to repeat them; I shall only offer a few remarks which are pertinent to the question before the House now. The people of this unfortunate Province, Sir, are in the

worst possible condition. There is no safety of life nor of property, especially in the case of the poor Hindus who are in a worse condition than Muhammadans. Internal administration is not only defective but is condemnable. Though I concede at once that the Government of India have been doing their level best to make some improvement, yet I feel constrained to say that they have utterly failed. There are raids after raids, dacoities after dacoities, murders after murders, and no improvement whatsoever. Lord Curzon, as you know, Sir, had a very imaginative mind and he was very fond of changes, though he could not see whether those changes would prove effective, would prove wholesome, to the administration or not. The Partition of Bengal is a fit illustration to substantiate this contention. His Lordship, on account of his imaginative mind, made a similar mistake, so far as the North-West Frontier Province was concerned. The arguments which were advanced by His Lordship have proved to be untenable. The Lieutenant-Governor of the Punjab then advanced very luminous reasons in opposition to the scheme which was suggested by Lord Curzon, but, unfortunately, the objections, which were raised, were not approved of, though they have now proved true prophecy. Let us see whether the judiciary in the North-West Frontier Province seems to be competent or incompetent. The administration reports, which are the official records, will bear me out that the judiciary is very incompetent, and the system, which is adopted there to appoint judicial officers, is very undesirable. The very important and responsible office of a District Judge is sometimes entrusted to a Political Officer who does not know much of law, and, if any law-knowing officer is appointed for some time, he will be transferred like a shuttlecock from one place to another. He does not understand the traditions and the habits of the country and he is removed from that place. Some of the officers who were appointed then and who are in service now in that Province, I may be allowed to submit, are not trained at all.

And this contention of mine has got a sufficient and substantial proof in the judicial administration reports which speak in my favour. The Judicial Commissioner in his remarks expressed regrets that some of the cases are dismissed in default so that the officer may not take the trouble of determining all the points involved in them. A good many cases are adjourned and postponed—with what intention? Naturally this Assembly will ask—with this intention that the parties may be compelled to come to terms, so that the judicial officer may not have to take the trouble of adjudicating on the questions involved in them. Now, that is the so-called efficiency of the judiciary in that unfortunate Province. On the top of that trouble, the North-West Frontier Criminal Regulation has been introduced, and the *Jirga*, which is said to be a Council of Elders, speaks very well no doubt, but is in fact a very undesirable institution and has proved an utter failure. There are remarks made by officers in charge of that Province that this *Jirga* has not done any good, and that it is unfortunately true that sometimes innocent men are hauled up and convicted. So far as the administration of this *Jirga* system is concerned, it has already been dilated upon by my learned friend, the Mover of the Resolution, and there is no need for me to go over the ground again; but I feel bound to make one remark in that connection also. That not only are criminal cases transferred to the *Jirga*, but also some times civil cases that are pending. An account appeared in the '*Tribune*' of 16th September 1921, which is a heart-rending account. A civil case, which was decided and adjudicated upon, was transferred to the *Jirga*. This instance serves as an authority, which is embodied and incorporated in the columns

[Dr. Nand Lal.]

of the 'Tribune' of 16th September 1921 for this statement. A case was reported in those columns and that case is this. Once upon a time a boy was challaned by the Police : when that boy appeared before the Magistrate, the Magistrate, on account of his own whim or sentiment, says : 'This boy cannot have committed the offence alone : there must be some adult men also.' He makes this suggestion to the Police Department and the Police Department, after making investigation, comes to this conclusion, that there was no other accomplice who had participated in the offence or accompanied that boy. That boy, when he was hauled up and appeared for trial, was either acquitted or discharged—I am not sure about it. But still the Magistrate, as I am told, had the hardihood of making a reference to the District Magistrate that the case should be referred to the *Jirga*, and those two men, I am told, were sent up to the *Jirga* for trial. Such is the deplorable condition of the judicial administration in that Province. I think every Member of this Assembly will have sympathy with the poor down-trodden people. The Judicial Commissioner, as my learned friend, the Mover, has already explained before you, in the summer season goes to the hills there and litigants have got to travel hundreds of miles. Lahore, as has been suggested, will be the suitable high tribunal for the final decision of cases which will be adjudicated upon by the Sessions Judges and District Judges in the North-West Frontier Province. I may inform this Honourable Assembly that the people of that Province, after having enjoyed for 50 years the benefit of the organised system of administration of the Punjab, were unfortunately degraded, and thrown down from that high pedestal. They had the benefit of being under the wholesome influences of the very good and splendid administration of the Punjab. But for the reasons, which I have already submitted before this House, they were compulsorily deprived of those privileges. Since then they have been crying that their separation from the Punjab is unreasonable. On the very eve of the scheme having been floated they submitted a memorial to the Punjab Government ; and the Punjab Government considered the memorial, but it was not appreciated ; subsequently some years after they raised the same point, but that contention also was not accepted. And up to now the cry of the people of that Province is for 'What offence of ours have we been separated from the Punjab ? What offence have we committed ? What sin has been committed by us that the light of civilisation has been denied to us ? What we want is simply this, give us back the privilege which was conferred upon us on the annexation of these districts to the Punjab.' I submit, the Government officials and the Government representatives will have nothing to say against it. If the separation had proved of some good, there would have been something to be said against this Resolution, but I have tried to establish, taking the question financially, that the internal administration has proved a miserable failure. If the expenditure of 1902 is compared with that of the present time, or even five years before, it will be proved that so far as the financial aspect of the question is concerned, it was a failure. So far as the administration is concerned, I have already dilated upon it. In some cases the private property of the inhabitants of Peshawar has been forcibly taken away from them. The private property of individuals resident in Peshawar and other places has been taken away by some Muhammadans, but no notice was taken of it ; I am not referring to particular instances, because one of them is *sub-judice* and I do not feel justified in

making any allusion to it ; but it is a fact that not only in one case but in a number of cases property has been forcibly usurped and no effective and desirable action has been taken. Therefore, I very respectfully submit that this learned Assembly should support this Resolution unanimously. I hope that even the official Members shall have sympathy with it. I am raising my voice not only to criticise the administration of the Government but to assist Government. I convey the message of the people of that unfortunate Province to the Government, that this is the condition, these are the feelings of the public and it would be better that suitable management may be made, so that the grievances may be redressed ; and the only remedy which seems to be feasible, which will prove effective, is this, that the judicial administration of that province may be placed under the control and superintendence of the High Court of Judicature at Lahore, and it will not cost the Government much, and the benefit and the fruit which both the public and the Government will derive will be of the greatest possible value. With these few remarks I very respectfully submit that this Assembly should give their vote unanimously in favour of this Resolution, part I, part II and part III. I do not like to dilate upon the things which I have already mentioned, and my remarks which I made in the last Session may be considered part of my arguments now.

Lieut.-Colonel H. A. J. Gidney : Sir, I rise to oppose this Resolution. We have listened to one of the most serious indictments against the administration of any Province I have ever heard in my life. I can appreciate the laudable motives that have actuated my Honourable friend, Sir Sivaswamy Aiyer, in the allegations he made against the North-West Frontier Government, and I have no doubt they are supported by the various official reports from which he has quoted so largely. But I take it that Sir Sivaswamy Aiyer has not spent a single day on the frontier ; he might have spent a few days there as a visitor, but not as an official ; if he had he would at once realise the peculiarities of the country whose administration he is attacking in such strong terms. As regards my Honourable friend, Dr. Nand Lal, I can quite understand how delightfully nice it would be for the High Court in Lahore to be swamped with more legal cases. At the same time, Sir, I rise to oppose this Resolution, as I hope to show, for some very serious reasons, which I am afraid, the Honourable Mover of the Resolution appears to have overlooked ; he seems to have only taken a partial view of but one part of a very large problem.

The North-West Frontier Province assumes its greatest importance, in Indian eyes, when viewed in regard to its connection with the problem of Indian defence and military expenditure. And no matter *what* other considerations may be involved, this is its most important 'all India' aspect. But the land defence of India is not only a question of the defence of that part of the frontier, which forms the border of the North-West Frontier Province : Land defence cannot be considered without close regard also to the borders of Baluchistan. In fact, the problem of the land defence of India, from the Pamirs to the Persian Gulf, is one single indivisible problem. This problem is no less than the land defence of India, on the *only* front on which attack is to-day possible.

The domestic policy pursued in a territory contiguous to a frontier *must* inevitably react upon foreign policy and upon defence. It is inconceivable that domestic policy in such territory should be directed by any authority other than that which is responsible for foreign policy and defence.

[Lieut.-Col. H. A. J. Gidney.]

Can it be for one moment argued that it would be sound policy for affairs, up to the frontier of Baluchistan, to be administered by the Presidency of Bombay and for affairs up to the borders of the North-West Frontier Province, to be administered by the Province of the Punjab—and for the Government of India to accept responsibility for a foreign policy influenced by factors over which it could exercise *no really* adequate control?

Dr. Nand Lal: I rise to a point of order, Sir. We discuss the question of internal administration and not the executive aspect of it.

Mr. President: The Honourable Member is quite in order.

Lieut.-Colonel H. A. J. Gidney: I wanted to prove, before the Honourable Member interrupted me just now, that I am taking the Resolution as a whole, and I am not dealing with it in parts.

Out of this arises another question: The internal policy of the Punjab Government influencing, as it inevitably must (if this Resolution were enforced), events up to the very Passes of the North-West. It would be inevitable that the Government of India, in the interests of India as a whole, should keep the closest watch upon—and indeed might be compelled to interfere in the domestic affairs of the Punjab—thus retarding the free development of Provincial Self-government. For this reason this Resolution will surely not commend itself to Honourable Members representing Punjab constituencies.

There is yet a third aspect of the question: The frontier, from the Pamirs to the Sea, is the most important land frontier of the British Commonwealth. For this reason its defence is not a matter solely of Indian importance: India holds that frontier not only for her own protection but to guarantee the integrity of Imperial soil. The day may be not far distant when it may be widely recognized that India alone should not be called upon to bear the whole cost of defending this frontier. Should this be so, it will be impossible to countenance the authority of Provincial administrations up to the point of contact with foreign powers. The solution of the problem will be greatly facilitated if there is now created and maintained, from the Pamirs to the Persian Gulf, a corridor of territory under one central control.

In this connection I would ask the Government of India to enlighten this Assembly on the point as to why it is possible in Baluchistan, to collect revenue right up to the Persian border and why, for years past, the North-West Frontier Province has, in great measure, been in a state of lawlessness and continues to be a constant drain upon Indian resources. Is the reason due to the old Sandeman policy on the one hand, and the pinch and scuttle policy on the other? It would be very interesting to know. With these words, Sir, I oppose the Resolution.

Mr. Abdur Rahim Khan: Sir, before I offer my humble observations for consideration and deliberation of this Honourable House, I would first venture to offer my heartfelt gratitude to those who spoke on this Resolution. I am ever so much obliged and grateful to them for their good efforts, good intentions and noble motives which prompted them to sympathise with us. No doubt they brought home to us that well known English expression 'So far yet so near.' But in any case they should not think 'So near yet so far.'

because we agree in this that the people of this North-West Frontier Province should be treated well and they should have the reforms. I differ from the Honourable speakers only in this, I say that every reform must come from within and not from without. The speeches of the Honourable speaker confused me so much that if I did not know the real facts I would have not dared to go back to my home. Their speeches give an impression that the officers over there are wolves and the residents of that place, lambs. In this respect we and the poor officers are treated just like a sober man with a drunken face who has the reputation of the men without its satisfaction. Will it be a good policy to re-unite these two Provinces after twenty years legal separation? I am sure that union will not be a happy one. Some severe remarks were passed that the judicial machinery of our province is defective. I am sorry to say that the Honourable speakers perhaps don't know that we had very learned Judicial Commissioners in the persons of Mr. Bunbury and Mr. Barton, every High Court would have simply been proud to have them as its Judges. Our present Judicial Commissioner is not inferior to any one in this respect who has got very long judicial experience. If he had been in the Punjab his judicial experience and seniority would have secured him a Judgeship in the High Court. They want us to be at home. But in order to be at home they want to send us to the Punjab. No, we want to remain where we are, where we really are in our home and at home.

Now, Sir, I will refer to another question, that is about the judicial line. You know very well, Sir, that the Afghan, the Pathan, are very impatient. One advantage we have got in having the Judicial Commissioner there, is the speedy disposal of cases. If, for instance, a Pathan has a case in the High Court and if he has been told by the Counsel that the date will be sent to him, he will think that the Counsel has pocketed the money. Then, another thing, in our province is that there is immediate supervision, control and inspection of the subordinate courts. While, in the High Court, the entire work of the control is entrusted to one single judge. Then, another thing is that Pathans have got peculiar manners, or peculiar character and they have got a peculiar law as far as custom is concerned, as for instance, the making of a will. Another thing is that a man who has been brought up there, who is well versed in the manners and customs of the Pathans, will, I think, be able far better to deal with them than the learned Judges who have not studied their customary laws. So these are the advantages at present, which I am bringing before this House. Another thing is that it will be a reflection on myself as a Barrister and an Afghan that I should not wish well to my country. The fact is that the situation there is not so bad and I say boldly that unfortunately the Honourable gentlemen here do not realise it. There is a military success and there is a political success. (Hear, hear.) The Honourable gentlemen are cheering me. I can prove it. The very fact that at present you have got only the Mahsuds to fight against you is due to the political officers in those parts. Otherwise, there would be one blaze from Chitral to Quetta.

And as regards border military expenditure, I am sorry to say that the Honourable gentlemen do not appear to realise that there are two issues to be considered. The first issue is whether you want to have a defence of India or not. The second is the defence of our province. I, as an Afghan, can assure the House that we have got sufficient rifles and our Local Government is generous and prepared to give us more rifles. We do not require any

[Mr. Abdur Rahim Khan.]

defence at all. The whole money is spent on the defence of India and if you do not realise the trouble and the difficulties which these military officers have to face, I think that it is very discourteous of and discreditable to us. If you go to those parts, you will find for instance that the General Officer Commanding, Afghanistan Field Force has to go to a place where he has not got a tent. Do you think the money that is spent on military expeditions goes into his pockets? How many Indian and British officers are killed there? Does it show sacrifice on their part or unnecessary expenditure on their part?

Dr. Nand Lal: On a point of order, Sir. There was no question of military expenditure.

Mr. Abdur Rahim Khan: I am sorry, but it is put down there. If you strike it out, I will withdraw my remarks.

As to kidnapping and all that sort of thing, you don't realise the amount of rifles we have got. If the same rifles are given to the Punjab, to Bengal or to Madras, the crimes would be worse. Now, for instance, take the case of the Bannu district, there are 10,000 rifles in that district and it is due to the magistrates and officers there that they are able to control them.

Then as regards the attitude taken up by some of the Honourable gentlemen, I must say it is sadly out of place. The dacoits make no distinction between Hindu and Muhammadan. Wherever they can get an opportunity they will commit dacoity, merely solely for the sake of pecuniary gain. Another thing about dacoits is, if you see the geographical position of the frontier, it will show you that unless there is a wall all along the whole line you cannot stop these dacoities. Moreover, the independent territory is close to these settled districts.

We have not got so many troops that they could guard the whole line. The unrest is due to the fact that they have such unlimited numbers of up-to-date rifles and munitions, and not because the administration of the North-West Frontier Province is defective.

If the administration were entrusted to the Punjab, do you think that persons would not be kidnapped? Do you think that the men need have no cause for fear? Do you think that the officers in the North-West Frontier Province would not risk their lives for them? I must say this, that I am very much obliged to Honourable gentlemen for the kind sympathy they have shown to that community in general. Unfortunately, the Frontier Administration is troubled by the Bolshevik movement and the movement in Afghanistan. You think that these Afghans are illiterate. They are born politicians. They know the situation. You can deliver speeches here, but they are only speeches. They have got natural instincts. They know their own ways. If you went to independent territory, and see the number of rifles they have got and how they are in touch with the political movement, you would be surprised. They are born politicians. So, regarding the situation as it stands, I think it is not desirable that our judicial administration should be amalgamated with the Punjab.

Another matter that was touched by my Honourable friends is that the five settled districts at least should be amalgamated with the Punjab. Unfortunately they forget that in all these independent territories, half the population belong to settled districts and half to unsettled districts. You cannot separate them.

Another thing I have to say is that the *Jirga* system has got its bright side also. Take the case of the Hijarat in Peshawar. There were 15,000 cases and they were referred to the *Jirga* under Section 8 and all these people got justice. If you ask a Pathan what *Jirga* is and what a judicial case is, he will say that in a judicial case you get law and in the case of *Jirga* you get justice. That is their belief. I ask to Honourable gentlemen if it was unfair that the cases of those 15,000 men who were led by a religious spirit, who went to Afghanistan with their bag and baggage, who left their property for nothing, who sold their property nominally to those who were interested in buying their lands, should be tried under Section 8. Is there any gentleman who will say that those people did not have right in law and equity for the property to be given back to them? In the circumstances, these cases were referred to the *Jirga* under Section 8. So, I say, that even with regard to this *Jirga* system, the amendment must come from within. There is no doubt there was some complaint and my Honourable friend, Sir George Roos-Keppel, passed orders that no District Magistrate should refer a case to a second *Jirga* without the sanction of the Local Government. Now, Sir, there is a strong feeling that these rules should be amended and the Honourable the Chief Commissioner is willing and prepared to do the needful. You cannot say of the Punjab that everything is good there. There is good and bad everywhere. I need not refer to those questions in detail. If there is any defect in the *Jirga* system in our Province, the best thing to do is to approach the Honourable the Chief Commissioner direct who is always prepared and ready to consider the public voice very favourably. Now, take for instance, the case of the Punjab. They too have got the same F. C. Regulation in the Mianwali and Dera Ghazi Khan districts.

First move your own Government, the Punjab Government. Let them remove that Regulation first and then they may find fault with our system of *Jirga*. Till then they are not justified in saying a single word against our Province.

Sir, I do not want to waste the time of the House. I have not come prepared because I had a very short time and I hope that the remarks and observations of the Honourable Mover will be considered in their several aspects. No doubt, the paper which my friend has read is an ideal paper, *I must say*, but we have to consider the Afghan element. If Sind can have its own Judicial Commissioner, if Oudh can have its own Judicial Commissioner, why should we not have our own Judicial Commissioner? So if any reform is needed in the judicial line, that reform must come from within and not from without. Once again I thank the Honourable Member from the bottom of my heart for his noble efforts on our behalf.

Dr. H. S. Gour: I have listened to this debate with very deep interest because I have never been to the Frontier, but I have interested myself to a small extent in the Frontier question. It seems to me that Sir P. S. Sivasawmy Aiyer's chief points have not been assailed because they are unassailable. He has pointed out that this separation of the Frontier Province from the main Province was brought about by Lord Curzon in 1901, and from a perusal of the papers of that time you will find that this separation was brought about despite the protest of the then Lieutenant-Governor of the Punjab, Sir Mackworth Young, and despite the doubts of the then Secretary of State for India. I find from the despatch of Sir Mackworth Young that he entered an emphatic and unqualified protest against this severance of a

[Dr. H. S. Gour.]

limb from its main trunk and in his concluding passage he appealed to Lord Curzon's Government to defer the separation at least for the remaining short tenure of his office. But what was the result? Lord Curzon brushed aside all his objections in a cavalier fashion and ordered that the separation should take place. Sir Mackworth Young prophesied a complete failure of the administration both from the standpoint of economy and efficiency. His words were prophetic as the annual Reports of the Frontier Province amply testify. Sir Sivaswamy Aiyer has pointed out that ever since the year 1901 the twenty years' administration of the Frontier has been a history of intrigues, ever increasing murders and dacoities and ever diminishing efficiency. This is a charge which has not been met. This is a charge which, I submit, cannot be met. And if the allegations made by the Honourable Mover of this Resolution are true, no amount of special pleading on the part of my Afghan friend in the corner can do away or belittle the facts. He told us, and I will take him first,—he told us in an extremely felicitous speech for which I congratulate him, after twenty years separation how can there be re-union?

But I wish to point out to him that if it is a case of 20 years' elopement, there shall be recapture. No lapse of time can justify a wrong and if a wrong was committed in 1901, in 1921 we shall rectify it. The fact that you have been for 20 years living asunder as the Poles is no justification for continuing to live so after. Justify your separation, and you shall have to justify it first before you are permitted to continue separate. Justify it on the grounds of efficiency, convenience or economy of administration. Have you done so? My friend says: 'We are all supplied with rifles.' I fear that your rifles are getting rusty for want of use. If I may judge from the facts, and the facts, I submit, cannot be denied, dacoities, raids and incursions from the Frontier tribes are increasing year after year entailing an ever increasing toll on the Imperial exchequer; and I say that your rifles had never been in use and how are we to stop these raids and frequent dacoities for which the tax payer in this country has to pay? Surely, Sir, this is a question which does not concern the Frontier people alone. It is a question which concerns the general tax payer of this country. My friend makes a passionate appeal and says that he is an Afghan and he would not have endured the ill-treatment of the officials on the Frontier. I make no allegation and no allegation has been made of any personal wrong done by the officials of the Frontier. We are discussing here a system which was brought into existence despite the protest of the Secretary of State and the local Administration.

We are here to pass in review the history of that separation during the last 20 years and if, as I think, in the matter of efficiency, in the matter of administrative convenience, this separation has been prejudicial to the best interests of this country, then, I say, Sir, that this House will have no hesitation in recording its unanimous vote for its re-union. I submit, Sir, that the mistake of 1901 must be rectified in the year 1921 and for the reasons which, I submit, are enshrined in the official reports of the Frontier Province. We have nothing but dismal tales of annually increasing cost of administration. We have nothing but gloomy pictures of annually increasing raids. We have nothing but the same old chapter of the Frontier Province Report, which is stained with the blood of the innocents. You will find, Sir, that throughout the history of these 20 years of our Frontier Administration there has not been single advantage gained by the separation of this Province from the Punjab.

My friend has said that so far as the inferior judicial administration of the Frontier Province is concerned, we are very well satisfied, and I think in his peculiar Afghan humour he said that whenever we go to the *Jirga* we get justice and when we go to the courts we get law. Well, Sir, let my friend be assured that when he goes to the Punjab High Court, he will get a combination of both. (Hear, hear.) He should have no apprehensions on that ground.

My Honourable friend, Colonel Gidney, made a passionate appeal to this House to reject this Resolution on the ground that Sir Sivaswamy Aiyer had never been to the frontier. Now that is an eminently excellent ground for rejecting the Resolution if this House requires that every one who speaks upon the subject of the frontier must have visited the country.

Lieutenant-Colonel H. A. J. Gidney: I did not mention that as a reason; I mentioned it as a passing remark.

Dr. H. S. Gour: I am glad, Sir, because I was going to add, that while my Honourable friend charged the Mover of this Resolution with not having gone to the frontier, I was going to interject the question as to whether the speaker himself had been to the frontier.

Lieutenant-Colonel H. A. J. Gidney: Often and for many years.

Dr. H. S. Gour: Yes, as an officer. However, I pass on, Sir, to the main objection which my Honourable and gallant friend, Colonel Gidney, has to this separation, and that main objection is that the frontier has got problems of its own. Now, Sir, if I want to justify a thing which is otherwise unjustifiable, I indulge in these very pleasant platitudes. It is a very good thing to have a distinct administration: you can always know and carefully examine and scrutinise the details of the work, have closer supervision,—increased efficiency, but, alas, Sir, if we put this to the acid test of experience, we find that the smaller the administrative unit, the greater is its inefficiency and cost. You must have read in the newspapers the other day that the English motor industry is suffering hopelessly in competition with the large gigantic organizations of the trans-atlantic continent, and the reason is that the overhead charges there are smaller, the organization is large, efficiency is greater, and the cost, therefore, must necessarily be smaller. If this elementary commercial principle is extended and applied to the administration of Provinces, there will be no difficulty in seeing that the smaller Provinces are more costly to rule, that efficiency is not so great, and that the incentive which people have to serve in their country is none too great. These were the points brought out by Sir Macworth Young, and, I submit, they remain as true to-day as on the day they were written. Now, I submit, that this is a question which affects the tax-payer,—the tax-payer in this country. It is a question, I submit, which can no longer be obscured by an appeal to sentiment or by an appeal to what we may call the 'settled fact.' We have once more to examine this question in the light of the remarks made by the Honourable Mover, namely, that it is a question which must be considered once more by this House, and I submit that none of the speakers who have followed the Honourable Mover have in the slightest degree attempted to shake his argument. I therefore take it, Sir, that so far as the case made out by the Honourable Mover of the Resolution is concerned, it remains unanswerable, and I have no hesitation whatever in asking my friends here to support the Resolution.

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LEGISLATIVE ASSEMBLY.

[21st SEPT. 1931.]

The Honourable Dr. T. B. Sapru: Sir, no client in a court of law could have commanded the advocacy of a more powerful advocate than the people of the North-West Frontier Province have been able to command in the person of the former Advocate-General of the Madras High Court. Unfortunately, however, it is a case of the client repudiating the authority of the counsel, for, to-day, we have in this House for the first time a representative, a genuine representative, of the North-West Frontier Province, whom I welcome on behalf of this House and on behalf of the Government. He has anticipated me in many of the things which I intended to lay before the House in answer to the terrible indictment of my Honourable friend, Sir Sivaswamy Aiyer. Sir Sivaswamy Aiyer and I both suffer from the disadvantage of never having resided permanently or even for any length of time in the North-West Frontier Province, and, although he has spoken dogmatically, as one would expect a counsel for the prosecution to speak, I should not follow his example. I would rather speak with a considerable amount of hesitation, remembering that although I may be a Member of the Government, and although I may have been briefed by them, I am still diffident on many of the problems of the North-West Frontier Province. Therefore, what I would ask the House to consider on the present occasion is, first of all the nature of the issues that are submitted for the decision of the House. There are two distinct issues which have been raised by my Honourable friend, Sir Sivaswamy Aiyer. For the sake of convenience I may describe the first issue as an issue of a judicial character and the second issue as an issue of an executive character—I am using words which are very familiar to my friends here. So far as the judicial issue is concerned, the gravamen of the charge which has been formulated at such length by my Honourable friend, Sir Sivaswamy Aiyer, is that the judiciary in the North-West Frontier Province is not so competent, as he with his standards of Madras or I with my standards of the United Provinces, would like it to be. So far as the executive administration is concerned, the sum and substance of the charge is, that although the Province of the Punjab was in the year 1901 bifurcated into two Provinces, and although so much money has been spent during the last 20 years on it, yet the people of the Province are not happy and contented in proportion to the money and labour which has been spent over the administration.

Now, I will deal with each one of these issues separately. The fact that a Province possesses a Judicial Commissioner and not a High Court is, to my mind, in itself not a sufficient condemnation of the judicial administration of that particular Province. If that were so, I should have expected my Honourable friend, Dr. Gour, who practises in Nagpur, where there is a Judicial Commissioner, to have frankly and boldly condemned his own court and the entire judicial administration of his own Province. If that were so, I should be equally willing to condemn the judicial administration of the Province of Oudh where there is a Judicial Commissioner and before whom I had the honour of appearing scores of times in my life.

Mr. N. M. Samarth: What about Sind?

The Honourable Dr. T. B. Sapru: My Honourable friend, Mr. Samarth reminds me of Sind. Well, what I will say—perhaps my Honourable friend, Dr. Gour, will consider it as a compliment to his own court—is that even I have had at times to cite the decisions of Judicial Commissioners in the High Court. Well, therefore, the mere fact that the judicial head of the Province happens to be a Judicial Commissioner and not a Judge of the High Court

is in itself not by any means a condemnation of the judicial system. What you have got to consider is whether the occupant of the office does credit to his office, whether the supervision of the subordinate judiciary is competent, whether the subordinate judiciary also gives good account of itself. Now I think a few facts are far more valuable than any amount of theory about the relative merits of the Judicial Commissioner and the High Court.

Now the Judicial Commissioner of the North-West Frontier Province happens to be a gentleman with considerable experience as Sessions Judge—a man who, if he had been in the Punjab, would in all probability have been a Judge of the High Court—he is a member of the Indian Civil Service.

Sir P. S. Sivaswamy Aiyer: I made that proposal myself that he should be transferred.

The Honourable Dr. T. B. Sapru: I am coming to that proposal. Well, under the Judicial Commissioner you have a number of Sessions Judges and I will invite the attention of the House to the fact that we have got two gentlemen belonging to the Indian Civil Service who are Sessions Judges, and a third Indian—Khan Bahadur Mahomed Abdul Karim Khan, of whom I am told that he is a particularly able and competent judicial officer. Now I do not know that the judicial officers in the Punjab are very much superior in their calibre or judicial attainments to these gentlemen who occupy judicial appointments there. But there is one phenomenon which I have noticed in the House to-day—a sudden love for the Punjab administration. I should have thought that last year, or even this year, or, as my Honourable colleague reminds me, even yesterday, the Punjab would have been anathema to this House. But what do you find to-day? The cry is raised—Give back this Province to the Province of the Punjab, which you have been condemning so far. Give back this Province to the High Court, which you say is not quite so good as the Madras High Court, or the Calcutta High Court. Well, as a debating point it may be a very good point but I will beg you to remember that the mere fact that you condemn the administration of the North-West Frontier Province affords you no solution of the difficulty. What you have got to prove is that if you transfer the Province, the North-West Frontier Province, to the control of the Governor of the Punjab, these evils which now exist will disappear either suddenly or within a reasonable distance of time. But so far as that particular question is concerned, I did not hear a syllable of argument in the elaborate indictment of my Honourable friend, Sir Sivaswamy Aiyer.

There are just one or two statements which my Honourable friend made in regard to the Judicial Commissioner of the North-West Frontier Province which I cannot allow to go unchallenged. For instance, one of the statements which he made was that the Judicial Commissioner of that Province was for six months in a place called Nathiagali. Now let me tell the House most emphatically that that is not so. The Judicial Commissioner of Peshawar used to go to Nathiagali, I am told on reliable authority, for a period of two and a half months, and it has now been decided that in future he will not go there at all. Well, I may, for the information of the House, say that it is by no means impossible that we might have an additional Judicial Commissioner to relieve the congestion of the work there and to make the administration of justice more efficient, and in all probability that officer may be an Indian. Before I pass on further, I would just refer to certain misconceptions about the *Jirga* system which I would like to dispose of at this particular moment inasmuch

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as it is a matter relating more to the judicial side of the administration than to the executive side. My Honourable friend, Sir Sivaswamy Aiyer, has said that so far as trial by *Jirga* is concerned, it is subject to certain inherent defects; for instance, he has pointed out that the *Jirga* is not bound even to record evidence, that it can proceed also on private information and may pass its judgment upon secret inquiry. I shall not say that for all purposes the analogy between a *Jirga* and an arbitration court will hold, but I venture to say that if you study the law with regard to *Jirgas* you will find that it is as near the ordinary rules of arbitration as two things can be to each other. I shall only invite the attention of the House to the law on the subject and read one Section dealing with the Council or Elders:

'Where the Deputy Commissioner is satisfied from a police report or on other information that a feud exists which is likely to cause bloodshed—(that is peculiar to the Province)—or murder or culpable homicide not amounting to murder or lead to a breach of the peace or in which either or both parties belongs to a frontier tribe, he may, if he considers that the settlement thereof in the manner provided by the Section will tend to prevent or terminate the consequences and if a suit is not pending in respect of the dispute, make an order in writing stating the grounds of his being so satisfied, referring the dispute, to a Council of Elders and require the Council to come to a finding on the matters in dispute after making such inquiries as may be necessary and after hearing parties. The members of the Council of Elders shall in each case be nominated and appointed by the Deputy Commissioner.'

Now remember that the order is subject to revision:

'On receipt of the finding of the Council of Elders under the Section, the Deputy Commissioner may remand the case to the Council for a fresh finding, or refer the case back to the Council a second time or refer the parties to a civil court or pass a decree in accordance with the finding of the Council or of not less than three-fourths of the members thereof on any matter stated in the reference, or declare that further proceedings under this Section are not required.'

I refrain from reading Section 11 which deals with criminal proceedings. Of course you are entitled to say that it is not very legal, but I venture to submit that it is by no means much more astounding to the legal soul of, or to the legal conscience of any one of us here, than ordinary proceedings in arbitration cases are.

My Honourable friend reminds me of compulsory arbitration. There are statutes under which compulsory arbitration is allowed, and if it is allowed in British India and even in England why do you object to arbitration in a country of that stage of civilisation?

Therefore it is no use running down the *Jirga* any more than you would run down a panchayat; both have their defects; and the fact that they are not as legal as other modes of trial is no argument against their soundness.

It has been further observed by my Honourable friend that so far as the constitution of these *Jirgas* is concerned, it is mainly composed of hangers-on of the district magistrate or of the Deputy Commissioner and men of straw—I am using his very words—; and what was the authority which he put forward before the House in support of that astounding statement? The authority of a very reliable and respectable friend of his.—I am again quoting his very words. As against the authority of that reliable and respectable friend of his, let me say to the House that I say on the authority of a very high and distinguished officer, whose business it is to study these affairs from day to day,

whose knowledge of frontier affairs is as intimate as that of any man, that it is not so, that men are appointed to these *Jirgas* who have either local knowledge or whose honesty and integrity can be depended upon by the Deputy Commissioner; and even so there is Section 8 which I have read which provides remedies against failures of justice. It was for that reason and that reason alone that I read this Section of the Regulation.

The fact of the matter is that my friend has, in order to obtain the verdict of the House, overdrawn the picture, and asked you to give him a verdict without dispassionately considering the pros and cons of the question. But although this is the position that I take up, yet I venture to think that the House will be pleased to know from me that we are not so hopeless as Sir Sivaswami Aiyer tries to make us out to be. If it is the desire of the House that we should make an inquiry into the question as to whether the judicial administration of the province should or should not be transferred to the High Court of the Punjab, we are willing to make a reference on this question to the Government of the Punjab, to the High Court of the Punjab, to the Judicial Commissioner and to the Local Government of the North-West Frontier Province, and I am prepared to say that our future action will depend upon the result of this inquiry. Surely the House will not expect, in a matter of this importance, that the Government should at once commit themselves to the definite position that they are going to transfer the judicial administration of that province to the control of the High Court. All that I can say is that, if it is the desire of this House, we will institute an inquiry, and a thorough inquiry, into this matter and then decide what steps we should take in regard to the judicial administration of the province.

Sir P. S. Sivaswamy Aiyer: Will it be an inquiry by a Committee?

The Honourable Dr. T. B. Sapru: The Government propose in the first instance to make an inquiry into this matter themselves, and if, as a result of that inquiry, it appears to them that some further steps should be taken, they will be prepared to take those further steps. I am not prepared to indicate at the present moment what those further steps will be.

I now pass on from the judicial administration to the executive administration of the province. My Honourable friend, Dr. Gour, who spoke on this subject with the knowledge of an expert, told us that the policy of Lord Curzon was a misconceived policy and that it had completely failed. Let me assure him with the humility of a tyro in these matters that it was not Lord Curzon who first conceived the idea. The idea began with the administrators of an earlier generation, and it came to a head in the time of Lord Curzon because of certain events which had happened in the North-West Frontier Province, and because it was felt that the Punjab Government could not from that distance be able to control the affairs of the North-West Frontier Districts as efficiently as it might have or should have. It began after the late seventies and in the early eighties, and if I go into the history of this question, probably my whole time will be taken up by that. But let me assure the House that Lord Curzon did not stand alone by himself in regard to this matter. If there was one Lieutenant-Governor of the Punjab who took a different view, there was another member of the Civil Service who succeeded him and who strongly supported Lord Curzon,—I refer to Sir Charles Rivaz. Therefore, it is no use now raising the question as to whether Lord Curzon was or was not justified

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in taking the step which he did take in the year 1901. But before I proceed further, there are just a few facts with regard to that province which I would like to place before the House in order to enable Members to give their considered verdict on a question like this.

The North-West Frontier Province—I say so because I feel there are certain Members of this House who, like myself, have no direct or personal knowledge of that Province,—consists of 5 Districts and 5 Trans-Border Agencies, and, so far as those 5 Districts are concerned, it is important to bear in mind that there are 20,40,000 Muhammadans there, and 1,20,000 Hindus. So far as those 5 tracts are concerned, the figures available are by no means very accurate because the census has not been taken, but still I shall give the approximate figures. You have got in those tracts 16 lakhs of Muhammadans and 20,000 Hindus, so it will appear to the House that the population of those 5 Districts and of those 5 tracts is overwhelmingly Muhammadan.

Now you cannot get away from this fact which is an essential fact about this Province that it is really a Pathan Province with a small Hindu population. Please do not understand from this that I imply that Hindus are not entitled to protection, they are most assuredly entitled to protection and they deserve to be protected, but I want you to remember that it is essentially a Pathan Province.

Now, what is the main charge which my Honourable friend, Sir Sivaswamy Aiyer, has brought against the administration? It is this; that although so much money has been spent, although the administration has become so much more expensive, yet the amount of protection afforded to the people or received by the people is very insignificant. And he has referred to the large number of raids that have taken place and given us a harrowing picture of the misery of the population in that unfortunate Province....

Sir P. S. Sivaswamy Aiyer: From my imagination.

The Honourable Dr. T. B. Sapru: No, certainly not from his imagination, but from reports which he has read, but these very reports give two sides of the question, and it is only one side that has been presented to you—I am going to present the other side of the question to you now.

I shall read from a report—which has, I have no doubt, been read by my Honourable friend—I refer to the last report of 1920 from which I quoted when a similar debate was raised during the last Session in Delhi. I read from page 14:

It will be seen from the above table with what a problem the officers of this Province were confronted. A few years ago arms of precision and ammunition were so expensive and scarce among the frontier tribes, that only wealthy men could afford to possess them. But since then, and especially since the beginning of the Great War, such an enormous number of modern rifles have been poured into tribal territory owing to desertions from our civil and military forces, losses in action, and from the looting of Afghan stores at Dakka and Jalalabad that any young man who has a taste for a highwayman's career can obtain the necessary weapons with little difficulty.

In addition to this, raiding parties put to full use the military training they have received in the Army and in Militias. The system of pickets, of covering fire, withdrawals according to plan, the use of the whistle and the numerical strength which they employ make their attacks formidable. Their intimate knowledge of the country and the fact that they almost invariably raid in the darkest nights give these gangs a most unpleasant

advantage. It has been suggested that useful results might have been obtained by wholesale reprisals on the tribes concerned in the form of arresting and imprisoning every trans-frontier man who set foot in British territory, but there were obvious objections to this. In the first place, this would have meant definite hostilities with the tribe concerned; in the second place, sections of a tribe do not regard themselves as responsible for the misdeeds of other sections; and in the third place, this policy would have involved the imprisonment of Maliks who on the whole have been well behaved, and through whom alone we could hope to exercise control over the lawless elements in the tribe. If wholesale reprisals had been taken up, it would have been impossible to get any service from the tribes such as was rendered by the Afridis in rescuing the lady who was kidnapped from Peshawar. On the other hand, whenever it was possible to take reprisals against the actual section or individuals involved, this was invariably done.

Then this report goes on to point out the steps which have been taken to improve the situation there. For instance, a large number of arms has been distributed among the populace. The police force has been strengthened. The motor transport facilities have been increased. Therefore, you cannot say that the Government have been neglecting their duty. In judging of the position you must make allowance for the character of the people there, for the character of the country, for the position which changes from point to point throughout the North-West Frontier, and above all, for the fact that the tribes there have now got enormous numbers of arms of precision. Therefore, what I would beg the House to remember is, that, in judging of their administration, it would be absurd to apply the same standard of administration that you would be justified in applying, say, to the settled districts either in the Punjab or the United Provinces or Madras. As my Honourable Colleague to my right reminds me it would be as unfair to compare these districts in the North-West Frontier Province with the settled districts of the Punjab and the United Provinces as it would be to compare Malabar with Madras.....

Sir P. S. Sivaswamy Aiyer: But Malabar is under Madras.

The Honourable Dr. T. B. Sapru: And because it is under Madras, therefore you have suffered like that. Now, the position is a very difficult one. When some time ago the Chief Commissioner of the North-West Frontier Province took very strong action in putting down these acts of kidnapping and abduction, the cry went forth that he was indulging in repression and high-handedness. You must, therefore, in fairness make allowance for the difficulties of the situation.

I have said enough to show that, in spite of the difficulties which are of an enormous character, Government and the administration have been doing the best that they can in the circumstances. I do not for a moment claim that the administration of the province is perfect; far from it. No one knows better than the Government that it is imperfect, and that there is every need for these imperfections being removed. But I venture to think that those who understand and who realise the local situation and the local difficulties will not be prepared to endorse such a severe indictment as has been brought by Sir Sivaswamy Aiyer, though they may join him in demanding that the grievances of the people there should be more energetically removed.

I will beg the House to remember one other important circumstance with regard to the North-West Frontier Province. The population of the five settled districts there is intimately connected and associated with the five agency tracts. In fact, I am told that there are many among them who have houses on both sides of the frontier. Their relations are intimate and it would be, in the opinion of the frontier officers who know the province, extremely dangerous and disastrous to divide control in that part of the country.

[Dr. T. B. Sapru.]

In approaching the question of the North-West Frontier Province, I would beg the House to take a large view of the question.

The money spent on the administration of the province is really money not spent for the sake of the province alone. It is spent for the safety of the entire country. It is an insurance for the benefit of the whole country. Therefore, if we remember the warning which is given by our own history in regard to the North-West Frontier Province, if we remember that from the time of Alexander the Great right up to recent years, the danger point of India has been the North-West Frontier Province, I venture to think that we shall approach the question from a different point of view, howsoever much we may sympathise with the misery or misfortune of the people of that part of the country, and howsoever keenly we may desire that those evils should be remedied. I will earnestly implore the House not to trifle with this question in a debating spirit, but to consider the effect of their decision not merely upon the safety or the prosperity of that particular province, but upon the safety of the entire country; and if you approach the question from that particular point of view, I have no doubt whatsoever that whatever else you may demand from the Government, whatever else you may demand from the administration, you will certainly do nothing which may have the effect of weakening the administration or of weakening their hold on these frontier tribes. I can also point out to the House that the real remedy is not.....

Mr. Muhammad Yamin Khan : May I rise to a point of order, Sir? Is there no time-limit for the Honourable the Law Member to speak?

The Deputy President : I think the Honourable Member has been long enough a Member of this House to know that there is.

The Honourable Dr. T. B. Sapru : I am still within three minutes of my time, Sir. I may point out that last year, when a debate of this character was raised at Delhi, I said that the Government were willing to give the House or the representatives of the House an informal conference, where we would be able to exchange ideas, to receive suggestions, to explain our own position. In pursuance of those suggestions and in pursuance of the advice that might have been given, we were prepared to take action where it was necessary. But that offer was rejected and spurned by the Honourable Mover, Dr. Nand Lal, at that time. So far as I am concerned, I am willing to repeat that offer. The Government, I am bound to say, are not prepared to appoint a roving commission which would go to the North-West Frontier Province to make an inquiry into the administration there, because the conditions which prevail there are not such that it will be safe to cause further excitement among the people there. But if it will please the House to have an informal conference with the representatives of the Foreign Department or the representatives of the administration and the Government, my offer still holds good.

There is only one more remark which I will make before I resume my seat. It will be within the recollection of the House that last year I informed it that a scheme for securing representation of certain portions of the North-West Frontier Province was engaging the attention of the Government. I am prepared to make a further statement with regard to that, and it is this, that although the problem is one of peculiar difficulty and its consideration has been impeded by the change of Chief Commissioners, the continuance of military

operations in Waziristan and the prolonged character of the negotiations at Kabul, the Government are still prepared to state that the matter is receiving their best attention. At the present moment having regard to the difficulties of the situation, I am not prepared to make any further statement in regard to that scheme.

(At this stage the Honourable the President resumed the Chair.)

Mr. Abul Kasem : I move that the question be now put.

Mr. S. C. Shahani : I have listened very carefully to the statement that has been made by the Mover of this Resolution, Sir Sivaswamy Aiyer. I have also listened carefully to my friend, Mr. Abdur Rahim Khan, who is described as a genuine representative of the North-West Frontier Province. (A voice: Elected?). Nominated. I have also listened carefully to the Law Member and to Dr. Nand Lal and Dr. Gour. It would, I think, be only right on my part to state that the reply that has been made by my Honourable friend the Law Member has not appeared to me to be in any manner fair, and I am going to substantiate this statement.

The point at issue is, whether Lord Curzon was right in combining the five settled Cis-frontier districts with the trans-frontier charges. An answer on that point, I think, is due to us. I have not the slightest objection, nor do I think has Sir Sivaswamy Aiyer, to all the Political agencies on the Frontier being formed into a single trans-frontier charge directly under the control of the Government of India. If that had been done the civil administration of the five settled districts on the frontier would have gone on steadily improving. The charge that is being brought against the present administration of the combined Cis and trans-frontier districts is that the attention of the administration is entirely engrossed in punitive expeditions and other trans-frontier affairs, and that on that account enough attention is not being paid to the internal organisation. An answer on this point, I urge, should have been forthcoming from the Law Member. So far as I see, there are not a few who come forward to complain, and complain most bitterly, of what is transpiring in the North-West Frontier Province. It has, however, been stated by the Law Member that the Judicial Department is as well-constituted as it could possibly be. I should have liked very much if the Law Member had referred to what was stated by Sir Sivaswamy with regard to the inadequate number of practitioners allowed in the newly formed province. I should have been also very glad if he had come forward to say that the police were not shirking their duty. I am informed that, in order to avoid investigations, the police there ordinarily refer cases to the *Jirgas*. We are aware of the utility of the *Jirga* system when properly worked. No doubt it can serve the purposes of our old *panchayat* system; but the point is whether those who constitute the *Jirgas* in the North-West Frontier District are rightly selected. The Law Member has no doubt come forward to say that they are, as a rule, rightly selected; but here again my information is different. I know for a fact from those who hail from those parts of the country, and on whose word I can rely, that the *Jirgas* are very badly constituted, constituted like our honorary magistracies are in Sind. Probably honorary magistrates are better appointed elsewhere. I know how they are appointed in Sind, and my information is that the appointments of these *Jirgas* in the North-West Frontier Province are, if anything, worse,

[Mr. S. C. Shahani.]

An inquiry on this head surely is desirable. An inquiry on this head has been offered us by the Law Member on behalf of the Government and I hope this inquiry will be made.

The Law Member has been at considerable pains to make out that in the existing circumstances the province has been administered very efficiently. I now come to the consideration of instances that have been given us by Sir Sivaswamy Aiyer, namely, that we are told that 317 murder cases came up for decision before the *Jirgas*, and the full penalty of the law was inflicted only in 16 cases. I think such statements should have been controverted by the Law Member. When I contemplate the above instance, my mind clearly tells me that there must be something very radically wrong with the *Jirga* system. I would like very much to refer also to the appointments of Extra Assistant Commissioners in the Province. We learn that family considerations often intervene, and men who are not educationally qualified are appointed. It has been most definitely stated by Sir Sivaswamy Aiyer that in the matter of executive appointments, as also in the matter of educational appointments, educational qualifications or previous training are not at all considered, and that the Chief Commissioner at times dispenses with the necessity of the knowledge of English. No answer has been forthcoming on this point either. Hindus, it has been said, by my Honourable friend, Mr. Abdur Rahim Khan, are not neglected and that the attitude of the Pathans is not one of apathy. Informed as I am, I do not feel disposed to endorse such a statement. I know that Hindus are persecuted. No doubt they constitute only about 5 per cent. of the total population, but that is no ground for neglecting them. I would most respectfully make a suggestion to the military authorities as also to Government to form a territorial force there as early as possible consisting of Hindus and respectable Muhammadans who would be sympathetically disposed towards the Hindus of the tract. Whatever your decision may be on this Resolution, I trust that you will bear in mind my suggestion and that you will not be disposed to discard what has been stated, namely, that the Hindus of the settled districts are being persecuted. An answer is also due on one other head from the Law Member. We have heard that 611 raids by trans-frontier men were organised during 1919-20. What was Lord Curzon's policy? To make friends with these independent tribes, employ them as militia men and secure their allegiance. It is difficult to make these men loyal. Still I have always appreciated the desire of Lord Curzon to constitute a buffer State. I know very well how knowing His Majesty Amir Amanullah Khan is, and how very knowing his mother is.

Mr. President : I also know that the Bolsheviks are supplying these independent tribes with ammunition. I also know that the Amir of Afghanistan.

The Honourable Dr. T. B. Sapru : The Honourable Member is referring to foreign matters.

Mr. President : I do not think the Honourable Member has gone very far ; and this question was raised by previous speakers.

Mr. S. C. Shahani : I also know that Jamal Pasha is approaching the Amir of Afghanistan in this connection. I would, therefore, hesitate to condemn a policy of the kind enforced by Lord Curzon. Continue the policy in its original or modified form with regard to the independent tribes ; but how

about the corollary of this policy with regard to the settled districts. I feel disposed to strongly protest against the combination of the Cis-and trans-frontier districts which, I submit, is not justified by circumstances. To say that the Punjab judicial administration is defective, and that on that account separation should not be made is, to say the least, devoting inadequate attention to the question. If there has indeed been failure of judicial administration there, the one thing that we should do is to transfer the judicial administration to a better organised High Court, a better organised judiciary. It has been said that the Judicial Commissioner of the combined province is very competent and so also the Sessions Judges. But it appears to me that they must have been drawn from within this miniature province where the training ground is bound to be very small. In my opinion it will be a safe policy to reconstitute the control of the judicial administration of this province in the Punjab High Court. It is futile to seek to make out that the Judicial administration of the Punjab is not better organized than the judicial administration of this newly settled province. The Educational Service, it was further pointed out by Sir Sivaswamy Aiyer, is very defective ; and so are the agricultural and other services. There has been no answer on this point too. It has besides been definitely stated that 40 per cent. of the land tax recovered is spent upon its collection, whereas only 17 per cent. is spent upon the collection of land-revenue in the Punjab. An answer on this point is, I think, due to us. To my mind, public money is being wasted. If every year we are asked not only to give about 50 lakhs to a crore of rupees for ordinary annual excess of expenditure over revenues in the province, but in addition, to spend about 6 crores on frontier punitive expeditions, and then again, in addition to defray the cost of an Afghan war to the tune of about 23 crores, and to incur very large expenditure on an expedition to Waziristan, we certainly have a right to come forward and say, 'Examine your administration and your accounts ; see if the expenditure is being properly incurred.' I have not appreciated the manner in which the Honourable the Law Member has dismissed the arguments advanced by Sir Sivaswamy Aiyer. With these remarks, Sir, I commend the Resolution to your care, and I trust you will see that you declare your opinion advisedly and with proper care.

Sir Godfrey Fell : Sir, when I came down to the Assembly this afternoon, I had no intention of intervening in this debate. My only reason for doing so—and I can assure Honourable Members that I will be very brief—is with reference to part (b) (1) of the Honourable Mover's Resolution, dealing with the question whether the separation has fulfilled expectations from the military point of view. I listened—as I am sure every one in the Assembly did—with great interest to Sir Sivaswamy Aiyer's very eloquent speech. That speech appeared to be a very scathing indictment of the administration of the North-West Frontier Province—an indictment which, but for the physical temperature of this Chamber, would have made my blood run cold. Before we had got over the severe shock of listening to his account of the condition of the people of the North-West Frontier Province, our feelings were harried by my Honourable friend, Dr. Gour. He drew a pathetic picture of the Punjab Government still mourning over its lost bride, who eloped 20 years ago. I gathered that he was in effect pleading on behalf of the Punjab Government for the restitution of conjugal rights. I am doubtful whether the Assembly, with their knowledge of

[Sir Godfrey Fell.]

human nature, will endorse the view that the preponderant partner in a union of this sort necessarily desires to take back a truant spouse after an absence of 20 years.

Sir Sivaswamy Aiyer's method of attacking the administration of the Frontier Province appeared to me to compare the conditions prevailing there in 1901 with those of 1921.

I may be wrong, but he gave me the impression of suggesting that the authors of the scheme for the creation of the North-West Frontier Province expected that the transfer of these five districts would immediately result in the dawning of the Golden Age, that all raiding from across the border would cease; that all murders would cease, or, if murders did unfortunately occur, that at all events 100 per cent of the murderers would be hanged; and that there would be no more military expeditions, or, if there were, they would not cost any more money than they did at that time. I think, Sir, that this method is not quite fair. Circumstances have changed everywhere very considerably since 1901. We have only to look round the world to see what an enormous difference there is now compared with its condition, say, 20 years ago. That change has affected the tribesmen just as much as it has affected other parts of the world, in some ways perhaps even more so. The mere fact of transferring the administration of the frontier tracts to the Government of India, acting through the Chief Commissioner of the North-West Frontier Province, was not likely to alter the essential nature of the gentlemen who live beyond our borders. They are still addicted to raids; those raids are very largely influenced by economic causes, which affect the tribesmen just as much as they affect other parts of the world. Other factors have been the enormous increase in the armament of the tribes and, as the Honourable Dr. Sapru has pointed out, the improvement in their fighting methods and in their knowledge of tactics, most of which they have learnt from us. Twenty years ago, I believe that only 20 per cent. of the tribesmen were armed; now 80 per cent. of them are armed; and, as 99 per cent. of the full-grown male population are fighting men, the Assembly will readily realise what that means in the way of fighting strength.

Then Sir Sivaswamy Aiyer went on to complain of the cost of the expeditions that have to be undertaken on the frontier. It is perfectly true that frontier expeditions cost a great deal more than they used to do some years ago; but that is due to the development of military science, very largely to those improved tactics and increased armaments of the tribesmen which I have just mentioned. Is there any reason to suppose that, if the administration of the frontier had remained with the Punjab Government, these expeditions would cost less? I do not think so.

There is one other point which I should like to mention before I sit down, and that is this. I understood my Honourable friend Professor Shahani to say that he would have no objection to a system under which, while the five administered districts reverted to the Punjab Government, the control of the trans-frontier tract should be directly under the Government of India. I think that, as the Honourable the Law Member has already pointed out, a little reflection will convince every one in this Assembly that, considering the intimate relations that exist between the trans-frontier men and the inhabitants of our districts, any system of divided control of this sort would be bound to lead to inefficiency and friction, and would not certainly improve the administration,

That is all I have to say, Sir. My sole object in intervening in this debate was to show that the military expectations which are referred to by the Honourable Mover in his Resolution have neither been fulfilled, nor have they been disappointed.

Mr. C. A. H. Townsend: Sir, I rise as a Punjabi, and I wish to say a few words from the Punjab point of view. Most of the speakers this afternoon, Sir, have discussed this matter from the point of view of the Frontier Province, but I think before we are asked to take this erring wife back that we should be asked our opinion on the matter.

The Resolution, Sir, is divided into two parts. As to the first of these I have not much to say, and, if this Assembly decides that it would like to have the matter further inquired into, I have no objection.

The second part of the Resolution, Sir, is quite a different matter. Much water has run under the Attock Bridge since 1901 when the separation of the frontier districts from the Punjab proper took place.

Whatever, Sir, may have been the views held by the Punjab Government at that time on that separation, I should like to make it quite clear now, Sir, that we do not want the frontier districts back in the Punjab. It is true, Sir, that we feel to some extent complimented by this Resolution. We are glad to find that it is possible that some people may wish to come under the Punjab Government; a different view was popular very recently: and I confess I felt considerable pleasure at hearing the many complimentary remarks made by speakers this afternoon, including my friend Dr. Nand Lal, on the magnificent system of government in the Punjab. The Punjab, Sir, is a very different Province now to what it was in 1901. We had at that time practically no political anxieties. We have them now, Sir, in full measure, and the ordinary work of administration has increased a great deal during the last 20 years. During that time three new districts have been added, Attock, Lyallpur and Sheikhupura.

In addition to that we have our large and rapidly developing canal colonies, with their own difficult problems which always give much work to the Local Government. Indeed, in their small compass, they give as much work as six or seven ordinary districts. In addition to them, even larger projects of canal irrigation than have been made in the past are probable in the future. I refer not merely to the Sutlej Valley project which will probably come into existence within the next few years. I refer to the much larger projects for making use of the waters of the mighty Indus, and extending irrigation to the great sandy tract, known as the Thal, which lies in the Mianwali and Muzaffargarh districts of the Province. And for all these irrigation projects we shall have to arrange the financial arrangements ourselves, a difficulty we had not with similar previous schemes. Surely all these grave matters will give the Local Government enough to do.

There is another point, Sir. Personally, I fail to see how any one officer could have borne on his shoulders the immense responsibility that fell during the War and after it on the shoulders of the Lieutenant-Governor of the Punjab and the Chief Commissioner of the North-West Frontier Province. God forbid that we should have a repetition of that War and its anxieties, but the future is shrouded in doubt.

Further, Sir, it would be more difficult than it used to be to put the frontier districts and the Punjab under one Government for one reason, and that

[Mr. C. A. H. Townsend.]

reason is the reformed system of Government. I can hardly imagine, whatever changes the Government of India may find themselves able to make in the administration of the frontier districts, that they will find it possible to give them the same degree of self-government as is practicable and advisable in the Punjab; and the difficulties of uniting under one Government districts with very different degrees of self-government and with very different languages are obvious.

I am sorry, Sir, to inflict yet another metaphor on this House. Our position in this matter is rather like that of a father with a large family, from whose house some years ago a son—an attractive son, I admit, but distinctly troublesome—chose to migrate and set up on his own. The father is now fully occupied with his other children, some of whom are developing rather troublesome proclivities of their own, and generally rather rapidly developing. A proposal is made that the prodigal return to his father's home. He is even more troublesome, and his neighbours, if possible, even more unpleasant, than formerly. We must, I fear, decline to kill the fatted calf and welcome the prodigal son home. Let him continue to bask in the sun and continue to eat from the hands of the Government of India. As the Mover of this Resolution showed, he eats a good deal.

Personally, Sir, I deprecate even the appointment of such a Committee as is indicated in the second part of the Resolution, to investigate this matter. I think it will only tend to raise hopes that we in the Punjab might eventually agree to a proposal to which, in our opinion, a blank and decisive negative should be given in the first instance.

Mr. W. M. Hussanally : I move, Sir, that the question be now put.

Sir P. S. Sivaswamy Aiyer : Sir, within the limit of time at my disposal I do not think it is possible for me to reply to all the observations that have fallen from all the previous speakers. I therefore propose to confine myself to the observations which have fallen from the Honourable the Law Member who spoke on behalf of the Government. My Honourable friend the Law Member was pleased to compliment me on my advocacy of the North-West Frontier Province population. It is more than ten years since I doffed my mantle as an advocate, and I believe the length of time that has passed must have certainly tended to deprive me of any little temptation towards taking up the advocate's role that I may have had. May I, in return, compliment the Government upon having secured the services of the *quondam* leader of the Allahabad bar who has shown what an excellent special pleader he can be? My Honourable friend Dr. Sapru, remarked that I was very dogmatic. I had always flattered myself that I was not so; and even in the best days of my advocacy it was my besetting sin to be more aware of the weak points in my own armour than in the armour of my adversary. Now, with regard to this charge of dogmatism, the terms of my Resolution and the language of my speech, I thought, would have precluded any criticism of that kind. I did not ask the Government to accept offhand any cut and dried solution from me; I stated distinctly that in this question of re-amalgamation with the Punjab I had no definite solution to offer, that I was anxious that there should be a full and thorough inquiry by a strong and impartial Committee. I only stated that I hoped to be able to make a strong *prima facie* case for

re-opening the policy of the partition of the Punjab, and in that I trust the House will come to the conclusion that I have succeeded in making out a *prima facie* case.

Now, with regard to the other question of the judicial administration of the North-West Frontier Province, it was not my intention at all—nor did I actually do so—to cast any reflection against any officer in the North-West Frontier Province. I did not say a word against Mr. Rennie, and in fact I myself suggested that if the control of the judicial administration was transferred to the Punjab High Court, Mr. Rennie might well find a place in the Punjab High Court itself. I do not think that anybody who listened to my speech can say that I made any reflection against any other officer of the North-West Frontier Province administration. My complaint was against the system, and I believe that the passages I was able to quote, not from my imagination, but from the official reports themselves, amply make out that the system is faulty; and that in fact is the opinion expressed by the Judicial Commissioner himself. He said: 'making every allowance for the excitability and turbulence of the Pathan population, making every allowance for this factor and that factor, the ultimate explanation is that crimes go unpunished and that the political machinery and the judicial machinery are absolutely unsuited to the people.' That is not my language, but the language of the Judicial Commissioner of the North-West Frontier Province.

It was because that I had a respect for those officers and for the conclusions at which they had arrived, that I quoted these passages *in extenso*. My Honourable friend said that I overdrew the picture, but may I say that the Honourable Mr. Bray has supplied him with a large wet sponge to wipe off all the blots, however dark, on the administration and that my Honourable friend has not been sparing in his use of the sponge?

Now to proceed to the detailed remarks of my Honourable and learned friend Dr. Sapru, he said that, taking the Judicial administration, the first question that would strike us is, is there any ground for supposing that the judicial administration of the province will fare better under the control of the Punjab High Court....

The Honourable Dr. T. B. Sapru : I rise to a point of order, Sir, I never put that question.

Sir P. S. Sivaswamy Aiyer : He said that the Assembly had developed a sudden love for the Punjab administration. We love people not because they are perfect, but because they are less imperfect than others.

Now I am not in a position to say whether the Punjab judicial administration is the most perfect in the land, but I have no doubt, and I believe my Punjab friends will support me, that the judicial administration of the Punjab cannot be one-fourth as bad as the judicial administration of the North-West Frontier Province. In this imperfect world it is a choice of the better and not of the perfect.

Then my learned friend,—if I may adopt the language which I was at one time in the habit of adopting,—admitted that things were not altogether perfect in the North-West Frontier Province. Now does my Honourable and learned friend really mean to say that the North-West Frontier Province is just short of perfection and that things are no more imperfect there than they are imperfect in other parts of the world? Now if he does honestly say that, I leave that statement to the judgment of the Assembly.

[Sir P. S. Sivaswamy Aiyer.]

Then my Honourable and learned friend referred to the question of the disparity between the Hindu and Muhammadan population. Of course, I am aware of it, and I know that in the North-West Frontier Province, the proportion of Hindus is only 5 per cent. or so, but it has no bearing on this question. I was not complaining of the distribution of the loaves and fishes of office. I did not introduce that into my speech, and why my Honourable and learned friend should introduce this question of disparity of the populations I cannot understand. I know it is essentially a Muhammadan tract, and certainly the Government would be justified in giving the loaves and fishes to the Muhammadans provided of course they possessed the minimum standard of efficiency requisite for the discharge of the duties of any office to which they might be appointed. I make no complaint of that at all.

Then my Honourable and learned friend referred to the Report of 1919-20, to the character of the people and said that that must make a difference in the record of crime and so on. I do not know whether the character which my Honourable and learned friend is anxious to give to the people of the North-West Frontier Province is one which would be accepted by the new member of this House. I should have thought that that representation of the people of the North-West Frontier Province as a backward people, as a turbulent people or as a lawless people, would find no support from that quarter.

Then, Sir, my Honourable and learned friend said that the men who are appointed to the *Jirga* were quite respectable and that I wanted to seek the verdict of this House without inviting it to a dispassionate consideration.

Do you think it is a fair charge to bring against me when I invited an inquiry by a Committee into the matter? I can safely say that there is not one syllable in my speech which I have not taken from the Reports—the Official Reports. And if my Honourable friend will, instead of inviting us to a round table conference, invite me to meet him in his room, I can confront him with passage after passage in the Official Reports. In the face of the condemnation in the official records—not a condemnation from non-official sources,—from persons without experience or authority, in the face of that condemnation I say, that my Honourable friend Dr. Sapru should come forward and say that the *Jirga* is composed of perfectly respectable people and that there is no reason to complain, passes my comprehension.

As regards the system of *Jirga* I did not in my speech complain of the North-West Frontier Crimes Regulation and I did not urge a word of criticism against its provisions, but what I said was that in actual working, the *Jirga* system had proved a hopeless failure. I would beg the House to accept my word for this that every syllable that I have uttered against the *Jirga* system has been taken from the Official Reports.

I may illustrate my reference to the Honourable Dr. Sapru's talents in special pleading by drawing attention to his comparison of the *Jirga* to a system of arbitration. Now arbitration is a system by which the parties concerned resort willingly to it, but that is not the case in the system of *Jirga*. The *Jirga* system is forced upon the parties and the Deputy Commissioner can refer a case to *Jirga* whether the party consents or not. Now that marks an essential difference between arbitration and the other system. I was surprised to hear my Honourable friend say that there were many cases of statutory

arbitration, and that the *Jirga* was such a case. I know of statutory arbitration in regard to certain cases of contracts, or cases relating to railway companies or cases of land acquisition, but where a person's life or liberty is involved, I must confess that I am ignorant of any Statute compelling parties to resort to arbitration.

Sir, I do not wish to occupy the time or the attention of the House any more, but I would say that the observations made by the Honourable the Law Member on behalf of Government only amount to an offer of an inquiry by the Government. If it is going to be a public inquiry in which persons who have complained against the existing system will be allowed to come forward and give evidence, then I have no objection; but if it is an inquiry merely addressed to the Local Governments, then all I can say is that I am not willing to accept the offer. I would put it to the House not to be swayed by the consideration that if it does not accept the offer, the offer will be withdrawn. I do not believe that the Government are actuated by any huckstering spirit. I believe that whether this Motion is carried or not, their offer will still hold good, because it is not a private question, but one that the Government are bound to examine for themselves.

Mr. President : It will be convenient for the House to take this Resolution in two separate parts :

The question is :—

'That this Assembly recommends to the Governor General in Council that the powers of control and superintendence over the judicial administration in the North-West Frontier Province now vested in the Judicial Commissioner and the Chief Commissioner of that Province and all jurisdiction, original, appellate or revisional now vested in them and all powers and authority in relation to the administration of justice including the power to make rules for regulating the practice of the courts, and to authorise legal practitioners to appear and practise in such Courts, be transferred to the High Court of the Punjab, and that the necessary legislation be undertaken to invest the High Court of the Punjab with the same jurisdiction, powers and authority in the five administered districts of the North-West Frontier Province as are now exercisable by that Court in the territories now vested in the Government of the Punjab and the Delhi Province.'

The motion was adopted.

Mr. President : The question is :—

'That this Assembly recommends to the Governor General in Council that a Committee be appointed including a certain number of elected members of the Indian Legislature for the purpose of considering and reporting :—

- (i) whether the separation of the five administered districts of the North-West Frontier Province from the Punjab Province has fulfilled the expectations of the Government of India from the political, military or financial point of view, or has been attended with any substantial advantage to the internal administration, and
- (ii) whether it is expedient to re-amalgamate the said districts with the Punjab Province leaving under the direct control of the Government of India the political administration of the unadministered tracts on the British side of the Durand line.'

The motion was adopted.

Mr. President : This House now stands adjourned till to-morrow 10-30

LEGISLATIVE ASSEMBLY.

Thursday, 22nd September, 1921.

The Assembly met in the Assembly Chamber at Half Past Ten of the Clock. The Honourable the President was in the Chair.

QUESTIONS AND ANSWERS.

ABOLITION OF BOARDS OF REVENUE.

538. **Lala Girdhari Lal Agarwala :** Has the question of the abolition of Boards of Revenue throughout India been fully considered? If so, with what result?

The Honourable Sir William Vincent : The question of abolishing Boards of Revenue was carefully considered towards the end of 1920. It has been decided, with the approval of the Secretary of State, to retain them, at least for the present, in all provinces where they exist, except the United Provinces, in respect of which the Honourable Member is referred to the answer given him on the 5th September last.

ALLOWANCES OF SECRETARIAT AND ATTACHED OFFICES.

539. **Rai Bahadur Bakshi Sohan Lal :** (a) Is it consistent with the principle laid down in paragraph 3 of the Secretary of State's Despatch No. 107, dated the 22nd September, 1911, that the ministerial establishments of the Secretariat offices, when required to stay at Simla during winter, are given both house rent and winter allowance, while the members of the attached offices are granted only winter allowance?

(b) What is the increase in percentage in the cost of living as compared with the pre-war days?

(c) Is it a fact that there exists general discontentment among the staff of the attached offices on account of their pay and prospects? If so, will the Government be pleased to state if it is intended to improve their present condition?

The Honourable Sir William Vincent : (a) The principle stated in the Despatch referred to is that either directly or indirectly by means of allowances similar labour should receive similar remuneration. From the reply given to his Question No. 506 the Honourable Member will understand that the principle has not been departed from.

(b) Accurate information is not available.

(c) It is understood that some offices are dissatisfied and as I have stated in my reply to Mr. M. K. Reddi Garu's Question No. 102, Government are prepared to re-examine the method adopted of bringing the staff of attached offices on to the new scales of pay in order to see if in fact any cases of hardship have occurred.

LAW REGARDING PETTY THEFTS.

540. **Mr. S. C. Shahani**: Will Government be pleased to consider the advisability of amending the law so as to make bailable petty thefts, or thefts of a technical nature, such as plucking a flower or removing a little bark of a tree for medicinal purposes?

The Honourable Sir William Vincent: At the present time a High Court or a Court of Session may direct that any accused person shall be admitted to bail in any case. The provision which prevents a Magistrate from admitting a person accused of a non-bailable offence to bail is Section 497 of the Code. This is one of the provisions which will be examined by the Select Committee in connection with the Bill for the amendment of the Code of Criminal Procedure now before the Council of State, and the point raised by the Honourable Member will be considered by the Select Committee.

EXPORT OF PLUMAGE AND FEATHERS.

541. **Mr. K. Ahmed**: (a) Are the Government aware that the export of plumage and feathers of birds from India was one of the chief and profitable exports of India to England and other countries?

(b) Will the Government be pleased to state in full from what time and under what circumstances the export of plumage and feathers of birds to England and other countries were prohibited before the passing of the Importation of Plumage (Prohibition) Act, 1921 (11 & 12 Geo. 5, Ch. 16)?

(c) Are the Government aware that there is wide-felt dissatisfaction, discontent and disappointment amongst the Indian traders and merchants by the passing of the said Act?

(d) Do Government know that Indian dealers having collected a large quantity of feathers and plumage out of birds reared in farms, dead birds, and birds that are articles of diet are not allowed either to sell or to export them, and in consequence are losing the profitable business which they had before?

(e) Do the Government propose to take proper steps to ameliorate the condition of the above business in India by opening up markets in the Continent and other countries and to make an effort, if possible, for the repeal of the said Act, through the Secretary of State and the Prime Minister in England, on behalf of the people of India?

The Honourable Mr. C. A. Innes: (a) and (b) The export from India of feathers of all birds other than domestic birds, with the exception of (a) ostrich feathers and (b) skins and feathers exported *bona fide* as specimens illustrative of natural history, was prohibited by a Notification issued under section 19 of the Sea Customs Act on the 19th September 1902. The object of this Notification, which came into force on the 1st January 1903, was the protection of wild birds in India. The export trade to which the Honourable Member refers, while it was no doubt very profitable, was at the same time wholly illicit.

(c), (d) and (e) The Government of India recognise that the effect of the British Importation of Plumage (Prohibition) Act, 1921, will be to make the smuggling of wild birds' feathers from India less profitable than it was before, and they have no doubt that dissatisfaction and discontent

are thereby being caused among those engaged in this smuggling. But they are unable to share what is apparently the Honourable Member's view that this discontent is any reason why they should press for the repeal of an Act which after all is only the counter-part of their own export prohibition. They are considering whether arrangements cannot be made to pass out for export the feathers of domesticated egrets reared on properly managed farms.

Mr. C. W. Rhodes: May I ask a supplementary question, Sir. Can the Government of India give us the names of the persons engaged in this highly remunerative but illicit trade?

The Honourable Mr. C. A. Innes: I have no information, Sir. I am afraid I must refer the Honourable Member to Mr. Ahmed.

Mr. K. Ahmed: I want to ask a further supplementary question with regard to Question No. 541.

Will not the principle be just the same with regard to tame animals as with regard to wild animals, as, for instance, in the case of cow sacrifice and domestic birds?

Mr. President: Do I understand the Honourable Member to be asking a supplementary question relating to cow sacrifice? The relation between cow sacrifice and plumage is not very obvious.

Mr. K. Ahmed: I am asking about domesticated animals, whether the principle will apply to the slaughter of cows and birds or of other household animals.

The Honourable Mr. C. A. Innes: I am afraid, Sir, I do not quite understand the meaning of the supplementary question. All I can point out at the moment is that animals do not have feathers.

INDIAN REPRESENTATIVES ON THE IMPERIAL CONFERENCE.

542. **Mr. K. Ahmed**: (a) Is it a fact that the Right Honourable Srinivasa Sastri and the Maharao of Cutch were selected by the Government without consulting the Indian people or their representatives to represent India in the Imperial Conference held in England? If so, why?

(b) Are the Government aware that there has been strong public feeling against such selection by the Government without the consent of the people whom they are supposed to be representing?

(c) Is it a fact that the result of such Government selection was to exclude Muhammadan representatives?

The Honourable Sir William Vincent: His Highness the Maharao of Cutch and the Right Honourable Srinivasa Sastri were selected by the Government of India as their representatives at the Imperial Cabinet meeting. The remaining portions of this question are therefore due to a misunderstanding of the position and do not call for reply.

PERSONNEL OF THE INDIAN MEDICAL SERVICE.

543. **Sir P. S. Sivaswamy Aiyer**: (a) Will the Government be pleased to state the total number of administrative appointments, Civil and Military

(including the following) open to the members of the Indian Medical Service and the numbers of these appointments held by Indian members of the Service :—

CIVIL.	MILITARY.
Surgeon-Generals to Government.	
Inspector-Generals of Civil Hospitals.	D. D., M. S.
Inspector-Generals of Prisons.	A. D., M. S.
Sanitary Commissioners to Government.	D. A. D., M. S.?

(b) Is the Government aware of the great discontent among the Indian Officers of the Indian Medical Service owing to no Indian having so far been appointed to the staff at the Headquarters, either Civil or Military, of the Indian Medical Service?

(c) Is there any reason for keeping all the Headquarters appointments as a close preserve for the European Members of the Indian Medical Service?

(d) Do the Government propose to take steps to see that a reasonable proportion of the Headquarters appointments, both Civil and Military, is filled by the Indian Members of the Indian Medical Service?

(e) Do the Government propose to take steps to ensure that, so long as the Director, Medical Services, the Director-General, Indian Medical Service, and the Surgeon-Generals in Madras, Bombay and Bengal, are Europeans, the Deputy Director of Medical Services, the Deputy Director-General, Indian Medical Service, and the Personal Assistants to the Surgeon-Generals shall be Indian Officers?

(f) Will the Government be pleased to state how many medical store-keepers to Government there are and how many of them are Indians?

(g) Will the Government be pleased to state how many appointments there are in the political department for officers of the Indian Medical Service and how many of them are held by Indians?

(h) Do the Government propose to see that the declared policy of Parliament to provide for the increasing association of Indians in every branch of the administration is carried out in a liberal spirit in the Indian Medical Service?

Mr. H. Sharp : (a) The number of civil administrative appointments, including the Director General, Indian Medical Service, and the Public Health Commissioner with the Government of India, is 28. The number on the military side is 25. On the civil side, 2 Directorships of Public Health are filled by Indians officiating in leave vacancies. On the military side, one appointment of Assistant Director, Medical Services, is held by an Indian.

All administrative appointments are held by senior officers. There are only 7 Indian officers in the Indian Medical Service of over 20 years' service, one of whom holds an administrative appointment on the military side.

(b) The answer is in the negative.

(c) There is no reason why all headquarters appointments should be definitely kept for European members of the service.

(d) Government are not prepared to lay down a ratio of headquarters appointments to be filled by Indian members of the Indian Medical Service

Officers are selected for such appointments from among those best qualified and most likely to prove efficient.

(e) It would not be in the interests of efficiency to reserve specific appointments for Indian members of the Indian Medical Service.

(f) *Medical Store-keepers.*

Held by European I. M. S. Officers ...	...	...	...	4
Held by Indian I. M. S. officer ...	...	...	...	1

(Deputy Medical Store-Keeper).

Total ... 5

(g) The number of appointments is 31. There are no Indian I. M. S. officers employed in any of these appointments.

(h) The answer is in the affirmative.

ACCEPTANCE BY GOVERNMENT OF RESOLUTIONS.

544. **Lala Girdharilal Agarwal :** (a) Will the Government be pleased to state what Resolutions passed by the Council of State and the Legislative Assembly have been accepted by the Government, and what Resolutions or portions of Resolutions so passed have not been accepted either wholly or in part and, if so, upon what grounds?

(b) Do the Government propose to reconsider those Resolutions or portions of Resolutions which have not been accepted by the Government and see their way to meet the wishes of the Indian Legislature in that respect in each particular case?

The Honourable Sir William Vincent : (a) The information is already available to the Honourable Member as he can, if he so desires, get it in the official reports of the proceedings of the Indian Legislature.

(b) The answer is in the negative.

PRODUCTION AND EXPORT OF WHEAT.

545. **Dr. Nand Lal :** Will the Government be pleased to lay on the table figures showing—

(a) total quantity of the wheat, produced in India, during the period from 1913 to 1920, both years inclusive;

(b) total quantity of wheat produced in India in the current year, namely, 1921;

(c) total quantity of wheat, including flour, exported from British India to foreign countries, both by sea and land;

(i) during the period from 1913 to 1920, both years inclusive,

(ii) in the current year, namely, 1921?

Mr. J. Hullah : A statement is placed on the table.

Statement showing the quantity of wheat produced in India and the quantity of wheat and flour exported to foreign countries during the years 1913 to 1921.

1	2	3	4	
Year.	Quantity of wheat produced.	Year.	Quantity of wheat and flour exported.	
	Tons.		(a) by sea. Tons.	(b)* by land. Tons.
1914 ...	8,367,000	1913-14 ...	1,281,617	4,813
1915 ...	10,093,000	1914-15 ...	760,368	3,756
1916 ...	8,652,000	1915-16 ...	711,437	5,653
1917 ...	10,234,000	1916-17 ...	819,070	4,616
1918 ...	9,992,000	1917-18 ...	1,525,943	5,704
1919 ...	7,508,000	1918-19 ...	507,045	6,959
1920 ...	10,092,000	1919-20 ...	56,851	3,807
1921 ...	6,709,000	1920-21 ...	253,083	54,847
		1921† ...	108,810	not available.
Total ...	71,652,000	Total ...	6,024,274	89,655

* Figures shown in column 4 (b) represent the quantity of wheat exported to foreign countries by land. The information regarding the quantity of flour exported by land is not available.

† 1st April to 31st August 1921.

BURMA LOCAL ALLOWANCE.

546. **Mr. P. P. Ginwala :** (a) Will the Government be pleased to state whether all Military Officers on service in Burma get a Burma Local Allowance similar to that received by Civilian Officers?

(b) If the answer to (a) is in the negative, will the Government be pleased to state the reasons for this differential treatment?

Sir Godfrey Fell : (a) Only certain classes of Military officers in Burma receive a local allowance similar to that received by Civil officers serving in Burma.

(b) The question of granting a local allowance to all Military officers serving in Burma is at present under consideration.

CALCUTTA UNIVERSITY EXAMINATION FEES.

547. **Mr. J. Chaudhuri :** (a) Is it a fact that the Registrar, Calcutta University, addressed a letter to Mr. Sharp on the 30th March last, on the subject of the refusal of the Government of India to sanction the enhancement of Matriculation and Intermediate Examination fees?

(b) Is it not a fact that the tone and language of that letter have been very adversely commented on in the Press, e.g., in the *Pioneer*, the *Statesman*, the *Bengalee* and the *Amrita Bazar Patrika*.

(c) Is it not a fact that the letter formed the subject of interpellations in the House of Commons?

(d) Has the Secretary of State addressed any inquiries to the Government of India about this letter, and, if so, what reply have the Government given?

(e) Have the Government given any reply to the University?

(f) Have the Government taken any action, and, if so, what action, and if not, what action do they propose to take in consequence of the serious charges made by the University?

(g) Will the Government lay on the table a copy of the letter to which the said letter of the University was a reply, and also indicate generally the nature of the correspondence that had passed between the Government and the University on the subject of the enhancement of examination fees?

Mr. H. Sharp : (a) Yes.

(b) and (c) The Government of India have taken no action along these lines and do not propose to take any.

(d) Some adverse comments were observed in some of the organs of the Press, e.g., the *Pioneer* and the *Statesman*.

(e) A question on the subject has been asked in the House of Commons.

(f) The Secretary of State, in replying to this question, promised to make inquiry. Such inquiry has been made and the facts of the case have been placed before him.

(g) No.

(h) The Government of India placed a statement of the facts at the disposal of the Government of Bengal, which at the time when the Registrar's letter was written was the Government charged with the control of the University.

(i) The nature of the correspondence which had passed on this subject is indicated in this statement of the case, of which a copy is laid upon the table. A copy is also laid upon the table of the Government of India's letter No. 1477, dated the 4th December 1920, to which the Registrar's is a reply.

Note on the letter from the Registrar of the University of Calcutta, No. G-424, dated the 30th March 1921.

It is stated in paragraph 2 of the letter that the letter from the University was dated the 6th September 1920 and the reply of the Government of India was dated the 4th December 1920. Again, in paragraph 7 it is stated that the attitude taken up by the Department of Education has not been altogether of a sympathetic character; that the first letter of the University was dated the 16th June 1919; that, notwithstanding repeated reminders, no reply was vouchsafed till the 22nd October 1919; that the reason for refusal given in that letter was by no means convincing and was based on a recommendation of the Calcutta University Commission, whose report had been signed on the 18th March 1919; that the letter of the 4th December 1920, issued only after reminders had been sent, stated new grounds of objection not mentioned in the previous letter from the Government of India but manufactured in the interval to justify the refusal; that such arguments must be treated as after-thoughts and, when analysed, turn out to be neither based on reason nor founded on facts; and that the treatment of the University in this fashion is calculated neither to command respect nor to inspire confidence. It is further stated at the end of paragraph 6 that the declared reluctance of the Vice-Chancellor and the Syndicate to press their request upon the Government of India a second time was due to the fact, that their recommendations had previously been treated with a lack of courtesy, if not positive hostility.

2. The history of the case is as follows:—The University had twice applied to the Government of India for a change of regulations which would permit them to increase the examination fees for Matriculation, the Intermediate (Arts and Science), the Bachelor of Arts, the Bachelor of Science, the Master of Arts, the Master of Science and the Bachelor of Law. The first letter was dated the 17th June 1919 (not, as stated in the letter, the 16th June). The opinion of His Excellency the Rector was communicated to the Government of India in a letter dated the 19th July 1919. On the 8th August 1919, the Government of India telegraphed to the Registrar of the University of Calcutta requesting copies of the proceedings of the meetings of the Syndicate and Senate at which these new regulations had been discussed. These papers were forwarded to the Government of India with a letter from the Registrar, dated the 21st August 1919. The Session of the Imperial Legislative Council and certain other matters prevented the despatch of an immediate reply. The orders of the Government of India were finally intimated to the Registrar, in their letter No. 1162, dated the 22nd October 1919. This letter sanctioned the proposals of the University as regards examination fees at the stage of Bachelor of Arts, Bachelor of Science, Master of Arts, Master of Science and Bachelor of Law, but pointed out that, in view of the proposals regarding the control of secondary and intermediate education, the time appeared to be inopportune for a modification of the regulations regarding examination fees at the Matriculation and Intermediate standards. The new regulations, so far as approved by the Government of India, were thereupon submitted and sanctioned by telegram.

3. In a letter dated the 6th September 1920, the University reiterated their request for the raising of the fees at the Matriculation and Intermediate standards for a term of two years, pointing out that the immediate transference of the conduct of those examinations to a new authority was unlikely, rejecting the suggestion which had been made by the Government of India that the tuition fees in the post-graduate classes might be raised, inasmuch as they had only recently been raised, and laying stress on certain increases in expenditure and the consequent financial embarrassment of the University. The opinion of His Excellency the Rector was intimated in a letter dated the 6th October 1920, and thereafter certain unofficial references took place between the Government of India and the Rector. The orders of the Government of India were communicated in their letter No. 1477, dated the 4th December 1920. The objection regarding the transfer of the control over the Matriculation and Intermediate examinations remained equally valid, since, whether legislation were to be undertaken in the Imperial or in the local Legislature, it was anticipated by the Government of India that so strong and fundamental a recommendation of the Commission would not be ignored. The letter of the Government of India accordingly repeated this objection to the proposals and, as the letter in question laid particular stress upon the financial position of the University, the Government of India examined that position in the light of such information as was available. They also invited the attention of the University to the large transfers which were being made from the fee fund to the post-graduate department—a point which had also been observed when the case was previously submitted in 1919.

4. It was unnecessary for the Government of India in 1919 to assign any further reason for the rejection of a portion of the University's request than the impending change of control. But the proceedings of the Senate of the 14th June 1919, which were called for by the Government of India, had clearly shown that the proposals were not adopted without opposition, grounded on the poverty of students and the large expenditure upon post-graduate studies and that one of the opponents was Sir P. C. Roy, who was closely associated with the University College of Science. The Government of India likewise received telegrams of protest against the proposal, and it is understood that meetings of protest were held. It is not clear how any charge of lack of courtesy can be made regarding the letters which emanated from the Government of India.

5. In paragraph 2 and following paragraphs of the letter it is stated that the Government of India's letter of the 4th December 1920 abounds in misleading statements; that it confines its attention to the financial position of the University on a date arbitrarily fixed, namely, the 30th June 1919; that the assertion that there was at that time a large surplus balance with the University is wholly misleading and that a statement more thoroughly erroneous has hardly been made before; that the statement overlooks the patent fact that the payments to examiners are made subsequent to that date; that the allegation that the examination expenses have in recent years diminished rather than increased is wholly devoid of truth; and that other items of enhanced expenditure have been conveniently ignored in the reply. It is further stated that one would have expected that the obvious course for the Department of Education was to seek for further

and up-to-date information from the University authorities, and it is suggested that the abstention from this inquiry is due to the fact that the framer of the letter apprehended that such inquiry might lead to the discovery of facts destructive of the position intended to be taken up.

6. The letter from the Government of India dated the 4th December 1920 emphatically states that the Government of India were not in full possession of the facts regarding the financial position of the University. The date 30th June 1919 was not arbitrarily selected, but was the date of the conclusion of the last financial year for which the Government of India had information. The accounts, as made up to that date, indicated a large surplus. The Government of India have no information as to the dates on which examiners are paid; and the accounts, as presented, indicated the financial position of the University over a period of 12 months. The allegation that the examination expenses had diminished was based upon the latest information available to the Government of India. The Registrar's letter under reply had indicated that expenses had increased in other directions, but there was no indication as to the extent to which these increases were met by the large enhancement of examination fees already sanctioned by the Government of India. As regards the alleged failure to request further information, the letter of the Government of India specifically asked for such information in the following passage:—

‘But, though it may be possible that the accounts as regards the examination expenses may show a substantial change in 1919-20, it is clear that, as regards the two preceding years, these expenses had shown a tendency to decrease, while the University were undertaking heavy new commitments in the sphere of post-graduate teaching. The Government of India accordingly think that, before the necessity of raising new revenue is accepted as a reason for increasing the examination fees, some more definite presentation is desirable of the causes which have led to this state of things and the propriety of making so large a transfer to the post-graduate department should be substantiated.’

In a matter of such importance as that submitted to the Government of India, it was to be expected that a full statement of the position would be made by the Registrar. The figures given in the letter were, however, insufficient to permit of an accurate view being formed of the financial position. The passage just quoted from the letter of the Government of India afforded to the University the opportunity of giving the full explanation which the case deserved and the responsibility for giving which clearly rested on the University itself. The first reply to the Government of India's letter of the 4th December 1920 was the Registrar's letter of the 30th March 1921, although the Government of India had invited and were willing to consider any fuller explanation of the financial position of the University and although on the 30th March 1921 the control over the University had already been transferred from the Government of India to the Government of Bengal.

7. In paragraph 5 of the Registrar's letter it is stated that the tone of the Government of India's letter creates the impression that Mr. Sharp made a grievance that large sums of money were spent out of the current income of the University for the development of post-graduate studies; that this attitude of hostility had been consistently maintained; that certain steps had been taken for the restriction and suppression of post-graduate studies in 1914; that Mr. Sharp had criticised the arrangements for post-graduate studies in a note submitted to the Calcutta University Commission; that references not very friendly had been made in the letter regarding the suspension of the grant for the Minto Professorship and in the letter already alluded to of the 22nd October 1919; and that the development of post-graduate teaching is now one of the statutory duties of the University.

8. The initiation of post-graduate studies in the Calcutta University was facilitated by grants given for that purpose by the Government of India. The references to occurrences in 1914 are not understood, but may be to those regarding which a reply was given by the Honourable the Member for Education in the Government of India in the Imperial Legislative Council on the 17th March 1920. The minutes of the Senate of the 4th January 1920 do not appear to have been received by the Government of India, but it is thought that the reference is to a speech delivered about that date, in reference to which the answer to which allusion has just been made was given in the Imperial Legislative Council. The attitude adopted by Mr. Sharp and expressed by him as his personal opinion in answer to one of the questions placed before him by the Calcutta University Commission was that the organisation of post-graduate studies suffered from certain defects—a point of view which

was likewise adopted by the Calcutta University Commission. As regards the two recent references, the facts are as follows :—

(a) When the proposal was put forward by the University early in 1919 that the grant for the Minto Professorship for one year should be applied to the preparation of monographs, Mr. Sharp, as Secretary to the Government of India, expressed himself as unfavourable to the idea of monographs but favourable to the idea of permitting the University to receive the grant for other purposes. The Government of India, however, did not accept this view and refused to give the grant during the vacancy of the Chair. This decision was communicated to the University in a letter signed by Mr. Sharp.

(b) The allusion to unfriendly references in the letter of the 22nd October 1919 is not understood, since the only reference to post-graduate studies was the suggestion that the University might consider the possibility of raising the tuition fees for such studies by way of an alternative to the proposals which they had made.

9. The Government of India have never questioned the position of the post-graduate department (although the allusion to section 44, Chapter XI, of the Regulations is not altogether clear). The bearing of the last two sentences of paragraph 5 of the letter is accordingly not understood.

10. The object of paragraph 5 of the letter appears to be to indicate that Mr. Sharp had unduly influenced the Government of India with reference to the questions of post-graduate studies and the raising of examination fees. The decisions of the Government of India in important matters of this nature are not the decisions of the Secretary of the Department concerned. When the proposal for the enhancement of fees came before the Government of India in 1919, Mr. Sharp, as Secretary, recorded his opinion that the whole of the University's proposal should be accepted, at least for a period of two or three years, and that during such period there should be some enhancement of the tuition fees in the post-graduate classes. The Government of India did not accept this opinion entirely. They sanctioned a portion of the University's proposal and rejected a portion for reasons mentioned above. This decision was communicated in the letter of the 22nd October 1919, which was signed by Mr. Sharp.

11. Paragraph 6 of the Registrar's letter is not relevant to the subject. As, however, it contains an assumption regarding certain matters which have not been made public, it is necessary to state that the assumptions made are incorrect. It is a fact, and has already been published as such, that the Government of India made certain proposals regarding the reconstruction of the University of Calcutta and that the Secretary of State found difficulty in the acceptance of these proposals. The Government of India, however, in making their proposals, had been particularly careful to safeguard the continuance of adequate facilities for all students and to check radical changes affecting educational institutions save under such safeguards. This paragraph is moreover tantamount to a charge that the Government of India are hostile to the expansion and development of Secondary and University education in Bengal. Such a charge overlooks the frequent pronouncements of the Government of India upon this subject and the fact that in the years succeeding the creation of the Department of Education in the Government of India large grants were made from Imperial revenues for these purposes. The non-recurring grants from Imperial revenues for the improvement of University and Secondary education (including training institutions) made since the creation of that Department have amounted to Rs. 1,88,95,000. The recurring Imperial grants made for the same purposes, from the same source and during the same period amount to Rs. 29,70,000 a year. (These figures exclude grants made for European schools and to minor administrations and also all Imperial grants made prior to 1911). Of these sums, 66 lakhs non-recurring and Rs. 9,89,000 recurring were allocated to Bengal.

12. The disclosures made in paragraph 8 (a) and paragraph 10 of this statement are of an unusual nature, giving, as they do, information regarding the views expressed by a Secretary to the Government of India prior to the issue of orders by that body. Owing however to the exceptional nature of the case and the personal character of the letter written by the University, the Government of India have permitted the adoption of this unusual course.

Copy of a letter No. 1477-Education, dated the 4th December 1920, from the Secretary to the Government of India in the Department of Education, to the Registrar, Calcutta University (through His Excellency the Rector).

I am directed to reply to your letter No. G-99, dated the 6th September 1920, regarding the raising of the examination fees. In reply to a previous request the Government of India in this Department letters No. 1162, dated the 22nd October 1919, and No.

1226, dated the 14th November 1919, conveyed sanction to regulations raising the fees for B.A., B.Sc., M.A., M.Sc., and Bachelor in Law Examinations. Your present letter points out that the Honourable the Vice-Chancellor and the Syndicate consider that, in the interests of the University, it is absolutely necessary to repeat their request for the proposed increase of Rs. 5 in each case for admission to the Matriculation and Intermediate Examinations. The pressing grounds put forward are that it is unlikely that the proposed Secondary and Intermediate Board will be in a position to undertake the conduct of these examinations even in the early part of 1922, that the tuition fees of post-graduate classes have recently been raised to Rs. 10 in Science and Rs. 8 in non-Science subjects, that the sum which can be realised by raising such tuition fees will be an insignificant fraction of what is needed, and that it is unlikely that further grants will be available from the Government of India or the Government of Bengal. It is therefore suggested that there would be no practical objection to the sanction of this proposal for a term of two years.

2. The Government of India regret that they are not in full possession of the facts regarding the financial position of the University. The last statement of accounts which was laid before them is that ending 30th of June 1919. It indicates that there was on that date a large surplus balance with the University and that very substantial transfers had been made from the Fee-Fund to the post-graduate department, amounting to Rs. 2,11,073 (being one-third of the fees for Matriculation, Intermediate and Bachelor Examinations) together with an additional contribution of Rs. 55,857 and a further contribution to the Science College of Rs. 86,105-14-0. These contributions accordingly amounted to Rs. 3,53,035-14-0 and exceeded by nearly half a lakh the expenditure upon the actual conduct of examinations. Had it been made clear that the request now put forward was necessary for the proper conduct of examinations, the case for the raising of these fees would have been distinctly stronger. The Government of India, however, observe that the examination expenses in 1917-18 amounted to Rs. 3,68,835 and that in 1918-19 the budget grant allotted for this purpose was Rs. 5,20,800, whereas the actual expenditure was only Rs. 3,08,415. It thus appears that in the year 1918-19 the examination expenses were less by Rs. 60,000 than in the preceding year. This may be due to special circumstances, but the saving of Rs. 2,12,000 in the estimated expenditure is noticeable. On the other hand, the total cost of post-graduate teaching in Arts and Science including the Science College was in 1917-18 Rs. 5,15,106. In 1918-19, it rose to Rs. 6,27,379. These figures refer to past years. But, though it may be possible that the accounts as regards examination expenses may show a substantial change in 1919-20, it is clear that as regards the two preceding years these expenses had shown a tendency to decrease while the University were undertaking heavy new commitments in the sphere of post-graduate teaching. The Government of India accordingly think that, before the necessity of raising new revenue is accepted as a reason for increasing the examination fees, some more definite presentation is desirable of the causes which have led to this state of things, and the propriety of making so large a transfer to the post-graduate department should be substantiated.

3. The Government of India have every hope that the new authority for the control of Secondary and Intermediate Education will be in working order before the year 1922. They can at least assure the Vice-Chancellor and the Syndicate that no efforts will be lacking on their part to accomplish this much desired reform. In view of the probability of the early creation of this authority and of other changes which are contemplated, and in view also of the grave objections which were publicly expressed at the time when this proposal for the increase of fees was previously made, the Government of India, while fully sympathising with the University in any financial difficulties which they may be experiencing, hesitate to accept the responsibility of undertaking so important a change in the regulations at the present stage. They observe that the Honourable the Vice-Chancellor and the Syndicate also press this request with some degree of reluctance.

4. With reference to the suggestion that the change might be made for two years, the Government of India apprehend that the increased income is likely to be allocated to various purposes and that, should it be found desirable at the conclusion of that term to reduce the fees to their present rate, serious difficulties may beset the University in meeting the charges which would then fall upon them. Looking at the case from every point of view, the Government of India believe that the Honourable the Vice-Chancellor and the Syndicate will agree with them in their view that the present occasion is inopportune for so far-reaching a change. Important legislation is soon to be introduced regarding the University. A new authority for the control of Secondary and Intermediate Education will be created. It is therefore clearly undesirable to tie the hands either of the

University authorities as reconstituted or of the new authority for Secondary, and Intermediate Education by changing the fee rates for these two examinations at the present time. The Government of India would again invite the attention of the University to the very large transfer which is made from the Fee Fund to the post-graduate department, and they would once more suggest a substantial increase in the tuition fees levied on post-graduate students.

ARMS ACT LICENSE FEES.

548. **Lieutenant-Colonel H. A. J. Gidney:** (a) Are the Government aware that, in spite of the exemptions from payment of Arms Act license fees allowed to members of the old Volunteer Force, the Indian Defence Force and the present Auxiliary Force, the payment of fees is being insisted upon during the current year?

(b) Will Government be pleased to allow retrospective effect to be given to the exemption orders contained in their Notification No. 1446, dated 27th June 1921, from the beginning of the current calendar year so that the concession granted by these orders will have effect during the current year?

The Honourable Sir William Vincent: (a) Government have no information but I will make inquiries. *Primâ facie* the Government of India cannot believe that the case is as suggested by the Honourable Member in view of the orders issued by Government.

(b) The suggestion will be considered, and I will let the Honourable Member know the decision of Government in due course.

SIR WILLIAM MEYER'S EVIDENCE BEFORE RAILWAY COMMITTEE.

549. **Mr. Manmohandas Ramji:** (a) Has the attention of the Government been drawn to the Report published in the *Hindu* of Madras of the 6th August 1921, of Sir William Meyer's evidence before the Railway Committee?

(b) Is it the case that an order for axles was given to English makers at £55 in spite of the foreign quotation of £45?

(c) Is it a fact that the British price at first quoted was £84 and that this was reduced to £55?

(d) Was the reduction of the English price to £55 due to any change in the requirements, or was it on the same specification as the corresponding foreign quotation of £45?

Mr. A. C. Chatterjee: (a) The answer is in the affirmative.

(b) It will be seen from the statements which have already been laid on the table in answer to Question No. 229 by Sir P. S. Sivaswamy Aiyer that an order for wheels and axles was given to English manufacturers at £55 in spite of a foreign quotation of £45. The reasons have been explained in Sir William Meyer's evidence before the Railway Committee, relevant extracts from which have also been laid on the table.

(c) The British price was at first £83-15-0.

(d) I can give no further information on the subject beyond what is contained in Sir William Meyer's evidence.

RAILWAY COMMITTEE'S REPORT.

550. **Mr. Manmohandas Ramji:** (a) Has the Railway Committee appointed by the Government submitted its report?

(b) If so, when will this report be published?

(c) Do the Government propose to get the sanction of the Legislative Assembly before action is taken upon this report?

Colonel W. D. Waghorn: (a) The Railway Committee has submitted its report to the Secretary of State.

(b) As soon as copies are received the report will be published in India. Meantime, a summary has been published on the 16th instant both in England and in India.

(c) The Honourable Member is referred to the Resolution moved by Mr. B. S. Kamat at the Delhi Session of this Assembly when Government gave an undertaking that, as far as practicable, steps will be taken to ensure that no action, administrative or legislative, be taken on Reports of Commissions or Committees appointed by the Secretary of State for India or Government of India until an opportunity shall have been given by Government to the Indian Legislature to express its opinion thereon.

RAILWAY CONNECTION BETWEEN Dacca AND ARICHA.

551. **Rai G. C. Nag Bahadur:** (a) Is the Government of India aware that there is a strong public demand for a Railway connection between the Headquarters of Dacca district and Aricha in the Manikganj Sub-division of the same district, and that a Committee sat recently at Dacca to report on the practicability or otherwise of the project?

(b) Has the Committee submitted any report; and, if so, do the Government propose to publish it for information of the public?

Colonel W. D. Waghorn: (a) The reply is in the negative.

(b) The Committee has not yet submitted any report, and the question of its publication for information of the public will be considered on its receipt.

PROVINCIAL POLICE SERVICE.

552. **Rai G. C. Nag Bahadur:** Has the attention of the Government of India been drawn to the memorials submitted by the members of the Provincial Police Service of the different provinces of India regarding their pay and status? If so, when do the Government propose to announce their decision?

The Honourable Sir William Vincent: The Government of India have received and dealt with the memorials referred to, and they have communicated their views to Local Governments in a letter, dated 13th August 1921. The administration of the Provincial Police is now, however, a Provincial subject, and orders on the memorials will be issued by the Local Governments. The Government of India are not in a position to say when Local Governments will announce their decisions.

DEPUTY AND ASSISTANT SUPERINTENDENTS OF POLICE.

553. **Rai G. C. Nag Bahadur:** Will the Government be pleased to state the functions and status, respectively, of the Deputy Superintendents and

the Assistant Superintendents of Police? Has Government considered the necessity of maintaining both these classes of officers?

The Honourable Sir William Vincent: The functions and departmental status of Deputy Superintendents and Assistant Superintendents of Police are the same. It is not possible to state the functions in detail, but, speaking generally, both the Deputy Superintendent and the Assistant Superintendent are assistants to the District Superintendent under whom they are posted and they discharge such duties as he may allot to them. It is necessary to retain both classes of officers so long as the distinction between the Provincial Service and the Imperial Service is maintained. The Honourable Member may like to refer to the answer given by Mr. O'Donnell in March last to a somewhat similar question asked by M. Sachchidananda Sinha.

INDIANS IN THE IMPERIAL POLICE SERVICE.

554. **Rai G. C. Nag Bahadur:** Will the Government of India please state in how many years the minimum of 33 per cent. of Indians in the Imperial Police Service is likely to be reached, and whether any steps have been taken to stop further recruitment of non-Indians from abroad?

The Honourable Sir William Vincent: It is impossible to give a definite reply to the first part of the question, as the period within which the limit of 33 per cent will be reached depends on the cadre conditions in the various Provinces. The Government of India have, however, recently impressed on Local Governments the desirability of working up, as quickly as possible, to the limit fixed for promotions from the Provincial to the Imperial Service. European recruitment is arranged for by the Secretary of State in Council. The Government of India communicate requirements to him and, in doing so, take into account the 33 per cent recruitment in India.

MILITARY AND CIVIL ASSISTANT SURGEONS.

555. **Rai G. C. Nag Bahadur:** Will the Government please state the educational qualifications, pay and status of Military Assistant Surgeons and Civil Assistant Surgeons, and why a difference of pay is maintained, and how many Indians are there in the former class?

Sir Godfrey Fell: Military Assistant Surgeons are educated at the Medical Colleges in India. The medical course is five years, and pupils are expected to obtain the Membership of the College of the Physicians and Surgeons, Bombay, or the State Medical Faculty, Bengal, or the degree of Bachelor of Medicine or Licentiate in Medicine and Surgery of the Madras University.

A statement giving the rates of pay drawn by Military Assistant Surgeons is laid on the table.

Military Assistant Surgeons are primarily engaged for military service with British troops, and the recruitment of this class of Assistant Surgeons is restricted to Europeans and men of European descent.

Civil Assistant Surgeons belong to the Provincial Medical Services which are administered by Local Governments. The question of the position, etc., of Military Assistant Surgeons in civil employ is under consideration.

Statement showing the status and the rates of pay received by Military Assistant Surgeons excepting those in civil employ.

	Rs. per mensem consolidated.
Senior Assistant Surgeon with the rank of Major ...	700
Senior Assistant Surgeon with the rank of Captain ...	650
Senior Assistant Surgeon with the rank of Lieutenant ...	500
Assistant Surgeon, 1st class, of over 20 years' service ...	450*
Assistant Surgeon, 1st class ...	400
Assistant Surgeon, 2nd class ...	350
Assistant Surgeon, 3rd class ...	275
Assistant Surgeon, 4th class ...	200

HOUSES IN CANTONMENT AREA, KARACHI.

556. **Mr. W. M. Hussanally:** Is it a fact that sanction is being withheld to applications for effecting additions and alterations to, or remodelling or rebuilding houses on, plots held on original tenures within the Cantonment area of Karachi or for transfer of such property from one owner to another unless and until the applicants execute a lease in Form B., Chapter XXI, Cantonment Code, 1912? If so, will the Government be pleased to state the authority under which the leases under Form B. are being enforced in regard to property held on old tenures?

Sir Godfrey Fell: So far as the Government of India are aware, it is not a fact that sanction is being withheld to applications for effecting additions and alterations to, or remodelling or rebuilding houses on, plots held on original tenures or for transfer of such property. The Government understand, however, that, before such sanction is granted, occupants whose title is considered doubtful are asked if they are willing to execute leases in perpetuity for their original holdings as well as for the extensions.

The second part of the question does not now arise.

Mr. W. M. Hussanally: May I ask a supplementary question, whether it is a fact that in the Karachi Cantonment a large number of bungalows are being acquired for the use of officers in the new command the headquarters of which has recently been transferred to Karachi?

Sir Godfrey Fell: I am afraid I did not quite catch the Honourable Member's question.

Mr. W. M. Hussanally: Is it a fact that a very large number of bungalows in the Karachi Cantonment are being acquired for the benefit of officers of the Military Department in consequence of the new command that has recently been established in Karachi?

Sir Godfrey Fell: I am afraid I cannot answer that question without making inquiries; but to the best of my knowledge the scheme for the development of Karachi, which involves giving up part of the Cantonment includes a proposal to erect houses for the General Officer Commanding and the staff. However, I will inquire into the matter if the Honourable Member wishes, and let him know.

Mr. W. M. Hussanally: Thank you. I shall be glad to have the information.

INDIANS AND EUROPEANS IN FOREST SERVICES.

557. **Rai S. C. Sen Bahadur:** (a) Are the Government aware of dissatisfaction among the public recently ventilated in the Press of Bengal, Bihar

* This rate will only apply to those Assistant Surgeons who entered the service before March 1908.

and Orissa and the United Provinces, on the subject of the admission of Indians to the Forest Services, Indian and Provincial?

(b) Will the Government be pleased to state if it is a fact that in these provinces several Europeans have been appointed to the Imperial cadre of the Forest Service, in spite of their possessing no qualifications?

(c) Will the Government be pleased to state if it is a fact that in Bengal three of these new recruits were found totally unfit and had to be dismissed from service last December?

Mr. J. Hullah: (a) The Government of India have seen in one newspaper a highly incorrect and misleading article on the subject.

(b) It is not a fact that unqualified Europeans have been appointed to the Imperial Forest Service in any province.

(c) It is not a fact that any officers of the Imperial Forest Service in Bengal were dismissed. Prior to the current year the three most recent recruits for the Imperial Forest Service in Bengal were appointed in 1911, 1912 and 1916, respectively.

EUROPEAN AND INDIAN RECRUITS, FOREST SERVICE.

558. **Rai S. C. Sen Bahadur:** (a) Will the Government be pleased to state if there is any difference in the rules of admission and training for European and Indian recruits to the Imperial cadre of the Forest Service? If so, will the Government please state the rules?

(b) Will the Government be pleased to state if it is a fact that an admission test is generally held for Indian candidates to the Imperial cadre, in English and Mathematics, while no such test is held for European candidates?

(c) Will the Government be pleased to state if it is a fact that most Indian candidates fail in this test?

(d) Are the Government aware of complaints that this test is very severe and the standard of examination too high?

Mr. J. Hullah: (a) Copies of the regulations for recruitment in India and England in 1921 are placed on the table. The rules are practically identical except that in England higher and more strict qualifications are demanded; thus, an Honours Degree in Science is required, whereas in India an Honours or first class degree in any subject is accepted.

(b) Reference is invited to paragraph 7 of the Indian regulations and paragraph 6 and Appendix I of the English regulations. It will be seen that the former prescribes a test; while the latter make provision for one if the Secretary of State thinks fit.

(c) Indian candidates certainly have not done well in this test.

(d) No. The standard in the subjects referred to in (b) is that which used to be adopted for English candidates of school-leaving age at the time when recruitment in England was effected by competitive examination. It would be useless to select as probationers candidates who were unable to follow the prescribed course of studies and who would in consequence fail to obtain appointments.

EXPULSION OF CANDIDATES FROM DEHRA DUN FOREST RESEARCH INSTITUTE.

559. **Rai S. C. Sen Bahadur:** (a) Will the Government be pleased to state if it is a fact that 11 nominees of various Provincial Governments for the Provincial Forest Services were expelled from the Dehra Dun Forest Research Institute in April 1920?

(b) Are the Government aware that these students were expelled under rule 35 of the Rules of Training at the Forest Institute of Dehra Dun for candidates for the Provincial Service?

(c) Is it a fact that of these 11 students, 9 had not violated the rule 35 in question?

(d) Will the Government be pleased to state if it is a fact that of these 11 candidates, several were Anglo-Indians and nominees of Burma and Madras?

(e) Will the Government be pleased to state if it is a fact that these Anglo-Indians have since been provided for in the Provincial Services of their Provinces on a slightly longer term of probation?

(f) Are the Government aware that none of the Indian candidates expelled have been given similar appointments?

(g) Will the Government be pleased to state if it is a fact that, since the above expulsion, rule 35 has been amended so as to give wider powers to the Principal of Dehra Dun Research Institute?

(h) Will the Government please lay on the table copies of rule 35, as it was in 1920 and as it is at present?

(i) Will the Government please make a full statement on the subject of the expulsion of these candidates?

Mr. J. Hullah: (a) The number removed was 10.

(b) They were removed, after careful inquiry by the President, Forest Research Institute and College, and his officers, as incapable of completing the course successfully and so obtaining diplomas qualifying them for appointments.

(c) The wording of the rule was ambiguous; its intention was certainly violated by the students.

(d) Four were Anglo-Indians deputed by the Government of Burma and one was an Anglo-Indian deputed by Madras.

(e) and (f) The Government of India have no information; appointment to the Provincial Service is not a matter with which they are concerned, but the most recent provincial lists do not include in the Provincial service, either as probationers or otherwise, the names of any of the students who were removed.

(g) The rule has been re-drafted but no larger powers are given.

(h) A copy of the old and revised rule 35 is placed on the table.

(i) The reply is that given to part (b) of the question.

Old rule 35 :—

Removal for incapacity—Any first year student may, under the orders of the President, be removed for incapacity or want of due diligence or application. Ordinarily students who at the end of the first year have failed to obtain 50 per cent. of the marks in each of the four major subjects and a similar percentage of the total marks for all subjects will be so removed.

New rule 35 :—

Removal :—It is left to the discretion of the President to remove any student for incapacity or lack of due diligence or application or who, for any other cause appears unlikely to secure qualifying marks at the end of the course.

INDIAN FOREST SERVICE.

ORDINARY REGULATIONS AS TO THE APPOINTMENT OF PROBATIONERS.

These Regulations apply to all candidates, other than those eligible under Regulation 2 of the Special Regulations for officers or Men who have served in His Majesty's Forces during the War.

1. *Appointments.*—In making appointments, the Secretary of State for India in Council acts with the advice of a Selection Committee.

2. *Applications for Appointment.*—Applications for appointment must be made on a printed form to be obtained from the Secretary, Revenue Department, India Office, Whitehall, London, S. W., and cannot be considered unless received not later than 1st July 1921.

3. *Age Limit.*—Candidates must be not less than 19 but under 22 years of age on the 1st January 1921. Applicants whose course of study has been interrupted owing to the war, but whose total war service is not sufficiently long to enable them to qualify under the special regulations, will be admitted as candidates, at the discretion of the Secretary of State, subject to the condition that their age does not exceed by more than one year the limit fixed above.

4. *Nationality, etc.*—No person will be deemed qualified who shall not satisfy the Secretary of State:—

(i) That, save as hereinafter provided, he is a British subject.

(ii) That if he (being a British subject) or his father or his mother was not born within His Majesty's Dominions and allegiance, then at the time of his birth his father was a British subject or the subject of a State in India, and that such father still is or continued to be until his death a British subject or the subject of such State in India.

Provided that a ruler or subject of any State in India in respect of whom the Governor-General in Council has made a declaration under section 96-A of the Government of India Act, 1915, as amended by section 3 of the Government of India (Amendment) Act, 1916, may be considered eligible.

An European candidate must be prepared to give an undertaking, if selected, that he will not marry before he reaches India. If he marries, after giving such an undertaking, he forfeits his appointment. Every candidate must be of good physique, and must produce evidence of character to satisfy the Secretary of State for India in Council that he is suited for the Indian Forest Service.

5. *Qualifications.*—Candidates must have obtained a degree *with Honours* in some branch of Natural Science * in a University of England, Wales, or Ireland, or have passed the Final Bachelor of Science Examination in Pure Science in one of the Universities of Scotland.† A degree in Applied Science will not be considered as fulfilling these conditions. Candidates are required to produce evidence that they have a fair knowledge of either German or French. Weight will be attached to the possession of a diploma or degree in Forestry.

6. Should there in any year be more candidates considered to be qualified in every respect than vacancies to be filled, the Secretary of State reserves the right to require them to pass a competitive examination conducted by the Civil Service Commissioners, on the results of which their final selection would depend. Particulars of this examination will be found in Appendix I.

7. *Medical Examination.*—Selected candidates are required to undergo a strict examination by a Medical Board at the India Office, at which particular stress is laid on good vision and hearing, and to satisfy the Secretary of State for India that they are physically fit for service in the Indian Forest Department.

Candidates who do not satisfy the Secretary of State for India that they are physically fit for appointment to the Indian Forest Service are not admitted to the competitive examination mentioned in Regulation 6.

* A Moderators in Natural Science or in Experimental Science at the University of Dublin will be considered as fulfilling these conditions.
† Graduates in Forestry at the University of Edinburgh are regarded as satisfying the requirements of this paragraph if they pass the Final Examination of that University in some one branch of Natural Science embraced in the degree in Pure Science.

8. *Period of Probation.*—Before appointment to the Indian Forest Department a probationer is required—

- (i) to have obtained, either before selection as probationer or within the period of two years' probation, the degree or diploma in Forestry at Cambridge, Edinburgh or Oxford University. Probationers may elect to spend the probationary period at any one of these Universities;
- (ii) to have undergone a special course of instruction in Forestry, under the direction and supervision of the Director of Indian Forestry Studies, appointed by the Secretary of State for India in Council;
- (iii) to have passed an examination in Forest Engineering, and in certain special subjects, namely, Systematic Botany of Indian trees, Indian Geology, Forest Law, Indian Working Plans, and, if required, an Indian vernacular language;
- (iv) to have undergone a final competitive examination in Forestry (see Appendix II);
- (v) to have satisfied the Secretary of State, in such manner as may be determined, of his ability to ride.

The period of probation is in ordinary cases two years. The Director of Indian Forest Studies instructs probationers in each case as to the order and manner in which they should fulfil these various requirements.

9. *Charges.*—The probationers are required to defray all expenses of lodging, board, tuition, and excursions to forest centres in the United Kingdom while at the University.

10. *Allowances.*—The Secretary of State for India in Council makes payments to each probationer at the rate of 200*l.* a year, not exceeding a total of 400*l.* These payments are ordinarily made on the following dates in each year:—

On the 1st December	...	...	...	...	...	£
On the 1st March	...	...	...	...	...	60
On the 1st June	...	...	...	...	...	80

The cases of probationers whose probation does not extend over the full period of two years will be specially considered.

For tours made on the Continent under the instructions of the Director of Forest Studies, subsistence and travelling allowance will be paid by the Secretary of State for India in Council, at such rates as he may from time to time fix. The fees of the local forest officers at the centres visited will also be paid by the Secretary of State.

The grant of the allowances is subject to the following conditions:—

- (a) that the progress of the probationer in his studies is satisfactory;
- (b) that the probationer gives security to refund the payments in the event of his failing to qualify for an appointment in the Indian Forest Service, or not signing the articles of agreement as specified in paragraph 13, or failing to join the Indian Forest Service at the end of the period of probation.

11. *Conduct.*—Every probationer is required to conduct himself during the period of probation in a manner satisfactory to the Secretary of State, and to give evidence of satisfactory progress in his studies in such a manner as may be required, failing which, or in the event of serious misconduct, he is liable to have his name removed from the list of probationers.

12. *Appointment and Seniority.*—Probationers who comply with the requirements of Regulation 8 within the sanctioned period of time, and also satisfy such other tests as may be prescribed, are appointed, Assistant Conservators in the Indian Forest Department, provided they are of sound constitution and free from physical defects which would render them unsuitable for employment in the Indian Forest Service. No probationer will be confirmed as a member of the Indian Forest Service who fails to profit by the course of training; or who appears, in the light of the experience acquired as to his capacity and qualifications during the probationary period, to be unsuited for the work of a forest officer. The position of the Assistant Conservators in the provincial Forest Lists is determined by the Secretary of State for India in Council on the report of the Director of Indian Forest Studies.

Probationers are allowed at the end of the period of probation to state their preference in respect of the provinces to which they desire to be allotted; but the distribution is made to the several provinces according to the needs in the public service, at the discretion of the

Secretary of State for India in Council. Officers are, however, at all times liable to be transferred from one province to another at the pleasure of the Government of India.

Probationers are informed that officers of the Provincial Forest Service, if promoted to the Imperial Forest Service, may be given rank in the latter Service according to the pay they receive; and it is therefore possible that probationers recruited under these regulations may find that Provincial officers are, on such promotion, placed above them on the general seniority list. Pay is, however, on a time-scale to the 22nd year in the Imperial Forest Service, and promotion beyond the time-scale period will be strictly by selection, without reference to seniority.

13. *Articles of Agreement.*—A probationer is required, on qualifying for appointment as Assistant Conservator, to sign articles of agreement setting forth the terms and conditions of his appointment; he must embark for India when required to do so by the Secretary of State. Failure to embark at the stated time will, in the absence of satisfactory explanation, lead to forfeiture of appointment.

14. *Passage to India.*—Each probationer on appointment to the Indian Forest Service is provided with a free first-class passage to India.

15. *Salary.*—The scale of pay and allowances in force is given in Appendix III to these Regulations. No guarantee can be given as to the sterling value of the rupee.

16. *Promotion, Leave and Pension.*—Promotion, leave and pension are governed by the Regulations laid down by the Government of India, and applicable to Forest officers, such regulations being subject to any modifications or alterations which may be made in them from time to time by the Government of India, and their interpretation in case of any doubt arising being left to that Government. A copy of the existing regulations can be seen on application at the India Office.

A summary of information regarding leave and pensions is contained in Appendices IV and V.

INDIA OFFICE,

January 1921.

APPENDICES.

APPENDIX I.—COMPETITIVE EXAMINATION.

In the event of the Civil Service Commissioners being requested by the Secretary of State for India in Council to hold an examination in any year of candidates nominated by him to compete for appointment as probationers for the above Service, the following will be the subjects in which such candidates will be examined:—

	Maximum marks.		Maximum marks.
1. English Composition	100	5. Physics	100
2. German or French	100	6. Geology	100
3. Elementary Chemistry	50	7. Botany	100
4. Higher Chemistry	100	8. Zoology	100

Not more than three of the subjects numbered 4 to 8 may be offered.

Candidates must pass to the satisfaction of the Civil Service Commissioners in the first three subjects.

In the subjects numbered 4 to 8, only marks showing real attainment will be counted towards the order of merit, so that a candidate who has a thorough knowledge of one or two of the optional subjects may obtain on that knowledge alone as many marks as a candidate who offers the maximum number of the optional subjects on a lower standard.

SYLLABUS.

Languages.—The examination in German and French will include translation, composition, and conversation.

Sciences.—The standard of the examination in Higher Chemistry, Physics, Geology, Botany, and Zoology, will be that of the Honours Schools of the Universities.

The examination in Elementary Chemistry will consist of a written paper on the more elementary parts of Inorganic Chemistry, together with the outlines of Organic Chemistry.

APPENDIX II.—FINAL EXAMINATION.

1. With a view to the allocation of the annual Currie Scholarship for Indian Forest Students (value about 35/), and to facilitate the allotment of probationers to the several

provinces in accordance with paragraph 12 of the Regulations as to appointments in the Indian Forest Service, probationers who have completed their prescribed course of training are required to undergo a competitive final examination in Forestry.

2. A list of the probationers in order of merit is prepared by adding together (a) the marks obtained at the final examination and (b) the marks obtained during the course of practical training in forestry under the control of the Director of Indian Forest Studies. The maximum of marks obtainable under (a) is the same as under (b).

3. The final examination consists of an oral examination and three or more papers, as follows:

- One or more papers in Sylviculture, Forest Protection (including Forest Botany and Forest Entomology), and Forest Utilisation (including Forest Engineering).
- One or more papers in Forest Management, Forest Mensuration, Forest Valuation and Forest Administration.
- A paper in General Forestry (Practical) dealing with the work done and with the forests visited during the course of practical training.

4. Probationers are not required to pay any fee for the examination.

APPENDIX III.—PAY.

Year.	Pay. Rs.	Overseas Pay. Rs.	Total Rs.
1	325	150	475
2	375	150	525
3	425	150	575
4	475	150	625
5	525	150	675
6	575	150	725
7	625	150	775
8	675	150	825
9	725	150	875
(Efficiency Bar.)			
10	800	200	1,000
11	850	200	1,050
12	900	200	1,100
13	900	250	1,150
14	950	250	1,200
15	1,000	250	1,250
16	1,050	250	1,300
17	1,100	250	1,350
18	1,150	250	1,400
19	1,200	250	1,450
20	1,250	250	1,500
21	1,300	250	1,550
22	1,350	250	1,600
Conservators		Rs. 1,750—50—2,000 a month.	
Chief Conservators		Rs. 2,500—125—2,750 a month.	
Inspector-General		Rs. 3,250 a month.	

1. Overseas pay is granted only in the case of officers of non-Indian domicile.

2. No overseas pay will be granted to Conservators, Chief Conservators or the Inspector-General.

3. Probationers trained in the United Kingdom will, on appointment to the Indian Forest Service as Assistant Conservators, enter the time-scale at the second year, irrespective of the duration of the probationary period spent under training in the United Kingdom. Pay will be drawn from the date on which they report their arrival in India. This concession as regards pay will affect pay only, and not service for pension or leave; it will not be granted in addition to any concession as regards pay given in respect of war service.

4. The increments stated in this scale cannot be claimed as of right; they may be stopped, deferred, or suspended if the officer's work is unsatisfactory.

APPENDIX IV.

NOTE. Appendices IV and V are merely intended to show the principal leave and pension rules in the Civil Service Regulations at present applicable to the Indian Forest Service without going into minute details, and do not profess to deal with every case that may arise. The rules are subject to alteration, and any disputed question must be decided with reference to the authorised text of the Civil Service Regulations for the time being. The leave rules below apply only to officers of non-Indian domicile; the leave rules for Indians recruited in England will be settled at a later date.

LEAVE.

1. The following is a summary of the principal regulations relating to the leave admissible to officers appointed to the Indian Forest Service by the Secretary of State from the United Kingdom.

Long Leave.

2. Furlough with allowances (see paragraph 5) is admissible to an aggregate maximum amount of six years during an officer's service.

3. The amount of furlough "earned" is one-fourth of an officer's active service and the amount "due" is that amount less any enjoyed.

4. Except as provided in Rule 7, furlough without medical certificate is limited to the amount "due" and may not exceed two years at a time. On medical certificate furlough may be extended to three years.

5. The allowances admissible during furlough are :

(1) during any period of furlough not exceeding two years half average salary, subject to certain maximum and (in the case of furlough with medical certificate) minimum limits.

(2) after the expiration of the first two years of any period of furlough, one quarter of average salary, subject to certain maximum and minimum limits.

6. Furlough on half average salary (see paragraph 5) may be commuted into leave on higher pay subject to the following conditions :

(1) The leave on higher pay, or "commuted furlough," is fixed at one-half of the furlough commuted.

(2) The amount of furlough which may be commuted during an officer's total service is limited to two years.

(3) The commuted furlough will carry an allowance at the rate of average salary, subject to a maximum of £2,400 a year.

(4) Subject to special consideration in exceptional circumstances, an officer must have, six months' furlough at his credit at the end of the "commuted furlough," or any leave granted to him in continuation of it.

(5) In any one period of leave not more than eight months may be spent on "commuted furlough" or on "commuted furlough" combined with privilege leave.

(6) For the purpose of the rules governing the extent to which leave taken out of India may be allowed to count as service for pension, time spent out of India on 'commuted furlough' will be reckoned according to its actual duration, and not according to the duration of the furlough in exchange for which it is granted.

7. In respect of urgent private affairs, an officer may be granted furlough in excess of the amount 'due' for a period not exceeding six months at one time or 12 months in the whole of his service.

Short Leave.

8. Privilege leave is a holiday which may be granted to the extent of one-eleventh part of the time that an officer has been on duty without interruption; and it may be accumulated up to four months.

Subject to certain conditions, privilege leave may be combined with furlough or extraordinary leave without pay.

9. Joining time for a short period, usually with half average salary, is granted to an officer returning from leave out of India to enable him to rejoin his appointment.

10. Short leave is also granted to enable officers to appear at examinations, etc.

11. Extraordinary leave without allowances may be granted in case of necessity, and except in certain specified cases, only when no other kind of leave is by rule admissible. It may be granted in continuation of other leave.

General.

12. Leave of absence, whether on furlough or on privilege leave, can never be claimed as of right, and is given or refused at the discretion of Government.

APPENDIX V.—PENSIONS.

Ordinary Pension.

(1) Subject to the absolute right of Government to decline to permit any officer to retire before reaching the age of superannuation should it be necessary in the public interest to retain his services, Imperial officers of the Forest Department will be allowed to retire optionally after 20 or more years' service, and in that event they will ordinarily be entitled to draw a pension not exceeding 30 sixtieths of average emoluments, subject to the following maxima :—

R4,000 a year after	...	...	20 years' completed service.
R5,000	"	"	25 " " "
R5,200	"	"	26 " " "
R5,400	"	"	27 " " "
R5,600	"	"	28 " " "
R5,800	"	"	29 " " "
R6,000	"	"	30 " " "

(2) Government will have an absolute right to retire any officer after he has completed 25 years' service without necessity to give reasons, and without any claim for compensation in addition to pension, and in that event the pension admissible to the officer will ordinarily be regulated on a scale not exceeding that prescribed in clause (1) above, in the case of optional retirements of officers of the service to which he belongs.

(3) Government reserve an absolute right to reduce the pension ordinarily admissible in the case of any officer whose service has been unsatisfactory.

(4) The payment, out of India, of pensions granted in rupees will continue to be regulated by the provisions of Articles 934 and 971 of the Civil Service Regulations.

Special Additional Pensions.

(1) The existing lists of special appointments have been classified in two grades, as shown in the schedule annexed, the lower grade comprising those posts which involve high, but intermediate responsibility, the higher consisting of those which require a marked degree of independent administrative and professional capacity.

(2) Officers who have held appointments listed in the lower grade in the schedule will be entitled to an additional pension at the rate of Rs. 300 a year for each completed year of effective service in any appointment included in that grade, provided that no officer may draw an additional pension in excess of Rs. 1,500 in respect of service classed in the lower grade.

(3) Officers who have held appointments listed in the upper grade in the schedule will be entitled to an additional pension of Rs. 500 a year for each completed year of effective service in any appointment included in that grade, provided that no officer may draw an additional pension in excess of Rs. 2,500 in respect of service rendered in the lower and upper grades combined or in the upper grade alone.

(4) These additional pensions will be awarded, as in the past, only to officers who have given proof of special energy and efficiency. The existing restriction in Article 475, Civil Service Regulations, against the award of additional pensions to officers retiring of their own option before the age of 55 with less than 28 years' service will also be maintained.

APPOINTMENTS CARRYING ADDITIONAL PENSIONS.

Upper Grade.

Inspector-General of Forests.
Chief Conservators of Forests.

Lower Grade.

President, Forest Research Institute.
Conservators of Forests.

INDIAN FOREST SERVICE.

FORM TO BE FILLED UP BY CANDIDATES FOR APPOINTMENT AS PROBATIONER UNDER THE ORDINARY REGULATIONS.

This form must be completed by the Candidate in his own handwriting and returned to the Secretary, Revenue Department, India Office, London S. W.-1, not later than 1st July 1921.

If Candidates who return the Application Form do not receive an acknowledgment of it within a reasonable time they should communicate with the Secretary, Revenue Department, India Office.

INDIA OFFICE, January 1921.

1. Name in full, SURNAME FIRST IN CAPITALS.

2. Present Address in full. (Any subsequent alteration to be notified to the Secretary, Revenue Department, India Office.)

3. Exact date of Birth, and age last birthday. (A Birth Certificate will be required in the event of the candidate's selection; or if this is not obtainable, other satisfactory evidence.)
4. Place of Birth.
5. Nationality at Birth.
6. Whether married or single. (See paragraph 4 of the Regulations.)
7. Father's place of Birth, nationality at Birth, and present nationality.
8. Profession or occupation of father; and whether, at the time of the Candidate's birth, his father was a British subject.
9. Mother's place of Birth and nationality at Birth.
10. Schools in order, giving dates of entering and leaving. Any position of authority held, any distinction attained in school work, games, school societies, etc., any University scholarship won.
11. University, with dates of entering and leaving. Degree and any other diplomas or distinctions.
12. Name of College and College Tutor.
13. Particulars of any experience or training in Forestry.
14. Whether Candidate has on any former occasion applied for a Government appointment. If so, when and for what appointment, and with what result.
15. Names, full postal addresses, and professions of three persons (of whom one at least should be connected with the Institution at which the Candidate has last studied), who will testify, if applied to, as to conduct and character. (References will not be accepted from persons who are related to or have no personal knowledge of the Candidate.)
16. Whether trained at the public expense in any Training College in England and Wales.
17. Enclose a photograph of yourself.

Signature of Candidate _____

Date _____

1921.

INDIAN FOREST SERVICE.

SPECIAL REGULATIONS AS TO THE APPOINTMENT OF PROBATIONERS.

These special Regulations apply only to candidates eligible under Regulation 2 below. The ordinary regulations are applicable to all other candidates.

1. The Secretary of State for India is prepared to consider applications for appointments in the Indian Forest Service, which will be made in August 1921. Applications for appointment must be received not later than the 1st July 1921 on a printed form obtainable from the Revenue Secretary, India Office, Whitehall, London, S. W.-1.
2. Candidates for appointment under the special regulations must be officers or men who have served in His Majesty's Naval, Military, or Air Forces during the war for not less than one year. One year's service, however, is not required in the case of those discharged owing to wounds or other injuries or sickness arising out of the war. Candidates who have been prevented from serving in His Majesty's Forces by causes which the Secretary of State for India accepts as adequate will also be eligible.
3. Candidates must have been born on or after the 2nd July 1894 and on or before the 1st July 1902.
4. No person will be deemed qualified who shall not satisfy the Secretary of State:—
 - (i) that, save as hereinafter provided, he is a British subject;
 - (ii) that if he (being a British subject) or his father or his mother was not born within His Majesty's Dominions and allegiance, then at the time of his birth his father was a British subject or the subject of a State in India, and that such father still is or continued to be until his death a British subject or the subject of such State in India.

Provided that a ruler or subject of any State in India in respect of whom the Governor General in Council has made a declaration under section 96-A. of the Government of India Act, 1915, as amended by section 3 of the Government of India (Amendment) Act, 1916, may be considered eligible.

5. Candidates may be married or unmarried.
6. Candidates must produce evidence of good character in both civil and military life.
7. It is essential that candidates should have received a good general education such as would ordinarily enable them to pursue a course of study at a University and obtain a degree. Preference will be given to those who have had some University training in natural science or forestry, and whose course of studies has been interrupted by military service. An elementary school education is insufficient. Army certificates of education do not represent an adequate standard of attainment.

8. Candidates must satisfy the India Office, Medical Board as to their physical fitness for the strenuous work of the Indian Forest Service. Particular stress is laid on good vision and hearing. Men discharged owing to ill-health are unlikely to be suitable. Special consideration will be given to candidates who have been wounded, but (1) injury to the head, (2) deafness, (3) loss of an eye, (4) loss of a leg above or through the knee, must be regarded as disqualifications.

9. Candidates who appear from their forms of applications to be *prima facie* eligible for appointment will be interviewed by a Selection Committee, on whose advice the Secretary of State for India in Council acts.

10. Selected candidates who have no special qualifications will be placed on probation for a period of two years, during which they must undergo special courses of instruction in forestry at Cambridge, Edinburgh, or Oxford University, supplemented by theoretical and practical instruction during the vacation under the Director of Indian Forest Studies. Selected candidates with special qualifications, such as a degree or diploma in forestry, may spend a shorter period on probation (see paragraph 11).

11. *Period of Probation.*—Before appointment to the Indian Forest Department a probationer is required—

- (i) to have obtained, either before selection as probationer or within the period of two years' probation, the degree or diploma in Forestry at Cambridge, Edinburgh or Oxford University. Probationers may elect to spend the probationary period at any one of these Universities;
- (ii) to have undergone a special course of instruction in Forestry, under the direction and Supervision of the Director of Indian Forest Studies appointed by the Secretary of State for India in Council;
- (iii) to have passed an examination in Forest Engineering, and in certain special subjects, namely, Systematic Botany of Indian trees, Indian Geology, Forest Law, Indian Working Plans, and, if required, an Indian vernacular language;
- (iv) to have undergone a final competitive examination in Forestry (see Appendix I);
- (v) to have satisfied the Secretary of State, in such manner as may be determined, of his ability to ride.

The Director of Indian Forest Studies instructs probationers in each case as to the order and manner in which they should fulfil these various requirements.

12. *Charges.*—The probationers are required to defray all expenses of lodging, board, tuition, and excursions to forest centres in the United Kingdom while at the University.

13. *Allowances.*—The Secretary of State for India in Council makes payments to each probationer at the rate of 200*l.* a year, not exceeding a total of 400*l.* These payments are ordinarily made on the following dates in each year:—

On the 1st December	...	...	...	...	£ 60
On the 1st March	...	...	...	...	60
On the 1st June	...	...	...	...	80

The cases of probationers whose probation does not extend over the full period of two years will be specially considered.

For tours made on the Continent under the instructions of the Director of Forest Studies, subsistence and travelling allowance will be paid by the Secretary of State for India in Council, at such rates as he may from time to time fix. The fees of the local forest officers at the centres visited will also be paid by the Secretary of State.

The grant of the allowances is subject to the following conditions:—

- (a) that the progress of the probationers in his studies is satisfactory;
- (b) that the probationer gives security to refund the payments in the event of his failing to qualify for an appointment in the Indian Forest Service, or not signing the articles of agreement as specified in paragraph 16, or failing to join the Indian Forest Service at the end of the period of probation.

14. *Conduct.*—Every probationer is required to conduct himself during the period of probation in a manner satisfactory to the Secretary of State, and to give evidence of satisfactory progress in his studies in such a manner as may be required, failing which, or in the event of serious misconduct, he is liable to have his name removed from the list of probationers.

15. *Appointment and Seniority.*—Probationers who comply with the requirements of Regulation 11 within the sanctioned period of time, and also satisfy such other tests as may be prescribed, are appointed Assistant Conservators in the Indian Forest Department, provided they are of sound constitution and free from physical defects which would render them unsuitable for employment in the Indian Forest Service. No probationer will be confirmed as a member of the Indian Forest Service who fails to profit by the course of training; or who appears, in the light of the experience acquired as to his capacity and qualifications during the probationary period, to be unsuited for the work of a forest officer. The position of the Assistant Conservators in the provincial Forest Lists is determined by the Secretary of State for India in Council on the report of the Director of Indian Forest Studies.

Probationers are allowed at the end of the period of probation to state their preference in respect of the provinces to which they desire to be allotted; but the distribution is made to the several provinces according to the needs of the public service, at the discretion of the Secretary of State for India in Council. Officers are, however, at all times liable to be transferred from one province to another at the pleasure of the Government of India.

Probationers are informed that officers of the Provincial Forest Service, if promoted to the Imperial Forest Service, may be given rank in the latter service according to the pay they receive; and it is therefore possible that probationers recruited under these regulations may find that Provincial officers are, on such promotion, placed above them on the general seniority list. Pay is, however, on a time-scale to the 22nd year in the Imperial Forest Service, and promotion beyond the time-scale period will be strictly by selection, without reference to seniority.

16. *Articles of Agreement.*—A probationer is required, on qualifying for appointment as Assistant Conservator, to sign articles of agreement setting forth the terms and conditions of his appointment; he must embark for India when required to do so by the Secretary of State. Failure to embark at the stated time will, in the absence of satisfactory explanation, lead to forfeiture of appointment.

17. *Passage to India.*—Each probationer on appointment to the Indian Forest Service is provided with a free first class passage to India.

18. *Salary.*—The scale of pay and allowances in force is given in Appendix II. No guarantee can be given as to the sterling value of the rupee.

19. *Promotion, Leave and Pension.*—Promotion, leave, and pension are governed by the Regulations laid down by the Government of India, and applicable to Forest officers, such regulations being subject to any modifications or alterations which may be made in them from time to time by the Government of India, and their interpretation in case of any doubt arising being left to that Government. A copy of the existing regulations can be seen on application at the India Office.

A summary of information regarding Leave and Pensions is contained in Appendices III and IV.

20. *War Service Concessions.*—Completed years of service with His Majesty's Forces during the war, rendered after attaining the age of 20 years, will count for pay and promotion, but not for leave, up to a maximum of four years. Subject to the same conditions, completed years of service with His Majesty's Forces will count for pension also, in accordance with the following scale:—

For officers retiring after 20 and less than 25 years' service, a maximum of two years to count for pension.

For officers retiring after 25 years' service, a maximum of three years to count for pension.

These special additions to pensionary service will not be included in total service for the purposes of Article 408 of the Civil Service Regulations.

INDIA OFFICE,

January 1921.

APPENDICES.

APPENDIX I—FINAL EXAMINATION.

1. With a view to the allocation of the annual Currie Scholarship for Indian Forest Students (value about 351.), and to facilitate the allotment of probationers to the several provinces in accordance with paragraph 15 of the Regulations as to appointments in the Indian

Forest Service, probationers who have completed their prescribed course of training are required to undergo a competitive final examination in Forestry.

2. A list of the probationers in order of merit is prepared by adding together (a) the marks obtained at the final examination, and (b) the marks obtained during the course of practical training in forestry under the control of the Director of Indian Forest Studies. The maximum of marks obtainable under (a) is the same as under (b).

3. The final examination consists of an oral examination and three or more papers, as follows:—

- (i) One or more papers in Sylviculture, Forest Protection (including Forest Botany and Forest Entomology), and Forest Utilization (including Forest Engineering).
- (ii) One or more papers in Forest Management, Forest Mensuration, Forest Valuation, and Forest Administration.
- (iii) A paper in General Forestry (Practical) dealing with the work done and with the forests visited during the course of practical training.

4. Probationers are not required to pay any fee for the examination.

APPENDIX II.—PAY.

Year.	Pay. Rs.	Overseas		Total. Rs.
		Pay. Rs.		
1	325	150		475
2	375	150		525
3	425	150		575
4	475	150		625
5	525	150		675
6	575	150		725
7	625	150		775
8	675	150		825
9	725	150		875
(Efficiency Bar.)				
10	800	200		1,000
11	850	200		1,050
12	900	200		1,100
13	950	250		1,200
14	1,000	250		1,250
15	1,050	250		1,300
16	1,100	250		1,350
17	1,150	250		1,400
18	1,200	250		1,450
19	1,250	250		1,500
20	1,300	250		1,550
21	1,350	250		1,600
22				
Conservators	...	Rs. 1,750	50—2,000 a month.	
Chief Conservators	...	Rs. 2,500	125—2,750 a month.	
Inspector-General	...	Rs. 3,250	a month.	

1. Overseas pay is granted only in the case of officers of non-Indian domicile.

2. No overseas pay will be granted to Conservators, Chief Conservators, or the Inspector-General.

3. Probationers trained in the United Kingdom will, on appointment to the Indian Forest Service as Assistant Conservators, enter the time-scale at the second year, irrespective of the duration of the probationary period spent under training in the United Kingdom. Pay will be drawn from the date on which they report their arrival in India. This concession as regards pay will affect pay only, and not service for pension or leave; it will not be granted in addition to any concession as regards pay given in respect of war service.

4. The increments stated in this scale cannot be claimed as of right; they may be stopped, deferred, or suspended if the officer's work is unsatisfactory.

APPENDIX III.

NOTE.—Appendices III and IV are merely intended to show the principal leave and pension rules in the Civil Service Regulations at present applicable to the Indian Forest Service without going into minute details, and do not profess to deal with every case that may arise. The rules are subject to alteration, and any disputed question must be decided with reference to the authorised text of the Civil Service Regulations for the time being. The leave rules below apply only to officers of non-Indian domicile; the leave rules for Indians recruited in England will be settled at a later date.

LEAVE.

1. The following is a summary of the principal regulations relating to the leave admissible to officers appointed to the Indian Forest Service by the Secretary of State from the United Kingdom.

Long Leave.

2. Furlough with allowances *see* (paragraph 5) is admissible to an aggregate maximum amount of six years during an officer's service.

3. The amount of furlough "earned" is one-fourth of an officer's active service, and the amount "due" is that amount less any enjoyed.

4. Except as provided in Rule 7, furlough without medical certificate is limited to the amount "due" and may not exceed two years at a time. On medical certificate furlough may be extended to three years.

5. The allowances admissible during furlough are—

- (1) during any period of furlough not exceeding two years half average salary, subject to certain maximum and (in the case of furlough with medical certificate) minimum limits;
- (2) after the expiration of the first two years of any period of furlough, one quarter of average salary, subject to certain maximum and minimum limits.

6. Furlough on half average salary (*see* paragraph 5) may be commuted into leave on higher pay subject to the following conditions:—

- (1) The leave on higher pay, or "commuted furlough," is fixed at one-half of the furlough commuted.
- (2) The amount of furlough which may be commuted during an officer's total service is limited to two years.
- (3) The commuted furlough will carry an allowance at the rate of average salary, subject to a maximum of 2,400L. a year.
- (4) Subject to special consideration in exceptional circumstances, an officer must have six months' furlough at his credit at the end of the "commuted furlough," or any leave granted to him in continuation of it.
- (5) In any one period of leave not more than eight months may be spent on "commuted furlough" or on "commuted furlough" combined with privilege leave.
- (6) For the purpose of the rules governing the extent to which leave taken out of India may be allowed to count as service for pension, time spent out of India on "commuted furlough" will be reckoned according to its actual duration, and not according to the duration of the furlough in exchange for which it is granted.

7. In respect of urgent private affairs, an officer may be granted furlough in excess of the amount "due" for a period not exceeding six months at one time or 12 months in the whole of his service.

Short Leave.

8. Privilege leave is a holiday which may be granted to the extent of one-eleventh part of the time that an officer has been on duty without interruption; and it may be accumulated up to four months.

Subject to certain conditions privilege leave may be combined with furlough or extraordinary leave without pay.

9. Joining time for a short period, usually with half average salary, is granted to an officer returning from leave out of India to enable him to rejoin his appointment.

10. Short leave is also granted to enable officers to appear at examinations, etc.

11. Extraordinary leave without allowances may be granted in case of necessity, and, except in certain specified cases, only when no other kind of leave is by rule admissible. It may be granted in continuation of other leave.

General.

12. Leave of absence, whether on furlough or on privilege leave can never be claimed as of right, and is given or refused at the discretion of Government.

APPENDIX IV.—PENSION.

Ordinary Pensions.

(1) Subject to the absolute right of Government to decline to permit any officer to retire before reaching the age of superannuation should it be necessary in the public interest to

retain his services, Imperial officers of the Forest Department will be allowed to retire optionally after 20 or more years' service, and in that event they will ordinarily be entitled to draw a pension not exceeding 30 sixtieths of average emoluments, subject to the following maxima:—

Rs.										20 years' completed service.
4,000	a year after	...	...	...	...	...	...	...	...	25
5,000	"	"	"	"	"	"	"	"	"	26
5,200	"	"	"	"	"	"	"	"	"	27
5,400	"	"	"	"	"	"	"	"	"	28
5,600	"	"	"	"	"	"	"	"	"	29
5,800	"	"	"	"	"	"	"	"	"	30
6,000	"	"	"	"	"	"	"	"	"	30

(2) Government will have an absolute right to retire any officer after he has completed 25 years' service, without necessity to give reasons and without any claim for compensation in addition to pension, and in that event the pension admissible to the officer will ordinarily be regulated on a scale not exceeding that prescribed in clause (1) above, in the case of optional retirements of officers of the service to which he belongs.

(3) Government reserve an absolute right to reduce the pension ordinarily admissible, in the case of any officer whose service has been unsatisfactory.

(4) The payment, out of India, of pensions granted in rupees will continue to be regulated by the provisions of Articles 934 and 971 of the Civil Service Regulations.

Special Additional Pensions.

(1) The existing lists of special appointments have been classified in two grades, as shown in the schedule annexed, the lower grade comprising those posts which involve high but intermediate responsibility, the higher consisting of those which require a marked degree of independent administrative and professional capacity.

(2) Officers who have held appointments listed in the lower grade in the schedule will be entitled to an additional pension at the rate of Rs. 300 a year for each completed year of effective service in any appointment included in that grade, provided that no officer may draw an additional pension in excess of Rs. 1,500 in respect of service classed in the lower grade.

(3) Officers who have held appointments listed in the upper grade in the schedule will be entitled to an additional pension of Rs. 500 a year for each completed year of effective service in any appointment included in that grade, provided that no officer may draw an additional pension in excess of Rs. 2,500 in respect of service rendered in the lower and upper grades combined or in the upper grade alone.

(4) These additional pensions will be awarded, as in the past, only to officers who have given proof of special energy and efficiency. The existing restriction in Article 475, Civil Service Regulations, against the award of additional pensions to officers retiring of their own option before the age of 55 with less than 28 years' service, will also be maintained.

APPOINTMENTS CARRYING ADDITIONAL PENSIONS.

Upper Grade.
Inspector-General of Forests,
Chief Conservators of Forests.

Lower Grade.
President, Forest Research Institute,
Conservators of Forests.

INDIAN FOREST SERVICE.

FORM TO BE FILLED UP BY CANDIDATES FOR APPOINTMENT AS PROBATIONER UNDER THE SPECIAL REGULATIONS.

This form must be completed by the Candidate in his own handwriting and returned to the Secretary, Revenue Department, India Office, London, S.W.-1, not later than 1st July 1921.

If Candidates who return the Application Form do not receive an acknowledgment of it within a reasonable time they should communicate with the Secretary, Revenue Department, India Office.)

INDIA OFFICE, January 1921.

1. Name in full, SURNAME FIRST IN CAPITAL.
2. Present address in full. (Any subsequent alteration to be notified to the Secretary, Revenue Department, India Office.)
3. Exact date of Birth, and age last birthday. (A Birth Certificate will be required in the event of the candidate's selection; or if this is not obtainable, other satisfactory evidence.)

4. Place of Birth.
5. Nationality at Birth.
6. Whether married or single
(If married, number and ages of children, if any.)
7. Father's place of Birth, nationality at Birth, and present nationality.
8. Profession or occupation of father; and whether, at the time of the Candidate's birth, his father was a British subject.
9. Mother's place of Birth and nationality at Birth.
10. Schools in order, giving dates of entering and leaving.
(Any position of authority held, any distinction attained in school work, games, school societies, &c., any University scholarship won.)
11. University (if any), with dates of entering and leaving. Degree (if any) and any other diplomas or distinctions.
(Name of College and College Tutor.)
12. Particulars of any experience or training in Forestry.
13. Record of service during the war from start to finish.
Rank, Number (if any), and Regiment.
Date of joining His Majesty's Forces.
Date of demobilisation or discharge.
Details of service.
Decorations or distinctions (with dates).
14. Any time since entering school not otherwise accounted for should be accounted for here.
15. Whether Candidate has on any former occasion applied for a Government appointments, if so, when and for what appointment, and with what result.
16. Names, full postal addresses, and professions of three persons (of whom one at least should be connected with the institution at which the Candidate has last studied, who will testify, if applied to, as to conduct and character. References will not be accepted from persons who are related to or have no personal knowledge of the Candidate.) The name and address of a former Commanding Officer should be given to whom reference may be made regarding conduct and capacity.
(N.B.—This should on no account be omitted.)
17. Particulars of any physical impairment suffered through the war.
18. Particulars of any examinations by Medical Boards as a result of wounds, injuries, illness or the like, giving dates and places.
19. Whether trained at the public expense in any Training College in England and Wales.
20. Enclose a photograph of yourself.

Signature of Candidate _____

Date _____ 1921.

REGULATIONS FOR THE APPOINTMENT, IN INDIA, OF PROBATIONERS FOR THE IMPERIAL FOREST SERVICE IN 1921.

Applications are invited from natives* of India and Burma for probationerships for the Imperial Forest Service. Candidates of European or Anglo-Indian descent must be unmarried and, if appointed as probationers, must remain unmarried until completion of the prescribed course of training and their return to India.

2. Applicants, who should not be more than 23, nor less than 19, years of age on 30th June 1921, must possess an *Honours*, or a first class, degree, in any subject, of a University incorporated by Law in British India.

3. Any attempt on the part of a candidate to enlist support for his application through persons of influence will disqualify him for appointment. Testimonials or other recommendations should not be attached to the applications.

4. Applications, which should be addressed to the Secretary to the Government of India, Department of Revenue and Agriculture, Simla, through the Revenue Secretary of the Local Government concerned, in the case of residents in British India, and through the Political Officer, or Agent in the case of residents in Indian States, must be in the form attached to these regulations, and must reach Simla not later than the 15th May 1921. Copies of the regulations and of the forms of application may be obtained from the Secretary to the Government of India, Revenue and Agriculture Department, the Revenue Secretaries to the Governments of Madras, Bombay, Bengal, the United Provinces, the Punjab, Burma, Bihar and Orissa, Assam, Central Provinces, the Chief Commissioners of Coorg, Ajmer, Delhi; the Chief Commissioner and Agent to the Governor General in the North-West Frontier Province; the Agent to the Governor General, Baluchistan and Political Officers of Indian States.

* "Native of India" means any person born and domiciled within the dominions of His Majesty in India or within the territory of Indian Princes tributary to, or in alliance with, His Majesty, of parents habitually resident in India and not established there for temporary purposes only.

5. Applications must be accompanied by a preliminary medical certificate of fitness for service in the Forest Department, signed by a Presidency Surgeon or the Civil Surgeon of the district or agency in which the applicant resides. This certificate is intended to prevent applications from candidates who are obviously physically unsuited for the Forest Service and will not exempt candidates from appearance before the final Medical Board.

6. Applications from officers already in the public service, whether as probationers or on a permanent establishment, will not be entertained.

7. Candidates, who, from their papers and from the remarks made by Local Governments, or Political Officers or Agents, in forwarding their applications, appear *prima facie* to be suitable will be summoned by the Government of India to undergo a written qualifying examination in English (the test will be by précis writing as well as by an essay: deductions of marks will be made for faults of writing and spelling), Mathematics (Arithmetic; Algebra up to and including the Binomial theorem; Plane Trigonometry up to and including the solution of triangles and the theory and use of Logarithms) and Science (candidates must appear for examination in any two of the following subjects:—Chemistry, Physics, Botany, Zoology, Geology and Physiology and must, with their applications, state which two they have selected). The standard of the papers set in the Science subjects will be that of the B. A. (Honours) in Science degree of the Madras University. These examinations will be held on 15th, 16th and 17th June 1921 at local centres, namely, Rangoon, Calcutta, Allahabad, Lahore, Bombay and Madras. Candidates must state in their applications the centre at which they wish to appear if called up for examination. This choice once made may not be varied.

Copies of the papers, in English and Mathematics, set in the qualifying examination of 1920 may be obtained from the Secretary to the Government of India, Department of Revenue and Agriculture.

8. Candidates who have satisfactorily undergone the tests referred to in paragraph 7 will be summoned by the Government of India to appear at Dehra Dun in the first week of August 1921 where they will first be required to undergo a physical test, which will consist of an excursion extending over about 15 to 16 miles and of such a nature as to test candidates' activity and power of endurance. Those completing this test satisfactorily will next be subjected to a strict medical examination, in which particular stress will be laid on good vision and hearing; when, if passed as fit for the work of the Forest Department, they will be interviewed by a selection board appointed by the Government of India.

9. Candidates will not be entitled to any travelling allowance for journeys performed in connection with these regulations, with the exception that those summoned to appear at Dehra Dun for the physical test, medical examination and interview, referred to in paragraph 8, who come from a greater distance than 200 miles for this purpose, will be paid half the cost of a 2nd class fare [by rail or (and) by sea] for the journeys to, and from, Dehra Dun. This allowance will be paid by the President, Forest Research Institute and College, Dehra Dun, before the candidates leave Dehra Dun.

Candidates must make their own arrangements for board and lodging at Dehra Dun, but the President, Forest Research Institute and College, will endeavour to assist those who communicate with him on this subject.

10. Those finally selected as a result of the examinations, tests and interview prescribed in paragraphs 7 and 8, will be appointed as probationers for the Indian Forest Service; they will be required to leave for England early in September and, subject to their undergoing satisfactorily, as described below, a course in Forestry and allied subjects in England, will be appointed finally as Assistant Conservators of Forests. Candidates selected for training will be provided with second class passages to England, but the cost of travelling to the port of embarkation will not be paid.

11. *Period of probation.*—Before appointment to the Imperial Forest Service a probationer will be required:—

- (1) to have undergone and qualified in, to an extent to be prescribed by His Majesty's Secretary of State for India the course of Forestry at such University as the Secretary of State may prescribe;
- (2) to have undergone a special course of instruction in Forestry under the direction and supervision of the Director of Indian Forest Studies;
- (3) to have passed an examination in forest engineering and, if required in certain other special subjects, namely, Systematic Botany of Indian trees, Indian Geology, Forest Law and Indian Working Plans;

- (4) to have undergone a final competitive examination in Forestry ;
 (5) to have satisfied the Secretary of State, in such manner as may be determined, of his ability to ride.

The period of probation is, in ordinary cases, two years. The Director of Indian Forest Studies instructs probationers in each case as to the order and manner in which they should fulfil these various requirements.

12. *Charges.*—Probationers will be required to defray all expenses of lodging, board, tuition and excursions to forest centres in the United Kingdom while at the University and on practical instruction.

13. *Allowances.*—The Secretary of State for India in Council makes payment to each probationer at the rate of £200* per annum, not exceeding a total of £400. These payments are ordinarily made on the following dates in each year :

On 1st December	...	...	...	...	...	...	£
On 1st March	...	...	...	...	...	...	60
On 1st June	...	...	...	...	...	...	80

The cases of probationers whose probation does not extend over the full period of two years will be specially considered.

For tours made on the Continent, under the instructions of the Director of Forest Studies, subsistence and travelling allowance will be paid by the Secretary of State for India in Council at such rates as he may from time to time fix. The fees of the local forest officials, at the centres visited, will also be paid by the Secretary of State.

The grant of allowances is subject to the following conditions :—

- (a) that the progress of the probationer in his studies is satisfactory ;
 (b) that the probationer gives security† to refund the payments in the event of his failing to qualify for an appointment in the Indian Forest Service, or not signing the articles of agreement as specified in paragraph 16 or failing to join the Indian Forest Service at the end of the period of probation.

14. *Conduct.*—Every probationer is required to conduct himself during the period of probation in a manner satisfactory to the Secretary of State and to give evidence of satisfactory progress in his studies in such a manner as may be required, failing which, or in the event of serious misconduct, he is liable to have his name removed from the list of probationers.

15. *Appointment and seniority.*—Probationers who comply with the requirements of paragraph 11 within the sanctioned period of time, and also satisfy such other tests as may be prescribed, are appointed Assistant Conservators in the Indian Forest Department, provided they are of sound constitution and free from physical defects which would render them unsuitable for employment in the Indian Forest Service. No probationer will be confirmed as a member of the Imperial Forest Service who fails to profit by the course of training, or who appears, in the light of the experience acquired as to his capacity and qualifications during the probationary period, to be unsuited for the work of a forest officer.

The position of the Assistant Conservators in the Provincial Forest Lists is determined by the Secretary of State for India in Council on the report of the Director of Indian Forest Studies. Officers promoted from the Provincial to the Imperial Service will take rank according to their pay in the latter service. Probationers recruited under these regulations must consequently be prepared to find their names placed below those of officers promoted from the Provincial Service.

Probationers are allowed at the end of the period of probation to state their preference in respect to the province to which they desire to be allotted ; but the distribution is made to the several provinces according to the needs of the public service, at the discretion of the Secretary of State for India in Council and no guarantee can be given that probationers will, on appointment, be posted to their own provinces. Indians will not, however, be required to serve in Burma and Burmans will not be required to serve in India.

Officers are at all times liable to be transferred from one province to another at the pleasure of the Government of India.

16. *Articles of agreement.*—A probationer is required, on qualifying for appointment as Assistant Conservator, to sign articles of agreement setting forth the terms and conditions of his appointment ; he must embark for India when required to do so by the Secretary of State. Failure to embark at the stated time will, in the absence of satisfactory explanation, lead to forfeiture of appointment.

* This allowance is unlikely to be sufficient to meet all the needs of a probationer, who should be in a position to provide himself with at least another £150 per annum from other sources.
 † Probationers will be required to give security to the Local Government or Political Officer through whom they submitted their applications. If this condition is not satisfied, they will not be permitted to leave for England.

17. *Passage to India.*—Each probationer on appointment to the Indian Forest Service is provided with a free 1st class passage to India.

18. *Salary.*—The scale of pay and allowances in force for officers of Indian domicile is given in Appendix II to these regulations.

19. *Promotion and pension.*—Promotion and pension are governed by the regulations laid down by the Government of India, and applicable to forest officers, such regulations being subject to any modifications or alterations which may be made in them from time to time by the Government of India, and their interpretation in case of any doubt arising being left to that Government.

Certain information regarding appointments in the upper controlling staff of the Indian Forest Service will be found in Appendix II, and a summary of information regarding pensions is contained in Appendix III.

APPENDICES.

APPENDIX I.

Final Examination.

1. With a view to the allocation of the annual Currie Scholarship for Indian Forest Students (value about £35), and to facilitate the allotment of probationers to the several provinces in accordance with paragraph 15 of the regulations as to appointments in the Indian Forest Service, probationers who have completed their prescribed course of training are required to undergo a competitive final examination in Forestry.

2. A list of the probationers in order of merit is prepared by adding together (a) the marks obtained at the final examination, and (b) the marks obtained during the course of practical training in forestry under the control of the Director of Indian Forest Studies. The maximum of marks obtainable under (a) is the same as under (b).

3. The final examination consists of an oral examination and three or more papers, as follows :—

- (i) One or more papers in Sylviculture, Forest Protection (including Forest Botany and Forest Entomology), and Forest Utilization (including Forest Engineering).
 (ii) One or more papers in Forest Management, Forest Mensuration, Forest Valuation, and Forest Administration.
 (iii) A paper in General Forestry (Practical) dealing with the work done and with the forests visited during the course of practical training.

4. Probationers are not required to pay any fee for the examination.

APPENDIX II.

List of appointments open to members of the Imperial Branch of the Indian Forest Service recruited in India in 1921.

NOTE.—This list is liable to alteration at any time.

Appointment.	Salary.
(a) 1 Inspector General of Forests.	£ 3,250 a month.
(b) 1 Assistant Inspector General of Forests.	
(c) 6 Chief Conservators (Bombay, Madras, United Provinces, Burma, Central Provinces and President, Forest Research Institute and College).	Commencing at £ 2,500 and rising by annual increments of £ 125 to £ 2,750 a month.
(d) 28 Conservators	Commencing at £ 1,750 and rising by annual increments of £ 50 to £ 2,000 a month.
(e) 286 Deputy and Assistant Conservators.	£ 325 a month, rising by annual increments of £ 50 a month to £ 725 a month in the 9th year ; thereafter £ 800 in the tenth year rising by annual increments of £ 50 to £ 900 in the 12th and 13th years and £ 1,350 in the 22nd year ; no officer to draw more than £ 725 a month until he is declared by the Local Government to be fit to hold one of the heaviest major charges in the province in which he is serving.
Total 322	

Probationers trained in the United Kingdom will, on appointment to the Indian Forest Service as Assistant Conservators, enter the time-scale at the second year, irrespective of the duration of the probationary period spent under training in the United Kingdom. Pay will be drawn from the date on which they report their arrival in India. This concession as regards pay will affect pay only and not service for pension or leave.

APPENDIX III.

Pension.

NOTE.—The following is a brief summary of the general principles at present governing the grant of pension to officers appointed to the Indian Forest Service by the Secretary of State. The rules are subject to alteration from time to time, and are to be found in full in the authorised text for the time being of the Civil Service Regulations.

The following is the scale of pensions admissible to officers of the Imperial Forest Service, subject to the absolute right of Government to decline to permit any officer to retire before reaching the age of superannuation should it be necessary in the public interest to retain his services.

Government has an absolute right to retire any officer after he has completed twenty-five years' service, without giving any reasons and without incurring any obligation to give compensation in addition to pension.

After 20 years' completed service $\frac{2}{3}$ the average emoluments subject to a maximum of Rs. 4,000 per annum.									
" 25 "	"	"	"	"	"	"	"	"	Rs. 5,000 "
" 26 "	"	"	"	"	"	"	"	"	Rs. 5,200 "
" 27 "	"	"	"	"	"	"	"	"	Rs. 5,400 "
" 28 "	"	"	"	"	"	"	"	"	Rs. 5,600 "
" 29 "	"	"	"	"	"	"	"	"	Rs. 5,800 "
" 30 "	"	"	"	"	"	"	"	"	Rs. 6,000 "

Additional pensions of Rs. 300 a year for each completed year of effective service as a Conservator subject to a limit of Rs. 1,500 and of Rs. 500 for each completed year of effective service as Chief Conservator or Inspector General of Forests, provided that no officer may draw an additional pension of more than Rs. 2,500. Additional pensions will only be awarded to officers who have given proof of special energy and efficiency, and will not be granted to officers retiring of their own option before the age of 55, with less than 28 years' service.

The rates and conditions of invalid pensions are now under consideration.

APPENDIX IV.

General Physical Requirements.

NOTE.—These Regulations are published for the convenience of candidates and in order to enable them to ascertain the probability of their coming up to the required physical standard. But it must be clearly understood that the rejection of a candidate as physically unfit will be at the absolute discretion of the Medical Board and that this discretion is in no respect limited by these regulations.

1. A candidate must be in good mental and bodily health and free from any physical defect likely to interfere with efficient performance of duty.
2. No fixed limits of height or chest measurement are imposed, but particular attention will be given to the general development of candidates.
3. The hearing must be good.
4. The speech without impediment.
5. The teeth in good order, i.e., decayed or broken teeth must be properly stopped or crowned, and deficient teeth replaced by artificial teeth where necessary for effective mastication.
6. The chest must be well formed, the lungs and heart sound.
7. Rupture, hydrocele, varicocele, varicose veins in a severe degree, or other condition likely to cause inefficiency will disqualify a candidate, unless such condition is cured by operation.
8. The limbs, feet, and toes must be well formed and developed, with free and perfect motion of all the joints.
9. A candidate must have no congenital malformation or defect likely to interfere with efficiency.
10. A candidate must not be the subject of chronic skin disease.
11. Evidence of previous acute or chronic disease pointing to an impaired constitution will disqualify.

Regulation as to the Standard of Vision for the Indian Forest Service.

1. If myopia in one or both eyes exists, a candidate may be passed, provided the ametropia does not exceed 2.5 D, and if with correcting glasses, not exceeding 2.5 D, the acuteness of vision in one eye equals $\frac{1}{2}$ and in the other $\frac{1}{3}$, there being normal range of accommodation with the glasses.

2. Myopic astigmatism does not disqualify a candidate for service, provided the lens or the combined spherical and cylindrical lenses required to correct the error of refraction do not exceed—2.5 D; the acuteness of vision in one eye, when corrected, being equal to $\frac{1}{2}$, and in the other eye $\frac{1}{3}$ together with normal range of accommodation with the correcting glasses, there being no evidence of progressive disease in the choroid or retina.

3. A candidate having total hypermetropia not exceeding 4 D is not disqualified, provided the sight in one eye (when under the influence of atropine) equals $\frac{1}{2}$, and in the other eye equals $\frac{1}{3}$ with + 4 D or any lower power.

4. Hypermetropic astigmatism does not disqualify a candidate for the service provided the lens or combined lenses required to cover the error of refraction do not exceed 4 D, and that the site of one eye equals $\frac{1}{2}$ and of the other $\frac{1}{3}$ with or without such lens or lenses.

5. A candidate having a defect of vision arising from nebula of the cornea is disqualified if the sight of one eye be less than $\frac{1}{2}$. In such a case the better eye must be emmetropic. Defects of vision arising from pathological or other changes in the deeper structures of either eye, which are not referred to in the above rules, may exclude a candidate for admission into the service.

6. Squint, or any morbid condition, subject to the risk of aggravation or recurrence, in either eye, may cause the rejection of a candidate. The existence of imperfection of colour sense will be noted on the candidate's paper.

Application form for Probationership for the Imperial Forest Service.

PART I.

The entries on this sheet to be filled in by candidates in their own handwriting.

Write your usual signature here _____

Before filling up this form you should consult the accompanying Regulations, in which are laid down the conditions of eligibility for appointment to the above Service.

To be filled up in duplicate and submitted to the Secretary to the Government of India, Department of Revenue and Agriculture, through the Revenue Secretary to the Government Political Officer or Agent of the Province in which the applicant is domiciled. If the space provided here for any answer is insufficient, a separate sheet should be used.

If a candidate who fills up and returns this application form does not receive an acknowledgment of it within a reasonable time, he should inform the authority through whom he submitted it.

Should any of the particulars furnished be found to be false within the knowledge of the candidate, he will, if appointed, be liable to be dismissed. The wilful suppression of any material fact will be similarly punished.

Answer.

1. Name in full.
2. Postal and telegraphic address in full. (Any change of address should at once be communicated to the Revenue Secretary to the Government of India and to the authority through whom the application was submitted.)
3. Exact date of birth and age last birthday.
4. Place of birth.
5. Your nationality at birth.
6. Your father's place of birth and nationality at birth.
7. His postal address and profession (if dead give last address).
8. Your mother's place of birth and nationality at birth.

2. Schools—

Name your schools in order, giving dates of entering and leaving. State any position of authority you held, any distinction you attained in school work, games, school societies, etc., any university scholarship you won.

10. University—

Name your University with dates of entering and leaving. State degree (specifying division) and any other distinctions.

Name your College and College Tutor.

11. Any time since entering school not otherwise accounted for should be accounted for here.
12. Have you on any former occasion endeavoured to enter Government Service? If so, when and for what appointment? Give reasons for rejection.
13. Are you free from pecuniary embarrassments? Are you able to provide yourself with £150 a year for two years if selected as a Probationer?
14. Give the names, postal addresses and professions of three references, one of whom should be the Principal of the College from which you graduated, and the other two responsible persons, well acquainted with you in private life, but not relatives, and unconnected with your School or University.
15. Name any subject or subjects in which you can supply proof of special proficiency.
16. At which of the following centres—Rangoon, Calcutta, Allahabad, Lahore, Bombay, Madras, do you wish to appear for the qualifying examinations referred to in paragraph 7 of the regulations?
17. In which two Science subjects (referred to in paragraph 7 of the regulations) do you elect to be examined?
18. Signature and date.

PART II.

The entries on this sheet to be attested by the Revenue Secretary to the Local Government or by the Political Officer or Agent concerned.

Is the Local Government
Political Officer or Agent satisfied

Answer.

- (1) of the accuracy of the candidate's replies to numbers 1, 3 to 10, and 13 of the form of application?
- (2) that the candidate possesses the educational qualifications prescribed in paragraph 2 of the regulations?
- (3) that during his career at school and the University, the candidate bore a uniformly satisfactory character?
- (4) that the replies from the persons given by the candidate as references (who should be referred to, are in all respects satisfactory?
- (5) that the candidate is suitable for appointment to the Imperial Forest Service?
- (6) Are there any other circumstances to which you think attention should be drawn?

Signature, date and designation.

On completion one copy to be forwarded to the Secretary to the Government of India, Department of Revenue and Agriculture, so as to reach Simla on or before the 15th of May 1921.

LISTED POSTS IN THE INDIAN CIVIL SERVICE.

560. **Rai Bahadur Pandit S. P. Bajpai:** Will the Government be pleased to state as to what action has so far been taken on the Resolution of Mr. Wali Mahomed Hussanally, M.L.A., regarding listed posts in the Indian Civil Service which was carried in the Legislative Assembly on the 17th February 1921?

The Honourable Sir William Vincent: The Honourable Member is referred to the answer given on the 15th September 1921, to Rai Bahadur Girischandra Nag's question on the subject.

ACCOMMODATION FOR LADIES ON THE ROHILKUND AND KUMAON RAILWAY.

561. **Rai Bahadur Pandit S. P. Bajpai:** Do the Government propose to advise the Rohilkund and Kumaon Railway authorities to have a reserved Second and an intermediate Class compartment for the exclusive use of ladies attached to the principal trains at least on the main line?

Colonel W. D. Waghorn: On all Rohilkund and Kumaon Railway trains on which there are more than one second class compartment, one is reserved for the exclusive use of ladies. The intermediate class carriages on that Railway do not at present admit of a compartment of that class being reserved for ladies only; but orders have been issued for the carrying out of such alterations as will admit of a compartment being so reserved.

FANS IN ROHILKUND AND KUMAON RAILWAY AND BENGAL AND NORTH-WESTERN RAILWAY CARRIAGES.

562. **Rai Bahadur Pandit S. P. Bajpai:** (a) Are the Government aware that there are no fans in the second class carriages on the Rohilkund and Kumaon and Bengal and North-Western Railway?

(b) Do the Government propose to advise the Bengal and North-Western and Rohilkund and Kumaon Railway authorities to arrange for fans in second class carriages before the next summer?

Colonel W. D. Waghorn: (a) The reply is in the affirmative.

(b) The question of the provision of fans in second class carriages on the Rohilkund and Kumaon Railway is under consideration. The question of their provision will be brought to the notice of the Bengal and North-Western Railway Administration who at present do not propose to provide them.

RESERVED ACCOMMODATION FOR INDIANS ON RAILWAYS.

563. **Rai Bahadur Pandit S. P. Bajpai:** (a) Are the Government aware that on certain Railway lines first, second and intermediate class compartments are reserved for the exclusive use of Europeans and Anglo-Indians?

(b) Do the Government propose to take steps to reserve compartments for the exclusive use of Indians as well?

Colonel W. D. Waghorn: (a) So far as Government are aware there is no reservation of first and second class accommodation for Europeans and Anglo-Indians on railways. If the Honourable Member will quote instances, I shall be happy to take the matter up with the Railway Administrations concerned. In regard to the intermediate class, I would refer the Honourable Member to my reply to Mr. Manur Krishnaswamy Reddi Garu's question on the subject in this Assembly.

(b) So far as Government are aware there exists no general desire for the reservation of separate accommodation in railway trains for Indians.

Government do not, therefore, propose to take any steps in the direction suggested.

INCONVENIENT TIMINGS OF OUDH AND ROHILKHAND RAILWAY AND ROHILKUND AND KUMAON RAILWAY.

565. **Rai Bahadur Pandit S. P. Bajpai :** (a) Are the Government aware that the timings of Oudh and Rohilkhand Railway and Rohilkund and Kumaon Railway at several junctions (for instance, Sitapur and Bareilly) are so arranged that passengers do not catch corresponding trains and are consequently put to great inconvenience?

(b) Do the Government propose to advise the Oudh and Rohilkhand Railway and Rohilkund and Kumaon Railway authorities to so change the timings as to give sufficient time to the passengers to catch the corresponding trains?

Colonel W. D. Waghorn : (a) Government are aware that all trains of the Oudh and Rohilkhand and Rohilkund and Kumaon Railways do not connect with each other at Bareilly and Sitapur and other junctions, but there are connecting trains by which through passengers can travel. It must be remembered that train timings have to be regulated not only to suit passengers at a particular junction, but also the convenience of the travelling public considered as a whole. Practical and technical difficulties have also to be met in framing time-tables and considering the matter in all its bearings. Government are satisfied that the existing timings are the best that can be arranged at present.

(b) In the circumstances explained in (a) above, Government do not propose to advise the railways as suggested by the Honourable Member.

EUROPEANS AND INDIANS IN THE IMPERIAL SECRETARIATS.

566. **Mr. N. M. Joshi :** Will the Government kindly state :

(a) How many non-graduate Indians were appointed to the first division of the Imperial Secretariats on the institution of First and Second Divisions;

(b) How many were subsequently promoted from the Second to the First Division;

(c) How many have by actual experience been found fit to continue in the First Division?

(d) Out of the total number of clerks in the First Division and subordinate offices in the Imperial Secretariat, how many are Europeans and how many Indians; and out of each class how many are graduates and how many non-graduates?

The Honourable Sir William Vincent : (a) 55.

(b) 50.

(c) All.

(d) Europeans { Graduates—10.
Non-Graduates—148.

Indians { Graduates—101.
Non-Graduates—415.

Note.—In furnishing this information the words "subordinate offices" in part (d) of the question have been interpreted to mean "Second Division" and Anglo-Indians have as usual been included among Europeans, and Indian Christians among Indians.

AMOUNT OF DEBIT ON ACCOUNT OF RAILWAY SURVEYS.

567. **Mr. N. M. Joshi :** Will Government kindly state the amount lying at debit of '12—Miscellaneous Railway Expenditure' on account of railway surveys, according to the latest information available?

Colonel W. D. Waghorn : The total amount standing at charge of the head '12—Miscellaneous Railway Expenditure' on account of Railway Surveys according to the latest information available is Rs. 2,15,18,189. This figure represents the total expenditure on surveys on such of the railways the construction of which has been postponed for various reasons.

STRATEGIC RAILWAY LINES.

568. **Mr. N. M. Joshi :** Will Government kindly lay on the table a statement showing the total capital outlay on each of the strategic lines of railways, gross earnings, net earnings and the saving *per annum* accruing to the Army Budget by the construction of the lines?

Colonel W. D. Waghorn : A statement showing the capital outlay, gross earnings and net earnings of the Military sections of the North-Western Railway for the last five years is placed upon the table for the Member's information.

The cost of conveyance of troops and military stores by these strategic lines is, of course, met from the military estimates. Any estimate as to the saving accruing to the Army estimates by the use of these lines can only be conjectural.

Statement showing the capital outlay, gross earnings and net earnings of the Military Sections of the North-Western Railway during the last five years.

Military sections of the North-Western Railway.	Year.	Capital outlay to end of the year.	Gross earnings.	Net earnings.
		Rs.	Rs.	Rs.
Sind-Pishin Section (5' 6").	1916-17	11,97,01,516	41,17,578	7,38,881
	1917-18	12,13,26,164	51,02,256	9,78,324
	1918-19	12,46,43,448	70,13,615	2,19,290
	1919-20	12,65,85,867	76,96,438	—19,55,066
	1920-21	12,83,94,779	80,49,610	—28,26,658
Sind-Sagar and Khushalgarh Branches (5' 6").	1916-17	5,94,49,554	39,58,073	6,32,623
	1917-18	5,99,06,773	48,49,311	13,78,709
	1918-19	5,99,08,193	50,32,187	12,12,698
	1919-20	6,04,04,317	66,72,624	11,81,129
	1920-21	6,06,08,690	74,44,507	13,12,098
Kohat-Thal (2' 6").	1916-17	42,59,494	1,76,097	—7,010
	1917-18	42,79,892	1,82,671	—18,144
	1918-19	42,79,642	1,71,031	—32,649
	1919-20	42,52,061	2,70,361	—38,895
	1920-21	42,35,020	1,96,129	—3,82,557
Nowshera-Durgai (2' 6").	1916-17	26,68,370	2,93,801	97,974
	1917-18	26,76,256	2,89,402	1,11,166
	1918-19	26,93,712	3,31,598	1,16,311
	1919-20	26,91,940	2,70,568	—21,604
	1920-21	29,68,732	3,24,319	—1,17,199
Nushki Extension (5' 6").*	1918-19	2,65,88,853	...	Credited to Capital.
	1919-20	3,02,15,493	3,26,000	
	1920-21	3,12,94,987	4,66,000	

*The first section was opened to public traffic on 5th April 1919.

RAILWAY CONCESSIONS TO ARMY OFFICERS.

569. **Mr. N. M. Joshi** : Will the Government kindly place on the table a statement showing the railway concessions granted to the Army Officers, and say whether the cost of these concessions is borne by the Army Budget ? And if not, why not ?

Sir Godfrey Fell : A statement is laid on the table showing the railway concessions granted to (a) the Army in India, generally, and (b) individual officers and men of the Army in India.

The loss, if any, arising out of the grant of reduced railway fares and similar concessions, whether to soldiers or to other classes, is borne by the railway administrations concerned. The Government of India understand that concessions are similarly granted to members of His Majesty's Forces when travelling by railway in the United Kingdom.

Statement showing the concessions granted by Railways in India to (a) the Army in India, and (b) individual officers and men of the Army in India.

(a) (i) All British officers, Indian aides-de-camp, lady nurses, warrant officers, non-commissioned officers (Classes I and II), British military medical pupils, Indian officers and sub-assistant surgeons, when travelling on duty, are granted a form 'B' certificate on the authority of which the railways issue tickets by a higher class than that paid for.

Individuals proceeding on or returning from leave on medical certificate or any authorised examination or class of instruction are held to be travelling on duty for purposes of this rule.

(ii) Small parties, insufficient to fill a complete vehicle according to the military carrying capacity, will be paid for at the contract or tariff rate, as the case may be, subject to a maximum charge at the vehicle rate for each vehicle used.

(b) *The following concessions are granted to individual officers and men.*

To whom applicable.	Nature of concession.	Railways.
(i) Captains and Subalterns of the British and Indian Service (including Indian Medical Service) who are doing duty with regiments of Cavalry or Infantry, batteries or companies of Sappers and Miners, officers of corresponding ranks of the Royal Air Force and Indian officers with honorary rank.	Use of Form 'B' (i.e., payment of half the ordinary fare). Free allowance of baggage on tickets issued on Form 'B' as follows :— 1st class 1½ mds., 2nd class 30 lbs.	N.-W., O. & R., E. B., B. B. & C. I., B. N., G. I. P., E. I., N. G. S., M. & S. M., Burma and the A. B. Railways.
(ii) Captains and Subalterns of the British and Indian Services (excluding professors or Staff Officers) who are students at the Staff College, Quetta.	ditto.	N.-W., O. & R., E. B., B. B. & C. I., G. I. P., and the E. I. Railways.
(iii) British Non-commissioned Officers and men and Army Schoolmistresses.	Return tickets at single fare available for 3 months only.	All principal railways.
(iv) Indian officers, Non-commissioned Officers and men.	Return tickets at single fare available for 12 months, when proceeding to their homes by the direct route.	ditto.
(v) Men attending assaults-at-arms.	Return tickets at single fare.	ditto.

Mr. N. M. Joshi : May I ask the Honourable Member, Sir, whether the amount is shown in the Army Budget ?

Sir Godfrey Fell : The concessions are given in the statement which I have just laid on the table.

LAND ACCOUNTING FOR RAILWAYS.

570. **Mr. N. M. Joshi** : Will the Government kindly state whether the cost of land provided free of charge to Railway Companies is included in the capital account of the railways for statistical purposes ; and, if not, why not ?

Colonel W. D. Waghorn : The cost of land provided free of charge to Branch Railway Companies is not included in their capital account for statistical purposes, as it does not represent the capital outlay by the Companies. The sums involved are comparatively so small that the statistical results are not vitiated by their omission.

CARRYING CAPACITY OF BROAD GAUGE BOGIE CARRIAGES.

571. **Mr. N. M. Joshi** : Will the Government kindly state the average carrying capacity per broad gauge bogie carriage separately for 1st, 2nd, Inter and 3rd classes ?

Colonel W. D. Waghorn : The average carrying capacity of a broad (5' 6") gauge bogie carriage (latest types) on Indian Railways separately for purely 1st, 2nd, Inter and third classes is as follows :—

1st class	...	...	...	...	25	seats.
2nd class	...	...	...	...	51	"
Inter class	...	...	...	...	81	"
Third class	...	...	...	...	106	"

TREATMENT OF POLITICAL PRISONERS.

572. **Mr. K. P. L. Agnihotri** : (a) Will Government be pleased to state if it has issued any instructions regarding the treatment of political prisoners ?

(b) Will the Government be pleased to lay them on the table ?

(c) Will the Government be pleased to state whether the prisoners convicted for political offences under Sections 124-A, 153-A, or 188, Indian Penal Code and Section 108, Criminal Procedure Code, are not included in the term Political Prisoners ?

(d) Is it a fact, that such persons mostly belong to a class whose mode of living is entirely different from the usual prisoners ?

(e) Do the Government propose to provide political prisoners and Indians of high social status, separate quarters, separate food, clothing and labour suitable to their ordinary mode of life ?

The Honourable Sir William Vincent : (a), (b) and (c) The attention of the Honourable Member is invited to the replies given to the questions asked on the same subject by Pandit Jawahir Lal Bhargava and Mr. Kamat on the 19th and 15th September, respectively.

(c) The expression, 'political prisoners' is a somewhat vague one. Persons convicted under section 188 of the Indian Penal Code are not generally included in the term.

(d) Government have no information.

NAMES OF POLITICAL PRISONERS IN ANDAMANS.

573. **Mr. K. B. L. Agnihotri:** Will the Government be pleased to give:

- (i) the number of political prisoners, in Andamans, on 31st August 1921; and their names;
- (ii) the number of political prisoners released since 1st March 1921;
- (iii) the number of political prisoners transferred to Indian jails after 1st March 1921?

The Honourable Sir William Vincent: (i) A statement is laid on the table containing the information as far as it is available.

(ii) Nil.

(iii) 35, according to my present information.

Statement showing the names of political prisoners who were in the Andamans on the 31st August 1921.

1. Udhm Singh.	10. Ali Ahmed Siddique.	} One of these prisoners has been returned to Burma but who it is not known.
2. Harnam Singh.	11. Muhammad Mujtaba.	
3. Chanan Singh.	12. Nga Po-Taik.	
4. Bishan Singh.	13. Nga Ya Nyun.	
5. Bishan Singh.	14. Nga Nwe.	
6. Kapoor Singh.	15. Me Shebe.	
7. Hardit Singh.	16. Nga Yan Bye.	
8. Kirpa Ram.	17. Muhammad Akram Khan.	
9. Amar Singh.	18. Ghulam Sarwar.	

JAIL COMMITTEE'S RECOMMENDATIONS.

574. **Mr. K. B. L. Agnihotri:** What steps have the Government taken to give effect to the Jail Committee's recommendations about the prison reforms in general, and the classification of prisoners, the establishment of prison libraries and reading rooms, and treatment of prisoners regarding quarters, food, clothing and labour, compatible to their social status in particular?

The Honourable Sir William Vincent: The Honourable Member's attention is drawn to the papers laid on the table in connection with Question No. 160 asked by Mr. B. S. Kamat.

PRIVILEGES ACCORDED TO ANDAMAN PRISONERS.

575. **Mr. K. B. L. Agnihotri:** (a) Is it a fact that, while in the Andamans, prisoners, by reason of their long stay there, enjoyed certain privileges?

(b) Is it not a fact that these privileges have been withdrawn, and that the withdrawal has caused them very great hardship?

The Honourable Sir William Vincent: (a) It is a fact that the treatment of political prisoners in the Andamans is lenient.

(b) Government have no information.

PROMOTIONS TO SUPERIOR POSTS ON RAILWAYS.

576. **Rai G. C. Nag Bahadur:** Will Government kindly place on the table a list of the men who have held or are holding superior posts on the State and Company-worked railways by promotion or transfer from the subordinate ranks, showing the posts held by them immediately before and after such appointments?

Colonel W. D. Waghorn: A statement is placed on the table, showing the number of men promoted from the subordinate to the Superior Branch of the Traffic Department—the department in which such promotions are chiefly made—from 1905 to date.

To answer the question put by the Honourable Member would entail undue labour and expense, if, as is assumed, he requires this information from the commencement of railways in this country.

Statement showing the number of (i) European and Anglo-Indian and (ii) Indian Subordinates promoted to the Superior Traffic Service on the following Railways from 1905.

Railway.	European and Anglo-Indian.	Indian.
North-Western Railway	12	2
Oudh and Rohilkhand Railway	6	3
Eastern Bengal Railway	9	...
East Indian Railway	30	1
Bengal-Nagpur Railway	4	5
Great Indian Peninsula Railway	16	2
Bombay, Baroda and Central India Railway	8	7
Madras and Southern Mahratta Railway	7	4
South Indian Railway.	6	1

INDIAN OFFICERS ON STATE RAILWAYS AND RAILWAY BOARD.

577. **Rai G. C. Nag Bahadur:** Will Government kindly state the percentage of Indians at present in the superior establishment of State Railways and the percentage of Indian who have held posts in the superior staff at the headquarters of the Railway Board?

Colonel W. D. Waghorn: In the Traffic Department, the percentage of Indians is 25 per cent. in the Engineering Department 20 per cent., in the Stores Department, there are at present two Indian probationers, and there is also one officer in the Locomotive Department.

One Indian Officer (the late Mr. N. C. Haldar) has held the appointment of Assistant Secretary, Traffic, at the headquarters of the Railway Board.

The acting Joint Secretary of the Board at the present moment is also an Indian, namely, Mr. N. K. Venkatarama Iyer. It may further be mentioned that the Accountant General, Railways, and his Assistant, are both Indians.

MEMORIAL FROM THE SECRETARIAT STAFF.

578. **Rai G. C. Nag Bahadur:** Will the Government kindly state whether they have received a memorial from any of their Secretariat staff with

reference to the latter portion of Reservation No. 3 in Section II of the Government of India, Home Department Resolution No. 2366 of 15th September, 1920; and, if so, whether they contemplate appointing a small Committee to go into the facts and figures, apart from the arguments therein advanced?

Colonel W. D. Waghorn : Government have received memorials from the staff of the Railway Department with reference to the reservation referred to.

The action which will have to be taken on the question of the organisation of the staff of the Railway Department must depend upon the decisions arrived at as a result of the recommendations of the Railway Committee. It is therefore not proposed to appoint any Committee to go into the memorials referred to.

RAIDS AND OFFENCES IN NORTH-WEST FRONTIER DISTRICTS.

579. Dr. Nand Lal : Will the Government be so pleased as to inform this Assembly :

- (a) as to what was the total number of (i) raids, (ii) all other offences cognizable by Police in the Peshawar, Kohat, Bannu and Dera Ismail Khan districts of the Punjab, during the period from 1895 to 1900 both years inclusive;
- (b) as to what was the total number of (i) raids, (ii) all other offences cognizable by Police in the North-West Frontier Province, in the following periods :
 - (i) 1901-1906 both years inclusive.
 - (ii) 1907-1912 both years inclusive.
 - (iii) 1913-1918 both years inclusive.
 - (iv) 1919-1920 both years inclusive.

The Honourable Dr. T. B. Sapru (on behalf of the Honourable Mr. Denys Bray) : (a) The Honourable Member is referred to the answer given to Sir P. S. Sivaswamy Aiyer in reply to a similar Question No. 233 (b) on September 19th.

(b) (i). Statistics regarding raids are being obtained and will be furnished in due course ;

(ii) The information is available in the Criminal Administration Reports published annually by the North-West Frontier Province.

SHORTAGE OF WAGONS ON THE ROHILKUND AND KUMAON RAILWAY.

580. Rai Bahadur Pandit S. P. Bajpai : (a) Are the Government aware of the shortage of wagons on the Rohilkund and Kumaon Railway ?

(b) Do the Government propose to advise the Rohilkund and Kumaon Railway authorities to increase the number of wagons ?

Colonel W. D. Waghorn : (a) Government are not aware that any shortage of wagons is being felt on the Rohilkund and Kumaon Railway at present.

(b) The existing goods stock on the railway consists of 76 timber trucks, 203 low sided wagons and 1,846 covered goods wagons, and these are considered sufficient for its immediate needs. To provide for future requirements of traffic, 24 timber trucks are being built and it is proposed to make an addition of 100 covered goods wagons annually.

EXPENDITURE ON EUROPEAN SOLDIERS IN SANATORIUMS.

581. Rai Bahadur Pandit S. P. Bajpai : Will the Government be pleased to state the amount which has been spent during the years 1919-20, and 1920-21 on account of the sending of European soldiers to sanatoriums ?

Sir Godfrey Fell : The Government do not understand exactly what information the Honourable Member requires. Before any information on the subject could be obtained it would be necessary to obtain particulars from every military station in India. The Government consider that the labour involved in this process would be out of all proportion to the result to be achieved.

AGE LIMIT FOR INDIAN CIVIL SERVICE EXAMINATION.

582. Rai Bahadur Pandit S. P. Bajpai : (a) Will the Government be pleased to state if the maximum age limit prescribed for candidates for Indian Civil Service examination in England has been fixed at 24 till 1924 ?

(b) If the reply is in the affirmative, do the Government propose to extend the same privilege till 1924 to candidates who sit for Indian Civil Service examination in India ?

The Honourable Sir William Vincent : (a) The maximum age limit has been fixed at 24 up to and including 1923.

(b) Though the age limits for entry to the open examinations for the Indian Civil Service will in future be 21 to 23 years, the old limit of 24 years is being retained for the London examination up till 1923 in view of the hard cases that would otherwise arise especially among Indians already at Universities in England. From 1924 onward the age limit will be 23 years. As the same reasons for making a concession do not exist in the case of students in India, it has not been thought necessary to adopt the limit of 24 years up to and including 1923.

TEMPORARY ENGINEERS.

583. Rai Bahadur Pandit S. P. Bajpai : (a) Will the Government be pleased to state if temporary Engineers were appointed at first for temporary purposes only ?

(b) Will the Government be pleased to state if it is a fact that most of the temporary Engineers so appointed are now discharging the duties of the permanent establishment without receiving the benefits thereof ?

(c) Will the Government be pleased to state if it is a fact that most of the temporary Engineers in India were offered permanent service in the newly created Provincial services ?

(d) If the reply is in the affirmative, will the Government be pleased to state how many offers were made and how many accepted ?

APPOINTMENT OF MR. R. J. WATSON TO A POST UNDER THE GOVERNMENT OF INDIA.

589. **Mr. N. M. Joshi:** (a) Will the Government state whether the question of appointing Mr. R. J. Watson to any post under the Government of India was ever considered some years prior to his appointment as Inspector of Office Procedure and member of the Staff Selection Board?

(b) If so, when was the question raised; what was the post in question, was it actually offered to him and who was ultimately appointed to that post?

The Honourable Sir William Vincent: I have no information on the point. If the Honourable Member will give me some material on which to base enquiries, I will make them.

PAY OF THE INDIAN POLICE.

590. **Rai D. C. Barua Bahadur:** (a) Has the attention of the Government been drawn to the questions asked in the House of Commons early in August 1920, and in the latter part of November last regarding the pay of the Indian Police?

(b) Will the Government be pleased to state when a final decision is expected and from what date the proposed scale is likely to be given effect to?

(c) Has the attention of the Government been drawn to certain memorials addressed by the Deputy Superintendents of Police of the different Provinces to the Secretary of State early in August 1920?

(d) Will the Government be pleased to state when a decision is expected to be announced and from what date is any new scheme if sanctioned likely to be given effect to?

The Honourable Sir William Vincent: (a) Government have seen certain questions on the subject.

(b) The final decision was announced in the Home Department Resolution No. D-499, dated the 26th July 1921. The revised orders have effect from the 30th April 1921.

(c) Government have received and dealt with the memorials to which the Honourable Member refers.

(d) The Government of India communicated their views on the memorials to the Local Governments in a letter dated the 13th August 1921. As the administration of the Provincial Police is now a provincial subject, the decisions on the various prayers made in the memorials will be taken by the various Local Governments. The Government of India are not therefore in a position to say whether and when revised orders will issue, or from what date the orders, if any, will have effect.

GRANT TO POLICE OFFICERS FOR UNIFORMS, ETC.

591. **Rai D. C. Barua Bahadur:** (a) Is it a fact that the Assistant Superintendents of Police on appointment are given a lump sum of Rs. 1,000 to cover the charge of uniforms, horse and saddlery?

(b) Is the Government aware that the powers vested in the Local Governments to grant a similar sum to the Deputy Superintendents have not been made full use of in the different Provinces?

(c) Will the Government be pleased to sanction a fixed amount for the Deputy Superintendents of Police also instead of leaving the matter to the discretion of the Local Governments?

(d) In consideration of the fact that the same scale of pay has been fixed for the Deputy Superintendents of Police throughout India, will the Government be pleased to fix the scale of Travelling Allowances in the different Provinces? Is it a fact that the Deputy Superintendents of Police in Assam draw second class Travelling Allowance while those in the neighbouring Provinces draw first class?

The Honourable Sir William Vincent: (a) Assistant Superintendents on appointment to the Indian Police are ordinarily entitled to the following grants:

Towards purchase of horse and saddlery an amount not exceeding Rs. 600 at the discretion of Local Governments.

Towards purchase of uniform £30.

(b) Government have no information.

(c) and (d). The administration of the Provincial Police Services is a provincial subject, and Local Governments have full powers, subject to certain financial restrictions, in the matter of fixing the pay, allowances, etc., of Provincial Service officers. The Government of India feel they cannot interfere with the discretion of Local Governments in the manner suggested.

INDIAN ELEMENT IN THE IMPERIAL POLICE SERVICE.

592. **Rai D. C. Barua Bahadur:** (a) Will the Government be pleased to state in how many years the Government propose to raise the Indian element in the Imperial Police to 33 per cent. as definitely settled by the Secretary of State, and whether any instruction has been given to the Local Governments to stop further recruitment of Assistant Superintendents of Police from abroad?

(b) Will the Government be pleased to state the percentage of Indians in the Imperial Police Service in the different Provinces?

The Honourable Sir William Vincent: (a) It is impossible to give a definite reply to the first question, as the period within which the limit of 33 per cent. will be reached depends on the cadre conditions in the various Provinces. The Government of India have recently impressed on Local Governments the desirability of working up as quickly as possible to the limit fixed.

As regards the second question the recruitment of Assistant Superintendents outside India is not in the hands of the Local Governments but in the hands of the Secretary of State. The European requirements are communicated by the Government of India to him and in stating their requirements care is taken to take into account the separate recruitment in India, so that there shall be no over recruitment.

(b) The Honourable Member will find the material for making these calculations in the Civil lists issued by the Local Governments.

TECHNICAL ALLOWANCE TO ENGINEERS RECRUITED IN EUROPE.

593. **Rai D. C. Barua Bahadur:** (a) Is it a fact that the Government have made a distinction by the grant of a technical allowance of Rs. 75 per mensem to officers of the Indian Service of Engineers, recruited in Europe, which is not admissible to those recruited in India, on the ground of superior professional qualifications at present obtainable in the United Kingdom?

(b) If the reply to this be in the affirmative, is the Government aware that such a distinction is against the findings and recommendations of both the Royal Commission on Public Services, and the Public Works Department Reorganization Committee?

(c) Will the Government be pleased to state whether they are contemplating to remove the distinction by granting the technical allowance to the India-recruited Engineers as well?

(d) Is it a fact that the India-recruited officers of the Indian Service of Engineers had memorialised the Secretary of State for India praying for the grant of the technical allowance to them, sometime in August 1920 but the memorials were not disposed of by the Government of India or forwarded to the Secretary of State up to end of May 1921?

(e) If the reply be in the affirmative, will the Government be pleased to state the cause of so much delay in disposing of the memorials?

Colonel Sir S. D'A. Crookshank: (a) The answer is in the affirmative.

(b) The Public Services Commission recommended different rates of pay for Europe-recruited engineers and India-recruited engineers. For the former class the Commission proposed better rates partly because the cost of production of a European engineer in Europe was higher than that of a statutory native of India, and partly because a European could not be expected to serve away from his own country without an exceptional inducement. The technical pay has been sanctioned for Europe-recruited engineers, whether European or Indian, on the ground of superior professional qualifications obtainable in Europe. The Government do not see that this distinction is against the recommendations of the Public Services Commission. The Public Works Department Reorganization Committee have offered no opinion as to the principles to be followed in determining the pay of the Europe-recruited and India-recruited engineers.

(c) The incidence of the technical pay is under the consideration of the Government of India and no pronouncement in connexion therewith can yet be made.

(d) The answer is in the affirmative.

(e) The question raised is of far reaching consequence affecting not only the Public Works Department but other technical Departments, the Europe-recruited members of which draw technical pay. Several Departments of the Government of India and various interests are concerned in settling this somewhat difficult question and some time must necessarily elapse before the memorials can be disposed of.

OFFICERS UNDER THE LATE INDIAN MUNITIONS BOARD.

594. **Lala Girdharilal Agarwala:** (a) Will the Government be pleased to lay on the table a statement (1) showing the number of officers (with names) who held appointments under the late *Indian Munitions Board*, (2) stating in detail the duties performed by each, (3) the subjects treated by each, (4) the qualifications of each, and (5) the salary paid to each officer?

(b) What was the proportion of Indians to Europeans?

(c) What steps were taken to recruit Indians in that Department?

Mr. A. C. Chatterjee: The preparation of the information asked for by the Honourable Member would involve a great deal of time and labour which, in the opinion of Government, is not justifiable, so long after the activities of the *Indian Munitions Board* have ceased.

OFFICERS IN THE SURPLUS STORES ORGANIZATION.

595. **Lala Girdharilal Agarwala:** (a) Will the Government be pleased to lay on the table a statement showing the names of officers appointed to the Surplus Stores Organization from the date of its creation to date, with their salaries, qualifications, and method of recruitment?

(b) What is the proportion of Indians to Europeans in the officers' grade and what steps were taken to appoint Indians to the Department?

Mr. A. C. Chatterjee: The appointment of officers to Surplus Stores Organization commenced from the 19th October 1920. The bulk of the cost of the establishment is debitable to His Majesty's Government (Disposal and Liquidation Commission) and the Government is not therefore at liberty to furnish the Honourable Member with details in regard to it. A proportion, however, of the salaries of a few of the officers employed in the Surplus Stores Organization, who are, or have been, concerned with the winding up of the commitments of the late Munitions Board or with the purchase of textiles on behalf of certain Departments of the Government of India, as well as with Sales of Surplus Stores, is debitable to Indian Revenues. A statement showing the names of such officers and the amount of the salary of each which is borne by Indian Revenues is placed on the table. As regards the method of recruitment and qualifications of these officers, all of them excepting the present Chief Controller were transferred with their duties from the Board of Industries and Munitions.

Statement of Officers in the Surplus Stores Organization employed on work in connection with the closing down of war commitments of the late Indian Munitions Board or with the purchase of textile for certain Departments of the Government of India and whose salary or portion thereof is met from Indian Revenues.

Name and Designation.	Amount of salary per month debitable to Indian Revenues.	PERIOD OF EMPLOYMENT.		REMARKS.
		From	To	
1. Sir Ernest Low, K.C.I.E., I.C.S., Chief Controller (Surplus Stores).	Rs. 1,333 5 4	19th October 1920.	28th January 1921.	
2. Mr. A. H. Ley, C.I.E., I.C.S., Chief Controller (Surplus Stores).	1,750 0 0	29th January 1921.	Date.	
3. Mr. B. E. Reaks, M.B.E., Assistant Chief Controller (Surplus Stores) and <i>ex-officio</i> Assistant Secretary to the Government of India.	500 0 0	19th October 1920.	10th April 1921.	
	550 0 0	11th April 1921.	11th July 1921.	
	575 0 0	12th July 1921.	Date.	
4. Mr. B. S. D'Arcy, Officiating Assistant Chief Controller (Surplus Stores) and <i>ex-officio</i> Assistant Secretary to the Government of India, <i>vice</i> Mr. Reaks on long leave.	500 0 0	19th October 1920.	10th April 1921.	
5. Lieutenant-Colonel H. M. Alexander, D.S.O., O.B.E., I.A.— (a) Controller (Textiles). (b) Deputy Chief Controller (Surplus Stores) and Deputy Secretary to the Government of India, Department of Industries.	855 0 0	19th October 1920. 1st May 1921	30th April 1921. Date.	
6. Mr. B. W. Targett, Deputy Controller (Textiles Purchases).	562 8 0	19th October 1920.	Date.	
7. Mr. P. Grantham, Assistant Controller (Textiles).	450 0 0	19th October 1920.	30th April 1921.	

REPORT OF THE STORES PURCHASE COMMITTEE.

596. **Lala Girdharilal Agarwala:** (a) Have the Government carried out any decision regarding the report of the Stores Purchase Committee of 1920 and the recommendations made therein, if so, will the Government be pleased to lay the same on the table?

(b) What new posts have been created or are going to be created and how are selections for posts in the new Stores Department going to be made?

(c) Has any post been filled up? If so, by whom and what are the qualifications of the gentleman appointed and under whose authority was the appointment made?

Mr. A. C. Chatterjee: (a) The Honourable Member is referred to the answer given to part (a) of Question No. 358 by Mr. B. S. Kamat.

(b) Three posts have been sanctioned as a temporary measure. These are the Chief Controller of Stores, the Director of Purchases and Intelligence and the Chief Inspector. The Government are not yet in a position to say what other posts will be created. The whole question, including the qualifications and method of recruitment, are at present under the consideration of Government.

(c) One post, that of the Director of Purchases and Intelligence, has been filled up as a purely temporary measure for a few months by the appointment of Mr. R. L. Mason, a member of a Calcutta firm. This appointment was made by the Government of India.

RECOMMENDATIONS OF THE STORES PURCHASE COMMITTEE RE RECRUITMENT.

597. **Lala Girdharilal Agarwala:** (a) Have the Government accepted the following recommendation of the Stores Purchase Committee of 1920, paragraph 196 'we recommend that, whenever suitable qualified men can be recruited in India, preference shall be given to statutory 'natives of India'?'

(b) If so, how many Indians have already been appointed and what steps are being taken to recruit Indians for the new Stores Department?

Mr. A. C. Chatterjee: (a) The Government of India have not yet arrived at a final decision on the recommendations of the Stores Purchase Committee. The Honourable Member may take it for granted that the claims of statutory natives of India for appointment to the Stores Department will be fully and carefully considered.

(b) No Indians have yet been appointed to the Stores Department. The Honourable Member is referred to the reply to his Question No. 596 (b).

SCALE OF PAY OF THE INDIAN CIVIL SERVICE AND PROVINCIAL CIVIL SERVICE.

598. **Mr. S. M. Zahid Ali Subzposh:** (a) Is it a fact that the scale of pay of the Provincial Civil Service varies in different Provinces? If the answer is in the affirmative, what are the scales of pay in the different Provinces?

(b) Is it a fact that the scale of pay of the Indian Civil Service in all the Provinces is the same?

(c) Do the Government propose to consider the advisability of making the scale of pay of the Provincial Civil Service uniform in all the Provinces?

The Honourable Sir William Vincent: (a) The rates of pay for the Provincial Civil Services are fixed by the Provinces themselves, subject to certain conditions as to the starting pay, fixation of efficiency bars and maximum pay, which have been laid down by the Secretary of State.

(b) Yes, except that in the Madras Presidency there are special rates of pay for senior officers of the executive branch of the service, and that the number and pay of posts outside the time-scale are not uniform in all Provinces.

(c) In view of the answer to (a) this does not arise.

TALUQDARS OF OUDH AND THE ARMS ACT.

599. **Mr. S. M. Zahid Ali Subzposh:** (a) Is the Government aware that Taluqdars of Oudh are exempted from restrictions under the Arms Act and Arms Rules without reference to the amount of Government revenue they pay, while among the Zamindars of Agra even those who are darbaries are not so exempted unless they pay a revenue of Rs. 20,000?

(b) If the answer be in the affirmative, do the Government propose to consider the matter and remove this distinction?

The Honourable Sir William Vincent: (a) The facts are as stated except that exemption may be extended to zamindars whose estates would be assessed to land revenue of not less than Rs. 20,000 if they were (not?) in whole or in part revenue free.

(b) Government are opposed on principle to any large extension of the privilege of exemption; but the Honourable Member might in the first instance bring this matter to the notice of the Local Government. The Government of India will always be prepared to consider any recommendations made by them.

MUKHTARS PRACTISING IN CRIMINAL COURTS.

600. **Mr. S. M. Zahid Ali Subzposh:** (a) Has the attention of the Government been drawn to the disadvantage under which Mukhtars have to practise in the Criminal Courts specially their disability to appear without the permission of the presiding officer, which they set forth in the recent Conference held at Cawnpore?

(b) Will the Government be pleased to state what steps, if any, does it propose to take for removing their grievances?

The Honourable Sir William Vincent: (a) Yes.

(b) Notice of a Bill to remove the disability has been received and it will be possible for the Indian Legislature to consider the question in connection with that Bill.

JOINT SELECT COMMITTEE ON THE GOVERNMENT OF INDIA BILL RE THE METHODS OF VALUATION, ETC.

601. **Sardar Gulab Singh:** Will the Government be pleased to state what action they propose to take on the suggestion contained in the

report from the Joint Select Committee on the Government of India Bill at page 11, Part V, paragraph 11, regarding the methods of valuation, the pitch of assessments, periods of revision and graduations of enhancements?

Mr. J. Hullah: Local Governments were addressed in March 1920 regarding the recommendations of the Joint Parliamentary Committee, referred to by the Honourable Member. Their attention was drawn to the need for early action on the recommendations, but they were advised to defer the introduction of legislation until the new Councils had met. It is understood that the Government of Madras has already taken action.

SURPLUS STORES ORGANIZATION.

602. **Lala Girdharilal Agarwala:** Will the Government be pleased to lay on the table a detailed statement of the cost of the surplus stores organization under the Department of Industries from 1st October 1920, up to the end of July 1921?

Mr. A. C. Chatterjee: The Surplus Stores Organization is primarily concerned with the disposal of surplus stores on behalf of His Majesty's Government, to whom the majority of the expenditure on the organization is debitable. Inasmuch, however, as a portion of the work of the Surplus Stores Organization relates to the closing of the war commitments of the late Indian Munitions Board and a portion of the purchase of textiles on behalf of the Government of India, a small part of the expenditure on that organization is debitable to Indian revenues. The following is a statement showing the cost of that portion of the Surplus Stores Organisation which is debitable to Indian revenues from 1st October 1920 to 31st July 1921:

	Rs.
Salaries and establishment	32,816
Travelling allowance	431
Other allowances	1,491
Contingencies	3,816
Total	38,554

LOSS BY SALE OF SURPLUS STORES.

603. **Lala Girdharilal Agarwala:** (a) What loss, if any, has been sustained by the Government by the sale of surplus stores, comparing the prices of original purchases and sales?

(b) What is the total of the items written off on account of the transaction of the late Indian Munitions Board, and Board of Industries and Munitions?

Mr. A. C. Chatterjee: (a) The attention of the Honourable Member is invited to the reply given on the 15th September to the Question No. 156 asked by Mr. T. V. Seshagiri Ayyar.

(b) The total value of stores written-off in connection with the transactions of the late Indian Munitions Board and Board of Industries and Munitions and chargeable to Indian Revenues is Rs. 8,90,000 approximately up to March 1921.

INCREASED COST OF ADMINISTRATION.

604. **Babu Adit Prasad Sinha:** Are the Government aware that the increasingly heavy cost of administration is giving rise to discontent in all the provinces?

The Honourable Sir William Vincent: The Honourable Member is referred to the answer given on the 21st September to Rai Bahadur P. V. Srinivasa Rao Pantulu Garu's question on the subject. The increase in expenditure is regrettable but unavoidable.

HIGH PRICES OF NECESSARIES OF LIFE.

605. **Babu Adit Prasad Sinha:** Are the Government aware of the economic distress caused among people of the middle classes by the high prices of the necessities of life like foodstuffs and cloth and what steps, if any, do the Government propose to take to relieve the Economic Strain?

Mr. J. Hullah: As regards foodstuffs the Honourable Member is referred to the answer which I gave to Question No. 312 put by Rai Bahadur Pandit Jawahar Lal Bhargava on the 19th September.

As regards cloth, I would refer the Honourable Member to the reply given in the Legislative Assembly on the 15th February 1921 to a similar question asked by Rai Bahadur Sarat Chandra Sen. The rise in the price of cloth since that answer was given is believed to be due mainly to the movement for the boycott of foreign cloth and the Government of India do not feel called upon to interfere.

PAY OF LEADING HANDS AND MECHANICS, INDIAN ORDNANCE FACTORIES.

606. **Lieut.-Colonel H. A. J. Gidney:** Will Government please state:

- (1) If sanction has been accorded to the new scale of pay proposed for the Leading Hands and Indian Service Mechanics of the Indian Ordnance Factories which has been under consideration for some time?
- (2) If it is not the fact that the Home recruited men, clerks and employees of various other Government departments are allowed to draw their new rate of pay as if the said new rate had been effective from the date of their last appointment in the old scale?
- (3) (a) If it is the fact that Government do not propose to grant the Leading Hands and Indian Service Mechanics the same privileges as has been sanctioned for the Home recruited men and others mentioned in Question (2), and
- (b) if so, is it due to the change in nomenclature, i.e., substitution of the name 'Chargeman' for 'Leading Hand' and 'Indian Mechanic' (all synonymous terms, implying the same duties and responsibilities)?
- (4) Whether Government propose to see that these men will now be accorded the same privileges as are granted to the Home-recruited men, clerks and others of the Ordnance Factories and that

they will be in no way made to suffer through a change in nomenclature?

- (b) What additional expenditure would be involved if the existing permanent staff of Leading Hands and Indian Service Mechanics were granted the proposed revised grades and scales of pay put forward by the Director-General of Ordnance in India in his reorganization proposals and to which sanction as a whole has been deferred by Government?

- (6) Whether assuming that the amount would be small, Government propose to sanction the revised grades and scales for these men only, in view of the fact they are the only members of the Staff who have not received permanent increments over pre-war rates of pay?

Sir Godfrey Fell : The answer to clauses (1) and (2) is in the negative. As regards clauses (3) to (5), the case to which the Honourable Member refers is at present being examined departmentally and has not yet been formally considered by Government. This being so, the Honourable Member will understand that Government cannot make any statement regarding it which might prejudice their final decision. I can, however, assure the Honourable Member that the points suggested by the question will, when the matter comes to be decided, receive careful attention.

COOLIE EXODUS FROM ASSAM GARDENS.

607. **Rai G. C. Nag Bahadur**: Will the Government kindly state whether there has been any correspondence between the Government of India and the Government of Assam in regard to the Coolie Exodus from the Gardens of Assam? If so, will they place the correspondence on the table?

The Honourable Sir William Vincent : Government are not prepared to place the correspondence on the table.

INDIANS ON SALARIES ABOVE Rs. 500.

608. **Babu Ambica Prasad Sinha:** (a) Will the Government in the Finance Department be pleased to lay upon the table information if any supplied to Lala Girdharilal Agarwala regarding the posts of Rs. 500 to 1,000 and above Rs. 1,000 and also showing the number of Indians in each department?

- (b) What steps are proposed to be taken to increase the number of Indians in those departments in which they are in a minority?

The Honourable Mr. W. M. Hailey : (a) I have laid on the table a statement giving the information required.

- (b) As the Honourable Member is aware steps have been taken to increase the proportion of Indians in the Imperial Services, a new scale of Indian recruitment having been fixed. This increased Indianization of recruitment will automatically increase the number of Indians holding such posts, and widen the sphere of Indian selection for the higher posts. Within departments ~~the test~~ is one of efficiency only, and it is not advisable to lay down any fixed proportion for a particular race or community.

Statement showing the total number of Europeans and Indians respectively, employed by the Government of India and paid from Central Revenues, on salaries between Rs. 500—1,000 and above Rs. 1,000, and the total amounts paid to them in salaries, monthly.

Departments.	ON SALARIES FROM Rs. 500 TO Rs. 1,000 INCLUSIVE.										ON SALARIES ABOVE Rs. 1,000.									
	Europeans.			Indians.			Total.				Europeans.			Indians.			Total.			
	No.	Salaries.	Rs.	No.	Salaries.	Rs.	No.	Salaries.	Rs.	No.	Salaries.	Rs.	No.	Salaries.	Rs.	No.	Salaries.	Rs.		
Home	22	17,729	19	12,400	41	30,159	30	60,035	30	60,035	30	60,035	30	60,035	30	60,035	30	60,035		
Legislative	9	6,125	4	2,575	13	8,700	9	29,750	9	29,750	9	29,750	9	29,750	9	29,750	9	29,750		
Public Works	31	22,190	14	9,361	45	31,551	31	53,615	31	53,615	31	53,615	31	53,615	31	53,615	31	53,615		
Industries	45	32,202	5	3,250	51	35,452	36	58,620	36	58,620	36	58,620	36	58,620	36	58,620	36	58,620		
Revenue and Agriculture	69	49,568	16	9,560	85	59,128	74	1,27,400	74	1,27,400	74	1,27,400	74	1,27,400	74	1,27,400	74	1,27,400		
Railway	339	2,17,295	67	39,580	406	2,56,875	219	3,37,295	219	3,37,295	219	3,37,295	219	3,37,295	219	3,37,295	219	3,37,295		
Commerce	158	88,460	63	41,535	221	1,30,065	80	1,41,375	80	1,41,375	80	1,41,375	80	1,41,375	80	1,41,375	80	1,41,375		
Foreign and Political	115	78,670	38	24,660	153	1,03,530	193	3,55,300	193	3,55,300	193	3,55,300	193	3,55,300	193	3,55,300	193	3,55,300		
Financial Adviser, Military Finance	69	46,020	116	60,060	185	1,06,070	50	76,623	50	76,623	50	76,623	50	76,623	50	76,623	50	76,623		
Education	12	7,945	16	10,651	28	18,506	23	45,775	23	45,775	23	45,775	23	45,775	23	45,775	23	45,775		
Army (Headquarters staff only)	104	84,530	12	6,800	116	91,330	126	2,21,050	126	2,21,050	126	2,21,050	126	2,21,050	126	2,21,050	126	2,21,050		
Finance	49	33,697	61	42,263	110	76,160	90	1,14,960	90	1,14,960	90	1,14,960	90	1,14,960	90	1,14,960	90	1,14,960		
TOTAL	1,023	6,54,951	431	2,62,765	1,454	9,47,616	961	16,18,908	961	16,18,908	961	16,18,908	961	16,18,908	961	16,18,908	961	16,18,908		

CHARGES OF DEPUTY SUPERINTENDENTS OF POLICE.

809. **Mr. Ali Buksh Mahomed Hussain:** (a) Is it a fact that the Government of Bombay have submitted a scheme for the approval of the Government of India to the effect that Deputy Superintendents of Police should be placed in charge of sub-divisions of Districts?

(b) If so, what decision have the Government of India arrived at in the matter?

The Honourable Sir William Vincent: No such scheme has been received by the Government of India.

PAY AND PROSPECTS OF DEPUTY SUPERINTENDENTS OF POLICE.

610. **Mr. Ali Buksh Mahomed Hussain:** (a) Is it a fact that Deputy Superintendents of Police have submitted memorials in regard to their pay and prospects?

(b) If so, what decision has been arrived at in regard to those representations?

The Honourable Sir William Vincent: The attention of the Honourable Member is invited to the answer given by me to a similar question put by Rai G. C. Nag Bahadur to-day.

RECRUITMENT IN THE DACCA RANGE OF THE POSTAL DEPARTMENT.

611. **Munshi Abdul Rahman:** (a) Would the Government be pleased to inquire and lay on the table whether it is a fact that the graduates and under-graduates recruited from time to time in the Dacca Range of the Postal Department since the date of formation of that Range are almost all Dacca people and some way or other connected with the Deputy Postmaster General of that Range and are most of them Baidyas by caste, if not all?

(b) Would the Government be pleased to inquire and lay on the table the total number of appointments made in the Dacca Range of the Postal Department since January 1920 up to the 31st July 1921, and the number of appointments filled up by the Hindus and the Muhammadans separately in each division?

(c) In filling these appointments was the order of the Postmaster General, Calcutta, regarding reservation of first five vacancies in each division for Muhammadans given effect to? If not, why not?

Colonel Sir S. D'A. Crookshank: The information asked for by the Honourable Member is being collected and will be furnished when received.

COMMITTEE ON PUBLICITY.

612. **Mr. Syed Nabi Hadi:** (a) Is it a fact that no Muhammadan non-official gentleman was invited to serve upon the Committee appointed to advise the Government of India in the matter of Publicity? If so, why?

(b) Will the Government be pleased to lay on the table the substance of advice they received from this Committee?

The Honourable Sir William Vincent: (a) No, for the Publicity Advisory Committee includes two Muhammadan non-officials, the Honourable Mr. G. M. Bhurgri and the Honourable Mr. Asraf Ali, as well as one Muhammadan official, the Honourable Mr. Fazle Husain.

(b) The proceedings of the Committee are of course confidential, but Government are prepared to furnish the Honourable Member with copies of the Minutes, if he so desires.

(Question No. 613 was withdrawn.)

REFUSAL OF RECOGNITION TO INDIAN MEDICAL DEGREES BY THE GENERAL MEDICAL COUNCIL OF THE UNITED KINGDOM.

614. **Rai G. C. Nag Bahadur:** (a) In view of the threat of the General Medical Council of the United Kingdom to refuse recognition to the Indian Medical Degrees and Diplomas hitherto accepted by them, do the Government propose to ask the Universities to make provision for greater and better training in maternity, and to satisfy the demands of the British Medical Council in this respect?

(b) Do Government propose establishing a General Council of Medical Education and Registration in India based on the lines of the General Medical Council of the United Kingdom, and make provision for an examination in India for admission to the Indian Medical Service?

Mr. H. Sharp: (a) The Government of India have already addressed the Local Governments concerned with reference to the announcement of the General Medical Council of the United Kingdom and have among other things asked the Local Governments to supply them with information in regard to the extent to which the midwifery course, both theoretical and practical, fails to come up to the requirements of the General Medical Council and to submit proposals regarding the best method of meeting any deficiencies.

(b) Local Governments have been recently addressed by the Government of India regarding the establishment of an All-India Medical Council on the general lines of the Medical Council of the United Kingdom. The question of the institution of an examination in India for admission to the Indian Medical Service is undergoing examination.

MEASURES BY MAGISTRATE OF ETAH TO COPE WITH THE RISE IN PRICE OF WHEAT.

615. **Lala Girdharilal Agarwala:** (a) Has the attention of the Government been drawn to the measures adopted by the Magistrate of Etah to cope with the rise in price of wheat?

(b) What steps, if any, do the Government propose to take to mitigate the distress of the poor consequent upon the abnormal rise in prices of food-grains in India?

Mr. J. Hullah: (a) Yes.

(b) The Honourable Member is referred to the answer which I gave on the 19th September in reply to Question No. 312.

INCONVENIENCES IN 'SHANT KUTI', SIMLA.

616. **Lala Girdharilal Agarwala :** (a) Will the Government be pleased to lay on the table letters addressed by the Honourable Members of the late Council and the present Council of State and Legislative Assembly representing that the Members of the Council and the Assembly who put up at the 'Shant Kuti' were exposed to serious inconvenience for want of water and light connection and urging that the Government should move the Municipality to make these connections?

(b) Will the Government be pleased to state what action has been taken thereon?

(c) Are the Government aware that even when the Council of State or the Legislative Assembly is not in Session, some Honourable Members and other eminent gentlemen who come up to Simla at the invitation of the Government or otherwise in connection with public business put up at the 'Shant Kuti' and that they are exposed to much inconvenience for want of water and light connections?

(d) At what distance from Municipal limits is 'Shant Kuti' situate?

(e) Will the Government be pleased to recommend to the Simla Municipality that they should make permanent the water connection which has been made for the period of the Council Session and also supply electric light to the 'Shant Kuti'?

Colonel Sir S. D'A. Crookshank : (a) The letters are laid on the table.

(b) The matter is one which concerns the Simla Municipal Committee, and it was represented to them with a request to arrange if possible for a permanent water-supply and for provision of electric light. Apart from the special concession for water-supply during the session only the Municipal Committee were unable to comply with the request. It is understood that the 'Shant Kuti' pays no taxes to the Municipality being situated on the territory of the Junga State.

(c) The Government of India have no knowledge of the extent to which these or other private premises are used by Honourable Members and other gentlemen except as represented to them in the letters laid on the table.

(d) The distance is about 500 yards.

(e) The Government of India have already represented the matter as indicated in the reply to (b) and regret they cannot take further action on what is not their concern.

Copy of letter dated 8th June 1920, from Swam Vishweshwaranand and Swaminityanand, to the Secretary to the Government of India, Public Works Department, Simla.

With reference to the petition submitted to you in March last for the connection of a water-pipe at 'Shant Kuti' I beg to say that no connection has yet been given to the premises.

More than two months of the season are already over and the absence of water connection causes great inconvenience. I shall be greatly obliged if you will kindly issue orders for the work to be expedited.

Delhi, the 16th February 1921.

To

THE SECRETARY,
Legislative Department, Government of India.

DEAR SIR,

We the undersigned Members of the Council of State and the Indian Legislative Assembly, beg to approach you with the following representation on a matter which affects many of us directly and materially.

When the Indian Legislative Council consisted of a much less number of Members than that of the present Houses of the Indian Legislature, it was even then very difficult for many of us to find suitable and proper accommodation in Simla during the Autumn Session of the Council. Now that the Indian Legislature will consist of three times as many Members as were in the old Council, the house difficulty for the Members of the above Legislature is likely to be very serious in the future.

Again, as you may be aware, there are many Members of both the Houses of the Indian Legislature who, on religious and social grounds, do not like to live in hotels or in any house provided by the Government where members of all different castes and communities have to live together.

As a more desirable alternative to a general residence provided by the Government and also to living in hotels, many of us have found in the last few years the 'Shant Kuti' (off Prospect Hill and Boileaugunj) a very suitable place for quiet residence. The neighbourhood in which the 'Shant Kuti' is situated is one of the most healthy in the whole of Simla and far away from her crowded and congested quarters.

But the greatest inconvenience of the 'Shant Kuti' is that being outside municipal limits, it has no water connection and has not the electric currents extended up to it. If these inconveniences could be removed, the 'Shant Kuti' might afford suitable accommodation to at least half a dozen of us who would like to have detached and self-contained suites of rooms for our use.

May we therefore ask you to be so good as to move the proper authorities on our behalf to see the above disadvantage removed as early as possible and to bring the area of 'Shant Kuti' within municipal limits and provide it with all the amenities of a city life?

Thanking you in anticipation of your kind and prompt attention of the above representation.

We remain,
DEAR SIR,
Yours truly,

(Sd.) Manindra Chandra Nandy.
" Moti Chand.
" Golab Singh.
" Man Singh.
" R. B. Sankata Prashad Bajpai.
" Baba Ujagar Singh Bedi.
" R. B. Bakhshi Sohan Lal.
" Girdharilal Agarwala.
" K. V. Rangaswamy Ayyangar.
" Lalubhai Samaldas, Mehta.
" Promada Nath Roy of Dighapatia.
" Sukhbir Sinha.
" Ram Saran Das.
" Jogendra Singh.
" S. Sinha.
" D. Savadhikari.
" Gajjan Singh.
" P. S. Sivaswamy Aiyer.
" G. S. Khaparde.

Copy of letter dated 14th May 1921, from Swami Vishweshwaranand, Shant Kuti, Simla W., to the Honourable Mr. B. N. Sarma, Member of the Viceroy's Executive Council, Simla.

I beg herewith to enclose a copy of a letter signed by 19 members of the Council of State and the Indian Legislative Assembly, which was submitted in the middle of February last to the Secretary to the Legislative Department. I regret to say that the request contained in that letter, viz., that water connection should be made with the Shant Kuti, and that the electric current should be extended to it, has not yet been granted.

As you are aware, many Members of the Council have, from time to time, put up at the Shant Kuti. And I understand that there are several committees to be held here which will draw many members to Simla. I have already received letters from several members to accommodate them at the Shant Kuti and cannot refuse their request; but I am pained to say that those who come to stay here are put to a very great inconvenience for want of water connection. I am constrained, therefore, to bring the matter to your notice. I need hardly say that all those members and I will feel deeply grateful if you will kindly enquire into this matter and see that the very modest request contained in the accompanying letter is acceded to at an early date.

Copy of demi-official letter dated 20th May 1921, from Pandit M. M. Malaviya, to the Honourable Rao Bahadur B. N. Sarma, Member of the Viceroy's Executive Council, Simla.

I am ashamed to trouble you again about a small matter. I am sorry to say that Mr. Gandhi and myself and several other gentlemen, who have come here on public business, and who have put up at Shant Kuti, have been put to great inconvenience day after day owing to this house not being connected with Water Works. On enquiry I am told that your Secretary wrote to the Municipal Secretary and that the communication has been understood to mean that the water connection should be put on at the Shant Kuti as was done last year, i.e., in August.

If you will kindly ask Colonel Sir S. Crookshank to write to the Municipal Secretary to say that you intended to ask them to put the connection on now, we shall be saved all the inconvenience to which we are at present subject, and, I need hardly say, we shall be very grateful to you.

Copy of demi-official letter dated 8th June 1921, from Pandit Madan Mohan Malaviya, Shant Kuti, Simla, to Colonel Sir Sydney Crookshank, Secretary to the Government of India, Public Works Department.

Many thanks for your demi-official No. 45-B, ii., of the 7th instant, I thank you and the Honourable Member for asking the Simla Municipality Committee to arrange for a permanent water supply and for the provision of Electric lighting at the Shant Kuti. The water connection has been put on and we are grateful for it. I regret to learn that the Municipal Committee have not seen their way to supply a power line for Electric lighting.

The Swamiji is quite willing, so far as he is concerned, that the Municipal Committee should extend their boundaries so as to include the Shant Kuti premises within them, and he will move the Committee towards that end.

Copy of demi-official letter dated 9th June 1921, from Mr. Girdharilal Agarwal, M.L.A., Shant Kuti, Simla, to Colonel Sir Sydney Crookshank, Secretary to the Government of India, Public Works Department.

I have removed to this house as I find it more convenient. Pandit Madan Mohan Malaviya and other eminent gentlemen are also staying here.

I am writing this letter to you as I am informed that the Municipal Board wants to stop water-connection here. This house is really a rest house for most of the members of the Indian Legislature and if water is stopped, they would be much inconvenienced. I therefore wish you to exercise your influence in the matter, and see that water is not stopped. We shall feel much obliged to you.

AUDIT REPORTS ON THE CALCUTTA UNIVERSITY ACCOUNTS.

617. **Mr. J. Chaudhuri :** (a) Is it a fact that the Government of India sent to the Calcutta University the Audit Reports on the University Accounts for 1917-18 and 1918-19 in November 1919 and December 1920, respectively?

(b) Is it a fact that the Calcutta University did not send any replies whatever, in spite of reminders from the Government?

(c) Have the Government ascertained if it is a fact that in reply to interpellations in the Bengal Legislative Council the Honourable the Minister in charge of Education there laid copies of the said audit reports on the library table of the Council?

(d) Do the Government of India propose to deal with these audit reports?

Mr. H. Sharp : (a) The answer is in the affirmative.

(b) The Government of India received no reply to a reminder addressed to the University on the subject of the Audit Report for 1917-18. No reminder was addressed to the University on the subject of the 1918-19 report in view of the fact that the question of the 1917-18 report was still outstanding and the transfer of the Calcutta University from the control of the Government of India was imminent.

(c) The facts are understood to be as stated by the Honourable Member.

(d) The Government of India do not propose to take any action, as the Government of Bengal are now empowered to deal with these Audit Reports.

TREASURY BILLS PLEDGED BY THE CALCUTTA UNIVERSITY FOR EXPENDITURE ON GENERAL FEE FUND.

618. **Mr. J. Chaudhuri :** (a) Are the Government aware, and, if not, will they ascertain if it is not a fact that in November or December last, when the Calcutta University was under the Government of India, the University pledged two lakhs of Treasury Bills out of the Fish Market Fund with the Bank of Bengal to meet expenditure in the General Fee Fund, etc.?

(b) Is it not a fact that the said Fish Market Fund was a grant made by the Government of India to the University for specified purposes, and was not the University bound to hold the said fund subject to certain specified conditions?

(c) If so, will the Government state what were those purposes, and what were those conditions?

(d) In view of the terms and conditions on which the said Fund was held by the University, was the University entitled to pledge the same in whole or in part without the previous sanction of the Government?

(e) Was such previous sanction taken or was the transaction ever reported to the Government?

(v) Are the Government aware that the Resolution of the Syndicate authorising the pledging of the said Fund is expressed in the following terms :

'The Registrar made a statement on the state of the cash balance on this date (15th November 1920) and reported the steps he had taken to arrange for payments during the remainder of the current month and December.

Resolved.—That the action taken by the Registrar be approved, that the proposal contained in the letter of the Bank of Bengal No. 26798, dated the 12th October 1920, be accepted, that the Registrar be authorised to make the necessary endorsements, and that a copy of this Resolution be forwarded to the Bank with the countersignature of the Honourable the Vice-Chancellor.'

(g) If the University was not authorised to pledge the Fish Market Fund in the manner stated, what action do the Government propose to take to intimate to the University their disapproval of the action?

Mr. H. Sharp : (a) and (f) The Government of India have no official knowledge of these matters ; but they have seen accounts in the daily papers.

(b), (c) and (d). In 1912 the University of Calcutta represented the necessity of acquiring the Fish Market and reported that the acquisition would cost 8 lakhs and that another 7 lakhs would be required for the buildings for the teaching and residence of post-graduate students, which it was proposed to erect on the site when acquired. In 1913 the Government of India gave 8 lakhs to the University for acquisition of the Market, subject to the approval of the final scheme. Meantime, the Government of Bengal acquired the Market for the University at a cost of about 6½ lakhs and orders were given that the net receipts of the Market should be handed over to the University. The Government of India further proposed to the Government of Bengal that the unexpended balance of about Rs. 1,58,000 should be handed over to the University for the buildings which were to be erected on the acquired site on the conditions that the sum be funded and that no part of it be spent save on objects approved by the Governor of Bengal in Council and sanctioned by the Government of India. On appeal, the High Court again reduced the compensation due for acquisition with the result that there was a further saving after costs had been deducted of about Rs. 1,76,000. This also was handed over to the University on the same conditions as the previous sum had been handed over, the total amount saved over the transaction and placed at the credit of the University being about Rs. 3,34,000.

(e) The Government of India, as previously stated, have no knowledge of the transaction and are unaware whether a report was made to the Government of Bengal or any sanction obtained from that Government.

(g) The Government of India will attempt to obtain information on this matter through the Government of Bengal.

REMUNERATION OF HIGH COURT JUDGES AS EXAMINATION FEES.

619. **Mr. J. Chaudhuri :** (a) Is there a ruling of the Secretary of State that High Court Judges should not undertake for remuneration work in

addition to their duties as Judges, e.g., fees for conducting University examinations?

(b) Is it a fact that there was a case in Calcutta University which made it necessary to obtain the said ruling?

(c) If so, will Government state the particulars of that case?

(d) What was the amount drawn by the Honourable Judge concerned as University examination fees to which objection was taken, who took the objection, and was the Judge required to refund the amount as a result of the objection?

(e) Has there been a similar case elsewhere, either before the said ruling was given or since?

The Honourable Sir William Vincent : (a) Yes.

(b) Yes.

(c) An Honourable Judge of the High Court brought it to the notice of Government that an audit officer had raised an objection to his acceptance of an honorarium for conducting an examination, and asked for a ruling on the matter. The point was referred to the Secretary of State, who gave the ruling in question.

(d) The amount drawn in the case upon which a ruling was obtained was Rs. 100. The objection was taken by the officer auditing the University accounts. The Secretary of State's orders were to the effect that his ruling should not affect the receipt of fees under these circumstances in the past, and the Honourable Judge was accordingly not required to refund the sum.

(e) Before the ruling had been given, cases of this kind were not infrequent. Since that time no case has come to the notice of Government.

REPLACING OF BRANCH POST OFFICES BY SUB OFFICES.

620. **Mr. J. Ramayya Pantulu Garu :** Do the Government propose to consider the desirability of replacing as many of the branch Post Offices as possible by sub-offices manned by well paid men?

Colonel Sir S. D'A. Crookshank : A branch office is an office with very restricted functions and such offices are opened in places which are not of sufficient importance to justify the opening of a sub-office. The cost of converting them into sub-offices manned by well paid men would be prohibitive.

WAITING ROOMS FOR INTER CLASS PASSENGERS.

621. **Mr. K. B. L. Agnihotri :** (a) Is the Government aware that no waiting-rooms or rooms or accommodation at the Railway Stations are provided for the convenience of Inter Class Passengers?

(b) Do the Government propose to take necessary steps towards this convenience of the Railway passengers?

Colonel W. D. Waghorn : (a) and (b). The Honourable Member is referred to the answer given during this Session to Question No. 191 asked by Rai Bahadur T. P. Mukherjee on the same subject.

RESOLUTIONS PASSED BY THE COUNCIL OF STATE AND LEGISLATIVE ASSEMBLY.

622. **Mr. K. B. L. Agnihotri** : Will the Government please state :

(i) The number of the Resolutions passed at their last Sessions ;

(a) By the Council of State,

(b) By the Legislative Assembly.

(ii) The Resolutions that have been given effect to, by the Government ;

(a) In full,

(b) With modifications.

(iii) The Resolutions that the Government has not been pleased to give effect to ?

The Honourable Dr. T. B. Sapru : The information asked for by the Honourable Member concerns various departments of the Government of India and is being collected.

INDUSTRIAL AND AGRICULTURAL IMPROVEMENT.

623. **Rai Sahib Lakshmi Narayan Lal** : (a) Will the Government be pleased to lay on the table a statement showing the amount spent in the last 10 years for industrial and agricultural improvement of the country separately ?

(b) Do the Government contemplate to ear-mark a sufficient portion of the revenue for the economical development of the country and for the improvement of industry (including agriculture) ?

Mr. A. C. Chatterjee : (a) A statement showing the agricultural expenditure incurred during the last ten years, both Imperial and Provincial, is laid on the table.

As regards expenditure on the industrial development of the country the Central Department of Industries was only constituted in February last and the majority of the provincial departments of Industries have only recently been brought into being. Before this, expenditure on objects which had as their aim the industrial development of the country was made through a number of departments both by the Imperial and Provincial Governments, except in Madras and the United Provinces in which Provincial Departments of Industries have been in existence for some years past. Except in the case of those two provinces it would be extremely difficult to separate expenditure on industrial development in the past budgets of the Government of India and the Local Governments and it is not, therefore, possible to give anything like accurate statistics in reply to this part of the question. But the Honourable Member will find some information on the subject in Appendix 'J' to the Indian Industrial Commission's report.

(b) I must remind the Honourable Member that the development of industry and agriculture is mainly a provincial subject, and also that it is contrary to principle to ear-mark any particular portion of the revenue for expenditure on any particular subject.

Expenditure incurred by the Government of India and the Provincial Governments on their agricultural departments, excluding the sums spent on 'Civil Works' in the Public Works Department.

Years.	India—General (excluding provinces).	India—Total (including provinces).	REMARKS.
	Rs.	Rs.	
1911-12	4,91,530	40,51,856	
1912-13	4,89,178	44,64,124	
1913-14	5,70,973	51,16,395	
1914-15	5,26,954	54,08,566	
1915-16	5,50,050	57,26,889	
1916-17	5,73,264	58,14,647	
1917-18	7,53,098	69,37,064	
1918-19	7,06,749	82,80,324	
		*21,00,000	*Special Imperial grant for Agricultural education.
		1,80,000	†Special Imperial grant out of wheat profits.
1919-20	8,12,864	90,94,699	‡Special Imperial grant for agricultural education.
		†15,00,000	
1920-21	12,27,500	Figures not available.	§ Special Imperial grant for agricultural education.
		§15,00,000	

UNSTARRED QUESTIONS AND ANSWERS.

POST OF LEGAL ASSISTANT TO THE LAW MEMBER.

1. **Dr. H. S. Gour** : (a) When and for what reason was the post of a Legal Assistant to the Law Member created ?

(b) For how long was the post filled up ?

(c) When was the post held in abeyance, and why ?

The Honourable Dr. T. B. Sapru : (a) The Honourable Member no doubt refers to the post of Legal Assistant in the Legislative Department of the Government of India. There is no Legal Assistant to the Law Member. The post was created in 1907 with a view to the appointment of an officer who would be able to relieve the Secretary and the Deputy Secretary in the Department of part of their increasingly heavy duties. The appointment was sanctioned in the first instance for 5 years as an experimental measure and this period has been further extended, but the post was never made permanent..

(b) The post was held by Dr. S. C. Banerjee from 1st September 1907 to 17th September 1914, and by Mr. S. C. Gupta from 18th September 1914 to 6th January 1921.

(c) The post became vacant on the 7th January 1921, when Mr. S. C. Gupta was appointed to officiate as Deputy Secretary in the Legislative Department. No appointment has been made so far as the entire question of the re-organisation of the Superior Staff of the Department is now under consideration.

SITTINGS OF THE ASSEMBLY AND APPOINTMENT OF WHOLE-TIME SECRETARY.

2. **Dr. H. S. Gour** : (a) Is it a fact that the absence of continuous daily sittings of the Assembly is partially due to the fact that the Secretary of

the Legislative Department has to divide his time between the two Houses; and is not able to devote the time necessary to more continuous sittings of the Assembly?

(b) Does not the Government contemplate the appointment of a whole-time Secretary of the Assembly? If not, why not?

The Honourable Dr. T. B. Saprū : (a) The fact that the Secretaryship of the two Chambers is held by a single officer has no effect whatever on the number of meetings of the Assembly. There are at present four assistants of the Secretary, who has power, subject to the control of the President, to delegate to them such of his duties as he thinks fit. This power is very freely used. I would invite the Honourable Member's attention to the fact that the number of meetings is determined under the Standing Orders by the President.

(b) The matter is under consideration but no decision has been come to. The Secretary of the Legislative Assembly is appointed by the Governor General under rule 5 of the Indian Legislative Rules and not by the Government of India.

FREE SUPPLY OF PROCEEDINGS OF PROVINCIAL COUNCILS TO MEMBERS OF INDIAN LEGISLATURE.

3. Mr. S. C. Shahari : Do Government propose to consider the advisability of having copies of the proceedings of all the Provincial Councils supplied free to the Members of the Indian Legislature?

The Honourable Dr. T. B. Saprū : The attention of the Honourable Member is invited to the reply given to Beohar Raghubir Sinha's Question on the 23rd March, 1921, on the subject of the supply of Local Government publications to Members of the Indian Legislature. The matter has been brought to the notice of Local Governments.

TRANSFER OF POSTAL OFFICERS.

4. Rai Taraprosanna Mukherjee Bahadur : (a) How many Postal Officers other than Superintendents on Rs. 250—350 grade were transferred from one Circle to another in the last year? What officials of other departments on Rs. 250—350 are liable to such inter-provincial transfers?

(b) What is the ratio in the number of Indian Postmasters to Anglo-Indian Postmasters in the grade of Rs. 500 and upwards?

(c) Is it not a fact that many officers refuse such transfers although these may be on promotion? Does not such refusal minimise the number of Indian Postmasters in the higher grade of Postmasters referred to above?

Colonel Sir S. D'A. Crookshank : (a) It is presumed that the Honourable Member refers to Babu Tarapada Mukherjee who is a Postmaster and not a Postal Superintendent. If so, his attention is invited to the answer given to part (b) of Mr. M. K. Reddi Garu's Question No. 435.

(b) 13 postal officials on Rs. 250—350 were transferred last year from one Circle to another, 9 on promotion to the next higher grade and 4 on their

own pay. Officials on Rs. 250—350 in the services named below are also liable to inter-provincial transfers :

1. Northern India Salt Revenue.
2. State Railways.
3. Survey of India.
4. Subordinate Accounts and Clerical Services in the Military Accounts Department.
5. Railway Accountants (General List).
6. Members of the Subordinate Accounts Service of the Posts and Telegraphs Accounts Departments.
7. Members of the Subordinate Accounts Service of the Civil Accounts offices.
8. Public Works Accountants (All-India List).

(c) The ratio is 6 to 1. Yes. Orders are being issued under which most of the senior Postmasters will be on personal pay instead of drawing the pay of the offices to which they are attached. It is not considered that Indian Postmasters are entitled to preferential treatment over other classes of Postmasters in the matter of inter-provincial transfers. If they refuse transfers on promotion, the number of Indian Postmasters in the higher grades would of course be to that extent diminished.

NUMBER OF WITNESSES FROM CLERICAL CLASS BEFORE THE POSTAL INQUIRY COMMITTEE AND THE MINIMUM PAY OF A TELEGRAPHIST.

5. Rai Taraprosanna Mukherjee Bahadur : (a) Will the Government be pleased to state how many witnesses belonging to the clerical class deposed before the Postal Inquiry Committee to fix the minimum pay of the clerical staff of a second class Head Office on Rs. 35 a month?

(b) Is it not a fact that the minimum pay of Telegraphists on the local scale before pre-war days was Rs. 35? What is the present minimum pay of a Telegraphist on the local scale?

Colonel Sir S. D'A. Crookshank : (a) No witness examined by the Postal Committee asked that the minimum pay of the clerical staff of a second class Head Post Office should be fixed at Rs. 35 a month.

(b) The minimum pay of a local service telegraphist previous to the 1st January 1919, was Rs. 35 per mensem and the existing minimum is Rs. 55. The pay of an operator is higher than that of a clerk. For clerks in telegraph offices at places other than Calcutta, Bombay, Madras, Rangoon and Karachi the existing minimum is Rs. 35. The grounds on which the minimum pay of a Postal clerk was fixed at Rs. 35 are contained in paragraphs 7 and 8 of Chapter II of the Postal Committee's Report.

FIXING OF EFFICIENCY BAR BY POSTAL INQUIRY COMMITTEE.

6. Rai Taraprosanna Mukherjee Bahadur : (a) Was it not a fact that before the revision by the Postal Enquiry Committee, every Postal Official had an equal claim to promotion up to Rs. 150—200? Did the Postal Inquiry Committee fix an efficiency bar at Rs. 92?

(b) Do Government propose to remove the efficiency bar at Rs. 92?

Colonel Sir S. D'A. Crookshank : (a) No. Before the last revision every member of the Postal staff could not claim promotion up to Rs. 150—200 as a matter of right. Promotion was dependent upon the judgment of the same officers who will, under the time scale, apply the efficiency bars.

Yes.

(b) Government do not propose to abolish the efficiency bars.

ANNUAL COST OF MILITARY, POLICE AND OTHER UNIFORMS.

7. Beohar Baghubir Sinha : (a) Will the Government be pleased to state :

(i) the amount spent every year on Military, Police and other uniforms,

(ii) how much of this amount is spent on the purchase of cloth manufactured in India?

(b) Do the Government propose to consider the advisability of using for the above purpose cloth manufactured in India with a view to encourage Indian Industry?

Mr. A. C. Chatterjee : (a) (i) The Government of India have no information as to the actual annual expenditure on military, police and other uniforms. It is estimated, however, that the cost of clothing for the Army based on present strength is likely to amount to approximately 3½ crores of rupees per annum. The clothing of the police is a provincial concern, and I would freer the Honourable Member to the Local Governments for the information which he desires in that respect. It is not possible to furnish the expenditure incurred on other uniforms.

(ii) The information is not available. In so far as the Army is concerned a considerable quantity of cloth has since the war been obtained from surplus war stores, and it is impossible in this case differentiate between materials manufactured in India and materials originally imported.

(b) The Stores Rules provide that preference should be given to Indian made goods, provided the quality is sufficiently good for the purpose and the price is not unfavourable. Practically all the cotton cloth required for the Army is obtained in India from Indian manufacturers. Woollen cloths and cord for breeches have to be imported at present, because the mills in India have not so far been able to manufacture such materials of a quality suitable for the troops. Efforts are, however, being made to improve the quality of the output of Indian mills, and if these mills succeed in turning out materials of a quality up to the standard laid down for the Army recourse will be made to them for supplies.

IMPERIAL SECRETARIAT CLERICAL STAFF.

8. Lala Girdharilal Agarwala : (a) What is the total number of clerks serving in the Government of India Secretariat under the time-scale promotion system?

(b) How many of them have served the Government elsewhere before their appointment to the Imperial Secretariat :

(i) permanently and for how many years each,

(ii) temporarily and for what periods,

(iii) and which of them joined the Imperial Secretariat before the introduction of the time-scale, i.e., 27th May 1920?

(c) Upon what principle is promotion in the time-scale given to clerks of the Imperial Secretariat who have served the Government elsewhere for some years (say 5 years) before their appointment to the Imperial Secretariat?

(d) Is the Government service outside the Imperial Secretariat taken into account in calculating the time-scale promotion in the Imperial Secretariat service in the case of such clerks?

(e) Do the Government propose to modify the rules or grant individual concessions to remove hardship in cases of those employees who cannot reach the maximum salary in 25 years counting from the date of their first appointment on a permanent Government post especially in respect of those who were working in the Imperial Secretariat from before the time of the introduction of the time-scale?

The Honourable Sir William Vincent : (a) The number of permanent assistants and clerks so serving on the 1st July 1921 was 652.

(b) The information is being collected and will be supplied to the Honourable Member.

(c) The general principle governing transfer to a new appointment on progressive pay is followed. It is laid down in Article 157, Civil Service Regulations, a copy of which is laid on the table.

(d) Previous service outside the Secretariat is not taken into account in calculating time-scale promotion except in so far as Article 157, Civil Service Regulations, operates to bring a man on to the scale at a stage higher than the lowest.

(e) There is no intention of modifying the rules. Individual cases of hardship are already provided for in the Home Department Resolution No. 1062 of 27th May 1921.

RAILWAY LINE BETWEEN KARACHI AND BOMBAY.

9. Mr. W. M. Hussanally : (a) Is it a fact that a journey between Karachi and Bombay *via* J. B. and B. B. and C. I. Railways takes above 53 hours?

(b) Has there ever been a proposal for a more direct line of Railway between those two stations?

(c) Were any surveys taken of such shorter line? If so, when?

(d) Which route was finally approved of and why has the construction of such a line been delayed?

(e) When is it likely to be taken in hand?

Colonel W. D. Waghorn : (a) The journey from Karachi City to Bombay is timed to take 49 hours and the average journey from Bombay to Karachi City just under 46 hours.

(b), (c) and (d). For many years proposals for a connection between Bombay and Sind by a broad-gauge railway have been under consideration.

The financial prospects of the more direct routes were not attractive, whilst that passing through the State of Cutch was opposed by the Rao. Subsequently, it was proposed in connection with the provision of a direct broad gauge line between Karachi and Agra that a broad gauge connection should be made from Viramgam or some more suitable point on the Bombay side to a station on the Jodhpur-Bikaner Railway.

A survey of this connection was accordingly started last year but had to be closed down for want of funds. It is hoped that the work will be re-started during the ensuing cold weather.

(e) Until the results of this survey have been received and considered by the Railway Board and the other parties concerned it is not possible to say whether, and if so when, the construction of the line will be taken in hand.

ANNUAL COST OF THE ECCLESIASTICAL DEPARTMENT.

10. **Mr. W. M. Hussanally :** (a) What is the total annual cost of the Ecclesiastical Department in all Provinces of India ?

(b) Is it a fact that that department exists only for the benefit of one community ?

(c) Do Government contemplate making religious ministration to Indians a fit charge upon Indian Revenues ?

Mr. H. Sharp : (a) and (b). The Honourable Member is referred to the replies given to previous questions on this subject.

(c) The Honourable Member is referred to the reply given to a question asked by Makhdum Syed Rajan Baksh Shah. There is no intention of making all religious ministrations a charge upon Indian Revenues.

INTERMEDIATE CLASS CARRIAGES IN BOMBAY, BARODA AND CENTRAL INDIA RAILWAY.

11. **Mr. W. M. Hussanally :** (a) Is it a fact that the Bombay, Baroda and Central India Railway do not run intermediate class carriages on their line ?

(b) Is it a fact that that Railway has recently enhanced their passenger rates ?

(c) Do Government propose to advise that Railway to run such carriages in view of enhanced rates ?

Colonel W. D. Waghorn : (a) The reply is in the affirmative. The Agent, Bombay, Baroda and Central India Railway, has already agreed to give consideration to the question of the provision of intermediate class accommodation on the Bombay, Baroda and Central India Railway when new stock is provided. In this connection the Honourable Member is referred to the answer given to a similar Question (No. 465) asked by Rai Bahadur Pandit Jawahar Lal Bhargava on the 14th March 1921 on the same subject.

(b) From 1st April 1921, the Railway has enhanced first and second class fares up to 300 miles by 33.3 per cent.

(c) In view of what is stated in reply to part (a) Government do not propose to take any steps in the direction suggested.

ACCOMMODATION IN THE GUJARAT MAIL TRAINS OF THE BOMBAY, BARODA AND CENTRAL INDIA RAILWAY.

12. **Mr. W. M. Hussanally :** (a) Is it a fact that the passenger accommodation in all classes of carriages on the Gujarat mail trains of the Bombay, Baroda and Central India Railway is ordinarily scanty in consequence of which there is usually a scramble for seats ?

(b) Do Government propose to insist that that Railway will provide adequate accommodation on all their trains ?

Colonel W. D. Waghorn : (a) The passenger accommodation in all classes of carriages on the Gujarat mail trains is not as a rule short, but owing to periodical heavy rushes of passenger traffic to and from Gujarat and Kathiawar the accommodation is sometimes insufficient.

To remedy this the Railway Administration propose running a second Gujarat mail train in the near future when sufficient stock is available for the purposes.

(b) The additional stock required for the provision of adequate accommodation on passenger trains on the Bombay, Baroda and Central India Railway is under construction, and Government do not propose taking further action at present.

SALE OF DRINKING WATER AT STATIONS ON THE BOMBAY, BARODA AND CENTRAL INDIA RAILWAY.

13. **Mr. W. M. Hussanally :** (a) Is it a fact that drinking water is sold to passengers at any stations on the Bombay, Baroda and Central India Railway and particularly at Ahmedabad station ?

(b) Does that practice prevail upon any other line ?

(c) If so, will Government insist that such water be supplied to all passengers on that line free of charge ?

Colonel W. D. Waghorn : (a) The reply is in the negative.

(b) Government are not aware that such a practice prevails on any line.

(c) In view of the reply to part (a) of the question, this question does not arise.

GRANTS FOR THE MAINTENANCE OF CHURCHES, TEMPLES AND MOSQUES.

14. **Beohar Raghubir Sinha :** Will the Government be pleased to lay on the table a statement for the last 10 years showing province by province money given out as grants :

(a) for the construction and maintenance of—

(i) Christian churches,

(ii) Hindu and Jain temples,

(iii) Muslim mosques and other religious places of worship ;

(b) for different religious societies or institutions ?

Mr. H. Sharp : The collection of the information asked for would entail considerable labour and it is doubtful whether it would be possible to obtain accurate figures. The Government are therefore not disposed to prepare this statement, the labour involved on which would be altogether disproportionate to the value of the information obtained.

PUBLICATION OF THE REPORT OF THE INDIAN RAILWAY COMMITTEE.

15. **Rai G. C. Nag Bahadur**: Will the Government kindly state whether the Indian Railway Committee has yet submitted its report, and if so, when it is likely to be published and whether the full report will be published simultaneously in England and India?

Colonel W. D. Waghorn: The Honourable Member is referred to the answer given to Mr. Manmohandas Ramjee on the same subject.

A full summary of the report has been published simultaneously in England and India on the 16th instant; it is not considered necessary to withhold publication of the full report in England until it can be published out here. The report will, however, be published out here as soon as received.

GOVERNMENT OF INDIA SECRETARIAT PROCEDURE COMMITTEE.

16. **Rai G. C. Nag Bahadur**: Will the Government kindly state the total expenditure incurred in connection with the Government of India Secretariat Procedure Committee appointed under the Government of India, Home Department, Resolution No. 1745, dated the 12th September 1919?

The Honourable Sir William Vincent: Rs. 26,240.

BUNGALOWS SITUATE WITHIN CANTONMENT LIMITS.

17. **Mr. W. M. Hussanally**: (a) Is it a fact that the owners of Bungalows situate within Cantonment limits, occupied by themselves, the leases of which have been executed in Form B, Chapter 21, of the Cantonment Code of 1912, are being given notices to vacate the same, when required for Military authorities?

(b) If so, will Government please state under what authority?

Sir Godfrey Fell: (a) The Government of India have no information on the subject.

(b) If such notices are being given, they are in accordance with Conditions VI, VIII, XII and XIII of leases given in Form B under the Cantonment Code. Under these leases, a owner of a house built on land so leased can be made to evacuate, subject to certain conditions, in favour of a military officer. Section 11 (c) of the Cantonments (House Accommodation) Act, which says that no notice shall be issued under Section 6, if the house is occupied by the owner, must be read in conjunction with Section 4 of the Act, which says that nothing in this Act shall affect the provisions of any written instrument executed by or on behalf of the East India Company or the Government, unless the other party entitled and the Secretary of State for India in Council consent in writing to be bound by the terms of this Act.

COMMISSIONS IN THE ROYAL AIR FORCE AND AVIATION SCHOOLS IN INDIA.

18. **Mr. Ahmad Paksh Khan**: (a) Will the Government be pleased to state how many Indians were given commissions in the Royal Air Force during the war? How many of them have been killed, how many were discharged, and how many are still in service?

(b) Do the Government of India intend to establish a school in India for the training of Indians as airmen?

(c) Will the Government be pleased to state the number of aviation schools in India?

Sir Godfrey Fell: (a) I would refer the Honourable Member to the reply given at the last Session of the Legislative Assembly, to Question No. 632, asked by Lala Girdharilal Agarwala.

(b) The attention of the Honourable Member is invited to the first part of the reply given at the last Session of the Assembly to Lala Girdharilal Agarwala's Question No. 633.

I would also refer the Honourable Member to the reply given on the September to the Question asked by Munshi Iswar Saran, No.

(c) At present there are no Government aviation schools in India.

INCREASE OF PAY TO CIVIL AND MILITARY OFFICERS OF THE CIVIL VETERINARY DEPARTMENT.

19. **Mr. Ahmad Baksh Khan**: (a) What increase of pay has been given to Civil Officers of the Civil Veterinary Department on the last revision and what increase has been made in the case of Military Officers employed in the Civil Veterinary Department, who it is understood receive Military pay?

(b) What facilities are given respectively to R. A. V. C. and I. C. V. D. officers for providing themselves with horses and for their maintenance?

(c) How do the pay and allowances of Civil and Military officers of the Civil Veterinary Department compare with the pay and allowances of officers of similar service and rank in the R. A. V. C. employed in India?

Mr. J. Hullah: The information is being compiled and will be supplied to the Honourable Member.

STAFF EMPLOYED BY THE STAFF SELECTION BOARD.

20. **Mr. S. C. Shahani**: Are Government aware that part of the staff employed by the Staff Selection Board in their own branch have not passed a qualifying examination?

The Honourable Sir William Vincent: The Staff Selection Board had originally two clerks, both temporary employees. The Board decided that one of these should appear at the first examination and the other at the next examination. It is obvious that the work of the Board during the examination would have broken down completely if both had been absent at once. The clerk at present with the Board, the only one left, will take the next examination. The other clerk passed the first examination and is now employed in the Secretariat.

TEMPORARY MEN IN THE INDUSTRIES DEPARTMENT AND REPRESENTATION BY THE EMPLOYEES OF THE SURPLUS STORES.

21. **Mr. S. C. Shahani**: (a) Is it a fact that the treatment accorded to the Industries Department in respect of the qualifying examination of their temporary men is not being accorded to other departments? If so, why?

(b) Is it a fact, that a representation on the subject has been submitted by the employees of the Surplus Stores? If so, what action do Government propose to take on it?

The Honourable Sir William Vincent : (a) The Honourable Member is referred to the answer given on the 28th March by Mr. O'Donnell to a question from Babu K. C. Neogy, which explained the special circumstances in the Department of Industries. These circumstances do not exist elsewhere, and there is no ground for treating other departments in the same way.

(b) A representation on the subject has been submitted by certain Members of the clerical staff of the office of the Chief Controller (Surplus Stores). The matter is under consideration.

CONFIRMATION OF TEMPORARY MEN IN THE DEPARTMENTS OF THE GOVERNMENT OF INDIA.

22. Mr. S. C. Shahani : (a) Is it a fact that almost all Departments have retained, and have strongly recommended for further retention, their experienced old hands who have, however, failed to pass the Staff Selection Board's examination?

(b) Do Government propose to consider the advisability of confirming in their respective departments temporary men who have put in two or more years' approved service but have failed to pass a qualifying examination, and of keeping them from inter-departmental transfers until they have passed the examinations required for such transfers?

The Honourable Sir William Vincent : (a) Many of the departments have made such representations.

(b) The Staff Selection Board has taken the view that men who have proved to the satisfaction of the department concerned that they are capable of performing their duties, and have been strongly recommended by it, should not be removed at once because they failed to pass the test. Such men have therefore been retained in employment and will be permitted to appear at the Board's next examination. Those who were doing Assistant's work and were acting in the upper division have been allowed to continue to officiate therein. It is not however thought advisable to take up the question of confirming such men until the results of the next examination, at which they will appear, are known.

Men in this position would not be eligible in other departments for the appointments which they are provisionally allowed to hold in their own departments, and the question of inter-departmental transfer does not therefore arise.

EXPENDITURE ON THE WAR IN PERSIA AND DISTRIBUTION OF THE REPARATION MONEY PAYABLE BY GERMANY.

23. Mr. S. C. Shahani : Will Government be pleased to state :

- the expenditure incurred on the war in Persia,
- India's contribution to this expenditure, and the reason thereof,
- the distribution to Britain and her Dominions of the reparation money payable by Germany, and the basis thereof,
- the enlistments from Britain and the Dominions during the war, and the deaths among the men enlisted,
- the cash contribution towards the war by Britain and the Dominions?

Mr. Godfrey Fell : The information is being collected and, when ready, will be furnished to the Honourable Member.

APPLICATION OF NEW PENSION RULES TO AJMER-MERWARA AND GRANT OF SPECIAL ADDITIONAL PENSION TO ADDITIONAL DISTRICT AND SESSIONS JUDGES OF AJMER.

24. Lala Girdharilal Agarwala : (a) Have the new pension rules been made applicable to Ajmer-Merwara?

(b) Have they been so applied from the same date from which they have been applied to other Provinces?

(c) Is the incumbent of the post of Additional District and Sessions Judge in any Province in India eligible to get special additional pension of Rs. 1,500 a year in accordance with Government of India, Finance Department, Resolution No. 1085-E. A., dated the 15th November 1919?

(d) Is there any difference in the case of Additional District and Sessions Judges of Ajmer in this respect? If so, why?

(e) Do the Government propose to extend the privilege to holders of that appointment in Ajmer-Merwara from the same date as in any other Province?

The Honourable Sir William Vincent : (a) The new pension rules have been made applicable to the undermentioned appointments in Ajmer-Merwara :—

Assistant Masters, Mayo College (other than those of the Indian Educational Service),
Principal and Vice-Principal, Government College, Ajmer.
Headmaster, Government High School.
Headmaster, Moinia Islamia School.
Additional District and Sessions Judge.
Subordinate Judges, Ajmer and Beawar.
Judge, Small Cause Court, Ajmer.
Extra Assistant Commissioners, Ajmer and Merwara and Sub-Divisional Officer, Kekri.
General Manager, Court of Wards.
Treasury Officer and Magistrate, 1st Class, Ajmer.
Railway Magistrate, 1st Class, Ajmer.
Superintendent of Excise.

The following appointments are manned from one or other of the services enumerated in the preamble of the Resolution by the Government of India in the Finance Department, No. 1085-E.A., dated the 15th November 1919, and the incumbents are consequently entitled to the benefit of the new pension rules :—

Principal, Mayo College, Ajmer.
Vice-Principal, Mayo College, Ajmer.
Two Assistant Masters, Mayo College, Ajmer.
Professors of the Government College, Ajmer.
Civil Surgeon, Ajmer.
Assistant Surgeons, Ajmer and Beawar.
Superintendent and Deputy Superintendent of District Police.
Superintendent of Government Railway Police.
Executive Engineer, Ajmer and Abu Divisions.
Extra Assistant Conservator of Forests.

(b) Date from which the new pension concessions should have effect in respect of officers of the first category is at present under consideration : and in respect of officers of the second, the date is the 23rd July 1913.

(c) Holding the post of Additional District and Sessions Judge in any Province in India does not of itself make an officer eligible for a special additional pension of Rs. 1,500 a year, but all officers, not being members of the Indian Civil Service, whose appointments are held to correspond to superior Indian Civil Service posts, lower in rank than that of a Commissioner of a Division or a Divisional Judge of the 1st grade in Burma or a District and Sessions Judge of the 1st grade in Provinces other than Burma, are eligible for the additional pension mentioned.

(d) The post is treated in the same way as similar appointments elsewhere.

(e) The Government of India do not consider that in status and the importance of its duties, the post of the Additional District and Sessions Judge, Ajmer-Merwara, is comparable to a superior Indian Civil Service post of the nature described above, and, as the pay of the appointment is, moreover, less than Rs. 1,500 a month, it does not fulfil the conditions regarding minimum substantive pay laid down in the last entry of Schedule B annexed to the Resolution quoted above.

NOTICE OF QUESTIONS.

(Question No. 624 was called out.)

The Honourable Sir William Vincent: The fact is, Sir, that we received notice of a number of questions only late last night or early this morning. I wish to raise a general point as to whether we are not entitled, on the part of Government, to receive adequate notice when these questions are put down for a certain day. We are quite prepared to answer any questions, but, if we receive notice as late as this, we cannot come prepared.

Mr. President: Notice will be given to the departments as far as possible, and I have no doubt that the Legislative Department will take note of the words which fell from the Honourable the Home Member. I happen to know of this question. Correspondence has passed between the Department concerned and myself on the admissibility of this question, and, therefore, they might have been prepared to answer it.

The Honourable Sir William Vincent: It is not, Sir, a question of answering the questions but of bringing the answers down on a particular day. May the remaining questions on the list be put down for to-morrow?

Mr. President: Has the Honourable Member (Mr. Rangachariar) any objection to having the answer laid on the table.

Rao Bahadur T. Rangachariar: I should prefer it to be given publicly.

Mr. President: Question No. 624 is postponed till to-morrow.

(Question No. 625 was called out.)

Sir Godfrey Fell: Sir, I rise also to a point of order. But for the accident of Colonel Gidney not being here, I should have been unable to answer the second of these Questions, No. 626. I received notice of that question, and had prepared and have ready a reply. Only yesterday

evening, between half past 6 and 7 O'clock, I received notice from the Legislative Department that the question had been admitted in a materially changed form. I submit, Sir, that it is impossible for a department to prepare a reply between 7 O'clock in the evening and the time when the Assembly meets on the following morning.

Mr. President: The point taken by the Honourable Member is perfectly just. As a rule, alterations are not made in questions unless my attention is drawn by one of the departments to the fact that some expression in the question contravenes a rule. I must have had doubts, and, therefore, referred it to the department. In other circumstances it seems to me improbable that changes will be made. I recognise that in the last two days we have despatched questions at a greater rate than seemed likely and, therefore, we may have overtaken the preparations made by each department to answer the questions for which they were responsible. In the circumstances, we had better postpone the remaining questions on the list till to-morrow.

DISTRIBUTION OF BLUE BOOKS.

Mr. K. B. L. Agnihotri: Sir, before the Supplementary Demands for Grants are taken up for discussion, I would lodge a protest against the way in which they are hurriedly to be rushed through. These papers were only laid on our table on the afternoon of the 20th and we are required to vote on the grants to-day. We had not even 48 hours at our disposal to consider them or even to go through them thoroughly, and I submit that either the demands may be adjourned to some other day or any other procedure that the President may decide as convenient to the Honourable Members, be adopted.

Mr. President: Under what provision of the Standing Orders does the Honourable Member propose to make his protest?

Mr. K. B. L. Agnihotri: Articles 124, 132 and 134 read together. Such short notice is given to us that we cannot even give notice of amendments for reduction or omission of the grants.

Mr. E. L. Price: Sir, on a point of fact, I believe I got these Supplementary Grants on Monday.

Mr. K. B. L. Agnihotri: I got them only on the 20th afternoon.

Mr. President: In regard to the distribution of the Blue Book,—'Supplementary Demands for Grants for 1921-22,'—my recollection is that it was distributed in this Chamber more than 48 hours ago.

Mr. K. B. L. Agnihotri: No, Sir, only on the 20th afternoon, that is the day-before-yesterday.

Mr. President: The Honourable the Finance Member may be able to tell us something about that.

The Honourable Mr. W. M. Hailey: The Demand for Supplementary Grants was sent out, Sir, on Tuesday morning; indeed I believe they were in the hands of some official Members on Monday afternoon. But, may I point out, Sir, that these Supplementary Grants have been framed after full consideration by a Committee of non-officials appointed by this House. They have been considered by them in the greatest details, and, in the circumstances, it is perhaps unnecessary that we should place them in the House more than 48 hours before the time when they will come under consideration.

[Mr. W. M. Hailey.]

Let me add one word, Sir. We in the Government departments have to dispose not only of a large number of complicated questions framed by Members of this House, not only of Resolutions put forward by Members of this House, but of a vast amount of current work at far shorter notice than we have given in this Assembly in the matter of the Supplementary Grants. I would add that the demands for grants are accompanied by a detailed memorandum explaining the nature of the grants and, in the circumstances, Sir, I cannot myself plead guilty to the charge of giving insufficient notice to the House.

Mr. President : The question raised by the Honourable Member is a little unreasonable. It is a common practice for non-official Members themselves to put in amendments at the very last moment and then to complain to the Chair that they do not receive the same consideration as amendments of which due notice is given. Honourable Members cannot have it both ways; and in view of the circumstances in which business often has to be transacted, I have suspended the Standing Orders under the discretion allowed to me. In this case, as pointed out by the Honourable Member from Karachi, there are some Members at all events who have had time to consider and put in motions for reduction.

It is perfectly true that if the Honourable Member wishes to raise an important point under these Supplementary Grants and gives very short notice of an amendment, the Finance Department is put in an especial difficulty in framing a reply to him, seeing that they have had no time to consider the matter beforehand; but it cuts both ways, and I do not think one section of the Assembly has any right to complain against the other.

ELECTION OF THE DEPUTY PRESIDENT.

Mr. K. Ahmed : Sir, before the proceedings of the day begins, I want with your permission to take one serious objection with regard to the election of the Deputy President of the House. Sir, it was only the other day that you, Sir, declared in this Assembly—and it is, Sir, part and parcel of the official report of the proceedings of this Assembly—as follows: ‘Mr. Sinha’s resignation creates a vacancy in the post of Deputy President of the Legislative Assembly. That position, therefore, must be filled in accordance with the provisions of our procedure. Nomination of candidates for the position of Deputy President will be received on the 19th September and the election will be held on the 23rd.’ Then, Sir, you continued, ‘These are provisional dates which I have substituted at the last moment in order to meet the convenience of our Muhammadan colleagues in this Assembly.’ Sir, it is a fact that many Honourable Members of this Assembly live very far away from this Assembly, and certainly many of them wanted to vote for a certain candidate and they could not come to this place earlier, Sir, for some reason or other. That being so, I find to-day my Honourable friend Rana. Umar Nath Baksh Singh, who is in the Assembly to-day wanted to vote for a certain candidate. I know, Sir, that his petition is before you now. I am further told that there are other Honourable Members who wanted to vote also, and that being so, according to the rule, I submit, the election of yesterday was irregular, illegal and such that it must be set aside and a new election should be held.

Dr. H. S. Gour : In this connection, Sir, may I be permitted also to say a word? On the 19th when it was announced that this election would take place on the 21st, I wrote to you, I delivered a letter to the Registrar on that very day. I hope it reached you—that in the proceedings of the 3rd you had fixed the 23rd as the day of the election and some voters.....

Mr. President : Order, order; on a question of fact the date was not fixed for the 23rd.

Dr. H. S. Gour : For the 22nd, then, I believe.

Mr. President : The date was not fixed for the 22nd.

Dr. H. S. Gour : Then it must be a typographical mistake. I shall refer to the published proceedings of this House in which it is stated that the election will be held on the 23rd: ‘I may say that for the moment these are provisional dates which I have substituted at the last moment in order to meet the convenience of our Muhammadan colleagues in this Assembly.’ I wrote to you, Sir, that the date being the 23rd, provisionally fixed for the convenience of the Muhammadan Members of this House, the putting back of that date to the 21st would deprive some voters of the valued privilege of voting for the candidate for whom they wanted to vote. I now find that my friend who has travelled all the way up to Simla for the sole and single purpose of taking part in this election finds much to his chagrin and surprise that the election was over yesterday, though from the accounts published in the newspapers and in the published proceedings of this Assembly he thought that the election would certainly be on the 23rd or at a later date. When a provisional date is fixed for the election of a Deputy President, it is understood that that is the earliest date and if that date is to be varied it could only be varied by postponing it to a later date, but, I submit, not to an earlier date. I wish to make this clear because I entered a protest on the 19th, long before the result of election could have been contemplated by either of the parties. I wish also to add, Sir, that there are Members of this House who have sent telegrams to the effect that they are expected here by the mail train to-day, hoping of course that the election would be on the 23rd.

Rao Bahadur T. Rangachariar : On a point of order, Sir, is it open to Dr. Gour or to Mr. Kabir-ud-din Ahmed who took part in the election yesterday to take such an objection now, even assuming that the date was provisionally fixed for the 23rd? And does it lie in the mouth of Dr. Gour to object after taking part in the election yesterday?

Mr. Jamnadas Dwarkadas : On a point of order, may I be permitted to say, Sir, a few words? In the first place, I agree with my friend, Mr. Rangachariar, that it does not lie in the mouth of my friend, Dr. Gour, who was one of the candidates, to rise and protest at this late hour; it was open to him to enter his protest emphatically yesterday before the election took place.

Mr. President : That is hardly a point of order. The Honourable Member from Bombay may leave it to the Chair to deal with the two Honourable Members who have raised the point.

I understand Mr. Kabir-ud-din Ahmed objects to the result of the election, not to the procedure under which it was held, and that he does so only after the result is known. We did not object to the procedure of the election before the result. I ask the Honourable Member to read the passage in the official report. It contains the words ‘Nomination of candidates for the position of Deputy President will be received on the 19th September, and the election will be held

[The President.]

on the 23rd.' It will be in the recollection of Members that I gave the second date under a misapprehension and was corrected by the Secretary—the circumstances being that I had received certain representations immediately before taking the Chair which caused me to revise the dates. But the essential point is that I then used the following words: 'I may say that for the moment those are provisional dates.' With the word 'provisional' in front of him, Dr. Gour. misunderstanding the application of that word, tells me that I fixed the election for that day. A fixture is one thing; a provisional arrangement is another.

I may further point out in reply to the Honourable Member from Bengal that those dates were deliberately put down late in the Session, at an inconvenient date from the point of view of the Chair, to meet the convenience of those of his own faith. It lies ill in his mouth to challenge the procedure adopted by the Chair yesterday when that procedure was part and parcel of an arrangement made solely for the benefit of himself and those of his faith.

Had I not been prepared to meet that, had I chosen to act strictly by the letter of the matter, I should only have adjourned this House for what are called the gazetted holidays. In that case we should not have had the prolonged adjournment which caused so much annoyance to his Hindu friends. Having drawn the Honourable Member's attention to that point, I hope he will reconsider his position.

As regards the point put to me by Dr. Gour, I did receive from him the representation in question. I expected, that if he attached importance to it, he would raise it at once on the floor of the House. I had not fixed those dates when I said they were provisional. The nomination was held at least two days after the resumption of business after the Mohurram holidays, and the election itself was held, if I am not mistaken, 4 days after that resumption. I would add that if Honourable Members wish to attend in this House for one purpose, namely, for the election of the Deputy President, then I think I may refer them to their constituents.

Mr. K. Ahmed: The point is, Sir, as to whether there has been a miscarriage of justice.....

Mr. President: There can be no question of a miscarriage of justice. The Chair was acting not only within its discretion, but within the letter of its discretion.

Mr. K. Ahmed: But, Sir, may I point out that even in a Court of Justice we find objections of this nature which are sometimes disposed of successfully by the Judges of this country, and of other countries. But the ruling.....

Mr. President: If the Honourable Member really attached any weight to his objections, he would have made them first of all on the 19th, and if he had not thought of them by the 19th he would have made them yesterday. To-day is too late.

Dr. H. S. Gour: May I point out that I did raise my objections on the 19th.

Mr. President: The Honourable Member should have raised his objection on the floor of this House before his fellow-Members.

DEMANDS FOR SUPPLEMENTARY GRANTS.

The Honourable Mr. W. M. Hailey: Sir, with your permission I will make a few introductory remarks with regard to these supplementary demands for grants. Before I go into detail I should like to say how genuinely sorry I am if any Member of this House feels that he has had insufficient notice of these demands. It would perhaps be sufficient for me to add, after what I have said already, that we have, in this matter, to consult the convenience of the Standing Finance Committee; we cannot bring the Members up here far in advance of the meeting of this Assembly. It has indeed to carry on some of its meetings at the same time as the meetings of this Assembly and consequently we have been, at the conclusion of its deliberations, put to considerable difficulty in getting through the press this volume of demands in time for presentation to the House. Let me assure the House, at the same time, that I myself shall not, subject to the orders of the Honourable President, attempt to stickle for any notice in regard to any amendment which any Member of this House wishes to bring forward.

Now, Sir, with regard to these demands, I have, in order to save the time of this Assembly and indeed to ease my own task, placed in the hands of the Members of this House a memorandum which shows how these demands arise, and indeed why they must arise. No budget can be watertight; no Finance Member has the perfect gift of prophecy; and I appeal to those Members of this House who are concerned with commercial operations—I appeal to them with confidence, to say whether they could, three months before the beginning of their business year, estimate exactly what sum their coal for instance is going to cost them, what concessions they will have to give to the ever increasing demands of their labour, what price they will have to pay for their raw material throughout the business year. I ask them, would it be possible for them to put before their shareholders when announcing a dividend at the end of one year, a perfectly watertight estimate of what their expenditure and revenue is likely to be in the coming year? Our demands for grants, as I may remind the House, are not confined to expenditure on ordinary administration, but comprise multifarious operations ranging all over the country, and include the control of large commercial and semi-commercial Departments. Let me tell the House that I have in my Department men who, if I would allow them to do so, would be capable of putting up a budget which would easily defeat the scrutiny and defy the criticisms of the House. They could conceal among the innumerable items which go to make up one budget, a liberal provision of reserves that the House would never detect, and which would relieve one of the embarrassing necessity of having subsequently to produce demands for supplementary grants. But, Sir, this is not the spirit in which we frame our budgets. We frame our budget with the deliberate intention of asking the country for only so much money as we really need to spend, and since our intention in regard to that matter is honest, we have proceeded in the deliberate hope that if it is subsequently necessary, in order to carry on the working of our departments, to ask for more money, the House will give us the benefit of the honesty of our intentions, and judge of the new demands strictly on their merits. I have fully classified in my memorandum the nature of the supplementary demands which arise, and I will not now proceed to go fully into that classification since the details are already in the hands of Members of this House. I will only point out the fact, namely, that the actual new demands which we are making, constituting, that is demands for new services, are very few and inconspicuous.

[Mr. W. M. Hailey.]

The greater part of the supplementary demands indeed have arisen from two or three causes. There is, first of all, the genuine difficulty that arises from our budget procedure—a procedure which we are attempting to improve day by day. A close detailed budget was far less necessary under the old procedure; at all events, if there were any deficiency in budgeting, the matter did not need to come before the old Legislative Council in the form of a supplementary demand. I have here in my hands a very elaborate system of instructions which have been drawn up in the course of the present summer, which I hope will make our path easier in the future. That is one cause for our having to bring forward supplementary grants. Another is, as I have pointed out, that we are still engaged in the process of revising the pay of numerous subordinate and ministerial services. That process, Sir, has been a necessary one, although I hope we have nearly come to the end of it; but when in this House I hear the numerous questions relating to the pay of certain branches of the services, and listen to Resolutions asking for the amelioration of the conditions of others, I feel that this Assembly cannot be entirely adverse to our spending more money on our subordinate and ministerial establishments. Then, Sir, another class of expenditure is that which is incumbent on us if we are to earn the money that we expect on the revenue side. When, for instance, we find in the case of salt production—to take the first item on the list—that labour is demanding higher wages, we have either to cease its production or pay the labourer what he demands.

There are a few but a very few cases of genuinely new services, but those, no doubt, the House will deal with on their individual merits. I, Sir, have some confidence in putting these demands forward, since although they in the gross appear to embrace considerable sums, yet, I am certain that when the House comes to analyse the demands in detail they will see that each of them is amply justified on its individual merits, and I ask nothing more than that the House should consider and decide each individual demand on its merits.

No doubt the House will ask, before it proceeds to consider these demands, how we stand financially and how far our budget expectations have been realised. Well, Sir, it is a little difficult to give a definite answer to that question. We have not proceeded very far in the year. We have published the accounts from April to July and we have approximate figures for August. But it will be readily realised that we can make no very certain anticipation at this stage of the year, particularly in a year which is marked by great trade depression. It is usually the case that we have to depend on the later months of the year for the bulk of our receipts under many heads, and it may be that in the present year we shall not be entirely disappointed in our anticipation of some revival of trade during the later months of the year. I can, however, give the House some sort of general indication of how we stand. As regards Customs revenue, we expected Rs. 38½ crores. We have collected up to the end of August about 13 crores. But even if we realize a higher rate of receipts during the coming cold weather, it is safe to say—it is unfortunate, but inevitable—that we will probably fall considerably short of our 38½ crores of rupees. Then, again, take Railways. The gross traffic receipts have not fallen off so much as might have been expected when one considers the marked slump in trade. But though the gross traffic receipts have not fallen off, yet I regret to say, that there has been a very alarming increase in the working expenses. For, we have, among other things, had to purchase large quantities

of coal from Europe. I am sorry to say that the excess expenditure involved in the purchase of foreign coal and the increased cost of Indian coal is no less than Rs. 3 crores.

Take now the expenditure side. There is one heavy item which occurs in the first place and for which we could not of course have provided in our budget. It is in itself a typical instance of the difficulty of budgeting. We have been, I am glad to say, Sir, unusually successful in our year's loan; the receipts including conversion to-day amount to nearly Rs. 48 crores. But, Sir, when we incur a loan of that magnitude, we also have to pay interest, and the interest for the sum provided in the budget will be not less than Rs. 1½ crores. Then again, Sir, we are, I regret to say, still engaged in military operations in Waziristan, and with every economy, that must contribute to a heavy excess of military expenditure. Finally, there is another very heavy charge, I mean the loss on exchange. There again, it is particularly difficult to anticipate what will happen in the next few months. There are many Members of the House here, I have no doubt, who wish they could anticipate with certainty what will happen in those months. I will merely tell the House that if the average rate for the year works out at 1s. 4d., the extra debit, working on the basis of net expenditure in England as budgeted for, that is to say, about 25½ millions, will come to about Rs. 7½ crores. If the net average exchange works out 1s. 5d., the extra debit will be Rs. 5 crores, and if it is 1s. 6d.—I hope the House notices the cheerful ring in my voice when I say that—the extra debit will be only Rs. 3 crores.

Well, Sir, these are the important variations. I have not been able to do more than sketch them to the House, but what I have said leads inevitably to one conclusion, namely, that we cannot in any case expect to realise the surplus of Rs. 71 lakhs which we placed in the budget, and there will certainly be a deficit. But I wish to make a point in this connection, and that is, that a moderate deficit—I am not defining the word but a moderate deficit—does not necessarily mean further taxation. The necessity for taxation depends on the factors which seem at the time to govern the revenues of the coming year or years. At all events, the sums which we have now placed in the Supplementary Budget are not themselves of such importance that the House need fear that they form a decisive factor in regard to the question whether we shall or we shall not have to impose further taxation next year.

Finally, I have to add this. These demands have been scrutinised with the fullest detail by the Standing Finance Committee. The House is in possession of the two volumes of closely printed pages which record their deliberations; but these are but summaries. We have held numerous meetings, and I for myself would like to say that I as Finance Member am under a great debt to the Members of that Committee for the manner in which they have discharged their work. (Hear, hear.) Members of this Assembly will readily realise that the Members of the Committee, not being previously acquainted with the somewhat complicated administrative details of Government, have often found it no easy task to appreciate at once the various difficulties and complexities that have arisen in the course of their labours. But they will allow me to say that they have throughout tackled their problem with industry and with good will. As for their conclusions, the House must judge for itself. I can only thank them for the assistance which they have given us in dealing with the many demands which have arisen before us. On our side, I can say with confidence, that we have

[Mr. W. M. Hailey.]

attempted to give them the very fullest information on any point which has been raised in the course of their deliberations; we have spared no effort to make their scrutiny complete. Sir, I think that whatever the judgment of the House is in regard to the merits of these individual grants, it is nevertheless under an obligation to the Standing Finance Committee for the time and labour they have bestowed upon the task entrusted to them.

Dr. Nand Lal : Sir, we have not got a copy of the original demands before us. How could we come to a right decision on these new demands without examining the original demands?

The Honourable Mr. W. M. Hailey : If an answer is needed, Sir, I would say that each Member of the Assembly was furnished with the original demands for grants. They were fully considered in March last. Copies of the original demands for grants are in the library. Numerous other copies exist in the Finance Department which will be perfectly prepared to lend to Members if they so desire. I do not think myself that that ought to stand as an objection to our considering these supplementary grants.

Dr. Nand Lal : Are we expected to bring our whole library with us to Simla?

The Honourable Mr. W. M. Hailey : No, Sir. They will find it here.

Dr. H. S. Gour : I take it, Sir, that before the items are submitted to the vote of this House, the Honourable the Finance Member desires that the general financial position of the year should be passed in review.

Mr. President : Order, order. The occasion for that is during the discussion of the general Budget when there are days set aside for it. I allowed the Honourable the Finance Member a certain amount of latitude because it is clearly to the interest of the House and will add to the usefulness of the debate on the supplementary grants if they know where the Honourable Member stands in relation to the forecast that he made in his Budget speech for this year. These days are set apart for the voting on supplementary grants. They must be restricted to that purpose.

Mr. A. C. Chatterjee : Sir, I beg to move :

'That a supplementary sum not exceeding Rs. 6,97,000 be granted to the Governor General in Council to defray the charge which will come in course of payment during the year ending the 31st day of March 1922 in respect of 'Salt'.

Mr. President : The question is :

'That a supplementary sum not exceeding Rs. 6,97,000 be granted to the Governor General in Council to defray the charge which will come in course of payment during the year ending the 31st day of March 1922 in respect of 'Salt'.

The motion was adopted.

Mr. President : The question is :

'That a supplementary sum not exceeding Rs. 18,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March 1922 in respect of 'Opium'.

The motion was adopted.

Mr. President : The question is :

'That a supplementary sum not exceeding Rs. 27,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March 1922 in respect of 'Land Revenue'.

The motion was adopted.

Mr. President : The question is :

'That a supplementary sum not exceeding Rs. 3,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March 1922 in respect of 'Excise'.

The motion was adopted.

Mr. President : The question is :

'That a supplementary sum not exceeding Rs. 1,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March 1922 in respect of 'Forests'.

The motion was adopted.

Mr. President : The question is :

'That a supplementary sum not exceeding Rs. 15,89,000 be granted to the Governor General in Council to defray the charge that will come in course of payment for the year ending the 31st day of March 1922 in respect of 'Posts and Telegraphs'.

Rao Bahadur T. Rangachariar : Sir, there is one item which I find at the bottom of page 6* relating to Wireless Projects. I refer to it not because I object to it, but there is an impression abroad that in recruiting for the Wireless staff Indians are excluded, and I should like to have a statement from the Director-General, Posts and Telegraphs, whether there is any foundation for that impression.

Mr. G. R. Clarke : Sir, hitherto and during the war all the Wireless establishments in India were handed over either to the Army or the Navy and since the War we have put up a scheme to Government for re-organising the Civil Wireless Department of the country. In that scheme we are making definite arrangements for recruiting Indian staff for Wireless stations equally with non-Indian staff.

Mr. B. Venkatapatiraju : Sir, after receiving encomiums from the Honourable the Finance Member, perhaps it may not be fair on the part of Members of the Finance Committee not to say anything in reply. As a Member of the Finance Committee I must admit that we have received equal assistance and full information from the Honourable Member and the Secretary and others and I rise here not to raise any objection with reference to any single item mentioned under this head and I have only put in an amendment for the reduction of Rs. 100 just to raise the question, because we, the Members of the Finance Committee, found it difficult to understand the whole position. In this case, from the notes given by the Honourable the Finance Member you will find that the Postal Department originally, it seems, demanded 44 lakhs and odd, which was reduced by the Government of India to 24 lakhs, which again was reduced by this Assembly to 12 lakhs. When the original motion was made, the Honourable Mr. Joshi made a specific statement that we should not undertake new works not yet started but only continue existing works. Now they wanted 3 lakhs and odd for works which are in progress and they want an additional amount with reference to the works to be started. So far as the information placed before the Members of the Committee goes, they are perfectly satisfied that the works for which money is demanded are necessary. It is for you, Sir, not to throw the whole responsibility on the Finance Committee but to judge whether the present situation permits expenditure to that extent. If you do not spend it now, you will have to spend it some other time. We know as a matter of fact that there would be a deficit and it will not be

* Of the Blue Book—Supplementary Demands for grants for expenditure of the Central Government charged to Revenue and Capital and also of Disbursements under Debt, Deposit, and Remittance Heads for 1921-22.

[Mr. B. VENKATAPATIRAJU.]

less than Rs. 10 to 20 crores, because even on Customs as the Honourable Mr. Cook said the other day....

Mr. President: This is out of order on the vote for Posts and Telegraphs.

Mr. B. Venkatapatiraju: I am only stating it because there would be a deficit in the year. It is for you, Sir, whether you will sanction the additional sum required. So far as urgency is concerned, the Members of the Finance Committee say they are urgent, but the matter is one for your judgment. You should not throw the responsibility on the Finance Committee because they have approved it.

Mr. N. M. Joshi: Sir, it was on my motion that the demand for the Post and Telegraph Department was cut down by 12 lakhs when the Budget was discussed at the last Session. I must say very frankly that the demands now put forward were scrutinised by the Committee very carefully and the Committee is fully satisfied that the expenditure is absolutely necessary for the present, but I should like to make one remark about the money that we spend on buildings and it is this. I do not know why the money spent on buildings should not be spent out of capital account to be met by loans. If we are to meet such expenditure out of revenue, I think it will be very difficult for us to meet the demands. I would therefore suggest that the Finance Member should consider the advisability of meeting the expenditure on buildings out of loans taken by the Government of India and not out of revenue.

Mr. T. V. Seshagiri Ayyar: Sir, a question of principle is involved in this case and I should like to have an answer from the Honourable the Finance Member on the point. If it is true that at the time the Budget was being discussed the understanding was that as regards operations on buildings not yet commenced, there should be no demand during the current year for further expenses, is it open to the Honourable the Finance Member to move the Finance Committee and to lay before it schemes for commencing further buildings and afterwards come to this Assembly at a late stage of the year and ask for the amount to be sanctioned? It seems to me that once we have come to the conclusion during the Budget debate that no further operations should be undertaken, which would involve the commencing of new buildings it would not be proper to bring this matter before the Finance Committee and again take it before this House for its confirmation.

The Honourable Mr. W. M. Hailey: If I may say so, I am glad that a Member of our Committee, Mr. Raju, has placed before the House the problem which arises from the fact that in March last the House decided to cut down the grant for buildings and that in spite of that fact we now come before the House with a demand to provide money for some of the buildings for which provision was sought in the original grant. It was proper that this matter should be brought definitely to the notice of the Assembly; for, Sir, the responsibility does not lie with the Standing Finance Committee—that body is advisory only; the responsibility lies with the Assembly, and it is right that all matters of this sort should be brought promptly and unequivocally to its notice.

Now, Sir, with regard to these particular buildings, as Mr. Seshagiri Ayyar says, the understanding in March last was that no new buildings should be begun, that money should be provided only for carrying on works which were already in progress; and that no new buildings should be undertaken.

The fact that we now find it necessary to propose in a few instances the undertaking of new buildings is the reason why we have brought the matter before the Standing Finance Committee and through them to the House. He asks, is it competent for us to do so? As far as I understand the position, the House has complete competence to amend its former decisions in such cases. It has been stated that it is within the power of the British House of Commons to alter everything except the time of day and certainly in financial matters such as that now under discussion this House has complete and final authority to give what supply it chooses, and to vary its own decisions as to the amount. If, therefore, we desire the order of the House, we must apply for it; if we do not get it, we remain as we were before, and do not construct these buildings. We have in these supplementary grants Rs. 3,32,000 for works already in progress; that is within the scope of our original understanding. Then we have Rs. 4,68,000 for new works. The justification for these new works is given in detail on page 3 of the attached memorandum. We have not begun those works. It may be perhaps that Mr. Seshagiri Ayyar spoke under the impression, that having once put the matter before the Standing Finance Committee, and obtained their assent, we had begun the work. Not at all, Sir. Not one of these works is in progress and not a brick will be laid until we receive the money.

If, Sir, Mr. Seshagiri Ayyar's only point is the formal question whether we are entitled to bring before the House a new estimate of this character, my reply, and in so many terms, is that we are entitled to bring before the House any proposal for which we can expect to get its sanctions.

A final point, Sir, Mr. Joshi asked whether these buildings could not be constructed from capital. As the House knows, we transferred last March one crore of our Telegraph demand from Revenue to capital. We have not yet concluded our final investigation into the separation of Revenue and Capital accounts in regard to Post and Telegraph operations. In the course of doing so, we shall of course take up the point that he has mentioned. If the decision is that we can properly place demands against Capital which we now place against Revenue, we shall do so, but I speak under this reservation, that the whole of the situation must be examined in view of the report of the expert accountants. That report we are now awaiting.

Mr. President: The question is:

'That a supplementary sum not exceeding Rs. 15,89,000 be granted to the Governor General in Council to defray the charge that will come in course of payment for the year ending the 31st day of March 1922 in respect of 'Posts and Telegraphs'.'

The motion was adopted.

Mr. President: The question is:

'That a supplementary sum not exceeding Rs. 16,000 be granted to the Governor General in Council to defray the charges that will come in course of payment for the year ending the 31st day of March 1922 in respect of 'Interest on Miscellaneous Obligations'.'

Dr. H. S. Gour: Sir, I find a short note on page 7* against this item. The note says:

'To meet expenditure involved in the payment of interest at 3 per cent. to Mr. Imre Schwaiger, a Hungarian national, whose business had been wound up under the Enemy Trading Act. The net proceeds of the liquidation of his property were handed over to him after careful consideration and the exceptional circumstances of the case which justified the payment of assets also justified payment of interest for the period the money remained with Government.'

[Dr. H. S. Gour.]

I should like to ask the Honourable the Finance Member whether it is not a fact, that during the great war, the property of all the German, Hungarian and other nationals who were at war with His Majesty was placed in the hands of a Receiver and, on the termination of the war, the net assets without any interest were handed over to the claimants whose claims were justified or made good. Now I want to know what exceptional circumstances have induced the Government in this case not only to refund the assets but also to treat it, as an investment, allowing interest thereon at 3 per cent.

The Honourable Mr. W. M. Hailey: I can, I think, Sir, place the House in possession of the facts of this particular case.

This gentleman was a Hungarian subject carrying on business at Delhi and in London who was at Home when the war broke out. The case came before the Home authorities on inquiries made by the Board of Trade regarding his home business and it was decided by the Home authorities that his circumstances were such that he should be allowed to carry on business in England. We, on our side, had previously come to a different conclusion, namely, that he should not be allowed to carry on business in India. We had, therefore, two divergent rulings referring to the same gentleman. We took possession of his property here and decided to auction it; the retail sale of oriental curiosities and objects of art was not a business which the Chief Commissioner of Delhi felt that he could safely carry on himself. It was put up to auction and earnest money was taken from the purchaser; immediately after that earnest money had been deposited in the Treasury, we received orders from Home that the business was not to be auctioned. I think, as a matter of fact, that the owner had offered his whole collection as a gift to the Victoria and Albert Museum in London. In any case the orders of the Home Government were that it was not to be auctioned. We could only reply that it had been auctioned, that the earnest money had been taken; and the action taken could not be recalled. Those are the circumstances, Sir. The gentleman in question, though a Hungarian by birth, had resided for many years in India; his sons had, I think, applied for admission to the British Army and, if I am right, one was fighting for the British Crown. The Home Government had allowed him to carry on business in London. We, with a more rigid interpretation of the law in this regard, had confiscated his property in India. It was finally decided, in consequence, that at the termination of the war, we should restore to him what we held in deposit in the Treasury as the proceeds of the sale of his property. The House will readily recognise that if in time of war, when no tourists are in India, and money is hard to come by, you auction an important collection of oriental curiosities and objects of art, you do not obtain a price which is likely to prove very satisfactory to the original owner. He had suffered in consequence very considerable loss, and when we restored the money held in deposit to him, we thought it was only fair to give him a minimum interest on it.

Those are the facts of the case, and I am quite prepared to leave it to the House to decide whether the Honourable Dr. Sapru and I who were responsible for the decision were correct in the course we took in the matter.

Rai J. N. Majumdar Bahadur: Sir, may I, as a Member of the Standing Finance Committee, inform the House that the question that has been just now raised by my Honourable friend, Dr. Gour, was also raised by us in the

Finance Committee, and after all the facts and the circumstances were explained to us, as to how this gentleman had suffered loss on account of the auction sale and that he was perfectly loyal to the British Government and that his sons had fought on the side of the British, we, on the Finance Committee, allowed this amount.

Mr. President: The question is:

'That a supplementary sum not exceeding Rs. 16,000 be granted to the Governor-General in Council to defray the charge that will come in course of payment for the year ending the 31st day of March 1922 in respect of 'Interest on Miscellaneous Obligations.'

The motion was adopted.

Mr. President: The question is:

'That a supplementary sum not exceeding Rs. 4,27,000 be granted to the Governor-General in Council to defray the charges that will come in course of payment for the year ending the 31st day of March 1922 in respect of General Administration.'

Sir P. S. Sivaswamy Aiyer: Sir, I should like to have information on some points. I should like to know whether the Private Secretary to His Excellency the Viceroy has had no shorthand writer hitherto. The second point on which I want information is whether the martial gentleman whom we see on your left is the new ceremonial officer and whether you will be pleased to prescribe some ceremonial dress in accordance with the practice elsewhere.

The Honourable Mr. W. M. Hailey: I can supply the facts to the first part of the question; I cannot answer the suggestion in the second, for that is, if I may say so, a question for the Honourable President of the House and not for the Finance Department, which I am glad to say amongst its many other multifarious duties is not asked to concern itself with matters of dress. With regard to His Excellency's shorthand writer, Sir, the facts are that there was one shorthand writer only attached both to His Excellency the Viceroy and the Private Secretary. It was found that this writer was very seriously over-worked and that he could not satisfactorily discharge the work of His Excellency the Viceroy as well as that of the Private Secretary; it was therefore found necessary to give a second shorthand writer to the establishment. The rates of pay proposed are exactly the same as those which are paid in the Secretariat.

Mr. E. L. Price: Sir, I have put in an amendment to reduce this grant by Rs. 300; that amount is made up of Rs. 216 for rounding up, and the really substantive reduction of Rs. 84. But I put that proposal forward with some uncertainty as to parliamentary practice. I quite understand that on the original budget I am entitled to propose a reduction in order to raise a point of administration under the grant. Am I entitled so to do here, because that is my object? The point to my mind is a very serious one. It was a point that I raised in a supplementary question yesterday. On the 3rd of September we were told on the highest authority that the situation in Malabar was in hand. On the 21st, there was an adverb added '*militarily* in hand.' Well, I take such comfort as I can from that, and I go home and I open the paper and I find a description of the reign and territory and administration of a man called King Bela Kun Mohamed Haji in Malabar.

Mr. President: Will the Honourable Member show me the item under which he is raising this point?

Mr. E. L. Price: General Administration, I take the heading; it was the only heading I could find,

Mr. President : The Honourable Member must not forget that these are supplementary grants ; the principal grant for General Administration, to which this amount relates, was made in March last. If the Honourable Member, as I have said, will point out the heading under which we might conceivably discuss this matter, I am prepared to consider it.

Mr. E. L. Price : The Home Department, then, Sir.

The Honourable Sir William Vincent : May I point out, Sir, that the Home Department grants in this demand are confined to (1), the translation into Hindi and Urdu of the speeches of H. R. H. the Duke of Connaught and His Excellency the Viceroy, and (2), Rs. 22,000 in connection with the Staff Selection Board. Whatever merits or demerits the Staff Selection Board has, it has very little to do with the Malabar outrages.

Mr. E. L. Price : Of course, if I am technically wrong, I must accept it, and if I am definitely ruled out of order, I shall sit down.

Mr. President : I am afraid, the Honourable Member is out of order.

Bhai Man Singh : Sir, I have proposed four amendments or reductions to this grant. My first proposal for reduction is with regard to these special charges for a temporary officer and establishment under the Foreign and Political Department for Rs. 7,200 ; this relates to the temporary appointment of Mr. Rees Harris with a small temporary establishment on special duty in connection with foreign affairs. I simply want to know in connection with this item whether the present staff of the Foreign and Political Department was not sufficient to do the work for which Mr. Rees Harris has been temporarily appointed and if that could not be done, whether we could not get on without them. Shall I go on with the other amendments also, Sir, or shall I put them one by one ?

Mr. President : I must give those Members who have given previous notice priority over the Honourable Member.

Bhai Man Singh : I am perfectly willing to take my amendments in their turn.

Mr. K. Ahmed : I have not given notice, Sir, of any amendment, but may I inquire with regard to this item just after the Hindi and Urdu translation item ? The Home Department asked for an additional grant of Rs. 22,000, charges in connection with the Staff Selection Board, and I want to have a discussion on the subject.

Mr. President : I have a motion for reduction on that point. The Honourable Member who gave notice will speak first.

Mr. J. Chaudhuri : May I inquire whether 'Establishment' under the heading 'Legislative bodies' includes the salary of a librarian to be appointed for the library set up here and in Delhi. If any new librarian has been appointed and whether the libraries could not have been managed by promotions from the present staff ?

The Honourable Dr. T. B. Sapru : To carry on the work in connection with the library which has been formed in pursuance of the desire expressed by a large number of Honourable Members of this Assembly, it has been found necessary to engage one assistant librarian, one clerk on the lower division time-scale and two duffries.

The Honourable Mr. W. M. Hailey : I might perhaps take this opportunity of supplying the information which Bhai Man Singh asked for with regard to the demand of Rs. 7,200. We had a somewhat expensive establishment last year for dealing with a number of foreign operations—I need not particularise them more here—foreign operations beyond our borders of a type which we all, I think, recognise to be highly undesirable ; in fact in many quarters they have been described as unmentionable.

We decided this year to abolish that expensive staff and the small sum which you see placed in the demands refers to a Junior Member of that Staff. It is therefore only the continuation of one Member of that staff during the present year, and we shall, before the end of the year, decide whether it is necessary to continue his appointment or not.

Mr. Manmohandas Ramji : May I know, Sir, whether this officer was unemployed when the Budget was passed ?

The Honourable Mr. W. M. Hailey : Yes, I think he was, but for some reason or other the pay was not included in the Budget.

Rao Bahadur T. Rangachariar : May I ask what he was doing ? Was he not employed in the Foreign and Political ?

The Honourable Sir William Vincent : He was employed on other work in the Foreign Department at the time ; he was then put on to continue the work to which reference has been made by my colleague and great economy was effected by the change.

STAFF SELECTION BOARD.

Mr. K. B. L. Agnihotri : Sir, I rise to move for the omission of Rs. 22,000 on account of special charges in connection with the Staff Selection Board. May I know from the Honourable Member-in-charge, whether the Staff Selection Board was in existence in March last when the Budget was passed, and if so why was this sum not included in the budget at the time ?

Mr. President : The question is :

'That the charges in connection with the Staff Selection Board under Head No. 14 be omitted.'

The Honourable Sir William Vincent : Sir, I am afraid the Honourable Member has left me rather cold on this question, *viz.*, why this amount was not included in the budget, but I think he must have read the reason, for it is in the appendix which has been furnished to Honourable Members. The omission was due to an oversight. The pay of the President of the Staff Selection Board is included in the grant, but the pay of the non-official Members, the pay of the Secretary, cost of establishments, library and other charges were by an oversight not included. The demand has been challenged by other Members also and I should just like to give to the House some details as to what the charges are. Non-official Members who take part in the work of the Board have to come up from the United Provinces or from other parts of India and we have to pay their travelling and deputation allowances. Then there is a Secretary employed for the Staff Selection Board, that is another item of Rs. 2,000. Then the establishment charges were by an error not included. Then at examinations the examiners have to be paid fees if the examinations are to be held. There is also the cost of advertising for candidates because we are particularly anxious to get candidates from all parts of India so that everybody might have an equal opportunity of entering the

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facts to support them nothing is done. I regard this as a matter of very serious importance indeed, as Mr. Spence does. I suggest that if the Assembly grants this money, that a committee consisting of—I have not asked these gentlemen, I am only suggesting their names subject to their consent—Mr. Rangachariar, Mr. Samarth, Mr. Chatterjee, and Mr. Spence should ascertain whether there are any grounds at all for the assertion made or whether there are any changes necessary in the matter of the management of this Board. Subject to that, I suggest that this grant should be made now, and if it is proved to the satisfaction of these gentlemen that this very serious charge, which I should never have thought would have been brought by the Honourable Member, is not proved, the Honourable Member will withdraw the allegation that he has made.

Rai J. N. Majumdar Bahadur : Sir, I have nothing to say about this Staff Selection Board itself. But what I wish to say is that the Finance Committee raised the question whether it is necessary for the Staff Selection Board to go from place to place. The candidates are examined, and then the whole of the Staff Selection Board make a tour of entire India to Bombay, Madras, Calcutta, etc. Is this at all necessary? After candidates are examined, if they are found to fulfil the qualifications required of them to fill a particular post, they might send for them here, either at Simla or at Delhi, instead of the whole of the Staff Selection Board making a tour of the whole of India. I think that is the practice that is now going on. The entire Staff Selection Board go to Bombay, Madras, Calcutta, Bihar, and I believe, Allahabad and Delhi. What is the necessity for the entire Staff Selection Board to visit the whole of India and giving them a large amount of travelling expenses? That is the point. So far as the method of recruitment is concerned, there are rumours, but these rumours are not to be trusted, and I think no responsible Member of this House will bring any charge against any member of the Staff Selection Board without definite information. But so far as the practice of going round is concerned, I believe this is a most objectionable feature. Candidates who pass the examination might be sent for at the Headquarters or at any other centre and selected without making the Government undergo the extra expense of touring.

Dr. H. S. Gour : Sir, I have listened with a certain amount of interest to the extremely general and vague charges made against the Staff Selection Board. I may point out that I was also the recipient of frequent visits from members who came straight from the Staff Selection Board hall and they invoked my assistance in their behalf. The members who came to me were so numerous that I, after interviewing them all, told them that they must bring before me specific examples of flagrant abuse of power by the Staff Selection Board, that I shall investigate those cases, and that if I found that there was any *prima facie* case against the Staff Selection Board, I shall make myself responsible for ventilating their grievances before this House. They took time, and after 3 or 4 days, one gentleman came up and saw me and said he was the living example of the flagrant abuse of power. I questioned him. I asked him what his qualifications were. I examined him for nearly 2 hours and I found that his sole grievance was that he was in a certain department for six years and he was not kept on. I then said to him that if this was the sole grievance he had against the Staff Selection Board, then he had no grievance at all, and he went away fully satisfied that he had no grievance of any kind against the Staff Selection Board. As regards the other people who had

grievances against the Staff Selection Board, they came up to me in a body and said that they did not want me to examine them but to have their word and to ventilate their grievances from the floor of this House. I am afraid, that is the invitation which my friends, Messrs. Shahani and Jaminadas Dwarkadas have accepted without scrutiny. Let me assure the House that if any complainants come before them, and they ask them to specifically state their grievances and see whether they have any grievance of a real character, I am perfectly certain that in the majority of cases—let me make bold to say, in the large majority of cases—they will find that they are failed candidates, who like all failed candidates go about grouching about having failed and that they have no grievance except this that they have lost their job since they have been put to the test of an examination. I submit that these people who come before Honourable Members are all people who are dissatisfied with the Staff Selection Board because the Staff Selection Board applies a rigid test of examination which they have failed to pass. I submit that we should not be too hasty in our condemnation of the system which is intended to organise the Secretariat staff and to place it upon a satisfactory footing. If any grievances are justified, they would be certainly ventilated in this House, and it is the duty of this House to see that those grievances are redressed. But I assure the Honourable gentlemen here that I have not come across any. So far as the members of the Staff Selection Board are concerned, I happen to know one or two of them personally and I may testify to this House from my personal knowledge that they are men of position and extreme impartiality, and, as at present advised, you should not have the slightest hesitation in placing your utmost confidence in the members of the Staff Selection Board.

Mr. K. B. L. Agnihotri : Sir, in view of the explanation given by the Honourable the Home Member, I beg to withdraw my amendment.

The Honourable Sir William Vincent : Sir, may I explain one matter referred to by Mr. Majumdar before the amendment is withdrawn? The Honourable Member asked a question—a very legitimate one—why travelling allowance was drawn and why it was necessary to send the Board round to different centres. The whole Board do not go. As a matter of fact, I believe only certain members of them go. And the answer is this. It is to facilitate the work of selecting suitable candidates.

What is the other alternative? To get all the candidates up to Simla or to Delhi? What would be the cost of that? Has the Honourable Member ever thought of that when he made this suggestion? Is it not cheaper for Government to send round two or three men to centres and have examinations there than to bring up hundreds of candidates to Delhi and examine them there? Can we get the best candidates if they are poor and find it impossible to find the money to take them to a centre like Delhi? The fact is that as an alternative to paying the expenses of the candidates, we found it cheaper to send down our men to convenient centres. That is the answer to the Honourable Member's question. There is another point on which I feel very strongly and I hope that the Honourable Mr. Shahani will at least now withdraw the allegation he made. I should like to tell the Assembly who the members of the Board against whom the allegations are made are. They are Mr. Watson, Mr. Richey, Educational Commissioner, Mr. Bajpai who serves for nothing, getting only a small allowance on the days he attends, a Sessions Judge, a man of an eminently respectable character and Mr. Mir Muhammad Khan, a barrister of the Punjab. There is

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no question of their respectability and I am glad that Dr. Gour has vouched for it. It is a matter really of deep regret to me that an allegation of this kind should be made against men of this position. Last Session when I was dealing with certain charges against the Staff Selection Board I had to reply to similar allegations made by Mr. Neogy against Mr. Watson.

Mr. K. C. Neogy : I did not make any such allegation.

Mr. S. C. Shahani : I wish to make a statement by way of reply to the Honourable Member. What I said was that the Honourable Member had stated that the non-official Members went with sons and grandsons for appointments and I hoped that it would be seen that the Staff Selection Board did not themselves go with sons and grandsons for appointments, and that a very general discontent had been created with regard to what had so far been done by the Staff Selection Board. If this statement of mine can be considered as being tantamount to making any specific allegations against the Staff Selection Board, I should have no hesitation in expressing my regret. But I have only ventilated what has been a general state of feeling with regard to the work that has been done by the Staff Selection Board. I shall certainly make further inquiries and if after further inquiries I find that I have been wrong I shall certainly apologise; but, as I have said, I feel that I am right. I will place further information before the House at some future date.

Mr. President : The question is, that the motion for reduction in this case be withdrawn.

The motion was adopted.

OFFICER ON SPECIAL DUTY FOR THE REVISION OF THE TRANSFER OF PROPERTY ACT.

Bhai Man Singh : I have given notice of an amendment to the effect that Rs. 10,220 asked for the salary of an officer on special duty for the revision of the Transfer of Property Act be omitted. I ask for this reduction for the one simple reason that the Law Department itself is quite enough and quite capable of doing the work. I think we have got the ablest men in our Law Department and if for the revision of every Act we are required to have a special officer, I do not know what expenditure it will mean. To-morrow we may have to revise the Criminal Procedure Code, the day after we may have to revise certain other Acts, and if for all these Acts we are to have special officers I think the expenditure will come to a huge sum. Therefore I would request the Honourable the Law Member to see if he can dispense with the services of a special officer for this purpose and try to have the work done with his present staff.

The Honourable Dr. T. B. Sapru : Sir, I am not at all surprised that my friend who hails from the Punjab, where the Transfer of Property Act has never been put in force, should fail to recognise the importance and the difficulty of the Transfer of Property Act. I am very grateful to him for the compliment that he has paid to my department and I can honestly say in this Assembly that no abler officers could have been associated with me than those with whom I have the fortune to work. So far as the business of my department is concerned, if my Honourable friend will any day walk into my department, I will take him round to the rooms where the officers of

my department work, where they have to deal with hundreds of questions, any number of Resolutions, any number of non-official Bills, also with requests from certain gentlemen, I won't mention names, 'to do similar other things'. (Laughter). If my Honourable friend will bear with me I will tell him that there is no single department of the Government of India which does not send its files on to the Legislative Department from day to day for advice. If in these circumstances my Honourable friend thinks that any officer of my department can in the course of a day or two overhaul the Transfer of Property Act, then I must candidly say that I decline to be a party to any such procedure. May I also remind my Honourable friend of what I said in the course of my speech on Mr. Rangachariar's Bill that the Transfer of Property Act was first taken in hand by no less a competent person than my Honourable colleague, Sir William Vincent, when he was Secretary in the Legislative Department. His note was subsequently added to by a gentleman of great eminence in the legal profession, I mean Dr. S. C. Bannerjee. There were further notes written by Sir George Lowndes and I can say in all humility that no one understands the difficulty of the Transfer of Property Act more than I do, and I think it would be a sheer waste of public time to ask any officer who has got so many things to attend to to take up the Transfer of Property Act only in his spare moments. An Act revised by an officer under these circumstances would not be worth presenting to this Assembly and I am sure that every High Court would condemn such perfunctory work. I will therefore earnestly ask my friend not to dabble with the Transfer of Property Act when he has had no experience of it.

The motion for reduction was negatived.

SIX ASSISTANT FINANCIAL ADVISERS.

Bhai Man Singh : The next amendment of which I have given notice is the reduction of Rs. 300 from the pay of the six Assistant Financial Advisers in the office of the Financial Adviser, Military Finance. This I have proposed with a view to know why this whole item was not included in the beginning of the year and whether we could not do without the addition of these men at this time of the year.

Mr. President : The question is, that the provision in respect of the salaries of the Assistant Financial Advisers be reduced by Rs. 300.

The amendment was negatived.

Mr. President : The question is :

'That a supplementary sum not exceeding Rs. 4,27,000 be granted to the Governor General in Council to defray the charge that will come in course of payment for the year ending the 31st day of March 1922 in respect of 'General Administration'.

The motion was adopted.

Mr. President : The question is :

'That a supplementary sum not exceeding Rs. 4,75,000 be granted to the Governor General in Council to defray the charge that will come in course of payment for the year ending the 31st day of March 1922 in respect of 'Audit'.

The motion was adopted.

Mr. President : The question is :

'That a supplementary sum not exceeding Rs. 11,000 be granted to the Governor Administration of Justice. General in Council to defray the charge that will come in course of payment for the year ending the 31st day of March 1922 in respect of 'Administration of Justice'.'

The motion was adopted.

Mr. President : The question is :

'That a supplementary sum not exceeding Rs. 6,40,000 be granted to the Governor Jails and Convict Settlements. General in Council to defray the charge that will come in course of payment during the year ending the 31st day of March 1922 in respect of 'Jails and Convict Settlements'.'

Mr. E. L. Price : Sir, I hope to be in order this time.

I have given notice of an amendment to reduce this amount by Rs. 200, which is the amount for rounding, viz., Rs. 111 and the substantive reduction of Rs. 89, and the reason is, that though I have carefully studied the notes issued with these Supplementary Grants, I have not been able to understand the position of this wretched steamer the 'Maharaja.' It is perfectly true, that the cost of coal has gone up ; it is perfectly true, that as they chartered in sterling, calculated at 1s. 8d. and had to remit no doubt at a lower rate, they have lost that money. What I cannot understand is how they have made no gain at all. Considering that freights, since the Budget was framed last February, have fallen to less than half of what they were and steamers, it is notorious, are laid up in all directions, in spite of that slump in freights, a wonderful thing in their favour, are they still saddled with the cost of this steamer at the original high charter rate ?

Mr. P. P. Ginwala : With reference to this demand, I would like the Honourable the Home Member to give us some information with regard to the Jails Committee Report. I would like the Honourable the Home Member to say if he proposes to abolish the Andamans as a convict settlement and what the position is as regards its abolition. I would also like to know, Sir, whether he contemplates legislation in the immediate future to give effect to the proposals made by the Jails Committee, especially in connection with the Indian Penal Code. I would also like to know.....

Mr. President : Order, order. I do not think there is anything in these statements which can bring in the Report of the Jails Committee. If the Honourable Member thinks so, I am quite prepared to hear him on the subject.

Mr. P. P. Ginwala : Well, Sir, there is a reference to the Convict Settlements.

Mr. President : The Convict Settlement is one subject and the report on it is another.

Mr. P. P. Ginwala : This legislation I referred to refers to Convict Settlements and the amendment of the Indian Penal Code. I would like to know whether he has received any suggestions from any of the Local Governments, with regard to the recommendations of the Jails Committee, as regards the Andamans as well as other matters. Of course the Honourable the Home Member need not trouble about giving me any information about my own Government, because my Government has not had time enough to examine the case with that thoroughness which it ordinarily imposes on itself in dealing with any matter.

The Honourable Sir William Vincent : Sir, I will answer Mr. Price at once. I understand that the contract made for this ship 'Maharaja'—I have not much knowledge of shipping contracts myself, it is not in my line of business—was made for five years when freights were higher than they are now. That is the position. It was made on the best expert advice we had at the time but I do not pretend to have any knowledge of the matter myself.

The Honourable Member behind me (Mr. Ginwala) asked me how we are getting on with the question of the abolition of the Andamans. Well, after the Report of the Jails Committee was received, we sent over an officer to the Andamans to see what steps could be taken in that direction. He has submitted proposals to the Government of India which are now before the Council and I propose at a meeting of the Executive Council to suggest to that body that the report should be examined by a small Committee of this Legislative Assembly to see how far the proposals meet with the approval of the Legislature, but in anticipation of the orders of Council I can make no definite statement on that point.

We also have under consideration at this present moment in the Legislative Department proposals regarding the change in the Penal Code which would be necessitated if the recommendations of the Jails Committee are accepted in full.

The Honourable Member has asked me what action has been taken on the Jails Committee's Report itself. That is a matter I cannot deal with on a motion of the present kind, but if the Honourable Member will call on me I will show him all the letters that were issued—they were laid on the table the other day—and such of the replies as we have received.

Mr. P. P. Ginwala : I am much obliged to the Honourable the Home Member.

Sir Vithaldas D. Thackersey : Sir, by way of information we are told that the Honourable the Home Member had not much knowledge about taking steamers on contract. May I ask why, when every merchant knew that the highest rate of contract could not last very long, on whose advice Government entered into this contract for five years considering that at the time the freights ruled highest in the market ?

The Honourable Mr. C. A. Innes : Sir, I had something to do with this case, but, unfortunately, I did not know this matter was coming up and I have not seen the file for a long time. I am speaking, therefore, entirely from memory, but, as far as I can remember, the facts were these. We had a temporary charter for the steamer 'Maharaja' ending in September 1920, and last year the question came up as to what arrangements we were to make for the future service to the Andamans. We asked the Director, Royal Indian Marine, whether a Government steamer could be provided to carry on this service. We found that that course was impossible. We called for tenders; we had no response at all except from one single firm, the owners of the 'Maharaja', and we had to come to the best terms that we could with that firm. Well, Sir, I was not so foolish, and the Government of India were not so foolish as to deal unaided with a matter of this kind, because we knew that we had not got the necessary knowledge to make an arrangement with regard to the charter of a ship, and so, Sir, we went to an officer who for two years had been Controller of Shipping in India, namely, Major Storey. I had a great

[Mr. C. A. Innes.]

deal to do with the late Major Storey in that capacity and I can testify now to the extraordinary good work which he did for India in that matter. So we entrusted the negotiations to Major Storey. As far as I remember, we had only two alternatives open to us. One was to make an arrangement with the owners of the 'Maharaja' by which they ran the ship on their own account, and we guaranteed them a profit extending I think up to Rs. 3,80,000 or so, a figure of that kind, every year. At any rate we guaranteed them a definite sum or profit. The other was this arrangement of a time charter which was proposed by Mr. Storey. The actual terms were a matter of negotiation. We knew perfectly well that freights were jumping; we did not know which way they would jump, whether they would rise or whether they would fall, at the time when we made this contract. It was a matter of negotiation and eventually we took the best terms we could get and we agreed to this charter. It may have turned against us, it has turned against us, but we acted upon the best advice we could get at the time. We were dealing with a monopolist and we made the best bargain we could.

Mr. J. Chaudhuri: May I ask the Honourable the Home Member what useful part elephants play in Port Blair?

The Honourable Sir William Vincent: They are used in the Forest Department; it is very simple.

Mr. E. L. Price: Sir, I should like to make it plain that I am not withdrawing my amendment.* The whole circumstances of the charter of this steamer show the incapacity of Government Departments in dealing with business propositions, and make a very good reason for their leaving them alone as far as they can. The fact of the matter is, they are paying this steamer its value once a year, and I do not withdraw my amendment.

The amendment was put to vote.

The Assembly divided as follows:

AYES - 46.

Abdul Qadir, Maulvi.
Abdur Rahim, Mr.
Abul Kasem, Maulvi.
Agnihotri, Mr. K. B. L.
Ahmed, Mr. K.
Aiyer, Sir P. S. Sivaswamy.
Amjad Ali, Maulvi.
Asjad-ul-Jah, Maulvi Miyan.
Ayyangar, Mr. M. G. M.
Ayyar, Mr. T. V. Seshagiri.
Bagde, Mr. K. G.
Bajpai, Mr. S. P.
Barua, Mr. D. C.
Bhargava, Pandit J. L.
Bishambhar Nath, Mr.
Chaudhuri, Mr. J.
Chaudhuri, Mr. N. N.
Faiyaz Khan, Mr. M.
Ghulam Sarwar Khan, Chaudhuri.
Ginwala, Mr. P. P.
Girdhar Das, Mr. N.
Gour, Dr. H. S.
Ibrahim Ali Khan, Lieutenant Nawab.

Ikramullah Khan, M. M.
Jatkar, Mr. B. H. R.
Joshi, Mr. N. M.
Kamat, Mr. B. S.
Lakshmi Narayan Lal, Mr.
Latthe, Mr. A. B.
Manmohandas Rainji, Mr.
Man Singh, Bhai.
Mudaliar, Mr. S.
Muhammad Ismail, Mr. S.
Mukherjee, Mr. J. N.
Mukherjee, Mr. T. P.
Nabi Hadi, Mr. Syed.
Nag, Mr. G. C.
Nand Lal, Dr.
Neogy, Mr. K. C.
Pyari Lal, Mr.
Reddi, Mr. K.
Sinha, Beohar Raghurib.
Srinivasa Rao, Mr. P. V.
Subrahmanayam, Mr. C. S.
Subzposh, Mr. S. M. Z. A.
Venkatapatiraju, Mr. B.

NOES - 50.

Abdulla, Mr. Saiyed Muhammad.
Akram Hussain, Prince A. M. M.
Asad Ali, Mir.
Barodawalla, Mr. S. K.
Bradley-Birt, Mr. F. B.
Bryant, Mr. J. F.
Chatterjee, Mr. A. C.
Clarke, Mr. G. R.
Clayton, Mr. H.
Cotelingam, Mr. J. P.
Crookshank, Sir Sydney.
Dalal, Sardar B. A.
Dentith, Mr. A. W.
Faridoonji, Mr. R.
Fell, Sir Godfrey.
Habibullah, Nawab Khwaja.
Hailey, the Honourable Mr. W. M.
Hullah, Mr. J.
Hussanally, Mr. W. M.
Innes, Mr. C. A.
Iswar Saran, Munshi.
Jannadas Dwarikadas, Mr.
Jejeebhoy, Sir Jamsetjee.
Kabiraji, Mr. J. K. N.
Lyle, Mr. D. R.

Majumdar, Mr. J. N.
McCarthy, Mr. F.
Mitter, Mr. D. K.
Muhammad Hussain, Mr. T.
Percival, Mr. P. E.
Ramayya Pantulu, Mr. J.
Rangachariar, Mr. T.
Rao, Mr. C. Krishnaswami.
Samarth, Mr. N. M.
Sapru, the Honourable Dr. T. B.
Sarfaraz Hussain Khan, Mr.
Shahani, Mr. S. C.
Sharp, Mr. H.
Sim, Mr. G. G.
Singh, Babi Ambika Prasad.
Singh, Babu B. P.
Sinha, Babu Adit Prashad.
Sinha, Babu L. P.
Sircar, Mr. N. C.
Spence, Mr. R. A.
Thackersey, Sir Vithaldas D.
Vincent, the Honourable Sir William.
Vishindas, Mr. H.
Waghorn, Colonel W. D.
Zahiruddin Ahmed, Mr.

The amendment was negatived.

The Honourable Mr. W. M. Hailey: Before we proceed with further business, Sir, I wish, with your permission, to make a brief statement in regard to one item which the House has already passed*.....

Mr. President: I had better put the motion first.

The question is:

'That a supplementary sum not exceeding Rs. 6,40,000 be granted to the Governor General in Council to defray the charge which will come in course of payment during the year ending the 31st day of March 1922 in respect of 'Jails and Convict Settlements'.'

The motion was adopted.

The Honourable Mr. W. M. Hailey: Sir, the statement to which I alluded is this. We are always looking out for possible savings. In regard to the demand which was put before the Assembly in respect of item No. 12, and was duly passed, my Honourable friend, Sir Sydney Crookshank, has just informed me that he has received information which will enable him to reduce the sum by two lakhs. That is to say that in regard to the supplementary demand of Rs. 15,80,000 in item 12 we shall expect to spend Rs. 13,80,000 only.

The Honourable Sir William Vincent: Sir, I should just like to say a few words. To-day's business seems to be getting on very fast, and referring to an undertaking which I gave in this House a few days ago about giving time for the discussion of Mr. Majumdar's Resolution I wish to say that if you, Sir, think it is possible for the House to get through the supplementary grants to-day there are only two Resolutions and a small amount of Legislative business down on to-morrow's List. I shall be quite prepared to agree to Mr. Majumdar's Resolution being included in the business for to-morrow if we can get through the others as quickly as I anticipate.

Mr. President: The Assembly will now adjourn till Half Past Two of the Clock.

The Assembly re-assembled after Lunch at Half Past two of the Clock. The Honourable the President was in the Chair.

Mr. P. P. Ginwala : I rise to a point of order, Sir. When an Honourable Member moves a Resolution or an amendment which is pressed to a division, is it in accordance with the ordinary parliamentary practice for that Honourable Member to abstain from voting on that Resolution or not?

Mr. E. L. Price : Sir, may I make a personal explanation? I think it refers to me. In reply I beg to say, Sir, that I did not force the last Resolution to a division.

Mr. President : As far as the taking of the division is concerned, I think the Honourable Member said that he would not withdraw the amendment.

Mr. E. L. Price : I did not press it to a division, Sir. That was done by other people.

Mr. President : If the Honourable Member does not withdraw it, the presumption is that he wants the judgment of the House upon it.

As regards the point raised by the Honourable Member from Burma, I should like to take that into consideration. He has asked what the parliamentary practice is in the matter. I am not certain of that and I should like to take the point into consideration. It may establish a precedent here, and it requires mature thought on the part of the Chair.

The Honourable Sir William Vincent : May I also make a personal explanation, Sir? During the interval I have heard it suggested that I, in the course of the debate on the Staff Selection Board, asserted that Members of this Assembly use their influence to secure appointments to their relatives in the Secretariat. I made no such statement at all, and if any Honourable Member is under that impression, I wish to correct it at once. What I did say, and what I maintain, is this, that Registrars, Superintendents and Clerks in the Secretariat themselves do seek to secure appointments for their sons, sons-in-law, and other relatives. But I have never been approached by any Member of this Assembly to secure an appointment for any relative and I had no intention of making any such suggestion.

Mr. S. C. Shahani : Sir, I understood the Honourable Member to say that; and not only I, but Mr. Seshagiri Ayyar too, who wrote to me this note to say so at that very moment. Otherwise I would not have retaliated in the manner in which I did. I therefore withdraw the statement that I made which was more retaliatory than anything else.

Mr. President : The question is :

That a sum not exceeding Rs. 26,000 be granted to the Governor General in Council to defray the charge which will come in course of payment during the year ending the 31st day of March 1922 in respect of 'Police'.

Mr. E. L. Price : Sir, if I am in order in proposing a reduction of Rs. 100 under the heading 'Contingencies Clothing of Police', I would do so. Otherwise I would oppose the whole vote. Now, Sir, this Rs. 8,800 is to meet the cost of uniform and clothing due to be supplied to the members of the Police Force of the Civil and Military Station at Bangalore. When the Moplah rebellion broke out, the first Communiqué issued said, that reinforcements of military and police were being hurried up from Bangalore. It would follow, therefore,

that this money will really go to replace the uniforms that have been worn out in this campaign, and on this ground I suggest that I am perfectly entitled to raise the whole Moplah question. Sir, when I was trying to speak on this matter before, and I got up to 'King Bela Kun Mohamed Hajee', I raised a laugh. And, Sir, that laugh struck terror in my mind, because I feel that it is with a laugh that the military authorities are treating this rising. I am afraid that the military authorities are so confident of their power, both human and mechanical, to overcome this rising that they are not putting into the field sufficient force to quell it at once. They treat it as a comic opera-rising.

Mr. President : I must ask the Honourable Member whether he has assured himself that the point raised at the beginning is really applicable and I think I must ask for information from the Government Member before I allow him to proceed further.

The Honourable Sir William Vincent : I am not in a position to contradict the Honourable Member, but Bangalore is, I believe, some 300 or 400 miles from the area where these disturbances are taking place. At the same time I shall be very pleased to meet the Honourable Member on the ground he has taken up.

Mr. President : To meet the Honourable Member would also be out of order! The vote which the Honourable Member from Karachi proposes to reduce is a vote on Contingencies and the Clothing of the Police to the amount of Rs. 8,800. I must assume unless evidence is brought to the contrary that the vote makes provision for necessities that arose before the Moplah outbreak occurred. If this is correct, I am afraid, the Honourable Member's ingenuity has not found the right point yet.

Rao Bahadur T. Rangachariar : I think the Bangalore Military were taken and not the Police.

The Honourable Mr. W. M. Hailey : It would perhaps enforce the point made by Sir William Vincent if I inform the House that the Rs. 8,800 is for expenditure incurred last year, before the Moplah outbreak could have been even planned in the minds of those misguided persons whom we believe to have instigated it.

Mr. President : The question is :

That a supplementary sum not exceeding Rs. 26,000 be granted to the Governor General in Council to defray the charge which will come in course of payment during the year ending the 31st day of March 1922 in respect of 'Police'.

The motion was adopted.

Mr. President : The question is :

That a supplementary sum not exceeding Rs. 10,000 be granted to the Governor General in Council to defray the charge which will come in course of payment during the year ending the 31st day of March 1922 in respect of 'Ports and Pilotage'.

The motion was adopted.

Mr. President : The question is :

That a supplementary sum not exceeding Rs. 27,15,000 be granted to the Governor General in Council to defray the charge which will come in course of payment during the year ending the 31st day of March 1922 in respect of the 'Botanical Survey'.

Mr. B. S. Kamat : I rise to request the Finance Member to give us some further information regarding this item of 27 lakhs of rupees, for the purchase of Java quinine. We have been told in the fourth column

[Mr. B. S. Kamat.]

of the note that the Secretary of State has made certain agreements with Messrs. Howards for a regular supply of cinchona bark for a period of five years and also with another firm for the supply of quinine for three years commencing from 1921; in the second paragraph of this note, we are further told that the Secretary of State has since intimated that supplies in excess of those for which provision was made are expected; now the Finance Committee had made a provision of £155,000 only in June last for the purchase of quinine. I take it that the agreement was for a regular supply from year to year. If so, I should like to know why this excess delivery is being offered by one of the firms, and if this is correct, why Government are accepting a supply in excess of what was stipulated in the agreement. The fact of the matter is, that if Government departments need this excess supply, possibly we shall have to sanction this grant, but if that is not so, and if the firms are offering to deliver more than what was stipulated, then this House would be entitled to throw out this item. I therefore ask for some further explanation so that we may be in a better position to know whether the Government are accepting what was strictly according to agreement or they are under some other necessity to accept this excess.

Mr. B. H. R. Jatkar: Sir, I have sent in an amendment to reduce this grant by the sum of Rs. 4 lakhs for the same reasons as those suggested by Mr. Kamat.

Mr. J. Hullah: Mr. Kamat has invited the Honourable the Finance Member to give an explanation, but I think that perhaps I am better acquainted with the details and may therefore offer it. It is not a fact that we are taking more quinine than is stipulated for in the agreement. The Secretary of State made an agreement for the supply of quinine for three years. The supply is to come forward at intervals of 5 or 6 weeks. When we found that we had insufficient budget provision for more than the present calendar year, we asked the Secretary of State whether he could arrange with the Dutch producers to withhold the supplies for the first three months of the next year. We had not received his reply at the time when the Standing Finance Committee met and therefore we only asked the Standing Finance Committee for sufficient money to pay for the supplies that were arriving during the present calendar year. We have now heard from the Secretary of State that he cannot make the proposed arrangement with the producers and, therefore, by the terms of our agreement we shall have to accept delivery of the supplies which we expect, that is to say, including two consignments from January to March. I have therefore to ask the Assembly for a larger grant than that which was actually put forward to the Finance Committee.

Sir P. S. Sivaswamy Aiyer: I want to know which would be cheaper—to get the bark and manufacture quinine in our factories here or to import quinine from outside?

Mr. J. Hullah: We obtain bark from Messrs. Howards and quinine sulphate from the Dutch producers. The bark that we get from Howards is made into quinine sulphate in our own factories in India.

Sir P. S. Sivaswamy Aiyer: Is that cheaper?

Mr. J. Hullah: I imagine it is, but I am not certain.

Mr. E. L. Price: When I was in the Nilgiris, I saw the Government quinine factory and I understand that cinchona from which quinine is produced is grown throughout those districts. And I ask, if it is grown in the Malabar

district, whether Government is not losing considerable supply of bark through this rebellion.

Sir Vithaldas D. Thackersey: Sir, I do not wish to oppose this grant, but I should like to get further information as to the effect of this grant on the Budget. In the very valuable memorandum prepared by the Honourable the Finance Member, he has divided the classes of demands into 4 heads, A, B, C and D. Under expenditure on A class comes the demand for extra expenditure which affects our revenue position. That which either goes to reduce the surplus or swell the deficit of the year comes under A class and he puts this demand of 27 lakhs in class A. It means that there will be an extra deficit of 27 lakhs, whereas in the explanation given on page 2 it is said:

'We were not at the time aware of the correct incidence of this charge. It subsequently transpired that the expenditure was chargeable to revenue and that the whole of it falls in the first instance on the Central Government. We shall recover the whole of a greater part of these sums by sales to provincial Governments.'

How are we to reconcile this statement with putting this demand in class A?

The Honourable Mr. W. M. Hailey: Sir, we have to get the assent of the House before we can begin to pay the bill. We have to spend money; before we can spend the money we have to obtain sanction from this Assembly. Then comes the process of recovery. Some of this money will be recovered at once, but the process of recovering the remainder must be spread over some months—it may extend to the next financial year. The House may take it that it will all be recovered, save such small portions as we may have to expend under the operations of the Central Government; except for that small amount, the bulk will be sold to local bodies and to provincial Governments. Ultimately, therefore, the great bulk of this expenditure is recoverable. I am not, however, able to put the demand down as a net figure, for the reason that I have already explained, namely, that there is a doubt as to the exact time when we can actually effect those recoveries.

Mr. J. F. Bryant: With regard to the question asked by my Honourable friend, the Member for Karachi (Mr. Price), I would like to point out that the quinine factory is at Naduvattam in the Nilgiris, at a considerable distance from the scene of the Moplah outbreak. I am not authorised to speak on behalf of my Government, but from my personal experience of two years in the Nilgiris, I may say that the operations of the quinine factory at Naduvattam are absolutely unaffected by the Moplah outbreak in Malabar.

Rai J. N. Majumdar Bahadur: This purchase of quinine is absolutely necessary because we generally find that for the past two years the entire supply of quinine is falling short of the demand, and, therefore, I think the Honourable the Finance Member is perfectly justified in asking for this grant. Even now there is a shortage of quinine and, if you go to the mofussil, in all places affected with malaria, you will find that people do not get quinine from the post offices. As the entire amount is to be recovered from the public through the Local Governments, the Government of India will not lose a single pice.

Mr. J. N. Mukherjee: May I ask a further question as to how importation of quinine to such an extent is necessary and why Government cannot manufacture it? It is being manufactured by Government but not to the necessary extent. The manufacture has been in operation in this country for many years, but still it is far behind the requirements of the country.

Mr. President: May I ask the Honourable Member whether a sum corresponding to this must be added to No. 43?

The Honourable Mr. W. M. Hailey: When we come to No. 43, Sir, I shall have to ask that that sum be added to head No. 43.

Mr. J. Chaudhuri: May I ask the Finance Member whether he will appropriate this sum for the construction of buildings for the proposed Mine School at Dhanbad?

Mr. President: That will come when we get to the demand under its appropriate heading.

Mr. President: The question is:

'That a supplementary sum not exceeding Rs. 5,000 be granted to the Governor General in Council to defray the charge which will come in course of payment during the year ending the 31st day of March 1922 in respect of 'Other Scientific Departments'.

The motion was adopted.

Mr. President: The question is:

'That a supplementary sum not exceeding Rs. 43,000 be granted to the Governor General in Council to defray the charge which will come in course of payment during the year ending the 31st day of March 1922 in respect of 'Education'.

The motion was adopted.

Mr. President: The question is:

'That a supplementary sum not exceeding Rs. 20,000 be granted to the Governor General in Council to defray the charge which will come in course of payment during the year ending the 31st day of March 1922 in respect of 'Medical Services'.

Sir P. S. Sivaswamy Aiyer: May I ask where this Orthopaedic Institute is going to be situated?

The Honourable Mr. W. M. Hailey: At Dehra Dun.

The motion was adopted.

Mr. President: The question is:

'That a supplementary sum not exceeding Rs. 1,91,000 be granted to the Governor General in Council to defray the charge which will come in course of payment during the year ending the 31st day of March 1922 in respect of 'Public Health'.

Rao Bahadur T. Rangachariar: Under this item, Sir, a very important question arises to which I wish to draw the attention of the Assembly, viz., regarding the expenditure which is incurred by us on account of the Hedjaz Pilgrimage. We have to incur a large sum in the shape of hospitals, in the shape of allowances to destitute pilgrims who go there, and in various other ways; and I think the sum under these various heads will amount to over a lakh or even two lakhs of rupees per annum, I mean the recurring expenditure. The question arises whether our funds should be utilised for this purpose at all, and if we acceded to this principle, whether we are going to allow similar grants to other pilgrims going, for instance, to Rameswaram and

getting stranded there, or who go to Hardwar and get stranded there, or Christian pilgrims who go elsewhere and get stranded. The question arises whether this is a charge which ought to be borne from the public funds. This doubt I felt when I dealt with this as a Member of the Finance Committee, and I bring it now before this Assembly so that they may vote on it with a full knowledge of what it is.

Mr. B. Venkatapatiraju: Sir, I regret very much that our careful Mr. Rangachariar should have introduced this subject at all, because we are spending money on Christian churches and for temples and also on account of pilgrims. This is not the first item we are spending; we have been spending on this item for several years; these pilgrims go to foreign countries and we must protect them because they are our countrymen and I hope Mr. Rangachariar will not press this on the attention of the Council.

Dr. Nand Lal: Sir, I am sorry that my Honourable friend, Mr. Rangachariar, has spent so much time on this item. This item was accepted and approved of for a number of years and my learned friend has not assigned any special reason why a protest should be entered against it now. The only reason which he has assigned is this: that if this item is allowed for a particular community, why should it not be allowed for other communities? In answer to that, I may submit at once, that the other communities may apply and it is to be seen whether their application is accepted or not. But the protest, which has been entered now, is misplaced.

Mr. W. M. Hussanally: May I point out to the Honourable Member, Mr. Rangachariar, that a similar objection was raised in the Standing Finance Committee and that it was over-ruled?

Mr. President: It is for the Standing Finance Committee itself to say what communications should be made to this House regarding the proceedings of the Committee. A useful report, which does not purport to be a verbatim report of its proceedings, has been circulated for the benefit of Members; but it would be impossible for me, for instance, to rule as between two Members if they started discussing what happened in the Committee. I hope Honourable Members will be careful what references they make to debates which have taken place in the Standing Finance Committee.

Mr. H. Sharp: Sir, I gather from the opinions that have been expressed that there is not a very great body of opinion in favour of what Mr. Rangachariar has said. But I should just like to add a point about the remark which he made regarding the rising expenditure on this pilgrimage. It is not the fact that the expenditure on the pilgrimage to the Hedjaz has risen. It is very much less now than it has been for the last two years. It has been large in the past two years because the Muhammadan community during the war were unable for various reasons to carry out the pilgrimage to the Hedjaz which they regard as a duty; and, I may add, the community had behaved with the greatest moderation and good sense during this time of trouble and difficulty. Government therefore thought that it was only right to place certain conveniences in their way as soon as the war was over. The expenditure this year is far less than the expenditure last year, and there is one other thing that I should like to point out; and that is that a considerable portion of the expenditure here put down is actually the paying off of bills which could not be presented last year and which, therefore, have to be honoured during the current year.

[Mr. H. Sharp.]

That accounts for Rs. 30,000 out of this demand.

There is just one other point, Sir, regarding other communities. The Government in the past has given a great deal of money for pilgrimages performed by Hindus. Only the other year—I think it was two or three years ago—we gave three lakhs for the improvement of the water supply at Puri, a very large and important pilgrimage centre, as we all know, with a view to stopping the ravages of cholera which is apt to break out during the crowded pilgrimages to that place.

Rai J. N. Majumdar Bahadur: Sir, this money is well spent in allowing these pilgrims to go on their holy pilgrimage. It is only in cases where pilgrims are destitute and cannot afford to pay their way that they accept these gifts. In some cases a pilgrim will go to his place of pilgrimage and spent all his money there, find himself stranded and then Government has to come to his rescue. This is a matter which was very carefully considered in the Finance Committee, and we were unanimous in regard to it.

Mr. N. M. Joshi: Sir, I should like to know whether it is right for the Government of India to have started that Hospital at Jeddah. If we begin to start institutions of this character in foreign countries, we shall soon have applications from South Africa asking us to start schools for Indians in that country. I would therefore like this point considered.

Rao Bahadur T. Rangachariar: Just a personal explanation, Sir. When I raised this question in the Finance Committee, this information which Mr. Sharp gives now was given then. I am not going to vote against this now nor did I then vote against it and I want the House to vote on it with their eyes open. Another point which must be mentioned is this: I was told that the community were raising funds to meet half the cost. I hope they will keep to their bargain ends.

Mr. President: The question is:

‘That a supplementary sum not exceeding Rs. 1,91,000 be granted to the Governor General in Council to defray the charge which will come in course of payment during the year ending the 31st day of March 1922 in respect of ‘Public Health’.

The motion was adopted.

Mr. President: The question is:

‘That a supplementary sum not exceeding Rs. 20,000 be granted to the Governor General in Council to defray the charge which will come in course of payment during the year ending the 31st day of March 1922 in respect of ‘Agriculture’.

The motion was adopted.

Mr. President: The question is:

‘That a supplementary sum not exceeding Rs. 1,79,000 be granted to the Governor General in Council to defray the charge which will come in course of payment during the year ending the 31st day of March 1922 in respect of ‘Civil Veterinary Services’.

The motion was adopted.

Mr. President: The question is:

‘That a supplementary sum not exceeding Rs. 3,52,000 be granted to the Governor General in Council to defray the charge which will come in course of payment during the year ending the 31st day of March 1922 in respect of ‘Industries’.

The motion was adopted.

Mr. President: The question is:

‘That a supplementary sum not exceeding Rs. 4,000 be granted to the Governor General in Council to defray the charge which will come in course of payment during the year ending the 31st day of March 1922 in respect of ‘Miscellaneous Departments’.

The motion was adopted.

Mr. President: The question is:

‘That a supplementary sum not exceeding Rs. 35,000 be granted to the Governor General in Council to defray the charge which will come in course of payment during the year ending the 31st day of March 1922 in respect of ‘Currency’.

The motion was adopted.

Mr. President: The question is:

‘That a supplementary sum not exceeding Rs. 13,20,000 be granted to the Governor General in Council to defray the charge which will come in course of payment during the year ending the 31st day of March 1922 in respect of ‘Civil Works’.

Dr. Nand Lal: Sir, in regard to this item I have to enter a protest. During the last Session I also raised a cry and that cry was repeated by a number of Members in this Assembly. The protest which I entered was against the large expenditure by the Military Department in the North-West Frontier Province... ..

Mr. President: If the Honourable Member wishes to raise that cry he must raise it somewhere else. It is not in order now.

Dr. Nand Lal: I am sorry, I withdraw my remarks.

Mr. N. M. Samarth: Sir, I wish to ask the Honourable Finance Member whether the item of Rs. 80,000 which was to be transferred from item No. 26 to item No. 43 is, or is not, included in item No. 43. It refers to the construction of quarters at Sitarampur.

The Honourable Mr. W. M. Hailey: It is included also in the item under the head of ‘Bihar and Orissa’ on page 33 to which reference is given in the margin of the same page; I was therefore inaccurate, and the Honourable Member is perfectly right in correcting me on that point.

Mr. N. N. Chaudhuri: Will the Honourable Member kindly explain fully the expenditure put against Assam amounting to Rs. 1,34,000 and Rs. 29,000 and Rs. 2,000 and their imperative necessity?

The Honourable Mr. W. M. Hailey: The Honourable Member is, I understand, asking for information regarding the provision of accommodation for the Assam Rifles in certain frontier tracts of Assam. Our arrangement with the Assam Government is this. We do not ourselves keep up regiments for the protection of the North-Eastern Frontier; the protection of that Frontier is safeguarded by a certain number of Police Battalions maintained and administered by Assam. In return for that, we give the Province lump sum the exact amount of which was a matter of discussion in the course of the award of the Meston Committee. We are under an obligation to complete certain of the buildings required by the Police Battalions, and it is because the sum which was provided for the completion of this work was insufficient that we have had to place in the demands the additional provision for which the House is now being asked.

Rai D. C. Barua Bahadur: I should like to ask the Honourable the Finance Member whether buildings are going to be erected in the district of Sadiya?

The Honourable Mr. W. M. Hailey: Sir, the disposition of the force is a matter for the Assam Government. As I explained, the Battalions are administered as a whole by the Assam Government and they place them in the quarters where they find their presence most necessary. We are merely confronted with the somewhat dull task of providing the money.

Mr. P. P. Ginwala: Sir, with reference to the Burma military police I understood during the debate on the last budget that the Honourable the Finance Member said that the Government of India had allowed forty-five lakhs of rupees as their share of the expenditure incurred.

I am asking for information as to why it is not included. The Honourable the Finance Member then said that there will be a readjustment between the Government of India and the Government of Burma, and I believe there is a difference now of about Rs. 15 lakhs between the amount spent by the Government of Burma and the amount allotted by the Government of India. Does the Honourable the Finance Member propose now to allot any amount to the Government of Burma, and, if so, why is it not included in this (supplementary) budget?

The Honourable Mr. W. M. Hailey: I shall be glad to supply the information which the Honourable Member has asked for. There is no mention of Burma on pages 32-33 of this supplementary demand because we are not proposing to pay anything under this particular head to Burma. If new buildings are required, this is a matter entirely for the Burma Government. With regard to the remainder of the question which the Honourable Member has asked me, I shall be glad to supply him the information privately. The matter does not arise under this head of discussion.

Sir P. S. Sivaswamy Aiyer: Sir, there is an item of 'New temporary Chamber for the Council of State at Metcalfe House in Delhi.' I do not know when the permanent building for the Council of State will be ready. As regards the temporary Chamber, I do not know whether it is proposed to adapt the existing Chamber or to build an entirely new building, or if a new building is put up, the existing temporary Chamber will be scrapped.

Sir S. D'A. Crookshank: Sir, I understand the Honourable Member refers to the item of Rs. 1,11,000 for the new temporary Council Chamber at Metcalfe House, Delhi. This is an entirely new Chamber. The Honourable the President and a large number of the Members of the Council of State objected very strongly to the accommodation which was provided for their Council as a temporary measure at Delhi during the winter Session last cold weather season and they came up and asked that a new Chamber should be provided, or rather that the existing Chamber should be re-constructed and made satisfactory. It was impossible to do this without practically demolishing the whole of the Metcalfe House Chamber at very great expense. We therefore proposed—at least it was so decided—to add an entirely new Chamber at the end of Metcalfe House where the existing kitchens are, and this Chamber will be ready, I hope, by the end of February next year in time for the cold weather Session of the Council of State.

Sir Jamsetjee Jejeebhoy: May I ask, Sir, on what grounds objections were taken?

Mr. Jamnadas Dwarkadas: Sir, when this matter came before the Finance Committee we tried and obtained all information on this question of the construction of a new Chamber for the Council of State, and we came to the conclusion, and my colleagues who were on the Finance Committee will bear me out, that it was absolutely necessary to vote this money for the construction of a Chamber for the Council of State. The reason is that those of us who have been present at any of the meetings of the Council of State that were held in Delhi could not help feeling that that Chamber hardly deserved the name of the Chamber of the Council of State. It is true that every effort had been made for the purpose of economy to locate the Council of State Chamber in the Metcalfe House, but it must be said that it would not be in keeping with the dignity of the Upper House that its meetings should be held in a Chamber which hardly deserves the name. After a good deal of consideration, the Finance Committee thought it only proper to the Members of the Council of State that this money should be voted.

The Honourable Sir William Vincent: Sir, I attended the Council Chamber at Metcalfe House last year as a Member of the Council of State, and I can bear out entirely what Mr. Jamnadas Dwarkadas has said. It is only fair that the Council of State should have a fitting building in which to sit, and I can say that it was quite impossible last year to carry on business in the Chamber then available. My Honourable colleague, Mr. Shafi, who also attended that Chamber, and indeed any one who had to do business there, will bear me out in this statement. I think this House will not grudge the other House reasonable accommodation for their sittings.

Sir Jamsetjee Jejeebhoy: I merely wanted to know the reason.

Mr. President: The question is:

'That a supplementary sum not exceeding Rs. 13,20,000 be granted to the Governor General in Council to defray the charge which will come in course of payment during the year ending the 31st day of March 1922 in respect of 'Civil Works'.'

The motion was adopted.

Mr. President: The question is:

'That a supplementary sum not exceeding Rs. 2,00,000 be granted to the Governor General in Council to defray the charge which will come in course of payment during the year ending the 31st day of March 1922 in respect of 'Famine Relief'.'

The motion was adopted.

Mr. President: The question is:

'That a sum not exceeding Rs. 1,35,000 be granted to the Governor General in Council to defray the charge which will come in course of payment during the year ending the 31st day of March 1922 in respect of 'Stationery and Printing'.'

The Honourable Mr. W. M. Hailey: Sir, we have placed in the supplementary budget the small sum which the House sees before it, but I think it necessary, and indeed my duty, that I should inform the House that difficulty has arisen in working to the total provision which the House made for Stationery and Printing in last March. I wish to put the matter in the shortest terms possible to the Assembly. In 1919-20, we consumed 10,618 tons of paper. We did not consume that, Sir, merely in Secretariat correspondence, it must

[Mr. W. M. Hailey.]

be remembered that we have to supply commercial departments, such as the Post and Telegraph Department, with their almost innumerable forms; money order forms, telegraph forms and the like; we supply from this stock the Railway Department; we supply, in fact, all our money earning undertakings with paper from this stock. We also of course supply the requirements of the Local Governments, obtaining of course an equivalent return from them. I have given the figure in 1919-20 as 10,618 tons. We effected a reduction in 1920-21 to 9,534 tons. We are to the best of our ability making a further reduction this year; and intend to consume only 8,289 tons. Therefore, there has been a decrease of 22 per cent. in the consumption of paper since 1919-20 and 13 per cent. since 1920-21. Sir, the production of paper is a factor over which we have some control, but unfortunately we have no control over the price. The pre-war price of paper was Rs. 320 a ton; at present, its average price is Rs. 966 a ton. At the beginning of this year we were obliged to enter into certain contracts for paper, at these higher prices, and are compelled to take up to that amount or 10 per cent. short of that amount. If, therefore, in the course of the year we find that it is impossible to work to the figure given us last March, we may have to incur an excess, and it is that excess of which I now wish to warn the House. My Honourable colleague, Mr. Innes, is endeavouring to reduce the amount which we have to obtain from the mills for the various departments. I can assure you that during the summer there has been a very careful inquiry into the whole subject. We intend to make further expert inquiry as soon as possible. You can take it from me that we are earnestly doing our best to curtail the amount of paper which is being used. But, Sir, it would not be right on my part to allow the House to remain under the impression that we can work to the budget figure which was laid down last March without warning it of the possibility of some considerable excess in the course of the year, owing to the high prices which we have now to pay.

Mr. P. P. Ginwala : Will the Honourable the Finance Member be pleased to state how many tons of paper are required for printing Questions and Answers?

Mr. R. A. Spence : Sir, I do not wish to take up the time of the House by exposing my ignorance, but I should like to know whether, in regard to this matter of stationery, full advantage is being made of the products of India to supply paper for this country or whether we have to import large quantities of paper from Home. I am speaking under ignorance. It may be that our supplies of paper are obtained in this country, but if they are not, it would surely be for the benefit of this country if we can push further forward with the manufacture of paper in this country.

Mr. A. C. Chatterjee : Sir, I can assure the Honourable Member that practically all the paper that can be obtained in this country at reasonable rates, rates which do not compare unfavourably with the rates that we can obtain in England, are obtained in this country, and I think about 90 per cent. or more of the purchases are made in India.

I think the main consumers of the Indian mills are the Government of India and the Local Governments.

Dr. Nand Lal : May I ask the Honourable Member what he means by winter and other allowances. Can he kindly specify what are the allowances referred to on page 37?

Mr. A. C. Chatterjee : There are certain allowances given to the Press people for fuel in Simla during the winter. I think it refers to that, Sir.

Dr. Nand Lal : May I ask whether the Honourable Member means to say that a temporary Press is located in Simla?

Mr. A. C. Chatterjee : There is one Government Central Press and one Monotype Press in Simla.

Mr. President : The question is :

'That a supplementary sum not exceeding Rs. 1,35,000 be granted to the Governor General in Council to defray the charge which will come in course of payment during the year ending the 31st day of March 1922 on account of 'Stationery and Printing'.'

The motion was adopted.

Mr. President : The question is :

'That a supplementary sum not exceeding Rs. 4,51,000 including Rs. one lakh already voted for the delegation to India of the Empire Parliamentary Association be granted to the Governor General in Council to defray the charge which will come in course of payment during the year ending the 31st day of March 1922 in respect of a Miscellaneous Charges.'

ALLOWANCE FOR MR. SASTRI.

Mr. M. K. Reddiar : Sir, I move that the provision of Rs. 2,82,000 allotted for the Special Commission of Inquiry be reduced by Rs. 2,05,000. If we turn to page 38 of the Demands for Supplementary Grants, Honourable gentlemen will find two items, one of Rs. 5,000 and the other 2 lakhs. Sir, the first of these two items, Rs. 5000, is evidently meant to pay our Right Honourable friend, Mr. Sastri, a hundred pounds more instead of the terms originally proposed, as they themselves say in the marginal note. I am quite confident, Sir, that Mr. Sastri as the President of the Servants of India Society, would not care for this small amount. I do not want a precedent to be created on his account. I am aware, Sir, I am speaking of a gentleman who was sent as this country's representative to the Imperial Cabinet and I am further aware that he enjoys the confidence of this Government, if not of the people of this country, in a measure that has not been vouchsafed for any other Indian. But, Sir, it is for these very reasons that Government ought to be more cautious. It is just because people rightly or wrongly, possibly wrongly, have come to associate Mr. Sastri as a Member of this Government, that he has become more officialised, that this grant of Rs. 5,000 should be reduced in order to remove the wrong impression that has got abroad in the minds of the people.

As regards the other item of two lakhs, this amount has been earmarked for providing the Members of the Lord Lytton's Committee.....

Mr. President : We shall have a most disorderly discussion if the Honourable Member ranges over the whole ground now. I thought he was moving for a reduction on financial grounds. I find that his grounds are not financial. He must move for reduction item by item.

Mr. M. K. Reddiar : Then I move that the sum of Rs. 5,000 entered in column 3 opposite the item 'Deputation to Fiji' be omitted.

The Honourable Dr. T. B. Sapru : Sir, I should not have taken part in a debate of this character which howsoever we may disguise it has degenerated into a personal issue. Whatever may be the political differences existing between one set of Indians and another set of Indians, I believe those of us who aspire to Self-government should show a spirit of magnanimity

[Dr. T. B. Sapru.]

in dealing with those from whom we differ. So far as the Right Honourable Srinivasa Sastri is concerned, let me say it in the most unequivocal terms, that I consider it one of the rare privileges of my life to enjoy his friendship and co-operation. While I entirely sympathise with those who are for retrenchment, let not retrenchment degenerate into want of gratitude or appreciation of the services of those who have rendered them at great personal sacrifice. Is there any one in this Assembly who honestly believes that by saving Rs. 5,000 to the Indian Exchequer we shall be rendering any service to the financial cause of this country. (Cries of 'No, no'.) What then is the object of this Resolution? If Mr. Sastri's views do not commend themselves to any particular gentleman of this Assembly, he is quite welcome to raise a debate about Mr. Sastri, but let not this House lose the dignity which ought to belong to it in matters of this character. I sincerely hope and trust, that whatever may be the differences of opinion down in the South, they will not be allowed to permeate the precincts of this House.

Rao Bahadur T. Rangachariar: While I oppose this amendment, I cannot but deprecate the attempt made by the Honourable the Law Member to discourage criticism. Every Member of this House should have the liberty of expressing his views and I do not think it is right, when no expression has been used by the Honourable Mover showing that he moved on account of personal bias, to dive into motives and draw them out. We find in the case of public meetings people finding it difficult to get themselves heard, but here in this Assembly we should not show a tendency to discourage differences of opinion. Speaking for myself, Sir, the question raised appears to be rightly raised. £100 has been the usual honorarium paid to every gentleman sent on outside deputation. I quite recognise that in the case of the Right Honourable V. S. Srinivasa Sastri we should make a departure from the usual rule, but I do not see what crime Mr. Reddiar has committed in drawing attention to the facts. I, therefore, Sir, strongly oppose the amendment, but at the same time I must take exception to the way in which the Honourable Member's (Mr. Reddiar) motives are being called in question.

Mr. Jamnadas Dwarkadas: I am rather surprised, Sir, if I may so, at the attack that Mr. Rangachariar has levelled at the Honourable the Law Member. It may be, perhaps, Sir, that the Members who come from the South are accustomed to this kind of personal attacks. (Cries of 'No' and 'You are wrong'.)

But for us who come from other Provinces and who fortunately have in our Provinces not in existence differences of the kind that exist in the South, for us the attack that was levelled at Mr. Sastri seems to be intolerable. Sir, Mr. Rangachariar has pointed out that Mr. Reddiar has only made an honest criticism of this item of expenditure. I beg leave to differ. Mr. Reddiar in the course of his remarks pointed out that Mr. Sastri has come to be looked upon as a Member of the Government and that he may not be enjoying the confidence of the people. Sir, I defy any one, even the severest critics of Mr. Sastri, even his bitterest opponents in the ranks of the non-co-operators, to say that Mr. Sastri has identified himself with the Government and that he does not stand for the rights of the people.

Sir, it has also been said that Mr. Sastri has been selected to represent India by the Government. The Government have honoured themselves by selecting one, whom, if it had fallen to the lot of the Indian Legislature to

choose, the Indian Legislature, I may say, would have chosen with a unanimous voice. India cannot find a better representative to day, I make bold to say, than the Right Honourable Srinivasa Sastri, and the honour that has been conferred upon him in England by making him a Member of the Privy Council has been conferred not upon Mr. Sastri alone, but, I venture to submit, on India: the status of India has been recognised. Even to make a person of the type of the Right Honourable Srinivasa Sastri an object of attack for the purpose of party gratifications is in itself wrong; but to attack a man when he is away from here and when he is engaged in rendering remarkable services to the country in raising this country's status in the eyes of foreigners as no one before has done is, if I may be permitted to say so, not worthy of a Member of the Legislative Assembly.

Sir, I strongly oppose this motion, and I am sure, the Assembly will, with one voice, condemn it.

Rai J. N. Majumdar Bahadur: Sir, I am rather sorry that a discordant note has been struck in this House. We all sincerely respect Mr. Sastri not only for his intellectual attainments but also for the eminent services he has rendered to India in England and before the Colonies, but I do not think that either Mr. Reddiar or Mr. Rangachariar said anything to rouse the indignation of my Honourable friend, Mr. Jamnadas Dwarkadas. Mr. Jamnadas Dwarkadas should have remembered that Mr. Sastri himself regretted that he was not chosen by the Assembly to represent India in what is called the Council of the Empire. He himself would have been glad if he had been elected by this House or by the Council of State. But he was nominated by the Government and therefore this House may sometimes object to make grants for persons who have not been elected either by this House or by the Council of State. At the same time, we considered this matter very carefully in the Finance Committee. We thought that Mr. Sastri had rendered eminent services to India and that, therefore, we should not grudge him the small amount that had been asked for.

I think, therefore, that it is quite unnecessary to raise the question of personality and I think my Honourable friend, Mr. Jamnadas Dwarkadas, was quite wrong in saying that Mr. Reddiar was actuated by personal motives in this matter.

Munshi Iswar Saran: Sir, I am a non-Brahmin myself, and I am against the supremacy of either the white Brahmins or of the dark Brahmins. I may tell the House at once that I have not the privilege of worshipping at the same political shrine as the Right Honourable Mr. Sastri, but that does not deter me from paying my tribute of admiration for the splendid work that the Right Honourable Mr. Sastri has been doing for his country.

Sir, Mr. Rangachariar took the poor Honourable the Law Member severely to task. Might I say, that if Mr. Reddiar is entitled to move his vote of reduction, should we grudge even this opportunity to these unfortunate Members of Government to raise their voice of protest against the amendments that we bring forward. Why cannot either the Honourable Dr. Sapru or the Honourable Sir William Vincent raise his voice in protest against our proposals, as we claim our right to raise our indignant voice of protest against their proposals, which we do to our hearts' content.

Now, let us look at this question. My friend, Mr. Jamnadas, who is a very enthusiastic friend of Mr. Sastri, out of the fulness of his heart has gone the length of saying that there can be no one in this country who will not

[Munshi Iswar Saran.]

endorse his estimate of Mr. Sastri's services and worth. Mr. Jamnadas must know that in this imperfect world of ours, people are not so impartial, not so wise, not so just and not so generous as Mr. Jamnadas. There may be some who may, unfortunately, differ from him; but that is quite beside the point.

Now, I wish to ask Mr. Reddiar to remember that the West unfortunately is very materialistic; it is not such a spiritual country as India. There, these people have to go to good hotels; if they are asked to dinner, unfortunately, according to the convention of that wretched country, they have to return the hospitality. They have to live—that is the misfortune of the West—in a particular style. If they do not do so—they are judged by their style of living there—they will bring the whole country into disgrace which they have gone to represent.

Sir, do we not know, is there one educated man in India who does not know that the members of the Servants of India Society, if they receive any allowance and if there is any saving, it does not go into their pockets but it goes to the funds of the Servants of India Society? Is there anybody, however much he may differ from the Right Honourable Mr. Sastri's political views, who will not bear testimony to his rare self-sacrifice? A man who, I suppose, is earning only Rs. 125 a month from the Servants of India Society, cannot spend money out of his own pocket as some other people are able to do, and I shall beg the House not to touch this allowance which is being given not to Mr. Sastri in his personal capacity but to the Right Honourable Sastri in his capacity as our representative. Sir, I shall in all humility but with all earnestness say to my Honourable friend, Mr. Reddiar, and others of his way of thinking, let us differ from our opponents, but let us not by our action discourage and take the heart out of those, who, according to their lights, are trying to serve the Motherland.

Mr. M. K. Reddiar: Sir, I withdraw my amendment more to appease the wrath of Mr. Dwarkadas.

The motion (for reduction in respect of the Deputation to Fiji) was, by leave of the Assembly, withdrawn.

THE INDIAN STUDENTS' COMMITTEE.

Mr. N. M. Samarth: I move, Sir, for reduction of the grant by the amount of Rs. two lakhs entered in column 3 opposite the item 'Indian Students' Committee.' As the House knows, the Indian Students' Committee was formed by the Secretary of State in order to inquire into the grievances of Indians who go to study in England. Now, that Committee was a useful Committee so far as the object of that Committee was concerned. It made its inquiries, toured all over the United Kingdom and now it is proposed that the Committee, or a majority of it, at any rate, should come to India, to do what? To find out whether there are or there are not, whether there can be or there cannot be facilities in this country for the education of Indians in such a way that the number of Indians going to England for study may be considerably reduced. As every one knows, there was here, some years ago, what was called the Saddler Commission. Many volumes have been published of the Report made by that Commission, and in them the subject of education has been examined and surveyed, I think, from all points of view. They have gone into the question thoroughly as to how education can be improved, how education can be made self-supporting, how education can be brought up to up-to-date standards in this country, and

I do not think any useful purpose will be served by spending Rs. two lakhs from our funds for this Students' Committee to come here and spend so many months and probably enjoy the trip at our expense. I strongly object to these Rs. two lakhs being frittered away in this fashion. Another objection to the Committee coming here is this. What is that Committee coming here to do? To remove grievances of Indians in the United Kingdom by coming here. The Indians there have certain grievances as to their difficulty in getting admission into the Universities of Oxford and Cambridge and London and about getting facilities for technical education. How are those grievances going to be remedied by these gentlemen coming here and going all over the country and spending away our two lakhs? I strongly object, therefore, to this item and I hope that the Assembly will be with me in deleting it altogether.

Mr. S. C. Shahani: Sir, I beg to support the amendment.

Dr. H. S. Gour: Sir, I feel a peculiar fascination when the question of education is raised in this House, and I feel particularly interested in any movement intended to ameliorate the condition of the student community. But I am greatly surprised to find that this two lakhs is not to be spent upon students, but on something concerning them, and before this House votes this large sum of money, it has to be satisfied that the charge is justifiable. If Honourable Members will turn to page 8 of the explanatory note which vindicates and justifies this extraordinary charge of Rs. two lakhs, they will find in the first paragraph all that is said is that the Secretary of State with the concurrence of India has appointed a Committee with Lord Lytton as Chairman and with Indian representatives on it, to examine comprehensively the whole question of Indian students in the United Kingdom; the facilities available to them in respect of their admission to the Universities and in respect of the technical training and general conditions affecting their education and well-being. Now, Sir, if I understand aright, this Committee was appointed some time back and it went to England, and judging from the newspaper reports to hand from time to time we find that this Committee went to Oxford and Cambridge and other Universities in England; they interviewed students, examined heads of colleges and took such other evidence as was available. The Honourable Mr. Samarth is perfectly right in saying that having completed their task in England for the benefit of students from this country who are there, we still do not realise the necessity for that Committee visiting this country for the purpose of ascertaining the requirements of Indian students in England. I should have expected the writer of this note to tell us as to what remains to be done by this Committee in this country, and why the migration of this Committee from Europe to Asia is necessary entailing expense of the large sum of Rs. two lakhs which is sought to be voted. If Honourable Members will read on, they will find this:

'The main lines on which it is directing its inquiries are the reasons which at present induce Indian students to leave India for education or technical training.'

Now, I think there is subconscious humour in this passage, because the writer could not be unaware of the fact that those who go for study at the bar, a very large and considerable number, go for the simple reason that they come back either to practise at the bar or to take up some judicial appointment. This is not a secret which the inquiry in India would reveal. It is a patent and self-evident fact. Those who go for engineering or medicine or science or technical education have a similar purpose in view: when they come back, they desire to enter the career suitable for them. Consequently, to inquire into the

[Dr. G. S. Gour.]

reasons which lead Indian students to go to Europe, an inquiry which is to cost the tax-payer of this country two lakhs of rupees, seems to me a counsel of perfection. Reading on we find this in passage 2 :

'The need and extent of Government responsibility for the provision in India of more adequate facilities so as to remove or reduce the necessity for study abroad and for making the necessary arrangements in the United Kingdom to provide adequate facilities for such educational training as cannot at present be provided in India.'

Now, as to clause 2, the nature and extent of Government responsibility could best be ascertained by the Government itself. If you are to appoint a Committee of this House to ascertain as to what is my responsibility towards my children I should heartily and sincerely resent it; and, I submit, the Government in India are the best judges of the responsibility which they should undertake towards the rising generation of this country.

4 P.M. I do not think a Committee will serve any purpose whatever.

Then we pass on to paragraph 3 as to how far the experiment of sending Indian students to the United Kingdom has been justified by the experience of those who have been sent and the results that have been achieved. Now, Sir, if an inquiry is to be directed on this side, I would say that the best pass word I can give to the Government is *ambulando*. Go about and see for yourselves what the Indian returned students have done in this country, no inquiry will give you any further information on the subject. If an inquiry is held by the Members of the Committee what sort of inquiry is it going to be? Are you going to examine everybody who has returned from Europe, are you going to inquire how they got on and how they did not get on. Let me assure you, Sir, that if such inquiry is made, 99 per cent of them will tell you that they would have been much better off if it had not been for the Government. If the Government had helped students in this country to the extent desirable and necessary, those students would have chalked out a better career for themselves than they have been able to do. That is my short answer to paragraph 3 and, I think, the Honourable Member in charge of this motion should congratulate me on having saved the Government and the tax-payer the large sum of two lakhs of rupees. We are then told that the Committee will have completed its work in the United Kingdom by the end of October next, but as part of the organization for the welfare of Indian students, the Committee feel that they cannot, without visiting India and consulting the authorities here, pronounce any opinion on the adequacy or otherwise of the existing arrangements or suggest improvements. The meaning of this is, that the Committee wants to come to India. If Honourable Members will read that passage carefully, they will find that it really says 'I do want to come to India, I should like to come to India'. That is the reason which is given here. I submit, it is no reason whatever.

Now, if this is all that is to be said in vindication of the amount which is to be charged on the revenues of this country, I think Mr. Samarth's Resolution that it should be vetoed in this House is justified; I strongly support his objection in the hope that this House will carry it and negative the motion for the grant.

Mr. B. A. Spence: Sir, I rise to move an amendment to the amendment which has been moved by the Honourable the Mover. It seems to me that

there is no doubt that a strong feeling exists in this country against the Indian Students' Commission coming out to India, but at the same time there are very strong reasons in support of its coming out to this country.

I disagree with the interpretation which my Honourable friend, Dr. Gour, has put upon the passage he has just read out to us from page 8 of this explanatory memorandum. I think if I were on a Committee appointed to consider why people wanted to leave Timbuctoo to go to Paris it would be a rather reasonable request for that Committee to find out what were the conditions in Timbuctoo. It is perfectly true that many people have reported on the condition of affairs in India in relation to Indian students. But here is a Committee that has been appointed with the desire and the wish to do all that they can for Indian students; is it not therefore very reasonable on their part that they should want to come out to India and see what are the reasons in this country which induce Indian students to want to go to all the trouble of going to England. Personally I should welcome such a visit as I am absolutely certain that when the Committee does come out to India they will see there are very strong reasons for Indian students wanting to go to England.

Then I come on to the second part, namely, as to the provision in India of more adequate facilities in order to remove or reduce the necessity of studying abroad. It is perfectly true, as Dr. Gour said, that a good many Indians go to England to study for the Bar because there is no Bar in India at which they can study. There is another question which has been causing a considerable amount of interest just lately and that is the question of medical training in this country, and I think if this Committee comes out to India and studies the conditions under which Indian Hospitals are run, in order to see the absolute lack of facilities for studying in midwifery, I think it is called, (Cries of 'No, no') it may have served a useful purpose. I understand that it is the want of facilities for studying Medical subjects that has caused the action of the Medical Authorities at Home and I think that a great deal of good would be done by this Committee coming out here and that it would be very wrong indeed to vote out this money as the original amendment proposes to do. At the same time, I think it is quite right, if Members of this House are not in full sympathy with the Committee, that they might show it by merely reducing the vote by 200 rupees; but in the cause of the students themselves, I beg them not to throw out the whole sum of money. This Committee is going to do good for your students. It is a good thing for them to come out, and what is more, I think you should have them out. Therefore I beg to move, Sir, as an amendment to the amendment which has been moved, that the vote be reduced by the sum of 200 rupees.

Mr. President: The original amendment was that the sum for the Indian Students, Committee, namely, two lakhs of rupees be omitted, since which an amendment has been moved that the item be reduced to Rs. 1,99,800.

Sir P. S. Sivaswamy Aiyer: Sir, I wish to speak both on the amendment which has been moved to cut out the item of two lakhs of rupees and also the amendment just moved by my Honourable friend, Mr. Spence.

I think there is a great deal of force in the objections that have been brought forward against the proposal to bring out this Committee to India. The reasons have all been referred to in page 8 of this memorandum. Mr. Spence considers it very desirable that the Committee should come out to India for the purpose of ascertaining why Indian students go to England for their

[Sir P. S. Sivaswamy Aiyer.]

education. I do not think we require a Committee to tell us those reasons. The reasons are that a great many students go to England to study for the Bar because, if I may say so, and with all due respect, to Members of the Bar present here, it is easier to pass the examination in England.

An Honourable Member.—Certainly not.

Sir P. S. Sivaswamy Aiyer: A great many go there for another reason and that is that till recently the standard of qualifications required for admission to the Inns of Court were very much lower. Secondly, a good many go there for the purpose of appearing for the Civil Service Examination or Medical Examination or for some other examination which would qualify them for Government service. The reason is obvious, the Secretary of State has laid down rules prescribing that admission in the certain services can be secured only by passing certain examinations in England. Then another reason is that the few people who care for scientific training think that a higher standard of education can be secured in England than in India. We have been told, in season, and out of season, and rightly, by Englishmen themselves, by Members of University Commissions, by Government officials and by Members of the Public Services Commission that the standard of education in this country is low and cannot possibly compare with the standard of education in the best English Universities.

There, again, is a fact which no ghost come from the grave need tell us. I do not think that it is necessary at all to bring out the Committee for the purpose of informing us about the reasons which actuate Indian students in going to England. On the other hand, the defects are all known and are admitted. The Calcutta University Commission has dealt with the question at great length, and if the Government wants to remove these defects or raise the standard of education in the Colleges and Universities here, it can easily do so. It seems to me that no purpose is served by bringing out this Committee or the majority of them during the next cold weather. On the other hand, I do not wish to cut out this provision of Rs. two lakhs. I should, if I may, like to suggest a change in the destination. What I wish to suggest is that instead of supposing that facilities for higher education or higher technical training can be had only in England, we may seek such facilities in the United States or in Germany or in Japan. Englishmen often take a peculiarly insular view that all knowledge is to be sought within the four corners of England. Now, there is no reason why our students should not go to the United States of America for technical training. There is no reason why they should not go for legal studies to the Harvard Law College. There is no reason why they should not go to Germany for scientific work. But whenever you make a suggestion of that kind, Englishmen are very unwilling to listen to it. May I relate one incident? Some years ago, when I was in the Government of Madras, I suggested the provision of a research endowment for the investigation of diabetes in this country, and I suggested the bringing out of experts from Germany or Austria and I even mentioned the name of one of the most famous living experts on diabetes, Professor Carl Von Noorden. I was asked: 'why are you so particularly against Englishmen? Can't we supply research doctors for the purpose of carrying on all research?' And after I had got an endowment from a private gentleman for the purpose of carrying on this Research, the gentleman who made the donation was not permitted to make the suggestion that an expert should be got out from Vienna,

The Government insisted upon selecting a Beits scholar, from Australia who, however, joined the army and went into the field when the war broke out, but just before that, he informed the Government that he was going to Vienna to Professor Carl Von Noorden to consult him upon the subject and take his advice and also to procure the necessary appliances and instruments from Vienna. That is the sort of attitude of many Englishmen. Now, I do not understand why we should confine the educational facilities which we seek to secure for our students to facilities in England alone. I would respectfully suggest to the Mover of the amendment and to the House that this sum of Rs. two lakhs might be retained but diverted to another purpose, *viz.*, to asking this Committee to go to the United States of America, to Germany and to Japan, and to find out what facilities are available there especially in view of the diminished accommodation available in the Universities of the United Kingdom.

Mr. H. Sharp: Sir, I may perhaps be permitted to follow the example of Sir Sivaswamy Aiyer and to speak in rather a general way on this amendment which has been moved. Before addressing myself to either of these amendments I think it is only fair to the House to tell them that this Rs. two lakhs is for the journey of this Committee to India and their journeys in India. We have quite recently received an estimate from the Secretary of State regarding certain expenses which will be incurred in England. There has not been time to put it up as a demand. But I can only say that the amount is moderate and it overlaps with this Rs. two lakhs in rather important items, so that it is even possible that this Rs. two lakhs now asked for will cover both the Home charges and the charges out here; and if it does not, any further demand which will have to be made will, I think, I can assure the House, be extremely small. I have thought it right to make this explanation to begin with.

Now, as regards the opposition, which I see in certain quarters, to this demand, I think from what we have already heard that the head and front of the objections is the idea that the work of this Committee lies entirely in England. There is a tendency, as we have heard at various times, to find fault with the arrangements in England; and there is a tendency towards complacency regarding the arrangements made in this country for students proceeding to the United Kingdom. Why, therefore, it is asked, should this Committee, having investigated these matters in England, come out here, and why should we pay for it? Well, I should like in the first place to call the attention of Members to the terms of reference to this Committee. The first term of reference is 'to report and make recommendations in regard to the adequacy of existing arrangements in India for facilitating the access of Indian students to the United Kingdom, including the constitution and working of the Advisory Committees and their future relations to the Provincial Governments.' There follow two other terms of reference which relate clearly to the United Kingdom, and there is a fourth of a general nature; and I might mention with reference to the fourth term of reference and in relation to what my Honourable friend, Sir Sivaswamy Aiyer, said just now, that it runs as follows: 'Any other questions affecting the education or the well-being of Indian students in that (*i.e.*, the United Kingdom) or any other country upon which the Committee may desire to make recommendations.' That last does not mean that the Committee should go to other countries, but it means that it has to consider the facilities for Indian students which exist in other foreign countries besides the United Kingdom. My point is that the very first of these terms of reference relates to matters in India; and it raises certain very important considerations.

[Mr. H. Sharp.]

The first of these is the question of the facilities which exist in this country for securing the admission of Indian students to institutions in the United Kingdom. I remember that in 1916 a body called the Indian Students' Friends Society made a memorial to the Viceroy in which they recited certain disabilities from which Indian students suffered. In especial, they laid emphasis upon the high qualifications demanded from Indians who sought admission to institutions in the United Kingdom. They particularly mentioned the qualifications demanded by the Inns of Court and by the Universities of Oxford and Cambridge.

The India Office then issued a memorandum which was republished in pamphlet form in this country and given wide circulation. It is a very informing pamphlet, and it cleared up many misunderstandings. At the same time, no body will deny that certain disabilities do exist, and here I should like, for a moment, if I may, to correct my friend, Mr. Samarth. I understood Mr. Samarth to say that this Committee was working in England to do away with the grievances of Indian students in the United Kingdom. It is doing far more than that. It is trying to remove the difficulties, the genuine and natural difficulties, which are not the fault of the students nor the fault of the institutions, nor the fault of anybody else. That surely is a most important task. It is therefore most important that this very Committee which has been discussing these matters with the institutions at Home should, armed with all the material which it has collected during these investigations, be able to come out here and consult also with the institutions in India. It is only by this means that we can arrive at that mutual understanding which is so very desirable between the authorities of the institutions out here and the authorities of the universities and other institutions in England.

Mr. N. M. Samarth: A mountain in labour.

Mr. H. Sharp: Now the second consideration which arises out of this term of reference is the question of the Advisory Committees. We have eleven of these Advisory Committees in this country and I believe they have done a very considerable amount of very excellent work. At the same time, it is true that the number of students who consult them is not as many as we should desire; and students, as I have been reading in the newspapers only during the last few days, go Home with very hazy ideas of what they may expect there, with very hazy ideas of the courses which they intend to take up and with still hazier ideas of the institutions in which they intend to take up those courses. They are in consequence put to great trouble and we get not infrequent complaints that Indian students come ill-prepared for the studies they propose to follow. With reference to this, I noticed in the '*Hindu*' the other day an article by St. Nihal Singh in which he says that he understands that the students at Home have made considerable complaint to Lord Lytton's Committee about the working of these Committees (I do not know with what propriety), and that University authorities and other witnesses have also complained; and I see he goes on as follows:

'I cannot indicate the case which the Advisory Committees will make to rebut these charges, because that case will not be made until the Committee (that is Lord Lytton's Committee) goes to India. Speaking for myself, I may say that I fear the Advisory Committees are not adequate to the task, and it will devolve up on the witnesses who appear in India to suggest the nature of the machinery which should be set up to take their place, and for the Committee to work out a practicable scheme.'

I do not know how far these remarks are justified, but I know that it is one of the intentions of the Committee to examine very carefully the work of the Local Advisory Committees in this country and, if they find that they are not working adequately, to suggest drastic remedies. Now these suggestions can obviously only be made by a Committee which has studied this problem in both theatres, in England and in India. It is not merely a question of getting the information to students as to what they may expect when they have arrived in England. It is much more than that.

We know that the accommodation in the institutions in the United Kingdom is limited. We want to get the very best students home to take up that accommodation, so that there shall be an influx of better and better Indian students into the institutions in England, students who will be a credit to their up-bringing in India and consequently these institutions will throw their doors wider and wider open to their fellow citizens in this country.

Mr. N. M. Samarth: A dream.

Mr. H. Sharp: We know that the colleges and universities in the United Kingdom award freely their scholarships to Indian students and that Indian students win those scholarships not infrequently. But we ought to aim at seeing that all Indian students who go to the Universities at Home become scholars or exhibitioners. We want to see Indians who go Home become Fellows of their Colleges, as Mr. Paranjpye became a Fellow. We want to see them going Home and becoming Fellows of the Royal Society, as Sir Jagadish Chandra Bose and the late lamented Mr. Ramanujam became Fellows of that Society. When we are in a position to send Home the very best students to fill this limited accommodation, then many of the difficulties which now present themselves will assuredly disappear. Now the recommendations which the Committee make after their investigation in this country are sure to have a very considerable effect upon the institutions at Home; and the matter is therefore of very great importance to the welfare of the students who will be going Home in future, because the institutions at Home will shape their policy in accordance with what the Committee recommends after it has visited this country.

Now, there is a third point in this term of reference. We have heard something to-day of the difficulty which many aspirants to professions suffer. There is no doubt a feeling that an aspirant to a profession, if he is going to start on the top rungs of the ladder, has very often to go to the United Kingdom in order to do so; and we frequently hear complaints about this. Now this is a matter to which the Committee are going to give special attention. Even if they succeed in getting an influx of better and better students into institutions at Home, and those institutions open their doors wider and wider, there is a limit to possibilities. We know that the institutions in the United Kingdom are overcrowded. We know that this has been particularly so since the War. It would therefore be a matter for congratulation if, without checking but rather increasing, I hope, the influx of students into England, there could be established in this country institutions which will save the poorer students the expense and the trouble and worry of having to go Home.

Now, this opens up a whole vista of possibilities, as Sir Sivaswamy Aiyer suggested, in various professions, such as Medicine, Engineering, Forestry, Law, and so on. I will just instance one in which many here are

[Mr. H. Sharp.]

interested and regarding which the complaints have been particularly poignant. I should like to read a few sentences out of a leaderette which appeared the other day in the '*Pioneer*', which runs as follows:

'As things are now shaping we seem to be within measurable distance of the establishment of an independent Indian Bar. This is the course favoured by Lord Haldane and by many other witnesses who have been appearing before the India Committee which has been inquiring into the eternal subject of the welfare of Indian students. There are some 2,000 of these young men in the United Kingdom whose affairs are a constant and ineffectual concern to the India Office. In the course of the evidence taken by Lord Lytton's Committee, it was shown that out of the whole body of students there are at the present moment about 560 (as a matter of fact, I have just learned that the number is greater than that) engaged in keeping their terms at the Inns of Court. The creation of an Indian Bar would therefore relieve the situation very sensibly. The idea that the call to the English Bar ensures a higher standard of legal attainments than the qualifications required by the law examinations in India is, of course, long exploded. The superior status conferred by the practice of the Indian High Courts on the Barrister as against the Vakil is notoriously the driving force that sends all these aspirants to a very expensive education in England.

Well, I am neither a Barrister nor a Vakil, and I do not intend to pronounce any opinion one way or the other on what is said in that leaderette. But I thought it was worth while reading it, because I understand that this question of the Bar is one to which this Committee is going to give particular attention.

I must turn for one moment to the history of this case. I think it was just a year ago that the Honourable Mr. Khaparde gave notice of a Resolution in the Imperial Legislative Council. The terms of the Resolution were as follows:

'This Council recommends to the Governor General in Council that he be pleased to move the Secretary of State for India to appoint a mixed Committee of Indians and of Europeans to consider the re-organisation of the Students' Department in London and the Advisory Committees in India.

When we got notice of this Resolution, we telegraphed to the Secretary of State, because this was a matter which largely concerned the Students' Department at home, of which the Secretary of State was at that time in charge. The Secretary of State gave a very sympathetic reply and said that he was already considering the creation of such a Committee. I understand that an assurance to this effect was given to Mr. Khaparde and that, on the strength of that assurance, he withdrew the Resolution. There is no doubt that there is a great deal of feeling about the difficulties which Indian students undergo in the United Kingdom; and, when the Secretary of State heard that this Resolution had been withdrawn, he felt that the time had come for calling together this Committee and making an inquiry and that in doing so he was not merely dealing with a question which was of the utmost importance to the youth of India but that he was also acting in accordance with the probable wishes of the educated classes in this country. Mr. Khaparde's Resolution laid emphasis, and rightly laid emphasis, upon affairs in this country as well as in England. Now, I put it to this House, that there is every probability that had that Resolution been moved, it would have secured substantial non-official support. Now, will the Secretary of State be so ready to lend a sympathetic ear to matters of this sort if he finds that a Resolution which, if introduced, would almost assuredly have obtained much non-official support in the Imperial Legislative Council, is practically disowned by that Council's successor. It seems to me, that if, for want of voting so comparatively small a sum of money,

we are going to stop this investigation from its full completion, we are undertaking a very serious responsibility, and the responsibility will not be on the shoulders of the Secretary of State nor on those of the Government of India, but on this Assembly.

The Committee, as I think every one knows, for they have seen it in the newspapers, has put through a great deal of useful work in England. It has visited, I understand, eleven Universities. Some time ago we heard that it had examined over 180 witnesses, including persons like Lord Haldane, the Vice-Chancellors of the Universities, the Secretaries of the Institutions of Civil and Mechanical Engineers and of the Institute of Chartered Accountants, and so on; and I have just seen from the papers at Home that it has been examining other people. It was always the intention of this Committee to come out to India. But I understand, that as the investigation has progressed, it has more and more been borne in upon the Committee that the solution of this problem is very largely to be found in India and it is more and more directing its attention to the causes which compel students to go Home, and, I should like to add with reference to Dr. Gour's remarks, not merely to this question, which perhaps he would consider academic, but also to the practical question of the responsibility of Government for creating institutions in this country which will be able to perform some at least of the functions hitherto performed by institutions in the United Kingdom.

Well, the Committee is nearing the completion of its investigations in England; but its investigations in India will, I believe, be equally important. If it does not come out here, it will be impossible for it to complete the important work of co-ordination between the institutions at Home and the institutions here; and, if that work is not done, then the task of the Committee will be left incomplete. The Committee has all along gone on the assumption, and based its investigations on the assumption, that it would be able to come out to India and supplement and complete its investigations at Home by an investigation here.

Now, if it cannot do this, it will feel not merely that its work is left incomplete, but that the previous part of its work is actually prejudiced by the assumption, unfulfilled, that it was going to come out here. I fear that it may be doubtful whether the Committee will even feel justified in carrying on its investigations and putting in any report at all. But it is not merely the Committee that we have to consider; we also have to consider the Universities. The Committee has gone to these Universities and informed them that it is coming out to India and informed them also that it is going to make certain arrangements with the institutions out here. Possibly it has given certain undertakings to these Universities. If for lack of funds it is unable to fulfil those undertakings, what is likely to be the effect on the Universities in England? I think the first effect will be that they will say, 'These people in India do not seem to care very much about their students in England,' and I am afraid they will shape their policy accordingly. But much more than this. If this should take place, is it not likely that things will be made more difficult than they are now? Is it not likely that a suspicion will be created that there is something here which we do not wish revealed? And will there not be disappointment that all is not to be made plain as regards the standards which can be reached in India and the problems of Indian education as they affect the student going Home?

[Mr. H. Sharp.]

I am afraid, Sir, I have taken a long time. There is only one other thing that I want to say. I do think that the importance of this inquiry is under-rated in certain quarters. An earnest reader of the newspapers, whether the Home newspapers or the newspapers out here, would see what very great interest is being taken in it by many people. Then there is the personnel on the Committee itself. It has got important people on it; it has got busy men on it; one is a business man with many other pre-occupations; one is Principal of the King's College, London; these men are giving up their time for this, and surely their own views on the way in which their own business is to be conducted, which includes a visit to India, are worth some consideration. Then, the Chairman of the Committee is Lord Lytton himself, the Parliamentary Under Secretary of State for India. It has examined witnesses, as I said, over 180, including Lord Haldane and it has taken its duties very seriously indeed. It realises that there are scattered over the United Kingdom some two thousand Indian students

Mr. P. L. Misra : Sir, is there no time limit for repetitions?

Mr. H. Sharp : I was saying that there were about two thousand students scattered about the United Kingdom. Now, the cost of these students alone is very large. The Government in India spends on State scholarships and for helping indigent students and so on almost as much per annum as I am asking once and for all for this Committee. But that is nothing as compared with the amount which private people and charitable associations spend in maintaining Indian students at Home. This question of expense again is small in comparison with the importance of the future of those two thousand students; those students are going to form a very large and important proportion of the educated class in the next mature generation in India, a generation which, I think, is going to be an exceedingly important one. Surely, it is only right and proper that we should make every effort to see that these students have every chance given to them, that they are secured every opportunity for making the most of the education which they are seeking at Home, and that everything is done to ensure that they should grow up good and useful citizens of the future.

In conclusion, Sir, I should like to impress once more upon this Assembly the extreme importance of this Committee. Mr. Samarth, and I think, Sir Sivaswamy Aiyer, referred to the Sadler Commission and its voluminous and admirable report and said, the Committee could get information there. However good reports may be, all reports and all books suffer from this defect in comparison with the spoken word, that they cannot answer questions. And these books and reports have not been written with reference to this particular question of Indian students proceeding to England. This Committee has been formed by the Secretary of State, with the concurrence of the Government of India, and supported in a Resolution, which was not moved in the Imperial Legislative Council only because the intentions of the Secretary of State had been communicated to the Mover. The terms of reference, the first of which relates to affairs in India, were made known long ago and have long been public. Are we going to see the labours of that Committee wasted? Is it not due to the Committee itself and to the Universities whose time they have been taking up and to whom they have been giving assurances; is it not due to the students, to the parents of the students and above all to the future

of India that we should do all that we can to further the work of this Committee and to improve the conditions and the chances of that very important generation of students which is coming on?

Mr. J. P. Cotelingam : Sir, the lengthy explanation given by the Honourable Mr. Sharp about the advantages to be derived from the visit of the Indian Students' Committee to this country is, I am sorry to say, by no means convincing. All the reforms suggested, I beg to submit, can be effected by the various Student Advisory Committees in this country and by the various Universities. I would only add for the information of the House that the majority of the Standing Finance Committee after very full consideration of the proposals put before them by Mr. Sharp expressed considerable doubt as to the justification for the expenditure which is necessitated by the proposed visit of this Committee to India.

Mr. Abul Kasem : Sir, just now I think we are discussing the Resolution moved by the Honourable Mr. Spence, and I would have certainly supported him if the reduction of the grant by Rs. 200 had the same effect on this Committee as a similar vote would have in the House of Commons, I mean that if any Minister's salary or any other grant is reduced by a very small amount, it means that the Minister resigns his office; and if that vote had the effect that the Committee would give up their intention of coming to India, I would have certainly supported it. I have heard with very great interest the appeal made to this House so very ably, eloquently, earnestly and enthusiastically by the Honourable Member representing the Department of Education; but I regret I must join Mr. Cotelingam in saying that I am still unconvinced about the utility or the usefulness of this Committee visiting India. My Honourable friend, Mr. Sharp, says that he wants only the very best students to go to England and they should be admitted in the English Universities so that India may cut a good figure in the Universities of the United Kingdom and compare with the best men there; he wanted India to send men like Sir P. C. Roy and Sir J. C. Bose, but he forgets that those students who go to Europe for their education are not sent by the Government of India or any organized body here. People who can afford to spend money and who have got sufficient energy and enterprise are the people who generally want to go to Europe to enter one of the Universities and come back to India, if not better educated at least better cultured and refined. And you cannot by any regulation or by any report of a Committee prevent mediocrities from going to Europe whether a Committee reports against students or not. People who have money will go and the number of 2,000 students in the United Kingdom may be increased to 3,000 in the next year in spite of the report of this Committee. We have told that this Committee is to inquire whether similar educational facilities cannot be provided in this country for the education of the Indian boys. Mr. Sharp, who has passed his official career in the Education Department and who has been Director of Public Instruction in the now late lamented Government of Eastern Bengal, knows full well that the difficulty of educational institutions in this country is not that we are wanting in experience or in our proposals for the improvement of the Universities and Colleges in this country, but the difficulty lies in the fact that our resources are limited and we cannot afford to spend as much money as we would like.

As regards the utility of this Advisory Committee, everybody who has studied the question knows that some years back when this organization was formed in England it was expected that it would help a great deal any Indian

[Mr. Abul Kasem.]

student wishing to enter the British Universities, but what happens at the present moment is that Indian students go to England, enjoy their hospitality at 21 Cromwell Road for a few days and then have to shift for themselves. The Advisory Committee can only tell them what the ordinary routine regulations of the Universities are and the boys have to take their chance with other students. Mr. Sharp himself said that the accommodation in the British Universities is limited and that only the very best British students are admitted. If I am not misinformed, I think that a good many colleges in the United Kingdom take boys by competitive examination and the only privilege which the Indian student wants is that an Indian British subject be allowed to appear at these examinations in the same way as the British subjects, and for this it is not necessary that the Committee should make a tour of India. Neither this Committee nor any other Committee can help unless they can provide more colleges in the United Kingdom. We know what our difficulties are, and if our educational institutions are to be improved or further facilities granted that can be done by the Department of Education here without any advice from that Committee. It is not advice we want, but money. If they can bring money they can improve the education in this country as much as any other experts, from Europe can do. Fortunately for us there are in the Education Department distinguished graduates of British Universities, men who know a good deal of university life and they can improve the position if they can secure sufficient money and authority in this connection. Therefore, Sir, I think it will be frittering away our resources by spending two lakhs on the tour of this Committee in India. As Indians we would always be glad to extend our hospitality to any people coming to our shore, but unfortunately, in the present circumstances when our finances are not in a very happy condition, we must deeply regret that we are unable, on the present occasion, to extend our hospitality to this Committee.

The Honourable Mr. Shafi : Sir, my Honourable colleague, Mr. Sharp, has already given to this House all the facts relating to the genesis of Lord Lytton's Committee. As I understand the situation, the objection entertained in certain quarters is not against the constitution of this Committee, but to its coming out to India. (Some Cheers.)

I notice that the statement I have just made has raised some cheers from certain Honourable Members and it shows that the House thinks that there is something wrong in the condition of affairs obtaining at least in England with regard to Indian students there, and, in consequence, recognizes the necessity for an investigation.

Now, I ask Honourable Members to consider for a moment, seriously, whether the situation, so far as Indian students in England are concerned, is confined within the four corners of England itself, or whether it has also any relation to or bearing on the conditions obtaining in this country. Surely, there are two ends to this chain, one end in England and one end out here in India. If there had not been two ends to this chain, where was the necessity of the organization of as many as 11 Students' Advisory Committee, in this country. Surely, before a student proceeds to England, whatever may be the department of study to which he intends to confine his attention, he has to satisfy certain preliminary requirements and conditions, and also to make certain preliminary preparations before his departure to England. We are assured of the fact by the Secretary of State that Lord Lytton and other Members of his Committee are convinced that they cannot obtain a complete

grasp of the problem with which they have to deal unless they make themselves thoroughly familiar with the conditions at both ends, there in England as well as out here. Surely, this House will be depriving not only this Committee of the opportunities which they consider are absolutely necessary for them to investigate the problem, but will also be depriving the Indian student community in this country of the benefits which are lively to accrue to the cause of Indian education, if the inquiries of this Committee are not as thorough as they consider the inquiries ought to be in this case.

Well, Sir, we were told that the Sadler Commission had already made its inquiries in this country and that they had put up a voluminous report which is open to Lord Lytton to study in England, without coming out to India, if he and the Members of his Committee wish to familiarise themselves with Indian educational conditions. This argument, I venture to submit with all respects, entirely misses the true point, the real point in the controversy. The Sadler Commission made inquiries into the system of secondary, intermediate and University education obtaining in this country from an entirely different point of view and having an entirely different end in front of them. That was in order to bring about necessary reform in this country.

Mr. N. M. Samarth : And so as to bring it up-to-date.

The Honourable Mr. Shafi : Assume that their object was to make
S. P. M. university education up-to-date.

Mr. N. M. Samarth : Including technical education.

The Honourable Mr. Shafi : This constant interruption will certainly not facilitate matters so far as the debate in this House is concerned.

Well, but it will be remembered that the problem before Lord Lytton's Committee is in its essence entirely different. The problem relates to Indian students who proceed to England in order to complete their education, whether that education is academic, professional or otherwise. Therefore, the subject matter of the inquiry of the two Committees is not the same. The objects the two Committees have in view not being the same, what was essential for Sadler's Committee to inquire into is not necessarily essential for Lord Lytton's Committee to investigate. Nor is the field of investigation of the two Committees co-extensive, and in consequence it seems to me that the argument based on the Sadler Committee's report is, to say the least, very inconclusive.

The next objection put forward was that the Committee will not remove the grievances of Indian students in England by coming out to India. The removal of grievances at present existing in so far as Indian students in England are concerned is only one of the objects for which Lord Lytton's Committee has been appointed, and in consequence, the argument, it is perfectly clear, is again, like the one previously advanced, absolutely inconclusive. Lord Lytton's Committee, in addition to the removal of grievances of Indian students living in England, has got other objects in view. It is unnecessary for me to repeat again the terms of reference which have already been mentioned by the Honourable Mr. Sharp. The recital of those terms of reference must have shown to every Honourable Member in this House that the removal of grievances is not the only object which the Committee have in view. In consequence, an argument like this cannot really affect the true issue which is before this House.

NOES—46.

Abdullah, Mr. Saïyed Muhammad.
 Abul Kasem, Maulvi
 Agnihotri, Mr. K. B. L.
 Aiyer, Sir P. S. Sivaswamy.
 Asad Ali, Mir.
 Asjad-ul-lah, Maulvi Miyan.
 Ayyangar, Mr. M. G. M.
 Ayyar, Mr. T. V. Seshagiri.
 Bagde, Mr. K. G.
 Bajpai, Mr. S. P.
 Barua, Mr. D. C.
 Bhargava, Pandit J. L.
 Chaudhuri, Mr. J.
 Chaudhuri, Mr. N. N.
 Cotelingam, Mr. J. P.
 Faiyaz Khan, Mr. M.
 Ginwala, Mr. P. P.
 Girdhardas, Mr. N.
 Gour, Dr. H. S.
 Iewar Saran, Munshi.
 Jatkari, Mr. B. H. R.
 Kamat, Mr. B. S.
 Lakshmi Narayan Lall, Mr.

Latthe, Mr. A. B.
 Majumdar, Mr. J. N.
 Manmohandas Ramji, Mr.
 Man Singh, Bhai.
 Misra, Mr. P. L.
 Mudaliar, Mr. S.
 Muhammad Hussain, Mr. T.
 Mukherjee, Mr. T. P.
 Nag, Mr. G. C.
 Nand Lal, Dr.
 Neogy, Mr. K. C.
 Rangachariar, Mr. T.
 Reddi, Mr. K.
 Samarth, Mr. N. M.
 Shahani, Mr. S. C.
 Singh, Babu B. P.
 Sinha, Babu L. P.
 Sircar, Mr. N. C.
 Srinivasa Rao, Mr. P. V.
 Subrahmanayam, Mr. C. S.
 Subzposh, Mr. S. M. Z. A.
 Venkatapatiraju, Mr. B.
 Zahiruddin Ahmed, Mr.

The motion was negatived.

Mr. President : The question is :

'That a reduced sum not exceeding Rs. 2,51,000 including Rs. 1,00,000 already voted for the Delegation to India of the Empire Parliamentary Association be granted to the Governor General in Council to defray the charge which will come in course of payment during the year ending the 31st day of March 1922 in respect of 'Miscellaneous Charges'.'

Y. M. C. A., SIMLA AND THE VICTORIA MEMORIAL.

Dr. H. S. Gour : I should like to have an explanation of two other items under this head. One is the grant to the Young Men's Christian Association, Simla, of Rs. 25,000 and the other is the grant to the Victoria Memorial, Calcutta, of Rs. 31,800 for maintenance charges. The Government of India promised the Trustees of the Memorial to provide a sum of Rs. 31,800 annually for this purpose. Owing to delay in completion of the Memorial the grant has not been required till now.

I raise a question about the grant to the Victoria Memorial, Calcutta, first, because, when this Victoria Memorial of Calcutta

Mr. J. Chaudhuri : All India, Sir.

Dr. H. S. Gour : Excuse me, Sir, I must have my say. When this Memorial was planned, the Government of India had their seat of Government in Calcutta and this was intended to be an All-India Memorial, to be constructed and maintained at the Capital of India. If I understand aright, a sum of a crore of rupees or thereabouts was subscribed for that purpose and, if the Government of India have committed themselves to any promise to pay for this Memorial every year, it must have been on the clear understanding that Calcutta, where the Memorial stood, was the Capital of India and the Government of India were bound to maintain the Memorial in the Capital town of India. Now, I submit, that the Memorial which was planned many years ago has taken many years to finish, and in the meantime the Government of India has embarked on a new policy of shifting the Capital from Calcutta to Delhi, or partly to Delhi and partly to Simla. Now, I submit that the *raison d'être* of promising this grant for the upkeep of what is

now to become a purely local Memorial no longer stands good. (Cries of 'No, it is an All-India Memorial.') I am quite aware of the sentiments of my friends from Bengal, but at the same time it must be remembered the Government of India must recognise their responsibility to the people of India as a whole, and do they feel that they are committed to this annual recurring charge on behalf of the people of India for a Memorial which is, as I say, now a purely local Memorial, constructed and maintained in one of the provincial capitals of this Empire. (Cries of 'A promise is a promise'.) I have been told 'a promise is a promise,' but surely this House never promised it, and, so long as this House did not promise it, it is entitled to its vote and it is entitled to consider it. I therefore submit that unless the Honourable Members in charge of the Treasury Benches are able to convince this House that this is a necessary charge upon the general revenues of the Central Government, we should feel obliged to veto the amount.

As regards the second point, namely, the grant to the Young Men's Christian Association. Now, I turn to page 9 and I find a very short paragraph there which runs as follows :

'This is required for a new building which it is proposed to erect in view of the deficiency of the existing accommodation and will be given to the Association on the understanding that 70 per cent of the occupants of the new building will be Government servants and rooms should be set aside for Indians, should they desire to enter.'

The last clause is a bait to the Assembly to vote this amount. (Cries of 'No, no ; it is not a bait'.) I beg to submit, that there is absolutely no reasons whatever why this Assembly should fritter away Rs. 25,000 for feeding a purely sectarian institution such as the Young Men's Christian Association is, and I would further submit, that if Government servants desire quarters, it is much better that quarters should be constructed by the Government itself where the Government officers or clerks may be allowed to live, but to make a grant of this amount to the Young Men's Christian Association, to make a gift of this amount to that Association, is wholly unjustifiable. I therefore submit, that unless a very strong case is made out on the side of Government, this amount should also be disallowed.

Mr. R. A. Spence : May I ask an explanation of the previous speaker ? Am I to understand, that if the Victoria Memorial were moved to the new Capital of India, about which Dr. Gour has a Resolution, he would approve of this sum being granted ?

Dr. H. S. Gour : If it is moved, it will probably be swallowed up by the marshes of Delhi.

The Honourable Mr. W. M. Hailey : Sir, I should like to answer Dr. Gour's question with regard to the grant to the Victoria Memorial, Calcutta. I will not follow him into that somewhat stormy field of controversy which relates to the position of the Capital, either at Calcutta, or Delhi, or Simla, or in that unknown spot which seems to be favoured by certain Members of this Assembly. We have admitted this claim in pursuance of a promise and nothing else. I fully admit the right of this House to refuse to implement any undertaking into which the Government of India entered before this House came into being. That right it undoubtedly does possess, but whether it would care to exercise such a right or not is an entirely different question.

Mr. N. M. Joshi: Sir, this opposition to the granting of money to the Young Men's Christian Association is not in the interest of economy at all. It is the duty of the Government of India to find quarters for their servants, and if the Young Men's Christian Association undertakes to give quarters to the Government servants to the extent of 70 per cent of its accommodation, I think the Young Men's Christian Association is doing the work which the Government of India ought to do. Not only that; but when the Young Men's Christian Association does it, it does it more economically. Now, we are paying a sum of Rs. 25,000; they will be spending more than double that sum; and if the Government of India does it, they will have to spend Rs. 75,000. I therefore think that if not from the point of view of the Young Men's Christian Association at least in the interests of economy we should not grudge this amount. As regards his remarks on the Young Men's Christian Association I do say, from my knowledge of the Young Men's Christian Association that it is not a sectarian body. The Young Men's Christian Association maintains hostels for Hindu students and not only for Christians. If the Honourable Member had cared to go into the history of the Young Men's Christian Association he would not have made those remarks. I feel that there will be no opposition to our making a grant for this purpose.

Mr. Jamnadas Dwarkadas: Sir, when this matter came before the Finance Committee it was discussed at length and Mr. Sharp was called in to explain why he wanted this amount of Rs. 25,000, and at that time after discussing the question at length the Committee voted this grant, because the Committee was convinced that the Young Men's Christian Association in this matter was not acting as a sectarian body but was going to provide facilities for clerks and was not going to exclude Indians for whom also they were going to provide all comforts.....

Dr. H. S. Gour: I rise to a point of order. I once referred.....

Mr. President: That is not a point of order.

Mr. Jamnadas Dwarkadas: It is on these grounds after being convinced of the fact that by the voting of this Rs. 25,000 we were going to provide for Government clerks and that we were going to provide comforts for Indians also, that the Committee unanimously decided to vote this grant.

Mr. K. G. Bagde: Sir, it seems that the name of the institution, that is the 'Young Men's Christian Association', has frightened my friend, Dr. Gour. The name might look sectarian, but I think an institution, though it bears a sectarian name, if it does cosmopolitan service is really very important. Nothing lies in a name. In my side of the country there is an institution which goes by the name of a Hostel for Poor Students; but, as a matter of fact, it is used only by one class. Now here is a cosmopolitan name, but the use of the institution only accrues to the students belonging to a particular community. I say, therefore, that we must not attach too much importance to the name; we must look to the service which is actually done by the institution; and on that ground I may say that I have had experience of Young Men's Christian Association institutions for the last nine or ten years, and I have enjoyed the benefits accruing from this institution at Bombay and at Poona. I therefore think that this amount of Rs. 25,000 should not be grudged by us, and I support and say that this amount should be granted as it has been shown in this budget.

Rao Bahadur T. Rangachariar: Sir, I wish only to add one word on behalf of Madras. We quite appreciate the great work which is being done by the Young Men's Christian Association there; they have built a very costly home, and irrespective of caste or creed people are accommodated there; and Mr. Sharp, as President of the Young Men's Christian Association, gave us an assurance that no such distinction will be maintained in the Association here, and therefore we gladly voted for the same.

Dr. H. S. Gour: May I inquire, Sir, as to how many Government servants will be accommodated in this new building?

Rao Bahadur T. Rangachariar: 70 per cent.

Dr. H. S. Gour: 70 per cent may come to five.

Dr. Nand Lal: Sir, I admit that the Association which is called the Young Men's Christian Association might have rendered valuable services to this country. It may be admitted that it might be of great use to the clerks of the Government of India; but, at the same time, the most important and crucial question arises, who will be considered to be the owner of this property,—this building, will it be the Young Men's Christian Association or the Government of India? If the ownership is to belong to the Association, why should the tax-payer pay? If the Honourable Member in charge will kindly satisfy me as to that point, I will be really in favour of this demand; otherwise, I strongly protest against it.

Mr. H. Sharp: Sir, there are just two points that I want to speak on regarding this grant of Rs. 25,000 although I am glad to see that the work of the Young Men's Christian Association is fully appreciated in many quarters in this House. Dr. Gour wanted to know how many, as I understood him, are at present accommodated in this hostel.....

Dr. H. S. Gour: My question was that if this grant is passed accommodation for how many Government clerks, constituting 70 per cent of the total, will then be available?

Mr. H. Sharp: I am afraid I cannot give Dr. Gour precise information as to how much will immediately be available and how much accommodation will be given. We have to build this building bit by bit because it is going to be a costly building; but we aim eventually at having about 90 beds in this hostel, so that it does not require any very complicated calculation to see how many Government servants we propose to accommodate. But it will take some time for us to do that.

There was another point which Dr. Nand Lal put forward. He asks, I understood, would the Young Men's Christian Association hand over this property? Well, I think the Young Men's Christian Association would consider that as a rather curious business proposition. This site which the Young Men's Christian Association possesses is an extremely valuable site; sometime ago it was valued at, I think, Rs. 94,000, but I am perfectly sure that it is worth a great deal more than that now; and it would be a rather curious thing if we elect, to give up, not only that site, but also the buildings which we propose to erect largely by the help of private subscriptions, in exchange for the Rs. 25,000 which is going to be utilised towards these buildings. The Young Men's Christian Association will be deeply grateful to this Assembly for this money, but I do not think its gratitude will go so far as Dr. Nand Lal would desire.

Mr. President : The question is :

'That a reduced sum of Rs. 2,51,000, including a sum of Rs. 1,00,000 for the Delegation of the Empire Parliamentary Association to India, be granted to the Governor General in Council to defray the charge which will come in course of payment during the year ending the 31st day of March 1922 in respect of 'Miscellaneous Charges.'

The motion was adopted.

Mr. President : The question is :

'That a supplementary sum not exceeding Rs. 19,37,000 be granted to the Governor General in Council to defray the charge which will come in course of payment during the year ending the 31st day of March 1922 in respect of 'North-West Frontier Province.'

The motion was adopted.

Mr. President : The question is :

'That a supplementary sum not exceeding Rs. 5,92,000 be granted to the Governor General in Council to defray the charge which will come in course of payment during the year ending the 31st day of March 1922 in respect of 'Expenditure in England.'

Mr. K. G. Bagde : Sir, I move that the item of Rs. 1,20,000 in Demand No. 49 for alterations to Grosvenor Gardens be reduced by one lakh. The word used is 'alterations' and if these alterations are of minor character, I submit, that the sum demanded is rather exorbitant. It is with a view to elicit information with regard to the particulars of these alterations that I have moved this motion and I therefore request that the information may be given to the House.

The Honourable Mr. C. A. Innes : Sir, I have here a letter from Sir William Meyer which I think will furnish all the information which the Honourable Member requires. Sir William Meyer states that the work connected with the alterations, decoration and fitting up of these two houses might be divided, in order to facilitate reference and description, into two heads. The first portion of the work involved in adapting, fitting up and furnishing portions of the office premises intended for the accommodation of the High Commissioner and his staff, the connecting stair cases and passages and certain subsidiary rooms intended for records and domestic purposes. The second head includes the rooms which is the High Commissioner's intention to use for public purposes such as reading rooms, library, visitors and Indian art, show room with connecting passages and stair cases.

Sir William Meyer points out that the expenditure on the first of these heads is inevitable. He says that the utmost economy has been exercised compatible with the needs and requirements of an office like that of the High Commissioner. He also points out that in view of the still heavy cost of material and labour, the anticipated expenditure exceeded the budget estimate. As regards the other point, Sir William Meyer desires to make these two houses in Grosvenor Gardens, but an office comparable with the offices of other High Commissioners of our dominions. He also wishes to make these houses a place where Indians coming from India to London may meet and find a reading room and a library. Sir William Meyer proposes, in fitting up these houses to advertise Indian timber. Indian timber will be used for the decoration of these rooms. In this way Sir William Meyer thinks he will be able to bring to the notice of the timber merchants, joiners and carpenters at Home the very valuable timber that is found in the forest of India. It will be remembered that these houses in Grosvenor Gardens are not in any way intended to be the residence of the High Commissioner, but his office, and I hope that this House will

agree with me when I say that if we have a High Commissioner in London, we must see that our High Commissioner is housed in an office which is in every way worthy of the dignity of India.

Rao Bahadur T. Rangachariar : Just one little additional point, Sir. I understand that in the proposed alterations of these houses there is going to be provided accommodation for the exhibition of Indian Art Industries so that Indian articles may be exhibited.

Mr. K. G. Bagde : Sir, in view of the explanation given by the Honourable Mr. Innes, I ask for leave to withdraw my motion.

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

INDIAN TRADE COMMISSIONER IN EAST AFRICA.

Mr. K. G. Bagde : Sir, there is another motion standing in my name, which I now move and it is that the item of Rs. 23,500 for payment on account of the Indian Trade Commissioner in East Africa be reduced by Rs. 500. I have moved this motion in order to elicit information with regard to the incumbent of this office. I believe that an experienced Indian is in this office now, but if I am wrong; I hope the Honourable Member will enlighten me.

The Honourable Mr. C. A. Innes : I am afraid I did not altogether catch what the Honourable Member said but I understood that he wished for information as to the incumbent we propose to put in this post. The present proposal is that we should appoint in the first instance, Mr. Leftwitch, I.C.S., of the Central Provinces. He is at Home on leave and we understood that his intention was to retire at the end of this year.

The idea is to put in Mr. Leftwitch as the first incumbent in order to organise the work and to attach to him an Indian Assistant for the purpose of training....

Mr. Pyari Lal : I should like to know the salary of the Indian Assistant.

The Honourable Mr. C. A. Innes : It was proposed that the salary of the Indian Assistant should be from £300 to £1,000.

Rai J. N. Majumdar Bahadur : Sir, it might interest the House to know that the Finance Committee agree to this proposal because the people of East Africa wanted to have a European as their first Trade Commissioner.

Dr. H. S. Gour : May I ask, Sir, the extent of our trade with East Africa and secondly what will be the pay of the Trade Commissioner?

The Honourable Mr. C. A. Innes : I am afraid I cannot say off-hand what the exact volume of trade between India and East Africa is, but I think my Honourable friend from Bombay will bear me out when I say that the trade is very extensive at present, and we hope as the result of this Trade Commissioner's appointment, it will become more extensive still. For one thing the Bombay Cotton Mills take a large quantity of Uganda cotton. East Africa takes in return a considerable quantity of piece-goods produced in the Indian Mills. As regards the second point raised by Dr. Gour, the original idea was to offer Mr. Leftwitch £1,500 per annum, in addition to his pension. It was thought he was about to retire. Until he retires we propose to give him £2,500 per annum, a sum which roughly corresponds to his pay in India as a Commissioner of a Division plus a certain amount for stationing him in such a bad climate as that of Mombassa.

Mr. Jamnadas Dwarkadas: Sir, I think I can further enlighten the House on this question. When we were in Delhi, and when Sir George Barnes was Member in charge of the Department of Commerce, he, on receiving an application from the merchants in East Africa that they wanted a Trade Commissioner and that they would prefer to have a European in the first instance, consulted some Members of the Legislative Assembly and some Members of the Council of State informally and asked them if they would approve of the course that he intended to take, namely, at first to appoint a European and to appoint under him an Indian Assistant, and in future to reserve this post of the Trade Commissioner for an Indian. This suggestion was approved of by those whom he consulted, and they included some of the prominent Members of the Council of State, and some Members, who knew conditions in East Africa, of the Legislative Assembly, and as the Indian merchants of East Africa wanted a European, the Members so consulted approved of the course. I take it that in future this post of Trade Commissioner will be reserved for Indians.

Dr. H. S. Gour: May I ask for what term Mr. Leftwich is going to be appointed?

The Honourable Mr. C. A. Innes: I am afraid I cannot give the exact term. All I can say is that it is a limited term. Our idea is to appoint Mr. Leftwich in the first instance in order that he may organise the appointment and that he should be succeeded, as Mr. Jamnadas Dwarkadas has pointed out, by an Indian. But I am afraid I cannot say off-hand for what term. It is either 3 or 5 years—but I cannot say which.

Mr. N. M. Joshi: Sir, in spite of what has been said in favour of the appointment of Mr. Lethbridge, I hold that the Government of India ought to have had no hesitation in appointing an Indian as the first Trade Commissioner in East Africa. I know that there is a feeling that if an Indian is appointed, he may not receive the same attention or consideration from the hands of the Government of East Africa. But this question has to be faced at some time. Even if the next Commissioner is an Indian, I am not quite sure whether various difficulties will not be started at that time. I therefore feel that the Government of India ought to have taken the right step of appointing an Indian as the Indian Trade Commissioner. From what little I have seen of the position of Indians abroad I must state it very clearly that if Indians allowed Englishmen to be appointed as Indian Trade Commissioners, India's position in the international politics will suffer a great deal. I therefore feel that the Government should reconsider this question and appoint an Indian in that place.

Rao Bahadur T. Rangachariar: Sir, I wish only to say one word with reference to the observation which fell from my Honourable friend, Mr. Jamnadas Dwarkadas. He referred to some private conversation which was had with Sir George Barnes by some prominent Members, as he called them, in the Assembly.

Mr. Jamnadas Dwarkadas: I said of the Council of State.

Rao Bahadur T. Rangachariar: I do not think that this practice should receive any encouragement at the hands of this House. Where financial considerations or questions of principle are involved, I do not think that

such informal conversation should form the basis for any settlement of this sort.

The Honourable Mr. C. A. Innes: Sir, may I just reply to Mr. Joshi? As regards what Mr. Joshi said, I may say that originally our idea was, when we first thought of this appointment, and that this appointment should be given to an Indian. That was in 1919. Well, Sir, as everybody in this House knows, in 1919, relations between Indians and Europeans in East Africa began to become rather strained. They became even more strained in 1920. And, Sir, in writing in that year to the Bombay Government to consult them as to who should be appointed to this post, we felt compelled to add that though we saw the advantage of appointing an Indian, yet in the then strained relations in Kenya, we thought that an European appointment could probably be more in the interests of Indian trade. And, after all, this House must remember that this appointment was worked out by the Commerce Department, in the interests of Indian trade. The Commerce Department takes no account of racial distinctions. All that it is concerned with is the interests of Indian trade, and that is the consideration which we have kept before us in the whole of this matter. Eventually we decided to defer making any appointment until we could get the report of Sir Benjamin Robertson and Mr. Corbett. I think that this House will bear me out when I say that India has had no truer, no more staunch friends than Sir Benjamin Robertson and Mr. Corbett. On their return from South Africa, where, as this House knows, they represented the Indian cause in a way which could not have been bettered, they stopped in East Africa and among other things discussed this question. They reported that they had consulted the Indian business community in East Africa in regard to this appointment, and that they were advised by that community that in the first instance the interests of trade between Kenya and India would best be served by the appointment of an European; and we were also advised, that in the first instance at any rate, when, as I say, relations were strained and things difficult in that country, the best thing would be to select an officer who was known to be thoroughly sympathetic with Indian claims and Indian aspirations and also to have some knowledge of agriculture, industries and commerce, as the first incumbent of the appointment. That was the reason why our choice fell upon Mr. Leftwich. Mr. Leftwich has been Director of Agriculture in the Central Provinces; he has been Director of Industries there, culture in the Central Provinces; I quite agree with Mr. Joshi and he has also been Director of Civil Supplies. I quite agree with Mr. Joshi that it is only natural and only right that Indians should want for this appointment an Indian. We entirely agree ourselves with that remark. All we suggest is that in the first instance, where we have to organise the appointment when things are difficult, and when the Indian Trade Commissioner may have to come into contact with European officials and European merchants over there, the right course is to appoint the gentleman we suggest.

Mr. Pyari Lal Misra: Just one point, Sir. As we have known the name of the Trade Commissioner, will it be too much to ask the Honourable Member if we can also have the name of the Indian Assistant to the Trade Commissioner?

The Honourable Mr. C. A. Innes: The appointment has not yet been made.

The motion was negatived.

Mr. K. B. L. Agnihotri : I have just proposed an amendment, Sir, that the salary of the High Commissioner be reduced by one rupee. With your permission, Sir, if I am in order, I should like to speak on it. Otherwise I do not wish to press it. My reasons for moving this amendment are that there is a very strong feeling prevailing in the country that India's interests are not properly watched in England. Purchases of stores are being made in England at prices which are dearer than those which prevail in some of the continental countries.

Mr President : If the Honourable Member wants to discuss the question of purchase of stores in England, he will find a Resolution on the subject down on the agenda in the name of Sir Vithaldas Thackersey which may come up to-day or to-morrow. The Honourable Member may move a reduction of the salary of the High Commissioner here, but if he wants to discuss the question of purchase of stores in England, he could do so in the discussion on that Resolution.

Mr. K. B. L. Agnihotri : I thought I could move this amendment on that ground also.

Mr. President : The question is :

'That a supplementary sum not exceeding Rs. 5,92,000 be granted to the Governor General in Council to defray the charge which will come in course of payment during the year ending the 31st day of March 1922 in respect of 'Expenditure in England'.'

The motion was adopted.

Mr. President : The question is :

'That a supplementary sum not exceeding Rs. 1,80,00,000 be granted to the Governor General in Council to defray the charge which will come in course of payment during the year ending the 31st day of March 1922 in respect of 'Railways'.'

Mr. P. P. Ginwala : Sir, I move that the sum of Rs. 97,50,000 under 'Other Works' be reduced by Rs. 100. In moving this amendment I have no desire to divide this House, but I want certain information from the Honourable the Member for Railways on a question of very great importance from the point of view of public safety. You may be aware, Sir, that very recently a very disastrous railway accident happened in Burma which led to many lives being lost and a considerable number of persons being injured. The death roll, if I mistake not, mounted up to about 120, from the original announcement of about 50, including those whose bodies were afterwards recovered from the debris. Now, I am fully aware, and I take this opportunity of acknowledging, that the Burma Railway Administration, under those circumstances, did everything in their power to alleviate distress by rendering medical aid and doing rescue work. But the question that arises is : 'Are the Railway Administrations in India adequately equipped with first aid appliances, ambulance cars and other things for the purpose of meeting accidents of this kind and giving proper aid and performing proper rescue work. It was discovered that in this particular case there happened to be some sort of a relief or ambulance train and everything was done to expedite the despatch of that train, but it was then found that the appliances available were not adequate for the purpose of meeting such a terrible accident as that which occurred and the casualties that actually took place. I suggest to the Honourable the Member for Railways, that after making inquiries, he should make a statement showing what first aid appliances and ambulance cars

Railway Administrations possess in order to meet such contingencies as these. I understand, Sir, and I speak subject to correction, that in England every important terminus station has got an ambulance train ready to be despatched on a few minutes' notice, and I think, Sir, it will not be an outrageous demand to ask that at some important stations at least some ambulance trains should be provided and kept ready.

Then there is another thing, to which there can be no objection that I can see on the ground of expense, namely, providing some sort of first aid appliances on every passenger train of any importance. I understand on very good authority that in Japan this is actually done, and further that every station is equipped with first aid appliances and that every passenger train carries them. I do not think that if similar provision is made on our railways, the country will be incurring an usual amount of expenditure considering how much of public safety is involved in it.

There is another thing on which I should like to have some information. In this accident it was discovered that the headlights that were used in the engines did not give sufficient amount of light owing to a rain storm. The other day the Honourable the Member for Railways, I remember, answered a question with regard to headlights and he said that it was customary to use headlights. We know, Sir, that it is customary to do so, but the question is, are headlights of the proper kind and description used? As the Honourable Member probably knows, in Burma and elsewhere there is a good deal of rain and a good deal of bad weather, and it is impossible, with the kind of headlights that are used, for the engine driver or anybody in charge of the engines to see any object at more than perhaps 15 or 20 yards. I understand that a Committee was appointed to investigate this question and I should like to know, Sir, what progress has been made if such a Committee was appointed for the improvement of these headlights.

Colonel W. D. Waghorn : As regards the former portion of Mr. Ginwala's amendment in regard to the provision of adequate ambulance arrangements for the injured in case of accidents, I may say that in 1911 a Committee was appointed and on their recommendation it was laid down that all break down trains should have a carriage or van attached equipped with first aid appliances, instruments and stretchers. These take up a good deal of accommodation and I do not think the stretchers are supposed to provide for more than 6 or 8 injured. In serious accidents of this kind, it is impossible to provide accommodation at once of the kind mentioned by the Honourable Member. These trains, with the ambulance carriages attached, are kept at practically all important engine changing stations. You must have an engine to move the train and it is necessary to get to the scene of accident in the shortest possible time. I am not aware of ambulance trains being kept in England. There may possibly be an ambulance wagon or carriage and I think that is as far as you can expect railways to go. The expenditure involved in supplying ambulance trains to cope with such accidents would be very heavy. I do not know precisely what is the arrangement in Burma; whether they have a van or a carriage. The Burma railways have 15 relief vans and each van contains 2 boxes of medical equipment. That is an old statement made some time ago. I got the papers just now in view of the amendment of the Honourable Member. As regards the latter question of the headlights, experiments have been made and are being constantly made. I am not in a position to say definitely what was the result of the Committee, to which the Honourable Member referred. I remember there was a Committee some years

LEGISLATIVE ASSEMBLY.

Friday, 23rd September, 1921.

The Assembly met in the Assembly Chamber at Half Past Ten of the Clock. The Honourable the President was in the Chair.

THE MAINTENANCE ORDERS ENFORCEMENT BILL.

The Honourable Sir William Vincent : Sir, I move :

That the report of the Select Committee on the Bill to facilitate the enforcement in British India of Maintenance Orders made in other parts of His Majesty's Dominions and Protectorates and *vice versa* be taken into consideration.

This Bill has been before this Assembly on a previous occasion when I explained the objects of the measure. Since then it has been referred to a Select Committee and subjected to a very careful examination. Honourable Members have had for some time the report of the Select Committee before them and I think all points even of minor importance are mentioned therein. I have only received notice of one amendment on the present motion from Sir Sivaswamy Aiyer. That is on a point of detail and I may say at once that I am quite prepared to accept it. There is no other matter to which I need refer at the present stage, I think, but I should be happy to answer any Honourable Member if he seeks information on any point.

Mr. J. N. Mukherjee : Sir, as a Member of the Select Committee which sat over this Bill I have just one or two observations to make with reference to the Bill as it stands at present. The Bill was carefully considered and it may be said that it is almost an exact replica of the English Statute to which it corresponds. But there is one aspect of this Bill which requires consideration ; and it is this,—so far as the English Statutes are concerned, the same courts, so far as trial by summary procedure goes, have both civil and criminal jurisdiction, and that in cases of the kind contemplated by the present Bill, where a sum of money by way of alimony or maintenance is allowed to a party, an appeal lies from a decision of a court of summary jurisdiction in England ; that is to say, there is not any discretion to refuse an appeal in such cases, even when they come within the pecuniary limits of the English courts of summary jurisdiction. But as the law now stands in this country, the question, so far as trial of maintenance cases by summary procedure is concerned, has been, by the Bill, left to the decision of the Chief Presidency Magistrate in Presidency towns or to the District Magistrates, where the matter has to be adjudicated outside the limits of Presidency towns. But if the trial of maintenance cases under the Bill is once relegated to the jurisdiction of a criminal court, no appeal lies, because the provisions as regards appeals in the Criminal Procedure Code are of a limited character and they do not contemplate an appeal from an order passed in respect of maintenance (*Vide* Section Chapter XXI, Criminal Procedure Code). Now, the corresponding

[Colonel W. D. Waghorn.]

ago. I think they said that experiments should be made and railways are experimenting. Possibly the Burma Railways may have had a Committee of their own. There is no question of the value of a good headlight. An electric headlight is thought by some to do more harm than good, as it is apt to prove too dazzling; the idea is to get a headlight which is reliable, and which throws a good light ahead. We are all endeavouring to obtain the best possible headlight and trying to alleviate suffering in case of accidents. As regards what the Honourable Member said in regard to the accident in Burma recently, I will ascertain from the Burma Railways precisely what occurred in the case of this serious accident but from reports I have received I gather that everything possible was done.

Mr. P. P. Ginwala: I admit that and I withdraw the amendment.

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

Mr. Pyari Lal Misra: May we know the difference between the rates for imported coal and that purchased in this country?

Colonel W. D. Waghorn: It depends entirely on the distance over which you are going to carry the coal in this country. The imported coal is taken by the North Western Railway so as to avoid the carriage of long distances, from the Bengal and Bihar coal-fields. Imported coal costs about Rs. 45 a ton and I suppose the cost with carriage of Indian coal would be Rs. 20 or Rs. 22-8-0 a ton about half the cost of imported coal.

Dr. Nand Lal: May I ask the Honourable Member in charge of Railways what he means by other works. Will he kindly enlighten us as to what they are?

Mr. President: Has the Honourable Member read the note below?

Dr. Nand Lal: That is in regard to (b) (2), if I mistake not.

Mr. President: When Government takes the trouble to supply information of that kind, Members can at least show Government the courtesy of reading it.

The question is:

'That a supplementary sum not exceeding Rs. 1,80,00,000 be granted to the Governor General in Council to defray the charge which will come in course of payment during the year ending the 31st day of March 1922 in respect of 'Railways'.'

The motion was adopted.

Mr. President: The question is:

'That a supplementary sum not exceeding Rs. 33,21,000 be granted to the Governor General in Council to defray the charge which will come in course of payment during the year ending the 31st day of March 1922 in respect of 'Delhi Capital Outlay'.'

The motion was adopted.

Mr. President: The question is:

'That a supplementary sum not exceeding Rs. 8,92,000 be granted to the Governor General in Council to defray the charge which will come in course of payment during the year ending the 31st day of March 1922 in respect of 'Loans and Advances bearing Interest'.'

The motion was adopted.

The Assembly then adjourned till 10-30 A. M. on Friday, the 23rd September 1921.

LEGISLATIVE ASSEMBLY.

Friday, 23rd September, 1921.

The Assembly met in the Assembly Chamber at Half Past Ten of the Clock. The Honourable the President was in the Chair.

THE MAINTENANCE ORDERS ENFORCEMENT BILL.

The Honourable Sir William Vincent: Sir, I move:

'That the report of the Select Committee on the Bill to facilitate the enforcement in British India of Maintenance Orders made in other parts of His Majesty's Dominions and Protectorates and *vice versa* be taken into consideration.'

This Bill has been before this Assembly on a previous occasion when I explained the objects of the measure. Since then it has been referred to a Select Committee and subjected to a very careful examination. Honourable Members have had for some time the report of the Select Committee before them and I think all points even of minor importance are mentioned therein. I have only received notice of one amendment on the present motion from Sir Sivaswamy Aiyer. That is on a point of detail and I may say at once that I am quite prepared to accept it. There is no other matter to which I need refer at the present stage, I think, but I should be happy to answer any Honourable Member if he seeks information on any point.

Mr. J. N. Mukherjee: Sir, as a Member of the Select Committee which sat over this Bill I have just one or two observations to make with reference to the Bill as it stands at present. The Bill was carefully considered and it may be said that it is almost an exact replica of the English Statute to which it corresponds. But there is one aspect of this Bill which requires consideration; and it is this,—so far as the English Statutes are concerned, the same courts, so far as trial by summary procedure goes, have both civil and criminal jurisdiction, and that in cases of the kind contemplated by the present Bill, where a sum of money by way of alimony or maintenance is allowed to a party, an appeal lies from a decision of a court of summary jurisdiction in England; that is to say, there is not any discretion to refuse an appeal in such cases, even when they come within the pecuniary limits of the English courts of summary jurisdiction. But as the law now stands in this country, the question, so far as trial of maintenance cases by summary procedure is concerned, it has been, by the Bill, left to the decision of the Chief Presidency Magistrate in Presidency towns or to the District Magistrates, where the matter has to be adjudicated outside the limits of Presidency towns. But if the trial of maintenance cases under the Bill is once relegated to the jurisdiction of a criminal court, no appeal lies, because the provisions as regards appeals in the Criminal Procedure Code are of a limited character and they do not contemplate any appeal from an order passed in respect of maintenance (*Vide* Section 488 and Chapter XXI, Criminal Procedure Code). Now, the corresponding

[Mr. J. N. Mukherjee.]

English Statute provides for an appeal (*vide* 42 and 43 Viet. Cap. 49), and we are in this predicament, that having this matter left to the consideration of criminal courts, we are left without any right of appeal. Now, the Criminal Procedure Code is under revision, and that is a fact which led me to assent to the Bill as it stands, without there being a Note of Dissent from me,—being given to understand that the whole question will be open to consideration so far as the question of appeal is concerned, in connection with the revision of the Code of Criminal Procedure now under consideration of the Indian Legislature.

There is another matter which also may be considered as germane to the point now before the House. The Indian Penal Code is going to be amended so far as Sections 121 and 122 and correlated matters are concerned and, so far as realisation of fines under the Bill goes, if the amendment proposed by the Bill be accepted by the House, they will be realisable by attachment and sale of immoveable property. At least that is how I understand the proposed amendment of the Penal Code that is now before the House.

There again also fines will have to be realised by the sale and attachment of immoveable property.

Rai J. N. Majumdar Bahadur : That is only a recommendation.

The Honourable Sir William Vincent : If the Honourable Member will look at the report on the amendment of the Indian Penal Code to which he refers, he will find there that it is not proposed that all fines should be realised by the sale and attachment of immoveable property. This is proposed only in the case of the offence of waging war against the King and cognate offences. The proposal has no application in the present case.

Dr. H. S. Gour : Only convictions under Section 120.

Mr. J. N. Mukherjee : I stand corrected. I did not mean that there was going to be a general amendment of the Penal Code. However, so far as the proposed amendment of the Penal Code is concerned, as also under the present Bill, it will be necessary to decide questions of a more or less civil nature; that is to say, if property is attached, it will, in certain circumstances, be necessary to decide whether it belongs to the judgment debtor or the accused person or to a third person. Questions like that will have to be decided as in the Civil Procedure Code. My object in laying these points before the House is, that they will have to be carefully taken into account. Subject to these remarks my submission is that the Bill which is now before the House to facilitate the enforcement in British India of maintenance orders has been very carefully considered by the Select Committee and it ought to be passed, subject, however, to the amendments that may be introduced by this House, with reference to appeals, etc., relating to the matter of the present Bill.

The Honourable Sir William Vincent : May I explain one point, Sir, unless you are going to call on Sir Sivaswamy Aiyer to move his amendment? As to appeals, the Honourable Member is right. There is no appeal at the present time under Section 488 and so we left the law in the same position in relation to orders under this Act. If an appeal is ever allowed under Section 488, and the matter will be considered no doubt when the Criminal Procedure

Code is amended, the question will have to be reconsidered in relation to this measure.

This question of realising fines from immoveable property is irrelevant to the present discussion. There is no intention of realising demands under maintenance orders by means of attachment of immoveable property. Every detail of this Bill was very carefully considered by the Select Committee, and I am glad to find, though the Honourable Member criticises some of the detailed provisions of the Bill, he supports the motion before the Assembly, because he himself was one of the Members who signed the unanimous report recommending that the Bill, as amended, should be passed.

The motion that the report of the Select Committee be taken into consideration was adopted.

The motion that clause 1, as amended, stand part of the Bill, was adopted.

Sir P. S. Sivaswamy Aiyer : Sir, I beg to move :

'That in line (1) in the definition of 'maintenance order' in clause (2) of the Bill the words 'a decree or order' be substituted for the words 'an order.'

My reason for suggesting this Amendment is this. The definition refers to orders passed by Courts in the exercise of civil or criminal jurisdiction. In the case of orders passed by Courts in the exercise of criminal jurisdiction the term 'order' will be quite sufficient. But in the case of Courts which exercise civil jurisdiction orders, for maintenance are very often passed in the form of decrees, and I thought it was the intention of the framers of the Bill to include decrees also passed by the Courts in the exercise of their civil jurisdiction. As the Courts according to the definition in the Code of Civil Procedure have often drawn a distinction between decrees and orders, I thought it would make the definition more precise and complete if the words 'a decree or order' were substituted for the words 'an order.' It is purely a drafting amendment.

The Honourable Sir William Vincent : Sir, I am ready to confess that the amendment which the Honourable Member proposes is a distinct improvement in the Bill. If Honourable Members will look at the English Statute they will find that in the definition the word 'include' is used and the definition is not, therefore, comprehensive. In the Bill the word used is 'means.' It is therefore the more advisable that the words 'decree or order' should be added as proposed by the Honourable Member.

The amendment was adopted.

The motion that clause 2, as amended, stand part of the Bill, was adopted.

The motion that clause 3, as amended, stand part of the Bill, was adopted.

The motion that clause 4, as amended, stand part of the Bill, was adopted.

The motion that clauses 5, 6, 7, 8, 9, 10, 11 and 12, as amended, stand part of the Bill, was adopted.

The motion that this be the Preamble* of the Bill, was adopted.

The Honourable Sir William Vincent : Sir, I now move that the Bill, as amended, be passed.

The motion was adopted.

* Whereas it is expedient to facilitate the enforcement in British India of Maintenance Orders made in other parts of His Majesty's Dominions and Protectorates and *vice versa*; It is hereby enacted as follows :—

THE INDIAN PENAL CODE (AMENDMENT) BILL.

The Honourable Sir William Vincent : Sir, I move :

'That the Report of the Select Committee on the Bill further to amend the Indian Penal Code, 1860, be taken into consideration.'

As a matter of fact, I think there is an error in the agenda. The title of the Code is 'The Indian Penal Code' and not 'The Indian Penal Code, 1860,' and I must apologise to the Assembly for the mistake.

This Bill was before this Assembly on a previous occasion, and, as explained then, our present intention is to amend the law dealing with the penalty of confiscation of property which is now prescribed for certain offences under the law. The discussion on the last occasion when the Bill was before this House centred chiefly on the question whether this form of penalty should be retained, to be inflicted only at the discretion of the Court and not as an obligatory punishment in the case of certain offences as is the case at present under the law.

The Select Committee have examined this point and they have recommended unanimously that the penalty should be done away with, but that in certain cases under Sections 121, 121-A, and I think 122 of the Indian Penal Code, the Criminal Procedure Code should be so amended as to allow the realisation of fines from immoveable property. That question is not, however, before the Assembly at present and I do not want to raise it. It will have to be discussed in connection with a subsequent Bill on the Criminal Procedure Code. Our present intention is merely to do away with the penalty of confiscation of property. I gathered from the opinions expressed in this Assembly when the Bill was introduced, that many Members thought that this should be done, and I can only hope that the Bill which I now bring before the Assembly will meet with their approval. Our reasons for the action taken are set out in full in the Report of the Select Committee.

The motion that the Report of the Select Committee on the Bill further to amend the Indian Penal Code be taken into consideration was adopted.

The motion that clause 1 do stand part of the Bill was adopted.

The motion that clause 2 do stand part of the Bill was adopted.

The motion that clauses 3 and 4 do stand part of the Bill was adopted.

The motion that this be the Preamble* of the Bill was adopted.

The Honourable Sir William Vincent : I now move that the Bill, as amended, be passed.

The motion was adopted.

THE INDIAN LIMITATION (AMENDMENT) BILL.

The Honourable Sir William Vincent : Sir, I move :—

'That the Bill further to amend the Indian Limitation Act, 1908, be re-committed to Select Committee.'

This Bill was also before the Assembly last Session. We found when the report of the Select Committee was received, that that body had made material alterations in the Bill. These appeared to be of great importance and I know that

* Whereas it is expedient further to amend the Indian Penal Code; It is hereby enacted as follows :—

THE INDIAN LIMITATION (AMENDMENT) BILL.

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some lawyers of this Assembly were apprehensive that the Bill and amendments had not been properly considered. (Hear, hear.) We therefore circulated the Bill to local Governments and to legal authorities for further opinion. I hear one Member say, 'Hear, hear.' I must say, also that I myself was apprehensive of some of the changes made. I felt they had been made perhaps a little precipitately. We now have opinions on this Bill as amended from a number of authorities, and I may say that generally the Bill has met with approval. The Madras Government approve, and the Madras High Court approve. The Bengal High Court approve, as they say, 'on the whole.' So we must take it to be a somewhat qualified approval. The Government of Bihar and Orissa approve the Bill except clause 2. The Assam Government is a little anxious about one or two clauses in the Bill. The Central Provinces Government welcome it, and the United Provinces Government object only to certain clauses. The Government of Burma approves, and the Bombay Government and the Bombay High Court approve in part. Now, in these circumstances, there being a general note of approval, but also some demand for further scrutiny of details, the Government of India thought that it would be wise to re-commit the Bill to Select Committee for further examination of the opinions received.

I notice that one Member has given notice of an amendment to turn down the Bill altogether. He is however on the Select Committee himself, and he will have there an opportunity of putting forward his views on the different clauses : I may say also I have had private notice from him that he does not, in the circumstances, intend to press his amendment. In view of the fact that so many authorities who have been consulted approve of the Bill, I think this Assembly will readily agree with me that it would be wrong for us to turn it down.

Mr. J. N. Mukherjee : Sir, I happen to be the unfortunate Member of this Assembly who raised a note of warning against this Bill as it was at one time presented to this House. Now that it is going to be referred to a Select Committee again, I withdraw my motion for dropping the Bill altogether, because although I was at the time, I put in my motion, apprehensive of very serious consequences resulting from the passing of the Bill as it then stood, such fear does not exist now.

The House will notice that the original object of this amending Bill was to amend Section 29 only of the Indian Limitation Act, but it was stated in the Statement of Objects and Reasons that opportunity was being taken for amending Section 5 also of the Indian Limitation Act,—not because there was any demand from the country that Section 5 of the Limitation Act should be altered, or amended, but on the suggestion that the amendment of Section 5 was being introduced with a view to rectifying an error in drafting. That, I submit, was the avowed object of amending Section 5. The House will see that eminent lawyers in 1908 sat over the amendment of the Indian Limitation Act of 1877, as also of the Civil Procedure Code, and the two were considered practically simultaneously. Eminent men such as the late Sir Rashbehary Ghose, Sir Lawrence Jenkins, the Honourable Sir Erle Richards, and so forth, sat in deliberation over them, and they extended the operation of Section 5 of the Limitation Act of 1877 to the extent to which they thought they could reasonably go. Now what is wanted by the present Bill is that the provision of Section 5 should be made applicable to all applications, and should also modify all provisions as to time limits in all special and local laws, whatever their

[Mr. J. N. Mukherjee.]

nature might be. Now, that is a very dangerous proposition to make. Anybody who is acquainted with the practical operation of the Limitation Act will see that there are various applications even under the third division of the first Schedule of the Limitation Act itself which require prompt decision, a prompt settlement. For instance, an application for setting aside an award has to be filed in court within ten days from the date when the award is submitted to the court, and generally upon an award such as this, a decree is passed by the court. Now, by virtue of Section 5, is such an application to be kept hanging for years, it may be for 20 years? If that was to be the case, nobody could ever be able to get a decree, passed on an award in a short space of time; there will be no finality, and no transaction could reasonably pass over it. On the ground of alleged sufficient cause in that case, a man might come to court after long years, and say, 'I wish to re-open that question.' On such a ground, the decision of the matter should be left to the discretion of the Court. The House will thus readily see to what dangers the administration of justice would be exposed if Section 5 was to be made generally applicable to all cases of applications. One feature of the Limitation Act is, that however important a suit may be, whatever its value may be—it may be worth crores—and it may be of the utmost importance—Section 5 has no application to a suit at all. If that is so, why should the operation of Section 5 be extended to all cases of mere applications? There is the Land Acquisition Act. There is the Registration Act, which requires that within 30 days from an order of refusal to register a document a suit has to be filed by the aggrieved party in the civil court to have the document registered. The proposed amendment of Sections 5 and 29 of the Limitation Act by the present Bill will enable a suitor to override the time limits laid down in the Registration Act.

By the Bill even as it stands, after amendment by the Select Committee, 11 A.M. limitations as to time as laid down in the Indian Registration Act are to be kept in abeyance, although there are other facilities in the Registration Act itself which make the matter of institution of suits under the Act quite easy for suitors.

I might multiply instances. I might say that in the Indian Companies Act also there are various applications which require prompt decision and which can never, under any circumstances, be kept open for an indefinite period. There would be no finality in cases of that kind if the mischief of the Bill were to come into operation. It would affect the mercantile community also to a very large extent. All these questions therefore require very careful consideration; and I am thankful that the Honourable the Home Member has realised the importance of a thorough consideration of the Bill now before the House. To my mind, the present Bill is a most difficult piece of legislation. One has to pick out the special laws to which the general provisions of the Indian Limitation Act can be applied with benefit to all. Under these circumstances I heartily support the motion which has been put forward, that the Bill be referred to a Select Committee again. Opinion has been taken from different parts of India, and many of these opinions are very valuable. They have pointed out the defects in the Bill as it was circulated to them, and therefore I submit that the House should unanimously pass the Resolution which has been placed before it.

Dr. H. S. Gour: Sir, on the last occasion I was one of those who opposed the drastic changes that were proposed in Section 5 of the Indian

Limitation Act. Honourable Members will remember that the changes that were proposed in the original Section 5 of the Indian Limitation Act were, as I then stated, intended to introduce a degree of elasticity which, if permitted, would have had the result of sweeping away all the provisions of the Indian Limitation Act, and leaving its provisions entirely at the discretion and mercy of the judicial or other executive officer. I shall ask Honourable Members to recall to mind a case, for instance, where property has been sold by auction, or it has been foreclosed, and where a person comes up afterwards under a certain provision of the Code of Civil Procedure or the Transfer of Property Act long long afterwards, and says, 'I have very good reason for delaying it, I am a very poor man, I was going about collecting money, these are very hard times, the country is stricken with plague and famine, and therefore I could not raise the money;' and the Judge—let me assume it is a Subordinate Judge, for instance, sees him in his ragged garments, and on the other side he sees an opulent *bunnia* with a decree in his hand to whom he says: 'Give me back the property,' though it may be after 2, 3 or even 10 years. The whole matter of limitation is then reduced to this, that limitation depends upon the sweet will of the Judicial officer. The mischief would be great as it is, but it is greater now that it has been laid down in a series of rulings of the Indian and English High Courts that where the matter is entirely within the judicial discretion of the court, the High Court will not interfere unless that discretion has been perversely exercised or where it has not been exercised at all. Merely erroneous exercise of discretion is no ground, for interference. Now this is an extremely narrow rule for the interference of the Appellate Court or the High Court, and in the case, that I have assumed, suppose the decree-holder was to go up to the Appellate Court and say: 'Here is my decree, I have improved the estate, constructed a costly building thereon: I have thereby raised the value of the property, and this man, because he is poor and because he has no money—that is no reason whatever why he should come up at this stage of the case and ask that the decree should be ripped open and the property redeemed or re-purchased.' The Appellate Court may conceivably say: The lower court had reasons—bad reasons they may be, but still reasons for exercising discretion, and therefore the Appellate Court has no jurisdiction to revise the decree of the lower court; and the result of that would be that at the time of the auction or at the time of the foreclosure, the decree-holder will never feel that he has that security which the final decree, whether for sale or for foreclosure, gives him, and which, I submit, should be his sole and absolute security.

Honourable Members will agree that that no doubt is an objection, but it is not the only objection. Let me present to Honourable Members another aspect of the case. A valuable estate is for sale. Now the bidders know that what they purchase is likely to be set aside by a court of law, days, months, and even years afterwards. The result would be that what would be an absolute title would be reduced to a speculative title subject to its being set aside by an application which may be made at an indeterminate period, the result of which will be that the auction purchasers would fight shy of making a fair bid for the property, and the judgment debtor would lose the fair value for which he could have otherwise sold the property. It would reduce auction sales to a gamble. Now, therefore, the position is this. Do the Select Committee intend to preserve the original Section 5—now clause 2 of the Bill, both of which, I submit, are far-reaching in their effect, and I submit, that it is in the interests not only of auction purchasers and decree-holders, but of owners of estates that this laxity in the law of limitation should be vigorously

[Dr. H. S. Gour.]

circumscribed. The law as it stands at present leaves but a very narrow door for letting in the discretionary jurisdiction of the court for the purpose of circumventing the ordinary law. If this amendment which the Select Committee were to pass into law, the result, I submit, would be disastrous alike to purchasers and sellers of property, and cases are conceivable where gross and egregious injustice would be done which is irremediable so far as the courts of law are concerned. I therefore submit, Sir, that if the recommitment of this Bill to the Select Committee involves the recognition of the principle embodied in clause 2, as was ruled by you, Sir, the other day, then, I say, before this Bill is re-committed to the Select Committee, this House must pause and consider whether it is prepared to legalise this laxity of procedure on the part of the courts which would be the necessary result of this amendment. And if this House is of opinion that it will drive a coach and four through the law of limitations by relegating all its salutary principles to the discretion of a court, then, I say, it is time for you to turn down clause 2 and re-commit only Section 29 for the consideration of the Select Committee.

As at present advised, we should be doing a great wrong, I submit, to the public outside. If you were to send this Bill back with our benediction written upon clause 2 that we accept the principle of clause 2, it would completely shake all titles, and, as my Honourable friend, Mr. Mukherjee, has rightly pointed out, it would destroy the security and sanctity of titles, even after the efflux of the statutory period of limitation. I therefore move, Sir, that clause 2 of this Bill be deleted and the rest of the Bill be re-committed to the Select Committee.

Mr. E. L. Price: Sir, I have been requested by commercial men on both sides of India to put certain points before this House. I am not trying to put them in a legal way, but I shall put them by citing a very simple instance. At the present time if there is a commercial arbitration filing suit heard in the court of first instance and the decree of the court is given, the period laid down for filing an appeal is 10 days. The consequence is that if an appeal is not filed within 10 days, the winner knows that he has won and the thing is settled. Well, if you once alter that, the winner cannot be certain ever that an appeal may not be made or entered, and on curious grounds it may be allowed by the Appellate Court after a considerable interval of time. Now the whole system of commercial law requires that you should have prompt and final decisions. *Interest civitate ut sit finis litium* and to no section of the public does that maxim apply more than to the merchant. If you are going to extend the time for appeal to an indeterminate period at the discretion of the court, not only will you plunge commercial affairs into uncertainty and loss, but also you will finally have to build up the limitations of the period of appeal by a series of judicial judgments, in other words by case-law, and the House must know perfectly well that all case-law is built up at the expense of litigants, that is, at the expense of the community. I am strongly opposed to any measure that will extend the period for such commercial appeals from the definite period of 10 days now laid down to an indeterminate period at the discretion of the court; in other words, I am opposed to introducing in our law the old equity of the length of the Chancellor's foot.

Mr. President: The amendment moved by the Honourable Member from the Central Provinces is not strictly in order in relation to the motion

before the House. The motion before the House is that the Bill further to amend the Indian Limitation Act, 1908, be re-committed to the Select Committee. That is an instruction to the Select Committee to reconsider the whole Bill from beginning to end. The Honourable Member wishes to expunge clause two from the Bill. That will require a separate proposal. His opportunity will come more appropriately when we get the Bill back from the Select Committee. Then he can bring forward his proposal to expunge clause 2, unless the question is one of principle on which he thinks that the Bill ought not to be re-committed at all.

The Honourable Sir William Vincent: Sir, I agree with many of the criticisms that have been made on this Bill, and they will require very careful examination. They will be considered in the Select Committee, but I do not think it is fair to suggest that because there are certain points in one clause of the Bill which are open to criticism, the Bill itself should not be re-committed. Dr. Gour would however be a very valuable Member of the Committee, and I should be glad if he would consent to have his name added to the Committee in order that we may have an opportunity of considering his views in detail. I do not know if he will consent to serve on the Committee if the Bill is re-committed.....

Dr. H. S. Gour: I have no objection.

The Honourable Sir William Vincent: We have already added to the strength of the Select Committee or I propose to ask the Assembly to do so in the next motion from which it will be seen that the intention is to put on the Committee. Mr. Mukherjee and myself in place of Mr. Eardley Norton and Mr. O'Donnell and also add Mr. Lyle, Mr. Rangachariar and Mr. Krishnaswamy Rao and Dr. Gour, and I think the Council will admit that we have got an array of legal talent quite equal to dealing with this question.

There is one argument in Mr. Price's speech which, I think, is caused by some misapprehension of the contents of the Bill. Section 5 of the Limitation Act already applies to appeals, I think my recollection is right in this matter. So all these statements about prolonging the period for appeals are beside the point. The Bill does not make any difference at all if I am correct, —in the limitation of appeals. The whole of the argument is therefore really, if I may put it with due respect, a little irrelevant to the Bill under discussion. Mr. Mukherjee characterised himself as being the unfortunate Member, to object to the Bill but far from being unfortunate, he has been of the greatest assistance to me, and as he well knows, I share his apprehensions in regard to particular clauses of this Bill, and it is for this reason that I suggest that the Bill should be re-committed to the Select Committee. I do not think really however that the amendment of Section 5 goes quite as far as Dr. Gour suggested, but that is a matter again for the Select Committee to consider, and we are quite prepared to consider the question in Committee. What I now ask the House is not to turn down a Bill, because a particular clause of the Bill is open to objection. Considering that the Bill has the support of such eminent authorities as the Madras High Court, surely it is deserving at least of consideration by a Select Committee and should not be turned down by this Assembly summarily because a particular clause in it is open to criticism.

[Sir William Vincent.]

I do not think, Sir, there are any other remarks I can offer to the Assembly, but I can assure them with confidence, that we have no intention whatever of trying to force this Bill precipitately through. We are examining the Bill with the greatest care ourselves, at the same time if there is a danger in hurried legislation, there is an equal danger in turning down a Bill, many portions of which may be of value to the community.

The motion was adopted.

The Honourable Sir William Vincent : Sir, I move :

'That Mr. Mukherjee and myself be substituted on the Select Committee in place of Mr. Eardley Norton and Mr. S. P. O'Donnell, and that Dr. Gour, Mr. D. R. Lyle, Rao Bahadur Rangachariar and Rao Bahadur C. Krishnaswamy Rao be added to the Select Committee.'

I hope that the Council will realise what I said that this Committee will now have sufficient legal talent to deal with the Bill adequately.

The motion was adopted.

THE INDIAN INCOME-TAX BILL.

The Honourable Mr. W. M. Hailey : Sir, I beg to move :

'That this Assembly do recommend to the Council of State that the Bill to consolidate and amend the law relating to Income-tax and Super-tax be referred to a Joint Committee of this Assembly and the Council of State and that the Joint Committee do consist of 16 Members.'

Sir, when I introduced this Bill, I am afraid, that immersed in details which were perhaps not of great political importance but which nevertheless had formed the subject of serious study in my Department for many months, I somewhat exceeded the time limit. Checked by you, Sir, I was obliged to conclude my remarks more briefly than otherwise I should have done; but I did find time to refer to one prominent aspect of this Bill. That was that it was a Bill of definition and of procedure. In other words, it does not itself impose any taxation. Further, it embodies the important constitutional principle that the Assembly should have it in its power year by year to re-impose income-tax at such rates as at the time seems suitable. May I read the relevant clause of the Bill which enforces that principle. It says, in clause 3 :

'Where any Act of the Indian Legislature enacts that income-tax shall be charged for any year at any rate or rates applicable to the total income of an assessee, tax at that rate or those rates shall be charged for that year in accordance with, and subject to the provisions of, this Act in respect of all income, profits and gains of the previous year.'

Now, Sir, I am well aware of the feeling of this Assembly—a very strong feeling—that all Bills relating to taxation should be dealt with entirely by this Assembly. It is a feeling to which, within the limits of the law as we now find it, I am bound to bow, and, recognising that feeling as I do, I should not have proposed a Joint Committee of the two Houses on this Bill if it had been a Bill of taxation. I have proposed such a Committee because it is, as I have said before, a Bill of administration and procedure. Now, Sir, I do not intend, in putting this motion forward, to commit the solecism of referring

to the demerits or the merits of another House. Far be it from me to do so. I will not even refer to the fact that that House undoubtedly contains a large number of gentlemen who are equally interested with this Assembly, equally interested, I may say, with ourselves—for we are all assesses—that this Bill should contain the utmost lucidity of expression and should provide for the maximum efficiency of procedure. I will put my case on a ground which may perhaps seem to be a personal one, but nevertheless is one of great practical force. We have circulated this Act, and we hope to receive the opinions of the public on it some time in December. We should like to have a Joint Committee sitting on it immediately before the commencement of the next Session. That would enable us to take the matter up and place it before the Assembly in its final form during the course of that Session which is, I need not remind you, is a Budget Session. If we have to face a Select Committee here and long consideration in another place, then, Sir, our task during the preparation of the budget will be difficult indeed. I may point out to the Assembly that the preparation of the budget in these days is one of continually increasing difficulty. It is not only that we have to consider grave problems in regard to the general finance of the country, but, as the Assembly itself is well aware, we have to take into regard the fact that every single item over a vast range of expenditure will come under the detailed criticism of this Assembly. We shall have therefore to devote far greater care to the preparation of our budget in minor details than we have done in previous years.

Now, Sir, as I have said before, if we have to face an extended procedure of consideration over this Bill while we are preparing the budget, our task will be hard indeed. In truth, Sir, it would add to a burden which is often difficult to support and a burden which we cannot support without the co-operation and good-will from this Assembly. It is on these grounds—narrow they may be, but very practical as far as we are concerned, that I now put forward the proposal that this Bill be referred to a Joint Committee of the two Houses.

Sir P. S. Sivaswamy Aiyer : Sir, I have not been able to make more than a cursory study of the provisions of the Bill which has been introduced by the Honourable Finance Minister. But, so far as I have been able to go through it, I think I may congratulate the Honourable Finance Minister on the many improvements which have been introduced in the Income-tax Act. I am glad that the Government has seen fit to separate the administrative portions of the income-tax law from the fiscal portions, if I may so call them, of the income-tax legislation. It is a move which is entirely in accordance with the new spirit of the reforms, and with the desire of the Government to take the Assembly more and more into its confidence. This Bill brings one of their most important sources of revenue under the control of this Assembly. I wish at this stage to refer to a few points which struck me in the course of my perusal of the Bill, with the object of drawing the attention of the Joint Committee to these points and ensuring a consideration of them by that Committee. I am aware that at this stage it is not open to us to go into any questions of detail and I do not propose to go into any questions of detail. But you will all recognise that where principle ends and detail begins is a matter of degree. I hope I shall not trespass upon questions of detail in the few observations which I wish to make.

(One suggestion which I should like to make, Sir, is this : that, with regard to the language of the enactment, it would be desirable to follow as closely as possible the language of the English enactment on the subject. And

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my reason is this,—that it is not always possible in any measure of this kind to provide for all the various questions which occur in practice with regard to the interpretation of the Act concerned. If we follow the language of the English enactment on the subject, we shall have the advantage of the numerous decisions of the English courts and English precedents. It is a suggestion which I throw out for the consideration of the Joint Committee. I have not been able myself to examine whether the language of our Bill follows as far as practicable the language of the English enactment.

Another point, to which I wish to refer, is this. With regard to the question of the basis of assessment, I am glad to find that it has been made clear that the liability of a person to income-tax in respect of interest not received actually by him is made to depend upon his own method of keeping accounts.

I understand that mercantile firms have their own special methods of keeping accounts and that interest not received is sometimes brought into the account, but so far as the majority of private individuals in this country are concerned, I believe they do not bring into their accounts interest not actually received by them. It would be a great hardship if a man were called upon to pay tax upon interest not actually received by him. The Bill makes it clear that he would not be liable in future upon interest not received if, according to the method of accounts which he has followed, he does not bring such interest into account.

Then I pass on to a point which I consider to be one of very considerable importance, and that is the question whether a person should or should not be entitled to a deduction in respect of interest paid by him upon debts due by him. So far as I have been able to see from the provisions of the Bill, interest on mortgage debts is allowed to be deducted, but I see no reason why interest payable upon other debts should not be allowed to be equally deducted. At present the income-tax authorities refuse to make any allowance for interest due by the assessee on debts not incurred for the purpose of any trade or business. To illustrate the hardship of the existing practice I have only to put to you this case. Suppose a person has got an income of Rs. 20,000 a year on, say, his investments or Government promissory notes. Suppose also that he has to pay interest upon debts to the extent of Rs. 19,000 a year, the debts not being secured on a mortgage. According to the practice of the income-tax authorities—I speak at any rate of the practice in the Madras Presidency—the man is liable to pay income-tax upon the Rs. 20,000, and the Rs. 19,000 which he has to pay by way of interest on his debts is not allowed for, even though the net financial result to him of the year's operations may be an income of only a thousand rupees. It is quite conceivable that the tax thus assessed may even exceed his net income. That I regard as a great hardship. There is absolutely no distinction in principle between interest due by a person on a mortgage of real property and interest due by a person on a mortgage of Government securities or on personal security. And if a person has to contract debts, irrespective of the question of the purpose for which the debts are incurred, the interest which he has to pay should be deducted from the income which he receives. I shall not, however, elaborate the point further at this stage.

There is another point which I wish to bring to the notice of the Finance Member, and it is this, whether a person who owns house property should be

allowed to deduct municipal taxes paid by him or not. In several municipalities the rate of taxation upon house property has in recent years been very largely raised. In Madras, I believe the maximum is 25 per cent. I do not know what the maximum is in the other Presidency Towns. It is a question for consideration whether the municipal taxes payable by a person on immovable property should not be deducted. Another question again in connection with the municipalities occurs to me as worthy of being brought to the notice of the Finance Member and it is this. In several of our municipalities it has been found necessary to devise various new sources of revenue, and one source of revenue, among others, which has been suggested is the imposition of a sur-tax upon the income-tax. I know that income-tax being a source of Central revenue, the Central Government is apt to look upon its preserve with a very great feeling of jealousy and resist any attempts on the part of other bodies, such as, local authorities, to encroach upon that preserve. But I would point out that sur-tax upon income-tax is a very important source of revenue in continental countries, especially in Germany, and with the difficulties experienced by our municipalities in meeting the requirements of municipal administration I am not at all sure it would not be necessary for them to have recourse to this source of revenue. I would therefore suggest that in clause 57 of the Bill it might be desirable to include a provision that the procedure prescribed for the recovery of income-tax or of super-tax might be applied for the recovery of any sur-tax which, with the previous consent of the Central Government, might be imposed by local authorities.

Another matter which I wish to bring to the notice of the Assembly is this. As I said, it is not possible now to go into any questions of definition or interpretation, but it is worth noticing that some very difficult and delicate questions have arisen with regard to the definition of agricultural income. Is the income made by a tea planter, a coffee planter or a cinchona planter from the manufacture of tea, coffee or quinine liable to tax or not? I believe there has been a diversity of opinion upon this question. It is somewhat difficult to say where agriculture ends and manufacture begins. Different people might be disposed to hold indifferent ways. I myself should be inclined to think that the man who manufactures indigo and exports it is merely carrying on an agricultural operation. What about coffee? Probably I might be disposed to give the same answer. About quinine I should have no doubt that it is a case of a manufacture. But what about tea? There has been very considerable discussion as to whether a tea planter is or is not liable to income-tax upon the profits he makes by the sale of the tea which he manufactures. In this connection, before you attempt a definition of agricultural income, if you do attempt it at all, there are certain considerations which it is worth noting. One reason why agricultural income is exempted is that the agriculturist has to pay a heavy land tax. But with regard to the planters who own tea estates or cinchona estates or coffee estates the amount of assessment which they pay to the Government is ridiculously low. I do not suppose it exceeds one or two rupees an acre,—I am not sure, and I am subject to correction. I had a talk with some of my planter friends on this point, and they pointed out that they incur a lot of expenditure in reclaiming the waste lands on the hills and bringing them under cultivation and manuring them and so on, and that a person who brings any other kind of land under cultivation incurs a smaller expenditure. But, on the other hand, look at the price which a person pays for the waste lands which he brings under cultivation for the purpose of

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growing trees for profit: it is practically negligible. On the other hand, in the case of ordinary wet hands, the price is comparatively very high.

Mr. President: I agree with the Honourable Member that it is difficult to draw the line in the case of an amending or Bill between principle and detail. The Chair must judge by the criterion whether the speech which is being delivered by the Honourable Member is practically identical with the speech which he could deliver on the question that a clause stand part, or that a given amendment be made. The Honourable Member's speech comes under that category.

Sir P. S. Sivaswamy Aiyer: I am not inviting a discussion on the matter I have just mentioned.

I shall just refer to one or two questions. With regard to the question of procedure, I should just like to draw the attention of the House with regard to certain inconveniences suffered by people from the manner in which the machinery of the Act is being worked. It is open to the income-tax collector to call upon the assessee to produce his documents. Now, I can understand the assessee being called upon to produce any particular documents in support of his case. But what often happens in Madras is that along with the notice of assessment the assessee is called upon to produce all the documents on which he relies in support of his case. Now, in the case of a man having an extensive business, and especially in the case of a merchant, if it means that he has to produce not merely his ledgers or his day-books but the vouchers, the correspondence, and anything and everything which may have a bearing upon anyone of a thousand items, it is really a great hardship. I think there should be some provision for guarding against such abuse—I think I am justified in using that word—by the income-tax collector of the machinery of the Act. A person may justifiably be called upon to produce his ledgers or his day-books, but the other documents he should be called upon to produce only if the assessing authority specifies them, and gives him specific notice. I hope some care will be taken to provide against abuse of this sort, as such abuse causes great hardship especially in the case of persons having several places of business and carrying on business on an extensive scale.

These are all the remarks which have occurred to me at this stage of the Bill.

Dr. H. S. Gour: Sir, the Honourable Mr. Hailey has asked this House to consent to a Joint Committee of both Houses consisting of 16 Members. I think the Honourable Finance Member knows that this House is most willing to co-operate with the other House if it tends to minimise labour and to facilitate the passage of Bills; and as this is not a money Bill, I do not think we shall have the least objection to acting in concert with a Committee of the other House. But, at the same time I think, I am ventilating the general feeling of Members of this House that Rule 101, which lays down that on a Joint Committee equal numbers of each Chamber must be nominated requires reconsideration. As it happens, the other House consists of 60 Members, and we in this Chamber are more than 140. Now it may happen that there is a Bill on which the majority might consist of this House, and it is equally conceivable that in certain other cases it would be more desirable to have a majority of Members from the other House. But to fix a fixed ratio between

the two Houses is, I submit, what leads to friction between the two Houses, because the Members of this House feel that in spite of their numerical strength, they are relegated to a position of numerical equality in each and every case irrespective of the merit of Members or the interest of the case, and that has been the real objection, which I think the Honourable Finance Member will try to remedy.

Now with regard to the general scope of this Bill, Honourable Members will remember that when the original Income-tax Act was enacted, it was a very small tax that was levied, and there was therefore no necessity for discrimination between the different kinds of income. But the income-tax, which was originally intended to be merely a temporary measure, has come to a stage when it is likely to remain on the Statute Book as a permanent measure. In this view, I would ask the Honourable Finance Member to discriminate between the various kinds of income, — as between permanent and precarious incomes, earned and unearned incomes,—and in this connection I would draw the attention of this House to the salutary provisions of the Australian Income-tax Act. The Honourable Finance Member will observe that in Australia different kinds of income are liable to tax in different ways. Take, for instance, the case of an actor. So long as his voice serves him, or the case of a singer who acts and sings; his income is precarious. An actress, for example, has a very short career on the stage, and her income is precarious. So also the income of a barrister or of a solicitor or of a tradesman who only comes and deals in certain kinds of things at a certain time of the year. Now the Australian Act makes a distinction between the various kinds of income and taxes them in various ways. There is also a distinction, if I understood it aright, between earned and unearned income. The distinction is well known even under the English Income-tax Act. I would ask the Honourable Finance Member to consider this question when the Bill goes to the Select Committee.

With reference to agricultural incomes, to which my friend, Sir Sivaswamy Aiyer, has referred, it is a moot question as to where agriculture ends and horticulture begins, and where horticulture ends, and industry begins. He will find a very useful discussion in connection with Section 129 of the Transfer of Property Act, where the exception is made that the whole Chapter dealing with leases shall not apply to agricultural leases, and the High Courts have been sharply divided on the question as to what is an agricultural lease. Take, for instance, a fruit garden, purely an orange garden, or a mango garden. Is it an agricultural lease, or is it a horticultural lease?

And questions about tea, coffee, cinchona, indigo, etc., which my learned friend on the other side has pointed out, are all cases which are dealt with under that Section. I think it would be a hopeless task for the Income-tax Select Committee to go into this question. The Honourable the Law Member told us the other day that the Transfer of Property Act is now on the Legislative anvil, and I hope that it will be in that connection that the whole question will be thrashed out and a workable definition of agricultural, horticultural and industrial tenures framed so that it may be of use to us in connection with the interpretation of the Income-tax Act. While I am in general sympathy with what Sir Sivaswamy Aiyer said, I feel that I cannot go the whole way with him when he says that tea and coffee estates, because they pay a very small land tax or land revenue, therefore they should be made liable to income-tax. If my friend's argument be sound, then I think the Bengali gentlemen here will not thank him, because

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under the permanent settlement in Bengal the land-holders of Bengal also pay a very small quit rent in all places where the permanent settlement is in vogue; and by a parity of reasoning, if the tea and coffee plantations are to be assessed to income-tax because they pay a small land tax, it will be an excellent argument to extend it to the land-holders of Bengal. But I am perfectly certain that my friend did not mean his argument to be carried to its extreme logical limit.

Then as regards the protection of accounts. I heartily agree with my learned friend that it has been a source of great public grievance, and the Marwari community throughout the country bitterly complain that their account books are ransacked by the underlings of the Income-tax Department, and a very large measure of discontent in this country is due to the fact that these inquisitorial inquiries carried on from the commencement of the year to the end are being carried on in a manner which cannot admit of secrecy, and which are conducive to the display of the private accounts of parties which they would rather keep secret. What other alternative the Income-tax people have is a question which I need not at the present stage suggest; but I hope the Select Committee will be able to find some remedy some alternative, to substitute a more rational method of conducting inquiries, than by examination of these account books in public or semi-public, and by the subordinate persons who are employed for further purpose.

With reference to the Super-tax, as Honourable Members know, the Super-tax Act was only enacted a few years ago. My remarks with regard to the Income-tax equally apply to the Super-tax, and I hope the Select Committee will consider all these questions, with reference to the fact that incomes of a permanent character should be taxed upon one scale, while incomes of a precarious character should be taxed upon another scale. As regards the mode of inquiry, it should be carried out in the least harassing manner so that assessee may not feel that their private affairs are being publicly overhauled for the purpose of finding out what are their liabilities. A general audit of their private accounts is not necessary for the purpose of arriving at the figure which is assessable to income-tax.

Lastly, I submit that when the question of an income being agricultural or non-agricultural income arises, the question should not be looked at from the standpoint of income-tax but from the general standpoint of substantive law, as to what is an agricultural lease and what is an agricultural holding, and the mere fact that it is described by the income-tax collectors as agricultural land should not suffice: if it is otherwise held to be non-agricultural land, there will be friction between the Revenue and the Civil Department, and that must be obviated so far as possible.

Mr. R. A. Spence: Sir, I understand that the object of speaking on an occasion such as this is to bring one's views before the notice of the Committee to be appointed, and I have to say something therefore with reference to the remarks made by Sir Sivaswamy Aiyer as to the deduction from income assessable to income-tax of municipal taxes on house property. I may say that so far as some landlords in Bombay are concerned, they protect themselves already by deducting from the fixed rent the amount paid in taxes, and they give the tenant two receipts, one for the municipal tax, the other for the rent after deducting the municipal tax

This last receipt is presumably used for income-tax purposes, and also possibly for the assessment of municipal taxes on a smaller basis than would otherwise be the case. The landlord is considered the party who pays the municipal taxes, and the tenant—but I need not go into all that about municipal law. My point is that as several landlords at present protect themselves and secure themselves from paying income-tax on the municipal taxes paid by them, it would surely be for the good of the community that a definite ruling should be given that municipal taxes for purposes of income-tax should be deducted from the income derived from house property.

Dr. Nand Lal: Sir, I congratulate the Honourable Mr. Hailey, the Finance Member, on the improvements which have been introduced in this Bill, as, for instance, the omission of Section 19 of the old Act, namely, the present Act. But I may offer a suggestion that no improvements have been introduced so far as the right of appeal of the assessee is concerned. We find that the assessee, though he may be unlawfully and illegally assessed, has got no right of appeal. He has got a right which is called the right of petition, and as this august Assembly knows, such petition can be disposed of as a petition for Revision. The aggrieved party has not got the right to urge all points: it rests with the Court of Revision to interfere or not.

Another point which has not received due attention is that a form of petition has been proposed in the Bill, as it is in the present Act, and that form narrows down very much the right of the assessee.

He cannot urge all the points which he wishes to urge. He cannot put forward all the contentions which he feels necessary to set forth. Therefore, the attention of the Select Committee should be directed to this point.

So far as the constitution of the Joint Committee is concerned, I beg to differ from my friend, Sir Sivaswamy Aiyer, and Dr. Gour, and I also beg to differ from the Honourable the Finance Member. He says this will be only a defining Act.

Sir P. S. Sivaswamy Aiyer: I said nothing of the sort.

Dr. Nand Lal: To my mind, this Bill, now before us, goes to the very root of taxation; any measure, which concerns income-tax, touches the pockets of the tax-payers, and we should very jealously regard our rights, as Members of this august Assembly. It is our primary right to see and examine whether the taxes are properly assessed or not. Therefore, I emphatically oppose the constitution of a Joint Committee of both Houses. The reasons assigned that the Bill should be sent to a Joint Committee in order to expedite the business are not tenable at all. No case has been made out to show that this Act should be committed to a Joint Committee of both Houses. There are a good many points to be suggested, but I do not like to dilate on them, because those points should be suggested to the Joint Committee. We need not discuss the Bill on its merits, as my two Honourable friends have already discussed it sufficiently. With these few remarks I submit that the constitution of a Joint Committee of both Houses is not desirable so far as the question of income-tax is concerned.

Mr. N. M. Samarth: Sir, in regard to the objection taken by Dr. Nand Lal, it is enough to point to the Statement of Objects and Reasons which states that the Bill deals merely with the basis, the methods and the

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machinery of assessment. The rates at which income-tax and super-tax will be charged will be determined by the annual Finance Bill and the schedules in the present Act have therefore been omitted from this Bill. This Bill is a purely administrative measure, the provisions of which will be set in motion by the passing of the annual Finance Bill, so that when the Finance Bill comes before us, we can, if we so wish, decline to pass the rates which the Honourable the Finance Member may propose. This is not, therefore, a Bill which imposes any taxation; it is not a money Bill and consequently the objection brought forward by my Honourable friend, Dr. Nand Lal is untenable. Now, Dr. Gour stated that in his opinion the reference to a Joint Committee was no doubt justifiable, but he contended that a Joint Committee must be a Committee the composition of which must be in accordance with the numerical strength of the two Houses. It staggered me. Any constitutional lawyer knows, that whether in the House of Commons or in the Dominion Legislature, when there are Joint Committees of the two Houses, they are constituted in equal numbers. I have before me the Manual of Procedure of Public Business of the House of Commons. Section 98 of that Manual reads thus:

'A Bill may be committed or any other matter may be referred to a Joint Committee of both Houses consisting of an equal number of Members from each House.'

This is in spite of the fact that the numerical strength of the House of Lords and the House of Commons varies. It is much more as compared with the numerical strength of the Council of State and the Legislative Assembly. It is all the more necessary, therefore, that we too should have an equal number of Members here in the Joint Committee. I, therefore, think that the proposal of the Honourable the Finance Member, which accords with our Rules, should be upheld and the objection of Dr. Gour which is repugnant to constitutional practice should not be considered.

Mr. President: I cannot allow Honourable Members to allude to this matter. The Honourable the Finance Member has no power to do otherwise than what he has proposed, and that is to give an equal number on the Select Committee. I allowed Dr. Gour to refer to it; but since I see that another Member has taken it up, I must take notice of it.

Mr. J. Chaudhuri: Sir, I welcome the statement made by the Honourable the Finance Member that if this Bill had been a money Bill, he would not have proposed its reference to a Joint Select Committee. Sir, you are aware, the Members of this House are very jealous, and I think rightly jealous, that money Bills should not be referred to a Joint Committee but should always be referred to a Committee of this House only. The reason for this is that we have to vote money; we have to meet the public demands; we are the representatives of the common tax-payers, and as such we ought to have the final and supreme voice in the matter of taxation. But since this is merely a measure of procedure or an administrative measure, I hope none of the Members here will object to the proposal made by the Honourable the Finance Member for its reference to a Joint Committee of both Houses. I do not wish to make any observations with regard to the details of the Bill at this stage, but I cannot help making some remarks with regard to the observations made by my Honourable friend, Dr. Gour, about Bengal. He never misses an opportunity of going against Bengal or Calcutta. Yesterday he suggested that the Victoria Memorial should either be demolished or removed to Delhi or Nagpur before he

could vote money for its up-keep. If anything can be called Imperial, a Memorial erected to the memory of Her late Majesty Queen Victoria can most appropriately be called Imperial. But I leave that question alone.

My Honourable friend, Dr. Gour, observed further that the agricultural income and necessarily the Bengal zemindars should be taxed.....

Dr. F. S. Gour: There is a complete misapprehension of my statement. I never said that the Bengal zemindars should be taxed.

Mr. J. Chaudhuri: He suggested that if agricultural income was taxed, in Bengal, land-income also might be taxed.

Dr. H. S. Gour: I said nothing of the sort. Certainly not.

Mr. President: The Honourable Member from the Central Provinces used it as an illustration. I observe that the Honourable Member wishes to make it a *substantive* part of his argument. That is out of order.

Mr. J. Chaudhuri: With regard to tea, coffee and agricultural income, both my Honourable friends, Sir Sivaswamy Aiyer and Dr. Gour, asked whether these articles should be taxed. Then Dr. Gour referred to the Permanent Settlement. Now Permanent Settlement does not affect Bengal alone. Permanent Settlement affects.....

Mr. President: Order, order. The question of Permanent Settlement is not at issue here.

Mr. J. Chaudhuri: With regard to agricultural income, I should say that if we look to tea, we find that although the income from tea is not taxed, there is a duty on tea to the extent of Rs. 1-8-0 for every 100 lbs. and over and above that, if we look to jute, we pay a duty on it and that brings in more than three crores and a half to the Imperial Exchequer. So although the agricultural income in Bengal may not be directly taxed, these articles are indirectly taxed, and what is raised out of these agricultural products is given to the Imperial Exchequer. So his grievance with regard to Bengal in respect of some of its principal agricultural income or the land revenue of Bengal is altogether unfounded. As regards tea, coffee or other agricultural or horticultural produce, whether they could be properly taxed under the Income-tax Act, there is a great deal of difference of opinion.....

Mr. W. M. Hassanally: Sir, may I rise to a point of order? The measure before us is an entirely administrative one. That question has been repeated more than once and I believe my friend is going out of his way to comment upon the rates of income-tax upon tea and coffee, etc.

Mr. J. Chaudhuri: I am not. I was only replying to my Honourable friend, Dr. Gour's observations and I do not wish to pursue the matter any further at the present moment.

Mr. Manmohandas Ramji: Sir, I rise to congratulate the Finance Member for introducing this measure because great improvements are suggested, and to point out that the measure that is being proposed would do away with the distinction between firms registered and unregistered. Also I notice that some means are suggested to get returns from assesses so that the work may

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be reduced and proper amount of tax may be recovered. With regard to one suggestion from my Honourable friend, Mr. Spence, about municipal taxes, I think there should be a general deduction allowed for all municipal taxes wherever they are paid. I know that there is some difficulty as in the big towns only the municipal assessment has to be paid but in small villages and other places they are not paid and therefore this deduction would not be uniform but I say when in a business every outgoing thing or all the expenses are allowed, why should not municipal taxes be allowed in the case of a landlord whose income is solely from his property? However, all these things are matters of detail and I hope the Select Committee will consider all these questions on their merits.

Mr. B. S. Kamat : Sir, like the previous speakers, I also congratulate the Finance Member on this improved Income-tax Act and the various improvements it enacts. There is one point in connection with the examination of accounts to which I wish to refer. I believe at the present day, assessee have to submit their accounts to Income-tax offices; it would be a source of satisfaction if there was an expert staff of examiners in these income-tax offices. Generally the staff who go into the accounts is not an expert staff, knowing any system of public or private accounts. As a rule, the class of people who go through the account books of the merchants' accounts, are ordinary clerks who by experience perhaps know a few rudimentary things about the examination of accounts. What is necessary, if I may venture to point it out, is that in the principal towns and certainly in Presidency towns, in the income-tax office there should be examiners of accounts who are really passed and certificated accountants and a minor clause may be inserted in this Bill that there should be in income-tax offices some body who knows thoroughly the system of accounts as kept by the merchants.

Then again, these examiners of accounts attached to income-tax offices should be given clear instructions in the rules which the Government of India now propose to frame as to the various methods of arriving at an income or profits. At the present time there is a good deal of obscurity or confusion as to how to find the different profits of a merchant. What are the classes of legitimate 'business expenses'? On this point also there is a good deal of obscurity—whether a proprietor can charge certain personal expenses incurred by him in the course of business towards deductions to be from his income; then again, whether a proprietor can deduct and write off bad debts from his profits, that is another point of doubt. Certainly all bad debts are deductions from taxable income from any business. On these points what I suggest is that in the new rules that it is proposed to make there should be clear instructions to the examiner of accounts in the income-tax offices, so that both assessee and examiners should be absolutely clear in finding out what are legitimate 'business expenses' and what are 'legitimate deductions' from the annual profits.

The second point to which I wish to refer is the mode of recovery of assessments. Now, there are assessments and assessments. In the case of certain merchants there are very large assessments and they must find it very difficult to pay the tax in one lump sum. I believe there ought to be inserted in the Act a clause giving a certain latitude in the way of paying assessments by instalments in cases where assessments are very large. This could be done

either by giving instructions in the rules proposed to be framed by the Government of India or by any amendment of one of the Sections regarding the mode of recovery of the assessments.

The third point which I venture to suggest is, that when the Government of India frame their rules for the whole of India as to the manner in which the assessment has to be recovered, I believe all these rules should be translated into the principal vernaculars and every assessee, as a matter of common practice should be furnished with a copy of these rules, so that there may be no doubts or disputes either on the part of the assessee or the assessors.

Beohar Raghubir Sinha : Sir, as a landholder, I have to endorse the views of Dr. Gour so far as his remarks about the agricultural income and discontent in the country on account of the production of account books are concerned. Agricultural income should not be touched, as has hitherto been the case, in order to avoid further discontent among the agricultural classes in this critical condition of the country. So far as I have heard Dr. Gour, I think he did not mean that any agricultural income ought to be further taxed. But that there should be income-tax on interest on the arrears of rent of these bodies is a question which should be considered by the Government.

Rao Bahadur T. Rangachariar : Sir, there is one satisfactory feature in this Bill which requires more than a passing notice. The other day we passed a Resolution here commending the separation of executive and judicial functions. The machinery now proposed by the new Bill of appointing Commissioners, Assistant Commissioners and a hierarchy of officials independently to deal with income-tax, irrespective of or different from the executive officers who are in charge of the executive administration of the district is a most wholesome feature which all of us ought to welcome. We know executive officers—those who have got charge of the executive functions or administration of districts—use the income-tax as one of the weapons by which they become unpopular. Oftentimes, guided or misguided by zeal in their executive functions, they use the income-tax for purposes which are galling to the people themselves. And, therefore, Sir, I welcome this departure which is now proposed by the new Bill, as a wholesome measure; and even though it may cause the Central Government some more expenditure, I think that the expenditure would be rightly incurred. And, then, though it may cost the Central Government some more expenditure, I think that expenditure is rightly incurred, and income-tax instead of being the unpopular thing that it is now, will become less unpopular by the device of this new machinery which the new Bill has proposed; at any rate, being in the hands of people who are not interested in questions other than rightly assessing the income for the purpose of revenue, the Act is not likely to be abused.

There is one other feature in the Act to which I wish to refer. I have referred to a satisfactory feature. I shall refer to an unsatisfactory feature or rather an omission in the new Bill. I do not know if all of us are aware that for non-payment of income-tax we are liable to imprisonment. I do not think it has come within the experience of any of us that for non-payment of income-tax, or rather the wilful non-payment of income-tax as they call it, the assessee is liable not only to have his property seized and sold, but also he is liable to imprisonment. That is under the provisions, not of this Act, but of the Act relating to recovery of land revenue. This was prominently brought to notice

[Rao Bahadur T. Rangachariar.]

the other day in the Godavari District in our Presidency where a Muhammadan trader was assessed I believe to a sum of Rs. 20,000 on account of income-tax. He did not pay it and a penalty of an equal amount was imposed and for this his property worth several thousands of rupees was seized and sold, and on account of the non-co-operation movement nobody would come to buy that property and the Government bought it for a song. Notwithstanding all his property having been seized, he was also sent to jail, I believe, for a period of twelve months (*A roice.*—2 years). Whether for non-payment of income-tax a man should be not only liable to have his property seized and sold, but also to imprisonment is a matter which requires to be considered, especially if non-co-operators prevail upon people not to bid for his property and the Government take the property for a song, and notwithstanding all that, the man is sent to prison. That is a very serious question which has to be considered.

With these remarks I commend the motion to the acceptance of the House.

The Honourable Mr. W. M. Hailey : Sir, I feel that I must reply to the remarks which have just been made in the discussion of my proposal. I must reply, if for no other reason because, I think this is the first time, at all events within my experience, that a Finance Member has had the good fortune to be congratulated on an Income-tax Bill. I feel deeply, Sir, [the congratulations I have received ; I feel them indeed so deeply that I am almost apprehensive lest I should have made some mistakes in the interests of the assessee which will be detrimental to the general tax-payer, and I am even doubtful whether I should not ask the House to allow me to withdraw the Bill in order that I may consider whether those mistakes should not be rectified. But I will take heart and proceed ; and will pass on to deal very shortly indeed with the other remarks which have fallen from Honourable Members this morning.

The substantive proposal has been opposed by Dr. Nand Lal only, and he has been subdued so handsomely by Mr. Samarth that I think I need not take up the time of the Assembly in dealing further with the remarks which he has made. With regard to criticisms in matters of detail, I merely wish to allude to them in order that my critics may realize that their advice and their suggestion have not been wasted. The points which they have made will be fully taken into account by the Joint Committee if this House accepts my motion for the appointment of such a body.

Sir Sivaswamy Aiyer asked us to follow as nearly as possible the wording of the English Act. One great purpose of this Bill is to introduce when possible the wording of the English Act, particularly in regard to the definition of income. We have on our staff an expert from England well acquainted with all the problems that arise under the English Act, and he has given us great assistance in the drafting of this Bill. Sir Sivaswamy Aiyer asked that we should take into consideration the case of an assessee who happens to be paying interest on debts due by him. If he will refer to clause 10, sub-clause 3 and sub-clause 9 of the Bill, he will see that we already allow a deduction of interest where that interest is payable on expenditure which has been necessary for the earning of the income. Now, I do not see why we should go further and allow deduction of interest on debts due on other accounts. After all, Sir, what we are taxing is income. We make deductions from current income of the sums which are necessary to earn that income. There

is no reason that I could see why we should allow a deduction on account of other expenditure—even if that expenditure represents what I may call the luxury of paying interest on debts owned by the assessee. He further suggested that we should consider the question of the deduction of municipal taxes ; that was a point which was also dealt with by Mr. Spence and Mr. Manmohandas Ramji. When the matter came before the Central Committee which considered the Income-tax Bill, they were not in favour of such a deduction. The municipal authorities are taxing the same sources of income as we are, and we allow that deduction, we are reducing materially our own sources of income. The matter has been much debated at different times. A very considerable variety of opinion has been expressed on the subject : so great have been the differences of opinion that I may mention that one Member at least of the Central Committee who was entirely against the proposal has now supported it in the Assembly to-day. He further dealt with the question of allowing local bodies to raise a sur-tax on income-tax. That, I think, is not a question which arises under this Bill. Whether sur-tax on income-tax is to be allowed to local bodies is a question which arises entirely under the legislation which regulates the taxation of such local bodies. For my own part I may say I am opposed to any such proposal. The proceedings of the Chancellor of the Exchequer, and I may say by implication also of the Finance Member, have frequently been described as robbing the henroost. I think it is his duty to make the defence of that henroost so complete that nobody else can get their hand into it.

Then arises a very controversial question indeed, put by Sir Sivaswamy Aiyer, and referred to by Dr. Gour, Mr. Chaudhuri and Beohar Raghubir Sinha, the question of taxation of agricultural income. Let me say at once that this Bill does nothing to alter the existing procedure in regard to the taxation of such income. It does not contain any proposal for altering the definition as it now stands. I am well aware of the difficulties which have arisen from the interpretation of the term 'agricultural income.' I am well aware of it. Sir, because I together with some other Members of this House once sat in a meeting of the Legislative Council at Delhi which debated this very point at length ; we debated to the best of my recollection until 11 O'clock at night. I have no desire whatever to refer at length to the many difficulties which were then placed before us. The question as regards the taxation of so much agricultural income as is drawn by the tea industry has formed the subject of judgments in the High Court. If the Select Committee can do anything to improve this definition it will undoubtedly give its best attention to the subject, but I feel that for the present all we can hope to do in a matter of such complexity, is to trust the High Courts to give us a correct and working interpretation of the law.

A further point referred to by Sir Sivaswamy Aiyer was the question of the production of accounts. He complained that much hardship was felt by assesseees owing to the fact assessing officers sometimes demand the production of all their papers. That matter was also referred to by Mr. Manmohandas Ramji and by Mr. Kamat and Dr. Gour. That is a matter which we ourselves have felt requires attention. We have received complaints of the grave inconvenience that is caused to traders by the necessity of producing practically the whole of their accounts and by the fact that these are, in some cases, retained for some considerable period of time for examination. Mr. Kamat also suggested that that examination was not made by a sufficiently

[Mr. W. M. Hailey.]

expert staff. Now, Sir, that is a disability which I do not think can be cured by legislation. There is one method only, and that is the improvement of our machinery. The House has already voted us considerable sums for the appointment of an expert staff; as that expert staff improves, it will be possible to alleviate this burden on the assessee. It is part of our intention that the assessing officers themselves shall have an examination in the reading of accounts—and the reading of accounts is not a simple matter in this country where they are often kept in an obscure glossary of their own—so that this work shall no longer be left to the interpretation of minor and low-paid subordinates. As we improve this machinery—we can only do so with the assistance of this House as we improve our procedure, so in proportion will the complaints of the assessee be lessened in regard to this matter.

Mr. Kamat also referred to the mode of recovery. He suggested that provision should be made in the Bill for the collection of income-tax by instalments. That, I think, Sir, is largely a matter for the collecting agency, and there, again, as our machinery improves, we shall no doubt be able to lessen the burden on the assessee in this respect. He also made a suggestion that our rules should be translated into the vernacular and distributed. There is a minor point, Sir—and I should not have referred to it if it had not been that I desire to take the opportunity of informing the House what we intend to do in this matter if the House enables us to constitute a central authority. We intend to do everything in our power to make the rules under the Act and the instructions issued under the Act as public as possible. They will be uniform for the whole of India. We shall hope to publish a manual which, if our expectations are justified, will pay for itself. That is to say, the manual will be so complete, will be brought up so continuously up-to-date, that all assesseees who are liable for the payment of large sums of income-tax in the country will find it to their advantage to subscribe to our publication. With regard to translation into the vernacular, that is also a question, Sir, which will receive our attention. Dr. Nand Lal suggested that the unfortunate assessee had no right of appeal,—that he had only the right of petition. We can perfectly easily substitute the word 'appeal' for 'petition' without in any way altering the procedure of the Act; but he had surely forgotten that this Bill now goes further, and gives an unrestricted right of reference to the High Court,—a privilege which is not enjoyed by the assessee under the present Act.

Mr. Rangachariar has complained that the income-tax assessee, if he does not pay his tax, is liable to imprisonment; he said, I think, that probably very few people knew of the fact, though he quoted to us the instance of one unfortunate gentleman who certainly has had reason to realize that this provision of the law exists. There is no reason, however, Sir, in my opinion, why a man who does not pay his income-tax should be less liable to imprisonment as a man who does not pay his land revenue. But let me ask Mr. Rangachariar himself to take heart; he can afford to be without anxiety on this point, for the expert at my side assures me that in Madras city itself, you are not liable to imprisonment!

The motion was adopted.

RESOLUTION RE PURCHASE OF STORES BY THE HIGH COMMISSIONER FOR INDIA.

Mr. President : If the Honourable Member is ready to state his position with regard to the proposal made by the Government, we might dispose of this before adjourning.

Sir Vithaldas D. Thackersey : Before moving the motion for which I have given notice, I beg.....

Dr. Nand Lal : I rise to a point of order. When I make a reference to the Schedule on page 98, I find there that a certain procedure is laid down which procedure clearly states the manner in which Resolutions and non-official Bills are to be treated.

Mr. President : The Honourable Member must be aware that that point of order was raised before. The procedure in Schedule I, which is an appendix to Standing Order 7, sub-section (2), is a procedure which governs the days allotted for the transaction of non-official business. This is not such an allotted day. It is a day taken by the Government for its own business. Government has chosen to put down three non-official Resolutions for debate to-day, and in doing so they have exercised their proper discretion.

Dr. Nand Lal : I submit this is a violation of the law of ballot. In any case it evades.....

(Cries of 'Chair,' 'Chair.')

Sir Vithaldas D. Thackersey : Mr. President, I was going to say when I was interrupted that I begged leave of the House to allow me to add two words to my Resolution which were only verbal. The first is after the second word in (1) to add 'ordinarily,' and in the second line after the word 'quality' to add the words 'and delivery.'

These are additions which will make my object quite plain. I beg to move that :

'This Assembly recommends to the Governor General in Council that the High Commissioner for India in London should be instructed by the Government of India :

- (1) To buy ordinarily the stores required for India in the cheapest market consistently with quality and delivery, and every case where this rule has not been followed, should be communicated to the Government of India with full reasons for the information of the Legislative Assembly.
- (2) That when placing large orders the High Commissioner should insist that the contracting parties if required shall give every facility for admitting as apprentices in their works Indian students to acquire practical knowledge of the manufactures.

Mr. President, it is a matter of regret to me that it should be at all necessary to bring forward a Resolution of this character in this Assembly. I think everybody, whether present here or outside, who has the interest of India at heart, expects that the High Commissioner shall purchase stores in the cheapest market. The late Honourable Member for Commerce and Industry, when he met the Indian Merchants' Chamber and Bureau, assured us that the Government of India expected the High Commissioner to buy in the cheapest market, and therefore we have reason to believe that the Government of India also agree that our stores should be purchased in the cheapest market. Now what do we find? Of course we all agree that we have in Sir William

[Sir Vitthal Das D. Thackersey.]

Meyer a very able man and a very strong man, a gentleman who has filled the office of Finance Member of the Government of India with great credit and, I must say, fought for the interests of India where those interests were jeopardised.

But from the statements laid on the table in reply to questions both in the Council of State and in the Legislative Assembly, we find that our High Commissioner has not a very easy way. There has been great agitation in England by the manufacturers, both in the House of Commons and outside in the press, that all the stores required for India should be purchased in England from them alone. The agitation has been so strong that we find that when the Secretary of State raised 7½ millions sterling in London at 7 per cent. per annum with the right to the investors of the conversion into double the amount into 3 per cent. bonds, he undertook that the whole of the 7½ million sterling would be spent in England for buying railway stores. We have no objection to buying our stores in England, but the Secretary of State did not even see his way to qualify his statement by saying 'that if obtainable at a reasonable rate.' So that if we follow any longer the principles which Sir William Meyer says he has been following up to now, we shall have not only to pay 7 per cent. to investors, but we shall have also to make sacrifices to the extent of 10 or 20 per cent., as will readily be seen later on, in the purchase of stores to the extent of a minimum of 7½ million sterling undertaken by the Secretary of State. I say, therefore, Sir, that this House must give clear instructions to the High Commissioner in order that the High Commissioner's hands may be strengthened in the purchase of stores in the cheapest market. I will venture to read two or three short quotations from the evidence given by Sir William Meyer before the Railway Committee. I will not take up the time of the Assembly by reading long passages because the report has been circulated and I daresay, many of us know all about it. I will only read short paragraphs. In reply to a question by the Chairman, Sir William Meyer said :

'I cannot say what the companies do'—

that is, other railways managed by private companies—

'but I can tell you as regards my own Department, which includes purchases for State railways. One is rather between Scylla and Charybdis in these matters. You have got Indian opinion demanding—from their point of view quite reasonably—that you should purchase absolutely in the cheapest market. I have a good deal of pressure'

please mark the words—

'put on me from various sides in England to deal with British firms and companies. They say it is very hard that they should be penalised by the abnormal advantage obtained by Germany through the rate of exchange and so on; that they have served India well in the past and that if they have to shut up shop now, things will be worse for us in the future. I have always taken up the position that it is not the business of the Indian taxpayer to subsidise British industry and labour, but that within certain limits one might give a bit of preference especially to people who have dealt formerly with us.'

Later on, I shall read to you a paragraph as to what extent Sir William Meyer proposed to give preference or has given preference, but in the meantime I will read another short paragraph to show what system he follows when he gets tenders :

'I also adopt the principle on occasion that if the lowest German tender, say, is considerably lower than the lowest British tender, I communicate confidentially the terms of the German tender to the British manufacturer and ask him if he will come down. Sometimes he comes down to an extent that justifies me in giving the business to him, and sometimes he does not.'

Well, this system, Mr. President, of showing the lowest tender to another tenderer does not conduce to get in lowest prices always, and Mr. Purshotamdas Thakurdas, one of our ablest merchants in Bombay, who was a member of the Railway Committee, pointed out or rather in the form of a question asked Sir William Meyer thus. Mr. Purshotamdas Thakurdas asked :

'I should like to put this question arising out of the answer you have just given. If you call for a tender or tenders, and instead of giving the order to the lowest tenderer, you send for the next lowest competitor and tell him you have got a lower tender : does it not discourage the lowest tenderer from tendering again : will he not say, Our tender is only called for in order to get the others to reduce their prices—that is, what I call in ordinary business fair tender facilities should be available to all. Does it not strike you that by adoption of this method, the foreign tenderer may absolutely refuse to tender at all ?'

Well, the reply of Sir William Meyer was as follows :

'Your criticism would be absolutely just in normal times. One would not think of adopting the system in normal times, but we have to face a very abnormal situation in which the Germans thanks to the exchange position and to the necessity of having to pay a huge amount of reparations, are putting up what you may call an artificial price. We did not want to see the British firms ruined by German artificial prices, etc., etc.'

Then about the extra prices, he mentions thus to what extent he proposes or has already given preference to the British manufacturers.

'In the present abnormal circumstances and for the reasons explained in my evidence before the Railway Committee, I am willing to accept a satisfactory British tender in preference to a foreign tender when the gap between the two is not excessive. As a starting point, I have laid down that this gap should not exceed 10 per cent.'

Sir William Meyer further added :

'Each case had to come before him personally and it should be decided on its merits. In some cases no preference of any kind will be sound necessary, while in others there may be valid reasons for going beyond 10 per cent. In the case of wheels and axles to which I referred a preference up to 20 per cent. was allowed to a British firm and that for a special reason which is stated in the evidence.'

Then he points out how the tenders are given. In one case he says that the foreign price was £10-10-0, while the British price by public tender was £17-0-0, and after the system he followed of asking the next man to reduce his tender, the British firm reduced their price to £11-10-0. It is now for this House to consider whether a tender for £17 was a fair one, or only because the tenderer knew, or rather the combination of British manufacturers knew that the Indian High Commissioner was sure to approach them and then they would get an opportunity of reducing their tender at a later date that such a ridiculous price was quoted. The Council should remember that the market price was £10-10 and actually the British tenderers had submitted tenders for £17 for the same article. This kind of tender can only be explained by the fact that the man who tenders higher rates knows that the High Commissioner would come to him and that he could then reduce his tender. In one case the foreign price for Wheels and Axles was £45 while the British tender was for £83-15 which is practically double, and subsequently the same British firm reduced its tender to £67. We are not to be led away by what we call the German tender. Naturally when we hear the word 'Germany,' every one of us has disgust against it, but the real point is ignored. We

[Sir Vithaldas D. Thackersey.]

merchants know that Germany is selling cheap, but Belgium and America also sell equally cheap, if not to the same extent as Germany does. Now, as to the argument that Germany has to pay reparation and, therefore, we should not take advantage of it. Well, Germany has to pay reparation for 30 years. Are we going to pay 20 per cent. extra to the British manufacturers for 30 years to come? Reparation is not going to cease next year. It is quite true that Germany, and even Belgium are working hard, and we have got private report to that effect, but if anybody has to compete in this world, he has to work hard and reduce the cost of manufacture.

Well, then, Mr. President, two points stand out most prominently in the quotations that I have read out to the Council. One is that owing to extraordinary conditions we should continue to buy from British manufacturers at a higher rate, and secondly according to the suggestion made, we should pay between 10 and 20 per cent. more to them. I think this House will agree and insist that the time has now come when the prices of materials all over the world are falling, that India should not sacrifice to the extent of 10 or 20 per cent. for buying all stores in future, and that while we are quite prepared to give fair preference to British manufacturers as forming part of our own Empire, they must also see the necessity of reducing their prices and make them equal to the world prices in order to secure our orders.

Then, Sir, when we say 10 per cent., it may seem to be a small amount when we buy small articles. If I am passing in my rickshaw, I buy a match-box for, say, 8 pies, whereas the seller gets it from the wholesale dealer for about two pies and therefore he makes about 33 per cent. profit, but the case is not on all fours with the question before us. We have to look to the fact that we are buying stores to the extent of some millions sterling in England. We were told here recently the cost of railway materials alone would amount to about 14 million sterling. Then the Local Governments are purchasing their stores through this Department. We have also got the Military budget. Then, again, add the orders for constructing New Delhi and for the scheme regarding the Development of Bombay. I understand that a protest was raised by the Bombay Government when the Development Department was asked by the Government of India under the rules, to buy stores required for the Development Department from England through the High Commissioner, when very low offers were made from Belgium. So when we are buying stores to the extent of 15 or 20 million sterling per annum, it means, even on an average of 10 per cent nearly three crores of rupees. Can India afford to pay three crores of rupees more per annum for purchasing stores from British manufacturers so long as Germany has to pay reparation to us or even for a shorter time, or, say, even for a year? We are told that our budget deficit may extend to crores, and this sum of three crores of rupees which we pay to British manufacturers will add to it very considerably unless we insist that all our stores be purchased in the cheapest market. I hope, therefore, this House by adopting this motion will inform the High Commissioner that we expect him to buy at the lowest possible rate. At the same time, I am aware that occasions may arise when the High Commissioner in the interests of India may feel justified in paying a little more for certain stores, and I have provided in my proposition that when he does so he has to make out a case and inform the Government of India about it, and the Government of India should in that case place all the papers before this Assembly so that the

Members may judge for themselves whether this exceptional treatment is justified, or not.

Now, with regard to British manufacturers, I am perfectly sure, that if they are told that India will refuse to pay them higher rates than the world prices, they will be able to sell their goods at the same rates as those prevailing in the world market. The British manufacturers are sufficiently organized, they have the reputation, capital, in fact everything is in their favour, and they can certainly supply stores at the market rate. Of course, I know that they will have to set their house in order. If Germany or Belgium are working hard, I think manufacturers in England will have to tell their labour to work equally hard or accept the wages prevailing in the world. You cannot buy coal at a higher rate than the market rate and pay double wages and at the same time sell cheaper than the market rate, but I think that British manufacturers can sell at a fair rate when they and the labour at Home are convinced that India won't pay 10 or 20 per cent more in future. I read in certain papers that the Indian demand for rails in England is about 40 per cent. of English rail exports, how far it is true I cannot say, but that was the figure published in the newspapers.

There is only one other matter to which I should like to refer. Now, by paying 10 and 20 per cent. more, we are treating the British manufacturers with greater preference than we are treating our indigenous industries in India. The Resolution of the Government of India of 1913 with regard to the purchase of stores from Indian industries, runs thus :

'All articles which are purchased in India in the form of raw materials or are manufactured in India from materials produced in India should by preference be purchased locally provided that the quality is sufficiently good for the purpose and the prices not unfavourable.'

The Member in charge of the Commerce Department told us the other day 1 P.M. that we buy paper from India to the extent of 90 per cent. if the prices were not unfavourable. There is no question of giving 10 per cent. or 20 per cent. more even for the indigenous article. And we should apply the same rule to the British manufacturers.

[Then, with regard to the second part of my Resolution, which is about the admission of students in the factories of manufacturers from whom we buy stores, this part of the Resolution does not require many words from me. And I think we are all agreed that if we place orders for millions of pounds with certain manufacturers that we should, if possible, make a condition that our students should be admitted into their factories as apprentices if there is a demand for this and if we want it. I was in Japan in 1913 and I spent about two and a half months there, because I know that that is a country which by hard work and by several methods has risen from a small beginning. The first thing that Japanese did was, that whenever they placed orders with foreign manufacturers, they made it a condition that their Japanese students should be admitted into the factories and I was told by eminent Japanese people that that system had thoroughly succeeded, succeeded beyond their expectations. They sent out students in hundreds.]

With these words, Mr. President, I commend this Resolution to the acceptance of this House.

Mr. C. W. Rhodes : Sir, I have the greatest possible sympathy with the motives underlying this Resolution. In fact, I think it would have my support if it were slightly amended. But I should like at the outset to say a few words on behalf of the British manufacturer. During the war the whole burden of the defence of the Empire—or at least the major portion of it fell on the United Kingdom. Not only has the United Kingdom been burdened with a colossal debt but, what is still more important, its labour conditions have been completely disorganised. Practically the whole of the younger generation were at the war for five years and have become completely unsettled. Manufacturers in the United Kingdom are now finding the greatest possible difficulty in competing with foreign countries owing to high wages and heavy taxation. Now, it may appear to the House, that after all that is England's problem. I do not think that such an argument would be quite fair. India is dependent on England to a very great extent for its defence against foreign aggression. That defence involves high taxes and therefore there would be some reason I think for paying the British manufacturer possibly a little more than his foreign rival. At the same time, I feel here that we are trespassing on the province of the Fiscal Commission which will shortly be appointed and that these matters to some extent may be regarded as *sub judice*. In that connection, I can only say that I hope when the personnel of that Commission is settled that the Honourable Mover will find a place on it, because I feel that with his experience and knowledge his assistance would be invaluable.

But he puts up a criterion of price and quality merely, to which he has since added, I understand, delivery. Now, as a large importer myself I have gone on the lines of the Honourable Mover and always bought from countries where I could get what I considered the best value for my money. Some time before the war, I used to do a very considerable trade with Germany. I found the price right, very much right as compared with British manufacturers. I found the delivery right and I found the samples excellent. When I came to receive delivery, which was generally about 2 or 3 months after that promised, I usually found the quality completely wrong. I put the matter to arbitration. The arbitrators confirmed it. I put in my claim and found that it was practically impossible to get redress. So that two or three years before the war, I stopped my trade with Germany and they still owe me a considerable sum of money. But my experience is not necessarily of universal application. What I would like to suggest is, that my friend does not go quite far enough in his Resolution. The difficulty and the trouble seems to me to be that we put too much in the hands of the High Commissioner. If the Honourable Mover suggests, as I understand, that we should buy in the cheapest markets, why should not we do so direct, why go to London to make our purchases? If we wish to buy from America or Germany, why not buy direct? The commercial community certainly do place a large number of their orders through their London agents but we have found in practice as a general rule that it is much better to buy from the importer in India whatever cannot be made in the country. We have then a man on the spot with a soul to be damned and a body to be kicked. I should like to ask Government for some declaration of their policy in this respect. I know the importer is rather an unpopular individual in many quarters. But I regard him as constituting a first step towards local manufacture. And if he is supported and the orders are placed with him, you can be sure that he goes to the cheapest markets.

The Honourable Finance Member will correct me if I am wrong, but I understand, that when Government consider the placing of orders either with the local importer or with the High Commissioner, they are accustomed to overlook the fact that they have already received or will receive from the importer an import duty whereas if they buy the goods direct through the High Commissioner they import them duty-free. Therefore, when they compare prices, it is up to them to allow for the fact that the imported article is carrying a duty of 2½, 11 or 20 per cent. I just draw their attention to that as I think from things I have heard that it is a matter which the Government sometimes overlooks. But there is another very important aspect of the question. A certain Government Department recently made inquiries as to the amount of stock of a certain article in the country. They told me that they had to carry very large stocks liable to deterioration and at great capital outlay with a considerable loss of interest. Could they be sure of obtaining these supplies locally? My answer was No, not so long as the largest purchaser in the country goes to England for his supplies. If the importer is encouraged by this largest purchaser, the Government stocks will be held, which in case of national emergency can be immediately commandeered. If we ask for returns of the amount of stock held by the Ordnance Department for instance, we shall probably realise that it will pay to encourage the importer to constantly turn over his stocks, and then in times of national emergency we can draw upon that stock and commandeer it if necessary.

As regards the second part of the Resolution respecting apprentices, I have every sympathy with the Honourable Mover, but I think myself that the first and second parts contradict themselves. Are we to buy from manufacturers who take Indian apprentices, or are we to buy in the cheapest market? Personally I think that it would be a great mistake to make this a condition of our orders, though at the same time I think a movement may be made in the way of asking the British manufacturers to do a little more along these lines than they are at present willing to do.

I must thank the Honourable Mover for raising this whole question, because I do think that we want a declaration from the Government as to what its policy is and as to the functions of the High Commissioner. Personally I would rather see his office reduced to a sinecure.

Mr. A. C. Chatterjee : With your permission, Sir, I should like to speak at this stage of the debate in the hope that the statement that I will make may be helpful towards a speedy disposal of this item of business, especially as I am aware that Honourable Members are interested in certain Resolutions that are put down after this one.

The Honourable Mover of the Resolution drew rather an exaggerated picture of the amount of loss that the Government of India and the Indian taxpayer were suffering on account of the preference which Sir William Meyer is alleged to have given to British industries. As a matter of fact, the total purchases of the High Commissioner's Stores Department in England during the last financial year did not amount to as much as 15 millions. It was less than 15 millions sterling, and only in a very small number of cases was any preference given at all. I think it was probably an oversight on the part of the Honourable gentleman. I thank him for the very lucid and clear manner in which he put forward his Resolution. He has also recognised that

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there is no substantial difference between the policy which he advocates and which the Government of India have adopted for normal times. From the statement of Sir William Meyer which I laid on the table a few days ago in answer to a question, it is quite clear that before the war the Stores Department of the India Office always bought stores in the cheapest market. Sir William Meyer has also stated that as soon as normal times again return, he will do the same. The Government of India have not the remotest intention of agreeing to any policy which will make India a kind of tied house for the industries of the British Isles. The economic and financial interests of India would always be the guide of the Government of India, and their agents in the matter of purchase of stores either in India or abroad.

We admit that this principle has been departed from in a few isolated cases. I have given a list of the cases regarding which information has so far reached the Government of India, but as pointed out by Sir William Meyer in his evidence before the Railway Committee, the circumstances have been abnormal. There are three special reasons which guided him in this particular matter. In the first place, certain continental countries have just now huge quantities of battle scrap available and dealers are thus able to offer prices which are altogether beyond the capacity of any British firm. Secondly, there is the exchange question, and, thirdly, Germany has got to pay a heavy sum in reparations and is making every possible effort to win back the markets which she had lost during the war. I think the Honourable Member of the Resolution, an eminent business man himself, will fully recognise that even a business firm under such circumstances will give some special consideration. If it finds that an outsider wants to cut in, it will consider whether by giving an order to an outside firm under such circumstances it will not be placing itself in the hands of a monopolist. The Honourable Member from Bengal has adduced other reasons which also I have no doubt will weigh with the Members of this House.

Subject to the limitations which I have mentioned and which were emphasised upon by Sir William Meyer in his evidence before the Railway Committee, the Government of India are quite willing to recognise that the guiding policy should be to buy in the cheapest market. I should, however, like to make it quite clear that the phrase 'cheapest market' as understood by us does not imply that we should buy every individual lot at the smallest price that is offered. Our endeavour should be to make our purchases in the most economical manner possible in the long run. Certain qualifications have necessarily to be added. The Honourable Member of the Resolution has recognised this by adding the word 'ordinarily' and also by the qualifying phrase 'consistently with quality and delivery.' We must have safeguards regarding quality, we must have safeguards regarding the time of delivery. Very often it is impossible to ask for tenders from foreign countries because of the time limit. An important work may be going on and unless certain materials arrive at the right time, the State may be put to a very unnecessary and heavy expense. Similarly, it has to be remembered that there must be facilities for inspection, inspection not only after the work of manufacturing the article has been completed, but inspection during the construction of the article or its manufacture. Honourable Members are aware that for the purchase of articles for our railways in India, we have an establishment of inspectors in India, for instance, at the Tata Works in Jamshedpur. We have a test house in Calcutta, and it

is possible we may require a test house in Bombay. This is extremely important, specially in the case of articles required for the railways, where the safety of millions of human beings who travel over the railways is involved. It is quite possible that we may get very low tenders from a very remote town in the United States, but it is quite impossible at the same time to ensure that there would be competent and honest supervision over the manufacture that may be carried on in such a town. Then, again, there must be a certain amount of continuity in our orders. The firms get to know our exact requirements and adapt their own machinery and their labour accordingly. I have mentioned the safeguards that would be needed. The Honourable Mr. Rhodes has referred to the question of employing the High Commissioner at all in making purchases from abroad. He has asked for a declaration of the policy of the Government in that respect. Certain provisional views of the Government of India have already been communicated to Local Governments in connection with the Report of the Stores Purchase Committee.

The whole question will come up before this House when we ask for funds for the Stores Department, and no doubt the House will then have an opportunity of expressing their views on the subject. For the present, I should like the House to remember that the stores purchase organization in London is directly under the control of the High Commissioner, who is an agent of the Government of India. Neither the Secretary of State nor the India Office have anything to do with the High Commissioner except to the extent that the Secretary of State has, under the constitution, powers of superintendence, direction and control over the acts of the Government of India. I need hardly remind the House of the long and devoted services of Sir William Meyer in India, or of the skill and care with which he conserved and safeguarded the financial interests of India during the war. (Hear, hear.) I think the House may rest assured that the interests of the Indian Government and of the Indian tax-payer will be safe in the hands of Sir William Meyer, and he can be trusted with discretion in this matter.

With regard to the latter portion of the first part of this Resolution, the Honourable Member wants that whenever an article has not been bought in the cheapest market, the High Commissioner should communicate the full reasons to the Government of India for the information of the Legislative Assembly.

I think it would be extremely difficult to ask the High Commissioner to report every case as it occurs, but the Government of India do not see any special difficulty in asking him to furnish an annual or a half yearly statement for the information of the House. If, therefore, it is clearly understood that the cheapest market does not necessarily mean the acceptance of the lowest tender for individual items, that abnormal circumstances have to be allowed for, that questions regarding quality, time of delivery, facility for inspection and similar conditions are fully allowed for, then the Government of India will be prepared to accept the first part of the Resolution.

[With regard to the second part of the Resolution, like Mr. Rhodes I am in full sympathy,—we are in full sympathy with the object of the Honourable Member. We all realize the difficulties with regard to the training of Indian students at large works. The method suggested by the Honourable Member has already been followed in many instances by the High Commissioner, and very successfully followed. It should be remembered that the High Commissioner is also in charge of the Indian Students' Department. At the same

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time I do not think it would be right always to insist on these terms, because, as soon as we do so, it is clear that we lose the advantage of the cheapest market. Moreover, Honourable Members are aware that the question of finding facilities for the training of Indian students not only in ordinary educational subjects but also in the technical arts and industries is at present under investigation by a special committee presided over by the Under Secretary of State for India. I think it is therefore reasonable to ask that the Honourable Member will withdraw, for the time being, this part of the Resolution, pending the receipt of the report of this committee. Meanwhile we shall be quite willing to communicate the Honourable Member's suggestion to the High Commissioner.

Mr. President: If the Honourable Member is ready to state his position with regard to the statement made by the Government Member, we might dispose of this before adjourning.

Sir Vithaldas D. Thackersey: Mr. President, I understand that I have to say something about the proposal of the Honourable Member about the second part of my Resolution, and, with regard to that, if the Honourable Member will undertake to communicate the wish of this House, that as far as possible, the High Commissioner should endeavour to get our students admitted into the works of the manufacturers with whom large orders are placed, I am quite prepared to withdraw the second part for the present, on the understanding that when Lord Lytton's Committee's report is out, and if we are not satisfied, I can bring forward this part of my Resolution again.

Mr. A. C. Chatterjee: I have already given that undertaking, Sir.

Mr. Jamnadas Dwarkadas: I rise to a point of order. This question is a question of considerable importance, especially to those of us who are business men. I am afraid, the statement made by the Honourable Member for Government has not been found to be entirely satisfactory so far as the views of some of us are concerned. We are glad that the first part of the Resolution is being accepted, but if our views are also listened to by the House and if they are communicated to the High Commissioner and to the Secretary of State, it will be to the advantage of India, Sir.

Mr. President: The question is that:

'This Assembly recommends to the Governor General in Council that the High Commissioner for India in London should be instructed by the Government of India to buy ordinarily the stores required for India in the cheapest market consistently with quality and delivery, and every case, where this rule has not been followed, should be communicated to the Government of India with full reasons for the information of the Legislative Assembly.'

The motion was adopted.

Clause (2) of the Resolution was, by leave of the Assembly, withdrawn.

Mr. President: I may point out to Honourable Members that those who wish to see a given Resolution carried, once having cried 'Aye' need not cry 'Aye' again, unless it is challenged; otherwise there is a danger that if a Division is called, they may find that they have defeated their own purpose.

The Assembly then adjourned for Lunch till Fifteen Minutes to Three of the Clock.

RESOLUTION RE : THE CONSTRUCTION OF THE SUKKUR BARRAGE.

The Assembly re-assembled after Lunch at Fifteen Minutes to Three of the Clock. The Honourable the President was in the Chair.

Mr. S. C. Shahani: I rise to move the following Resolution:

'This Assembly recommends to the Governor General in Council that the capital needed for the construction of the Sukkur Barrage be raised without any further delay.'

I must, Sir, in the first instance thank the Government for their kindly giving this most important subject a place in their agenda for two of their official days, the 22nd and 23rd. In India not only the people and the press, I am afraid, but even the Government often concern themselves with political platitudes, and look upon the actual agricultural progress of the land, the subduing of the vast resources of nature as a departmental detail. As it has been rightly said, 'the wonderful stories of human skill and industry are packed away in *blue-books*, as being only remotely related to life, labour and the pursuit of happiness'. But thank God, the leader of our House, with his usual astuteness evidently recognises that this colossal scheme of the Sukkur Barrage, if taken up and completed, will be fitted to capture the popular imagination which, from the stress of certain circumstances, run amock, and to employ it in its legitimate work, *viz.*, the understanding of the laws of nature with a view to their conversion to the dominion and happiness of mankind.

The scheme of the Sukkur is really not a scheme of provincial concern. If enforced, it will benefit Sind and India, nay the whole of the British Empire. Sind just now is stricken by its barrenness. It keeps its inhabitants on the borderland of poverty for want of proper water supply. Its rainfall does not average more than 5 to 6 inches. But that should not matter. It depends for its irrigation on the river Indus, one of the mightiest rivers, if not the mightiest in the world. But what a sad pity that hitherto the waters of this river have been allowed to run to waste. A minimum, it has been calculated, of over 20,000 cubic feet of water per second runs waste to the sea, and Sind has had to content itself with inundation canals from the Indus, the supply of which canals, Sir, fluctuates, as has been rightly remarked by Sir Sydney Crookshank in his able note on the subject, daily with the rise and fall of the water level in the river, there being no means of regulating this level artificially as is done in the case of most of the other great canals of India. When the Indus is in flood, the inundation canals obtain a full supply, when it falls in the cold weather, only the most fortunately situated obtain any supply at all. The majority of the channels commence to flow, in an average season, at about the beginning of June and cease to flow early in October, that is to say they obtain water, and that only in fluctuating quantities, for some 4 months during the monsoon. The Punjab again is at enormous outlays rapidly converting its inundation canals into perennial ones, and deriving more and more water from the river, the prejudicial effects of which withdrawals on the river at Sukkur at the beginning and end of the *Kharif* irrigation season can no longer be doubted. By the construction of the Sukkur Barrage Sind's rightful share of the wealth of the world, which lies in the products of the earth, now lying dormant in the wastes of the province, would be brought, I submit, Sir, to the door of every villager in Sind. But, Sir, Sind alone will not benefit by the construction. The soil of Sind, which I have known pretty intimately, is some of the richest in the world. On it I have found it possible to grow some of the best varieties of cotton, wheat, fruits and flowers on my lands. I have grown on the Sind soil two of the best varieties of Egyptian cotton—*mutaffi* and *abasi*—over fairly large areas, and secured an

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average yield of 15 maunds an acre. But I have had to give up the cultivation of Egyptian cotton, because water for the cultivation of it is required towards the end of February, and it takes something over seven months to mature. The dews in Sind set in October, before which the pods of the Egyptian varieties must mature, or else they suffer from the boll-worm. The Honourable Mr. Bhurgri, I and some others are trying one variety of the American cotton—the Trophy—on a small scale even now, and can make an acre of it yield over 20 maunds. But for the American cotton too water is required towards the end of March. An assured supply of water throughout the year is a vital necessity for Sind. If it could be secured, an area of over 5 million acres of culturable land in Sind will be put under cultivation; which will mean directly increase in the province of agricultural activity, rapid expansion of population and farm yard stock, a vast growth of trade giving rise to new railway lines, and still greater activity at the busy port of Karachi, and indirectly a rich harvest of wealth in the shape of enormous supplies of the necessities of life—foodstuffs, cotton, timber, etc., for India and the Empire. The Cotton Association will be well advised in turning their attention to the desirability of growing longer-stapled cotton in Sind. The present world's supply of cotton will be greatly increased if in the case of Sind in these days of awakening prosperity a truly enlightened policy in the matter of its irrigation is pursued.

I must cordially thank my Honourable friend, Mr. Wāli Mahomed Hussanally, for having proposed a question regarding the Sukkur Barrage and Canal Project, which elicited an answer from Sir Sydney Crookshank whose attitude in the matter seems to be one of great benevolence, sympathy and knowledge. The answer made was to the following effect:

'The Sukkur Barrage and Canals Project has been approved by the Secretary of State both administratively and technically, but final sanction has been withheld, pending receipt of the detailed proposals of the Government of Bombay as to how the scheme will be financed.'

It is a matter of real congratulation that the project has after all been approved by the Secretary of State.

The project was first mooted in 1847 by Colonel Walter Scott (Richard Burton's revered chief) and again in 1855 by Lieutenant Fife. Three years later, the rough project was submitted to Sir Bartle Frier's Government, but even more definite steps were taken by Mr. Joyner in 1889. In 1892, the Government definitely turned the scheme down. In 1894, Mr. Thomson, the then Superintending Engineer in Sind, said, the scheme was bad. From 1904 to 1910, Dr. Summers kept the Barrage in view, but, in the end, the Secretary of State rejected it. After the year 1918, the Bombay Government has been earnestly pushing it forward. We have every reason to be thankful that it is now half-way through. We were frightened in the extreme by a brief message from Reuter in which we were told in August last that a leading article in the *Times* had issued a word of warning to Mr. Montagu to the effect that 'in view of the long standing and hotly contested controversy he would be well-advised to note the suggestions made at the East India Association on July 25th by Sir Lionel Jacob, Sir Walter Hughes, Dr. Summers and some others, and that if he decided to appoint an independent Committee, its report should be the final arbiter in the matter which clearly requires the most expert decision available.' But Mr. Montagu has, in his usual wisdom, disregarded the advice of the *Times*, and said in the House of Commons that he did not intend

to appoint a further Committee of technical experts. The scheme has doubtless been designed and approved by some of the greatest Engineering experts. I may here mention that the schemes regarding the said irrigation formulated by Mr. Joyner, who was with us in Sind for some years, and who afterwards rendered invaluable service in the Hydraulic Installations of Messrs. Tata and Company have yet to be surpassed. After careful consideration, a site of about 3 miles below the Landsdown Bridge has been selected and a barrage at this point will have no tendency to obstruct or alter the natural conditions of the river above the gorge during floods, and there will be no danger of the deflection of the river above the gorge.

The position of the right and left bank canal heads at this site will be about three miles near their commanded areas and the new heads for Rohri and Kha'rpur canals will avoid the heavy rock cutting through Rohri. The barrage floor will not interfere in any way with the scouring out of the gorge. On the contrary, at the beginning of the floods the water will have an easier channel at the barrage site, and by manipulating the gates at any point desired in the width of the stream, it will be possible to induce scour at that point, and to train the river streams accordingly. Since the present river banks have remained practically unchanged for at least 40 years for which records are available, the barrage will have no tendency to make its action less steady. On the contrary, it will tend to make it more steady by giving a constant level bed throughout the floods; and there is no reason to fear that the banks between Sukkur and the barrage will tend to change. Sind rejoices that the Secretary of State has recognised the excellent work done in connection with the project by the Public Works Department, and has approved of the project both administratively and technically.

But now remains the financial part of the project. Final sanction has been withheld, pending receipt of the detailed proposals of the Government of Bombay as to how the scheme will be financed. And here in the matter of finance I take it that we are in very safe hands. A detailed report has to be submitted by His Excellency the Governor of Bombay. The Governor of Bombay has been the fairest Governor to Sind we ever had, and has taken a very keen interest in the progress and prosperity of Sind. In his reply to the address that was presented to him by the Karachi Port Trust on February 8th, 1919, he said that the interests of Sind would be most dear to his heart and that he would take every possible care to see that the Province was helped towards business and progress. Now the time has arrived when he is called upon to find funds for this most important project. And we expect he will do it. But Bombay has to serve other interests too. We all know that His Excellency has a pet child, namely, the development scheme of Bombay. And this scheme is to cost about 30 to 40 crores of rupees. (*Voice*.—25 crores). Thank you very much for the correction, if it be a correction, 25 crores. Of these 25 crores, 9 crores were found last year. Bombay is a rich place, it has many fat merchants who can be securely relied upon for loans. His Excellency knew how to raise last year the loan required for the Bombay Development scheme. 6½ per cent. free of income-tax which was at that time a very favourable rate and his loan was, I understand, over-subscribed. This year the Bombay Government has not been allowed to raise any further loan for the scheme. I am here open to correction. I am informed that the Government of India do not like that such favourable rates should be offered to investors because they have themselves to keep in view the raising of loans required for the repayment of their maturing loans. And this was why they have offered about 6 crores of rupees

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to His Excellency the Governor of Bombay from the Imperial Exchequer, which amount will it is estimated suffice for the Development Scheme work that has to be done during the year. Now, if His Excellency has also to find money for the Sukkur Barrage which is to cost about 18 crores of rupees, His Excellency will have to find an additional two crores a year. I do not know whether he will find it easy to do so. I discussed the matter with my friend, Sir Vithaldas Thackersey, the other day. I hope what he told me was not private. He told me that out of the 9 crores of rupees that were borrowed by the Bombay Government last year, about 4 to 5 crores were contributed by the mill-owners because they wanted quarters for their own mill-hands and that only about 5 crores were raised in the market. Now, if there was some difficulty in getting together the money last year for the Development Scheme, I suppose more difficulty will be experienced when the additional two crores will have to be found for the Sukkur Barrage Scheme. We in Sind have been neglected. It is not only my conviction but the conviction of most Sindhis that a greater part of the revenue which is contributed by us is being applied to the purposes of the Presidency. On higher education, I might state by way of analogy, I think no more than about Rs. 27,000 are being spent per year, which to my mind is comparatively a very small sum. Exactly the same thing is being done in the matter of roads, which are so urgently required in Sind for agricultural development, and which nevertheless are not looked after. Besides some very great schemes of irrigation have been undertaken in the Bombay Presidency. The Nira canals, the Godaveri and the Pavari canals and the irrigation works at Bhatgar and at a place, I think Bhandardara, the name of which one cannot easily pronounce. So if in the Presidency itself large irrigational schemes have been completed or have been in progress and if large sums have been spent upon them, we in our turn might reasonably urge that we are entitled to some share of the revenue and more particularly when the application of this money is calculated to do good not only to Sind but to the whole of India, not only to the whole of India but to the whole of the British Empire. Still, however good and sound our title may come to be recognised, we feel that His Excellency the Governor of Bombay may find it difficult to come to our help. I have not the requisite facilities for expounding the financial details which should undoubtedly be placed before the House if the House is to accept the Resolution. I would leave the work of financial exposition to the Honourable Sir Sydney Crookshank, which, I am sure, he will do willingly because he sympathises with us and feels disposed to render us all the help that he can render. Lest for any reasons the Bombay Government should find it difficult to raise more money, the money required for the Barrage should, in my opinion, be forthcoming from the Imperial Exchequer. No doubt the Imperial Exchequer is saddled with several other charges and has got to mind several other duties, but the Sukkur Barrage should be recognised a paramount duty. Some of you may find it difficult to adequately realize the urgency of the scheme, because you will not be affected in the first instance by the shelving of the scheme. With all the earnestness and deference that I can command I would request your pondering the suggestions that I have made, and your adding your voice to mine in requesting the Finance Member to kindly arrange to give the help that we request. The help requested will, I feel, have been most rightly given; and in the long run it will have done a lot of good to the Imperial Exchequer of India. I have learnt from Sir Sydney Crookshank that after some time the scheme could pay at the rate of about

10½ per cent. In the estimates of the scheme its yield has been calculated at 6½ per cent., which, I think, is not a correct calculation.

I might here say just one word with regard to the present condition of Sind. The Punjab is taking away a lot of water from the river, most of its inundation canals have been already converted into perennial ones. The river in Sind often is low; and whenever the rain fails too, the condition of the Sind peasant or zemindar is one of extreme wretchedness. Yesterday I was stranded a bit over a representation regarding the Staff Selection Board. I was supposed to have made specific allegations. My object then was, and now is merely to acquaint the House with the actual condition of things obtaining outside. I think that I would be doing some little service to my country in this way. I have always felt that some of the trouble that arises in India is due to want of knowledge of the existing condition of things. Not only my statement regarding the Staff Selection Board but Sir Sivaswamy Aiyer's statement with regard to the imperfect condition of the judicial work done in the North-West Frontier Province was controverted the other day, when we know that separate judicial arrangements are provided for European subjects in the North-West Frontier Province, which I suppose should be a conclusive reply to the arguments advanced against Sir Sivaswamy's statement. To-day I want to inform the House that only about 700 cusecs of water are distributed in the Jamrao Tract when 7,000 are due. There is a scramble for water and very high prices are paid for the water supply that is received by the zemindars. Discharges are sold, probably for no fault of the Executive Engineer, the stress of circumstances being such. I would not hesitate here to state a rumour that I suppose might have reached the ears of every one in Sind, that in the vicinity of the Jamrao Tract in one season, the last season, a clerk, or a set of clerks, made about a lakh of rupees by clever manipulations. Under these circumstances, I earnestly request the Finance Minister and the Government of India to come to our help and advance the requisite money, if need be, for the execution of this most valuable project.

Mr. E. L. Price : It is very difficult following Professor Shahani not to follow him in some of the points which he has raised. I would like to make it quite clear to this House, that whatever racial, political and religious divisions there may be in Sind, on this one point Sind is absolutely united. Engineers who go up the line on their duties and hear everywhere from the peasants from the poorest of the poor, inquiries made about what they call the Su kur 'Berridge' if they are asked, will confirm that statement. The feeling about the thing is so intense through the whole Province that even non-co-operators forgetting their impossible principles are joining in the cry that Government should give us the Sukkur Barrage. In the Punjab all the canals are now made perennial, but in the Punjab they do have rain. In Sind, our canals remain mere inundation canals entirely dependent on the river, and there is practically no rain. Even if you take our average rainfall of 7 inches, it is notorious, if it rains at all it is as likely as not that it falls at the wrong time and causes more harm than good. Cultivation from rainfall in Sind is impossible. The cultivators are therefore thrown back on the water supplied by inundation canals which do not flow. The catastrophe is that they do not flow. They have flowed this year. If the canals have flowed this year, it is because by a happy chance we have had lately about 12 inches of rain. Canals in Sind this year had not got a drop of water from the river. It was only with rain water that they were full.

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Inundation canals are useless. They grow more and more useless because as the Punjab takes off from the river as it rises in the spring, so far as the river rises in Sind it rises later and later. Unfortunately the ambitions of Sind to become a progressive country have been checked for many years. If I were simply to start recrimination against the Bombay Government for generations of neglect, believe me, I could rouse this House to deep feeling with the details, but I prefer, Sir, to put behind me things that may well be left behind and rather to look forward to brighter days only ahead. I will, therefore, not say a word of recrimination or anything that may further embitter what has really become a very deep grievance in Sind. Unfortunately, the question has been obscured by the intervention of an ex-Sind Engineer, Dr. Thomas Summers. I think I am perfectly in order when I say that on a certain occasion when Egypt had great disputes about irrigation problems, she asked India to lend her an engineer to act as Chairman of the Committee to look into the matter, and it is with some pride, I think, we can say that India found her a fine Chairman in Mr. Gebbie, our Inspector General of Irrigation, and Mr. Gebbie took charge of that Committee, went into the subject thoroughly and settled it. I read a précis of the report in the *Times* and the thing that struck me reading between the lines was this, that the trouble in Egypt had all been caused by the wilful and ignorant interference of superannuated servants of Egypt. There comes a time in a man's life when he retires, his work is done, he goes and draws his pension. Does he suppose that the world is going to stand still because he is no longer working? Cannot he leave us alone? If these things, if these matters are within the cognisance of the Government of India, as it stands at present, constitutionally within its cognisance and the cognisance of the Provincial Government, are we to be plagued eternally with the interference of people who by the efflux of time have become outsiders? How is Dr. Summers in a position to know how things have gone in the ten years since he left India and drew his pension? Dr. Summers performed good service to India, to Sind during his residence here. There is no reason why he should vitiate his record by interfering in things with which he is not concerned and which, as a matter of fact, I do not think he could possibly understand in the developments of the last ten years. If he would take a hint from what happened in Egypt and leave us alone, we shall all be thankful.

From an answer given by Sir Sydney Crookshank the other day I understand that the technical side of the question is settled, and all that remains is a matter of finance. Finance is a big thing. It may make or wreck anything, but is it purely a question of finance? Here you have in Sind a population dependent on irrigation canals, inundation canals that do not inundate, and what is the consequence? In an average of five years, there are two years of plenty, two years of scarcity and one year of famine. And what must be the effect of that on men? They can never be certain 'to reap where they have sown.' It has a most devastating effect on the morale of the people, and if anybody abuses Sindhi cultivators and compares them unfavourably with their bretheren in the Punjab, well, all I can say is, in my opinion, the humble Sindhi peasant considering the disadvantages under which he labours, the uncertainties under which he works, I think he is a marvel of patience, and industry. And I believe with anything like half the chance that this scheme will give him, he will show himself as good as his best bretheren in the Punjab and a second sword-arm to India.

It is the fashion in these days to go industrially mad. I regret to say that my own country, England, only so far back as a generation or two, went mad and owing to the neglect of agriculture, wrong systems of land-laws, and of taxation on the land, they have destroyed English agriculture, with the result that in my own country, I admit it with regret and with shame, they cannot feed their people for more than 17 weeks in the year, and for the rest of it they are dependent on such food as they can buy in the world outside. Is your industrial propaganda going to land India in the same plight? Will you not first of all make sure of India's greatest and oldest industry? Will you not make sure that agriculture flourishes first and foremost, so that whatever your industrial developments may be, India can at least feed her own people and beg at no other country's door for bread? The United States, Sir, more fortunately for her countrymen, have developed their industries on a different basis. I remember ten years ago it was said that owing to the growth of population in the United States the supply of food grains from that country to the rest of the world might be rendered negligible. Well, the American farmer, setting aside the croakings of economists who told him that it was useless to spend money in agricultural developments, bought better machinery, ploughed deeper and wider, and the consequence is that in spite of the enormous increase in the population of America, it is well-known that her exports of wheat and other foodstuffs have absolutely grown, and not diminished. The high prices in the world her farmers have been able to take advantage of. Her industries are firmly settled on that basis, that the country feeds itself. That is the sure foundation that has put America as much as anything else in the splendidly strong financial and prosperous position which she occupies at the present moment.

The foundation is that her industries are all based on a country that feeds itself and has not got to look abroad for its bread; and for the development of India, its industrial development, I urge the same course. Develop your industries as you will, fill your towns, fill your factories, as you may, but grow your food within your own borders, and do not look abroad for bread. Sir, all these points, I take it, are a matter not merely of provincial concern. However technically you may say that irrigation and land revenue are provincial subjects, they are matters of national concern, and as such, I put them before this Assembly in the hope of bringing them before the Government of India. And I hope I have shown that it is not merely a matter of finance but a matter of National policy for India. But, coming to the finance question, the Sukkur Barrage and its dependent canals will perennially inundate and irrigate 12,000 square miles. Allowing for roads and the necessary facilities, it means 65 lakhs of acres. Allowing for fallow, you can reduce it to 50 lakhs. Now I am told that people who know agriculture and know the richness of the land in Sind say, that taking the lowest yield of agriculture and the poorest crops, from a money point of view you will get at least Rs. 40 an acre from those 50 lakhs of acres. Multiply 50 lakhs by Rs. 40, and the result is Rs. 20 crores! So that one year's crops on the lowest figure will pay for the dam and the canals and leave a bit over. I have urged this, Sir, as being a national question, and therefore fit for discussion by this Assembly, and for recommendation by this Assembly to the Government of India,—and the Assembly will realize that the production of 20 crores of practically new crops every year is going to be a very great advantage to the whole State and to the Central Government. The population will be richer, its wants will be satisfied, there will be no

[Mr. E. L. Price.]

famines but a general rise in prosperity, increased returns from income-tax, increased returns from Customs, a very great increase in railway returns: and I suggest to Government, in view of all these things, it is impossible to regard a question of this magnitude, involving the finding of food for millions, the finding of employment also for millions it is impossible to put it by and say 'a provincial subject, we won't touch it.' It is a great, central, national subject.

Mr. Harchandrai Vishindas : Sir, I do not propose to take up the time of the House because we are all anxious that the next question should come up to-day and should be finished to-day. But it is very necessary for me, who has taken an interest in this matter for 10 or 12 years, being a Sindhi myself, and being personally interested in the advancement of the scheme, that I should offer a few supplementary observations. I daresay, the House has been convinced by the vigorous and able speeches of the Honourable Mover and Mr. Price that this is a subject of national importance which affects the whole of India, and that the advancement of the scheme will add to the revenues of India. It will add also Railways, customs, excise, *etcetera*. Not only will it add to the revenues of India, but also to the prestige of India, for one point has been not so strongly emphasised as it deserves to be, namely, that this will greatly add to the production of long staple cotton, and thus India will be able to find its proper rank amongst the cotton growing nations of the world. There was recently appointed a Cotton Committee. I think that Committee went on taking evidence all over India. The one great thing for India it recommended was the Sukkur Barrage scheme, because, when it is completed, the prospects of having long staple cotton will be very much brighter than they are at present. Then, another thing I want to bring to the notice of the House, is that the population of Sind is 35 lakhs. Now $\frac{9}{10}$ ths of that population is agricultural, and therefore the $\frac{3}{10}$ ths of 35 lakhs will be benefited by this scheme. I need not dilate upon the point which has already been taken by the Honourable Mover and Mr. Price. For a number of years, our people and our peasants are suffering from drought and famine. I can only say that I corroborate what has already been said, from personal experience, and personal knowledge, being myself an agriculturist. Supplementing the remarks of Mr. Price, I should like to quote from Goldsmith :

'A prosperous peasantry is a country's pride,
And once destroyed, it can never be supplied.'

In this connection, I might also say, that Sir Sydney Crookshank can give the House facts and figures—and I specially thank him for having taken such great pains in writing out his note, which, in spite of my being a Sindhi myself, has supplied me with facts which I previously did not know. I would ask him to get up and would specially request him to give figures to the House convincing them of what has been shown by his note, which has been printed in the newspapers also—I only say that Sir Sydney Crookshank will be able to satisfy the House that this project can earn 10½ per cent. But supposing there is no return, at all, that it is only zero, it will still benefit lakhs of people, and therefore it is worth Government's while financing the scheme.

I might also say that I can endorse what has fallen from Mr. Shahani that His Excellency Sir George Lloyd, the present Governor of Bombay, has

taken a very great interest in the matter, and has taken very very great pains in convincing the Secretary of State of the utility and soundness of the scheme. Recently for the last two or three years, for the want of a dredger, which was taken away during the war to Mesopotamia, several of the inundation canals in Sind have run dry because the Nara supply channel from which they all take off has silted, and there is no dredger to dredge the mouth. When I approached the Government of Bombay, especially Sir George Lloyd, he said, 'yes, I am doing my level best to get a new dredger, but your best salvation is the Sukkur Barrage, the Sukkur Barrage, the Sukkur Barrage.' So, Sir, I appeal to this House and add my note of earnestness to that of my friends, Mr. Shahani and Mr. Price, in asking this House to be very good enough to support this scheme and recommend it to the Governor General in Council that they should finance it. I heartily support the proposition and commend it to the House.

Mr. W. M. Hussanally : Sir, I heartily support the proposition and commend it to the House.

Colonel Sir S. D'A. Crookshank : Sir, there is a technical side to true *swadeshi* just as much as there is a political side. This House has recently in its debates clearly demonstrated both outside and here that this Honourable Assembly, in the short space of half an hour or so, can achieve as much advancement of India on the political side as could non-co-operation attain in half a century. I would like to point out, that on the technical side, that is to say on the side of those who carry out the work which produces the revenues for the people far more can be done for this country in a few minutes by giving support to a project of this nature, and projects like those which were referred to the other day by my Honourable and able friend from the Punjab, than can be done by burning miscellaneous cast-off garments throughout the length and breadth of the country side.

If Mr. Gandhi will not co-operate with us, all I can say is, that in this respect let us at any rate co-ordinate with him. That is to say, let him produce a million '*charkas*' and let us give him in return a matter of 5 or 6 million acres of irrigated land under cotton.

I feel that I can not really add very much on the technical side to what my learned friend, Dr. Shahani, has placed before this House. The Sukkur Barrage is probably the biggest irrigation work the whole world has ever seen. It covers a commanded area of 7½ million acres as compared with only 5 million acres commanded by the great Assouan Dam in Egypt. The cost, as already pointed out, is 18½ crores, of which the Barrage itself will cost 5½ crores; and the direct net revenue from this immense undertaking will on completion of the work and the wiping off of the outstanding charges, bring in no less than 19½ lakhs of rupees per annum. This, added to the 568 lakhs which my Department—which, as you remember, the day before yesterday was called the Public Waste Department—has during the year 1920 presented to Government, will, as you will see, add very materially to the revenues of the Indian Empire. Indirectly, that is to say, from advantages obtained, as pointed out by Mr. Price, on account of railway, income-tax, stamps and other receipts the revenues which this scheme will bring in will amount to about 29 crores per annum. The whole idea of the Barrage is to replace the existing highly unsatisfactory and very unreliable inundation canals by perennial irrigation and thereby to substitute rice and crops of that nature by cotton and *mill* crops. I may point



[Sir S. D'A. Crookshank.]

out in connection with these inundation canals of Sind that their failure in the year 1918 caused the loss of no less than 10 crores of rupees. This year there has also been a very heavy loss, as referred to by my vehement friend, Mr. Price, to the extent of nearly 6 crores of rupees, so that the loss in the current year alone would counterbalance the actual cost of the whole Barrage itself on which the whole scheme relies. As it is, there are perhaps a couple of million acres of land under this fitful inundation irrigation, and this will now be increased to a matter of about 6½ million acres and more, if possible. I will not burden the House with further detail.

Mr. Price has drawn attention to the attacks in the press and in Parliament on this scheme. It is a matter of very great regret indeed that a valuable and beneficial undertaking of this nature should have been so adversely criticised by those who have long ceased their connection with India and are out of touch with events. But I may perhaps point out in explanation that every engineer, whether he is in the service at the time or has retired, considers that he is the one and only engineering star in the professional firmament, so you will have to excuse these gentlemen for offering their criticisms which, we do not value, I think, have been thoroughly discounted. The project itself has been very carefully scrutinised by the leading expert engineers of India and, for the matter of that, of the world. That is to say, by the late Sir Michael Nethersole, whose name is a household-word in engineering circles throughout India; by Sir Thomas Ward, our late Inspector-General of Irrigation, one of the greatest engineers of irrigation that India has ever seen; and lastly and lately by Mr. Gebbie, our present Director-General of Irrigation who has international experience. Lastly, I would remark that not only have these eminent officers lent their services to this project, but also a number of expert Indian engineers, among whom I would pick out Mr. Gokhale, who not only has the advantage of his illustrious name but also that of a very high standard of engineering qualifications. The groundwork has of course been entirely done by Indian subordinates. Sir, I can confidently recommend to the Honourable gentlemen of this House the project which has been referred to in this Resolution; and I think it is up to the Members of this Honourable Assembly to leave it as a legacy to future generations thus to establish even more firmly than is the case at present India's position as the premier irrigation country.

The Honourable Mr. W. M. Hailey: Sir, Mr. Shahani said, if I heard him aright, that he was afraid that big irrigation projects of this kind were sometimes apt to be treated as merely departmental matters in the Government of India. I wonder, Sir, where he gained that impression? It was last year, Sir, that I was visited by a very important personage from the United States—not I may say, that interesting visitor who graced our gallery this morning and whose mission appears to be directed towards improving our morals at the cost of our finances; but a leading American financier. He came to preach to me the necessity for the material improvement of India. Well, Sir, I know how much the inhabitants of the United States are impressed by what they call big figures, and I asked him if he had any idea what was the irrigation of India. He had none. I told him it was 52 million acres; of which 25 million acres consisted of irrigation under State canals, 14 under other systems of irrigation, largely State systems, such as tanks, and the remainder under wells. Sir, he at once hung his diminished

head, abashed at the realization of what the despised Indian Government had already achieved—an achievement, I may say, which entirely eclipses that of Egypt, and makes the efforts of America and Australia look insignificant. Now, does Mr. Shahani suppose that the Government of India at any time could have been so blind as to treat these important projects as merely of departmental importance? Sir, if you will allow a personal reference, may I add that I am perhaps the last person in India to imagine these matters to be of anything less than cardinal importance. I spent an early part of my career in what is called the Sind-Sagar Doab in obtaining from the inhabitants of those vast wastes agreements which, we hoped, would enable us to undertake the early execution of the Sind-Sagar Canal. This canal should add at least a million acres to the irrigation of the Punjab. I was for some time in the Lower Chenab Canal Colony. I remember the time when the area now under irrigation by the Lower Chenab Canal was inhabited by nomads and graziers; it has now annually a matured area of 2 million acres. For 5 years I was myself Colonisation Officer in the Lower Jhelum Canal Colony. I saw there in what a brief space of time an arid waste could be converted by the gift of perennial irrigation into a vast and fertile garden; I saw there at the same time, and I shall never forget it,—the magnificent industry and enterprise of the Punjab Colonists in availing themselves of the new sources of wealth opened to them by the efforts of the Punjab Irrigation Department. I should be, Sir, the last of all to depreciate the value of undertakings of this nature.

Now, Sir, let me cease to be discursive and come a little nearer to the proposition before the House. The main reason why it has been brought before the Assembly is, I understand, because the Mover and his friends take it to be a matter of Imperial importance. It is no doubt a matter of Imperial importance. But nevertheless under our present system of finance, dependent on rules framed under the Government of India Act, it is undoubtedly an undertaking which must be financed by the Bombay Government. That is a position, Sir, from which we cannot escape. No desire on our part to recognise the importance of this project as one highly beneficent to India can alter in any way the fact that under the rules as framed by Parliament this is a project which must be constructed, administered and financed by the Local Government. It is further that Government which will reap all those magnificent returns of revenue which are to be realized when the work is completed. If we were to accept the proposition that has been put forward to-day and take upon ourselves the burden of financing this undertaking, what answer, Sir, should we give to the Punjab which has further large irrigation schemes under consideration? What answer should we give to the United Provinces which has a great irrigation scheme under immediate execution? What answer should we give to Bengal which has the Grand Canal scheme under contemplation? The same is the case with regard to many other provinces, who are appealing for finance to carry important projects which will turn to the benefit of their own areas.

Now, it may be said—surely Bombay should be able to finance without difficulty this scheme which, great as it is, will not absorb more than two crores of rupees a year? Well, as Members of this House have pointed out, Bombay, rich as she is, and able as she is to raise great sums of money, has other interests at issue. She has an important Development scheme which will cost in all not Rs. 25 crores as the House was informed by Mr. Shahani, but between 36 and 37 crores. 9½ crores have already been raised in the open market,

[Mr. W. M. Hailey.]

and an advance of something over 5½ crores has been obtained from the Government of India, though of course that advance will have to be repaid from future loans. It is therefore a question for the Bombay Government to decide, how far they will be able to carry on their important Development scheme and at the same time finance the Sukkur Barrage scheme. I am not going to enter into what seemed to be developing at one time into a demonstration of something like a family dispute between Bombay and Sind. I have given the facts as they stand. Bombay is able to raise large sums of money, but Bombay itself must decide between the conflicting claims of the various projects which she is now undertaking. It is no doubt partly for that reason that the Secretary of State has directed that this scheme, before it is finally approved, must be brought before the Bombay Legislative Council and that that Council must be given an opportunity of approving the scheme as a whole before its execution is undertaken by the Local Government.

That leads me, Sir, to a somewhat wider question. Mr. Shahani suggests that if there is any difficulty in Bombay finding the money, we ourselves ought to provide it. But we ourselves have large commitments in regard to raising capital money. When we are told, somewhat light-heartedly I think, that we should come to the assistance of Bombay in executing this scheme, it has to be remembered,—and I must impress that fact on the Assembly,—that our own path in the future is not too easy. May I very briefly give the House some idea of what those commitments are. We have in the first place outstanding a very large amount of Treasury Bills—over 40 crores at present. Now, Sir, it is generally felt that those Treasury Bills are a great deal more than this country can safely carry. Let us suppose that in ten years we can reduce them to 20 crores; that would mean that in ten years we must realize for the purpose 20 crores of rupees. Then again we have a large number of unbacked paper currency notes. I shall not lay any great stress on that point at present, because we have an automatic scheme for the reduction of those unbacked notes, the result, as the House will remember, of the passing of our Paper Currency Act over a year ago. But, Sir, we have maturing loans which up to and including the financial year 1931-32 total altogether 116 crores in India and further liabilities during the same period to the extent of 15 crores in sterling obligations. For these liabilities either cash has to be found within the next ten years by budgeting for a surplus, or we have to fund them into long term debt.

Then, Sir, let me take further liabilities of a capital nature on central expenditure. There is New Delhi, which we are told will cost us something like eight crores of rupees. Then there are the requirements of Railways. Now, I am not able to estimate exactly what those requirements are likely to be, but the House knows as well as I do what urgent demands are being made upon us for increased capital expenditure. It knows as well as I do, that the Railway Commission's report is likely to demand that we should provide, if we are to keep our railways up to the mark, very large sums of capital money in the next ten years.

The House is well aware that commercial opinion throughout the country has been insistent that it is being hampered in every direction, by lack of traffic facilities. It may be possible that I shall have to come subsequently before this House and ask for a definite railway programme

extending over 5 or 10 years. That remains for the future; but for the present I can only say that it is quite certain that demands will be heavy and must be met.

Such, Sir, are our own commitments; we shall have to finance them from the Indian money market with such assistance as we can raise from sterling loans. In addition to that, you have the demands of the provinces, which must come from the same source. I have already referred to the Bombay development requirements. A United Provinces loan has just been advertised; we anticipate that other provinces will shortly put loans on the market. We hope that India will be able to answer these large demands on the money resources of the country; the danger, however, is that if they are not managed carefully, they may result in raising interest rates, or at least prevent our getting back to that lower level of rates which we all desire to render practicable. If provinces are allowed to raise money at high rates of interest, the process will certainly re-act on our own position in the money market. The one policy which we are pursuing at present (Mr. Shahani has alluded to it), the one policy we must pursue in the future is to keep down general interest rates, while attempting to satisfy the requirements not only of our own loans but those of the provinces also. The investor does not discriminate between the provincial loan and the Imperial loan. We thought at one time that if we allowed the provinces to raise money on a slightly higher rate than the Imperial Government, it would not harm in any way our Imperial position. But, Sir, experience shows that the amount of money that can be raised by purely local patriotism is not very large; a great deal of the money that finds its way into provincial loans really constitutes a reduction of sums which would otherwise be available for our own Imperial loans. We have no desire to place obstacles in the way of the provinces raising loans for the various beneficent schemes they may have in contemplation; but it is necessary to see that they do not injure the position of central finance by so doing.

Well, Sir, these are matters of no little importance in themselves and bearing I think directly on the proposal that has been put before the House. I have explained that we cannot, as the financial system approved by Parliament now stands, treat this project as an Imperial one. It is a Bombay project, and it must be financed by Bombay. Nor, Sir, am I perfectly certain of the exact meaning of the terms of this Resolution. It proposes that 'money needed for the construction of the Sukkur Barrage be raised without further delay.' It is only now that we understand that the meaning of the Resolution—a meaning by no means clear from the wording—is that it should be raised by the Government of India. To begin with, this project will only require some two crores of rupees a year. Therefore, I myself could not support any proposition which would suggest that the whole of the money should be raised immediately. Further I cannot agree to the proposition that it should be raised by the Government of India. If all the Resolution means, Sir, is this, that we should do nothing to hamper the scheme, but that as far as lies in the power of our departments we should do everything to assist its early completion, if it means that, then I am perfectly willing to support it. If the demand is that we should provide the money from Central finance, then, Sir, I oppose it.

Mr. S. C. Shahani: I would accept the interpretation that the Honourable Finance Member would like to put upon the terms which I have

[Mr. S. C. Shahani.]

used in my Resolution. If it is not possible to induce the Government of India to raise a loan for the Barrage, we must content ourselves with the Government of Bombay doing so. The Finance Member has referred to my having said that this matter of the Barrage had been treated as a departmental detail. I of course referred to the British Government, to the Secretary of State, more than to the Finance Member of the Government of India. I should make no doubt that the Finance Member will do his best to see that we are helped in the matter of this project. I must, however, point out that the scheme was begun long long ago and that it has been subjected to a game of shuttlecock and battledore between the Secretary of State and the Local Government. I do not think I am wrong in saying that the matter needs more consideration than has been devoted to it. As for the commitments of the Government of India, which the Finance Minister has spoken of, I think, Sir, you will allow me to say that the Government of India would be better able to mind these commitments if it went in, exercising their imagination boldly, for the required loan, and helped in a whole-hearted manner in the execution of the scheme. If, however, that is not done and the requisite money is not supplied, then no doubt we shall have to fall back upon the sole help of the Government of Bombay.

I think, Sir, that some little answer is due to us on one other point, namely, that the Government of India, despite all their commitments, have consented to advance 5½ crores of rupees to the Government of Bombay for their development scheme—to be repaid of course. In the matter of the Barrage too, we propose that the money that is to be advanced by the Government of India should eventually be repaid. If the Government of India could manage to pay the Government of Bombay for the Development scheme, why could they not do so for the Barrage? We should be better able to repay any loan that is given us for the Barrage.

Just one word more with regard to the interpretation to be put upon my Resolution. I do not wish that the Resolution should be knocked on the head. I would agree to the interpretation that the Finance Minister has put upon it, and with this acceptance of mine I make a strong appeal to the House to very kindly accept the Resolution.

The Resolution was adopted.

RESOLUTION RE: INDIAN AUTONOMY.

Rai J. N. Majumdar Bahadur: Sir, the Resolution which stands against my name runs as follows:

'This Assembly recommends to the Governor General in Council that he may be pleased to move the Secretary of State for India in Council for taking necessary steps for ensuring:

- (1) the transfer, from the beginning of the next term of the Legislative Councils of all provincial subjects to the administration of the Governor acting with Ministers;
- (2) the transfer, from the beginning of the next term of the Legislative Assembly from among the Central subjects of all subjects except Army, Navy Foreign and Political Departments to the administration of the Governor General acting with Ministers, provision being made for such constitutional changes as may be necessary in that behalf, on the lines of the provision for administration of transferred subjects of the Local Governments; and
- (3) conferment from the beginning of the fourth term of the Legislative Assembly, of full Dominion Self-Government in India.

The first part of the Resolution may be effected merely by a change of the rules as I shall show presently, but the second and third part will necessitate legislation. I myself am not enamoured of the system of dyarchy as it now prevails in the Local Governments, nor do I think that the conferment of full responsibility after eight years hence, that is, in the beginning of the year 1930, will make the situation any the better, but remembering what Sir James Meston said as the representative of the Government of India before the Select Committee I have tried to proceed as cautiously as possible. Sir James Meston, now Lord Meston, said:

'The second refers to the proposal that there should be some form of diarchy in the Central Government. The Government of India are not very clear naturally, because they have not heard the whole discussion what form of diarchy is definitely proposed. It seems to them that some of those who have pressed for the measure speak as if they wanted a Minister attached to the Government of India, a Member of the Government of India whose duty it would be specially to supervise the development of transferred subjects and the administration of transferred subjects in the Provinces. They would deprecate this very strongly, because they feel that this task is essentially the task of the Governor and he is the man who has to watch and to guide this very important constitutional change. Others seem to suggest that the diarchy sought is this, that in some way the Indian Members of the Executive Council are to have special powers, in conjunction with the Legislature, for what have been called the more domestic or popular subjects. They would, of course, regard this as quite irreconcilable with the position of the Members of the Council as jointly responsible for the deliberations of the whole Executive body. However, whatever may be the precise form of diarchy which finds most favour, the Government of India do not like it. They do not know and they do not profess to say what is to be the future of the Central Government. It may be that diarchy will have to come there in some form or another in time, or the line of development may take quite another course and it may never be necessary to have diarchy.'

So the House will see that dyarchy is not the only alternative. Lord Meston did not think that dyarchy was the only alternative. Even he seems to have anticipated therein that full responsible government might come in the Central Government without the intermediate intervention of dyarchy. Now, Sir, the question is, does the country demand this responsible government in the provincial as well as Central subjects? Any one who has noticed what is passing outside must admit that there is a general demand. Of course, this demand, so far as this House is concerned, will always come in the form of a petition of rights, but it is coming from outside this House in a much stronger form. What I say is, that there is a perfect unanimity in the country as to the demand of responsible government both in the Central and the provincial Governments, and I can say without fear of contradiction, that the people of India, be they Hindus, Mussulmans, or Christians, and I include Sikhs, Jains, Buddhists, or Parsis in the word 'Hindus,' are all sincerely anxious and desirous of attaining responsible government within a very reasonable time in order to make ourselves worthy of the position that has been assigned to us in the League of Nations.

Our friends, whether British or Indo-British, I am happy to say, whether official or non-official, are also cheerfully co-operating with us in attaining this goal of our ambition, whether they be in this House or outside it. Those of my friends who, acting according to their own light, are not co-operating with us at the present moment have also the same object in view, and I hope that from the beginning of the next year they will act with us side by side for putting constitutional pressure upon the other side to attain the goal of our ambition. We perhaps do not see in the poverty of our intellect how some of their methods can lead to Swaraj. All that we can see is that it

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will lead to dissensions and disturbances, which are likely to prolong and not shorten the period of our political bondage.

The British Parliament, as representing the British people, are also friendly to our aspirations, I should say, though some of the Members of Parliament are inclined to be a little over-cautious and have not been able to get rid of that suspicion, that should we ever attain responsible government, we perhaps shall demand a complete separation from Great Britain, and that suspicion is natural for any one admitting a new partner. Some among ourselves do not often strengthen that suspicion by unguarded and unrestrained expressions.

The Royal House has been always sympathetic to our aspirations. We all remember the great Queen's Proclamation which is still considered as the *Magna Charta* of Indian constitutional liberty. We all remember the Proclamation issued by King Edward when he ascended the Throne. We all remember the Proclamation issued by King George when he ascended the Throne, and we all remember the Proclamation made when our present King-Emperor gave assent to the Government of India Act, and last but not least, the Royal Message which this House and the other Chamber had through His Royal Highness the Duke of Connaught. All this shows that the Royal House of Windsor is very friendly to our aspirations, and we know what Royalty even in England can achieve.

It could not be otherwise, for it is indeed difficult to imagine, a prosperous British Commonwealth without a free and contented India, or a free and prosperous India with the rest of the Commonwealth arrayed against her and her aspirations.

Therefore the golden medium of a free partnership for India in the Empire is the result of far-sighted statesmanship of both countries not only for our mutual good but also for the good of the world. For are we not really coming to a Federation of Nations, the dream of poets, sages and prophets of all countries in which India is to take her proper place and give to the world her ancient spiritual treasures which the world does not know at present and thinks her too poor to have anything of her own to give to the world?

Agreeing in our object, we are not always agreed in our means and ways. Though we are in the same boat, British and Indian, we are not all pulling in the same direction and there is now and then not a little apprehension of the boat not at all reaching the port of its destination.

Why should this be? The reason is not far to seek. Though we who are in this House are convinced of the sincerity of the intention of the British nation to grant us Swaraj, as His Majesty the King-Emperor has been pleased to designate 'dominion self-government,' there are others, and the masses, I am sorry to say, are at present under their lead, who could not see eye to eye with us in this matter. They point out that the Government of India Act, 1919, is silent as to when India is going to be given Swaraj or full dominion self-government.

Hope deferred make the heart sick, and 'many patriotic and loyal Indians who are dreaming of Swaraj for their motherland,' to use the feeling language of the Royal House, do not feel quite free, even when enjoying security of life and property due to Pax Britannica, from a sub-conscious anxiety as to the

future of their motherland, for the psychologist of the human mind knows that man feels more concern for the future than for the present and that he will patiently bear present ills if he is assured of a remedy within a reasonable time. The present is momentary, always vanishing either into the past or into the future, and the future is the only thing that man cares for.

Such being the case, neither the Imperial Message which only holds out 'the widest scope and ample opportunity for progress to liberty which the Dominions enjoy,' and not the liberty itself enjoyed by the Dominions, after a certain number of years, nor the preamble of the Parliament Act which proclaims 'the declared policy of Parliament for an increasing association of Indians in every branch of administration for the gradual development of self-governing institutions with a view to the progressive realisation of responsible government in British India as an integral part of the British Empire', but does not definitely promise responsible government in British India after the lapse of a definite period within which certain preparatory stages may be included, has not evoked that enthusiasm and confidence in the minds of loyal and patriotic Indians which they would have done if they had been more definite. Is there anything to wonder at this immediate demand on the part of the people of India? Man infers the future always from the past. Do we not all know that an eminent Viceroy did his best to undermine the very foundations of loyalty in this country by his endeavour to minimise the Queen's Proclamation by laying too much stress on the words 'so far as may be.' Do we not know that a Liberal statesman whose accession to the throne of the India Office was greeted with acclamation in this country and who was previously considered as the political *guru* of all Indian nationalists could not imagine to himself that India would ever get a Parliamentary system of Government and rise to the position of a partnership in the British Empire?

Do we not also know that before 1861 little or nothing was done towards admitting India as a partner and even in the following years how slow and little that progress has been towards that direction? True, we are now being told that the angle of vision has undergone a complete change. Our late Viceroy in opening the new Indian Legislature told us in February last:

'The principle of autocracy which had not been wholly discarded in all earlier reforms was definitely abandoned; the conception of the British Government as a benevolent despotism was finally renounced; and in its place was substituted that of a guiding authority whose role it would be to assist the steps of India along the road that in the fulness of time would lead to complete self-government within the Empire.'

Noble words, no doubt. But would it not have been more assuring if the 'fulness of time' had not been left vague and uncertain, and clearly indicated by a definite period of time in the Act? His Lordship continued:

'In the interval required for the accomplishment of this task, certain powers of supervision, and if need be of intervention, would be retained and substantial steps towards redeeming the pledges of the Government were to be taken at the earliest moment possible.'

but would it not have been more assuring if the interval had been marked out in the Act by definite stages leading to the goal within a definite period?

It was not done; and we are now face to face with a great political situation which is likely to tax to the utmost the energy and intellect of one of the most tactful and experienced statesmen of the Empire, now at the head of the Indian administration.

I say to the British people:

[Mr. J. N. Majumdar.]

"Brethren, we have made up our minds to get Swaraj, as a right, and it is your glory and privilege to help us in winning it, and if you have really made up your minds to help us, please do no longer stand between us and the goal of our ambition."

'Why are you so impatient, you will get it at the end of 10 years.'

To such a query, my answer is that the provision for a statutory Commission at the expiration of ten years from 1919 for the purpose of 'inquiring into the system of government, the growth of education and the development of representative institutions in British India, and matters connected therewith, and for reporting as to whether and to what extent, it is desirable to establish the principle of responsible government or to extend, modify or restrict—mark the word 'restrict'—the degree of responsible government,' does not remove the sub-consciousness of distrust under which we are all more or less labouring at present. Indeed, we ought to hope for the best, but the prospect of a Commission, which may even restrict the degree of responsible government was not only not flattering to our national self-respect, but was calculated to raise discontent in the public mind. It has been verified by subsequent events. Who knows that some accident may not dash our cherished hopes to the ground, or that a breeze may not disturb the calm Parliamentary atmosphere and scatter all our aspirations to the winds? What guarantee is there that this Commission is going to be the last of its kind, and not a mere fore-runner of Commissions *ad infinitum*? Who knows that we, the people of India, and Swaraj shall never meet each other like the asymptotes of hyperbola, though always approach each other? Who knows that we shall not share the fate of Tantalus in the Greek mythology, who was always burning with thirst for water, even with water under his chin?

It is necessary therefore to give a *definite* assurance of autonomy in the Central and Provincial subjects within a definite period in order to assure the public mind of the sincere desire of the British nation to treat India as a partner in the British commonwealth. Is not our position in the League of Nations, which is meant for self-governing States, Dominions or Colonies only, an anomaly, nay a mockery and delusion, with the brand of subjection still on our forehead? And is not our annual contribution of 25 units out of a total of 478 units, or more than 1-20th of the entire cost of more than 20 million of gold francs in the nature of a penalty, only for the shadow and not for the substance of Liberty?

Why should the Colonies, with whom we have direct dealings, treat us as equals when they know what we are? Why should Manchester treat our fiscal arrangement seriously when they know what we are?

Our position in this transition is a peculiar one. We are neither in the Heaven nor on the Earth below, but somewhere in the middle region as an object of pity, if not of scorn, to the whole world. Did not the rebellious South Africa get Swaraj all at once by a Proclamation, and should it be withheld from loyal India,—India ever loyal to the British Government?

The situation can never last long. Our consolation, however, is that our European friends, official and non-official, are with us, and they are helping us with a single-minded devotion to attain the goal of our ambition without further delay.

The Resolution, which I am going to move, is therefore extremely cautious and moderate in its scope, as I have already said.

I propose, not immediately but from the beginning of 1924, for the transfer of all provincial subjects to the administration of the Governor acting with Ministers.

The transferred subjects—and they include all nation-making ones, such as education, sanitation, commerce, industry, and agriculture—are already in the hands of the Ministers, and a portion of the most important reserved subjects is also in the hands of Indian Members.

It will not be revolutionising the administration to transfer the whole of the reserved subjects to the Governors acting with Ministers and to make them responsible to the Councils, the Governors exercising the powers of supervision and, if need be, of interference as now.

The present Indian Members in charge of many ordinary departments whether in the Central or Provincial Governments, are not chosen from among the Members of the Civil Service with administrative experience. The Members of Cabinets in England and the Colonies are neither chosen on the strength of administrative experience as such unless they happen to be Members of one or the other House. The plea of want of administrative experience has absolutely no legs to stand on.

When we get responsible government, the Councils which will be responsible for the safety and tranquillity of the country will at once realise, weighed down with responsibility, that it is not so easy to act as to criticise. A sense of joint responsibility will be ensured in the Cabinets and the task of the Governors and the Governor General acting with Ministers will be much more smooth than at present. The unpleasantness of allocation of moneys and revenues to reserved and transferred subjects will be removed. The Ministers being all elected, the Councils will be in a position to exercise economy and make the administrations less topheavy than at present. It is not necessary for me to go into details. The necessary changes, so far as the Provincial Governments are concerned, can be accomplished without fresh legislation by Section 1 and Section 44 of the Government of India Act.

The Act, however, makes no provision for the transfer, partial or complete, of any Central subject to the Governor General acting with his Ministers, but this may also be done by Proclamation or Ordinance, subsequently ratified by legislation. As I have already said, I am not enamoured of dyarchy, which is contemplated in the second part of the Resolution, and in submitting it I am only submitting it as a prudential measure along the line of least resistance. It may be argued that Parliament is not inclined to legislate so soon after having passed the Government of India Act of 1919. If I have studied the mentality of the British public and the British Parliament correctly, I have no such misgiving in my mind, provided the facts are correctly put before them, and as for that, I can place full reliance on His Excellency the Governor General and his colleagues, one and all of whom, Indian and British, are as devoted to our cause as we ourselves are. Proceeding cautiously on the line of least resistance, I have proposed to introduce partial responsibility in the Central Government from the beginning of 1924, and full responsibility from the beginning of 1930, while the Act only proposes a Commission in that year. And my remarks in regard to provincial subjects apply equally to all the Central subjects. I have proceeded cautiously,

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but if I have erred too much on the side of caution I stand subject to correction and will accept any amendment in consonance with the spirit of the Resolution. India is wide enough for us as well as our British friends, be they permanent residents or temporary sojourners in this country, and with a few regrettable exceptions, we can always count even from among the latter our strongest supporters in our struggle for freedom. And may I assure them that if occasion should arise—which God forbid—we shall not fail to be by their side—soldiers and labourers, surgeons and stretcher-bearers, as we did not fail in the last war, though we were still looked upon as a subject race. We can assure them that in future we shall not fail to do our little bit even when we are assured of full responsible self-government.

The Governor General in Council, the Secretary of State in Council, the British Cabinet, and the British Parliament, as representing the British people, may or may not accept our recommendations, though the latter alternative seems impossible, for their eyes and ears must have been kept open to what is happening in this country.

From one end of the country to the other they are demanding Swaraj in the clearest terms possible. Though we are not yet responsible for the safety and tranquillity of this country, we, in this House, have our duty towards the Empire as well as our country, and it is our privilege to advise them and those with whom the responsibility lies at present. We shall be false to ourselves, false to our country, if we fail to do our duty at this present moment. A disorganised and discontented India with its 32 crores of people cannot but be a menace to the peace and progress of the whole world, and cannot but be a thousand times more unpleasant than a discontented Ireland.

That we came under the British rule is no argument of our unfitness for self-government. Even more civilised races have from time immemorial come under the sway of less civilised peoples. Our culture goes centuries back into the dim past. One of our kings, King Asopati, who used to rule over the country now known as Afghanistan and the Punjab and then known as Kekaya, could say with pride :

'Na me stena janapade na kadarya.

Na madyapa na avilvan.

Na svaira, svairini kutah.'

'There is no thief in my kingdom, no doer of dirty deeds....., there is no drunkard in my kingdom, there is no illiterate man in my kingdom, there is no adulterer, how can there be an adulteress in my kingdom?'

This may seem an ideal picture of India, but, Sir, if we come to Megasthenes, we find him corroborating this ideal picture in giving an account of India during King Chandra Gupta's reign, attributing the highest moral and spiritual worth to the people of India. Then if one reads *Artha Sastra* by Kautilya, the Minister of Emperor Chandra Gupta, who was a contemporary of Alexander the Great, it will be evident to him how proficient we were in the practical art of administration, and I would request all our official friends here to study—if they have not done so already—the *Artha Shastra* as edited by Sarma Sastri of Mysore, from which they will find that we excelled the whole world not only in our science and mathematics, philosophy and literature, music and medicine, in our arts of painting, architecture and sculpture, but

also in the art of practical administration. Our forefathers could say with pride :

'Elat desaprasutasya sakashad agra janmanah swam swam. charitram shiksheran prithivyam sarra manavah.'

'That from the first-born of this country, the whole of mankind on the surface of earth has learnt the responsible rules of good conduct.'

That was our day. I know we have now fallen on evil days, but we hope that with the help of our British brethren, we shall again recover that position, and it is to their glory and our glory that it should be so.

Even in the darkest period of our existence, the condition of Murshidabad as described by Lord Clive was more typical of the whole of India. Murshidabad, when he entered the former capital of Bengal after the battle of Plassey, was according to him as populous as London and ten times as rich.

I shall not recall to our memory the sins of commission and omission on the part of British in the past, for I am convinced that since 1857 the British Government is steadily marching forward towards progress and liberty, although in the midst of periodical aberrations, and that we are here to-day is ample proof that we wish to co-operate with our British brothers and exert the whole of our soul force upon them and appeal to their sense of justice and even of generosity in order to attain the goal of our ambition. The birds are singing, the trees are blooming, the fields are green with vegetation; and lo! the Spring of Swaraj will soon smile on this land after a long and tedious winter.

The soul of India cries to the soul of Great Britain : 'You freed the slaves of the world; you gave a free independent Republic in Liberia : to the freed Negro slaves of America. Should you withhold freedom from me?' The soul of India cries to the soul of Great Britain : 'You waged the last War of Independence and restored not only Belgium to freedom, but also made Finland, Esthonia, Latvia, Luthuania, Poland, Czecho-Slovakia, Ukraina, Georgia, Armenia, Palestine, Arabia, Azerbaijan and Mesopotamia free. Should you, the Mother of Freedom, withhold it from me, who have stood by you faithfully for all these years and have shared your joys and sorrows, and have contributed not a little towards your present position in the Comity of Nations?' The soul of India cries to the soul of Great Britain : 'I shall never forget your services, and whatever other defects I may have, I have never been ungrateful.' Does it require a poet's imagination to anticipate the response to such an appeal?

Great Britain who found India, disorganised and has given her an organization, who found her disunited and has united her, who found her void of self-consciousness and has made her self-conscious, cannot but rend asunder the last fetter of bondage and make India free, for her good, for the good of the commonwealth and the good of the world unless she is false to all her past traditions and commits a moral, spiritual and political suicide.

*'Tis Liberty that crowns Britannia's Isle,
And makes her barren rocks and bleak mountains smile :
Let Liberty also make India smile,
Side by side with Britannia's Isle.'*

Sir, with these words, I beg to move the Resolution.

Mr. T. V. Seshagiri Ayyar : Sir, if I have intervened early in this debate, it is because, as has been intimated to me by the Honourable Sir William Vincent, if this debate is adjourned, I may not be able to take part in it, as I am leaving Simla on the 26th instant. Therefore, Sir, I ask the

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permission of the House to permit me to say a few words at once on the subject to which I have given some attention.

Sir, the Honourable Mover of the Resolution has spoken very eloquently about the duties of Indians and about the co-operation which is expected from Britishers in the work which lies before them. I shall not travel over the same ground. You will find, Sir, in the amendment of which I have given notice, I have avoided the use of the expression 'Dyarchy,' because in my humble opinion dyarchy as understood by the authors of the Montford Scheme existed nowhere in India, and certainly it would be particularly inapplicable to the conditions that exist in the Central Government. It is for that reason that I have asked that early steps be taken for introducing responsible Government in the Central administration. Sir, it may be asked whether the powers which we now possess are not sufficient for forcing the hands of the Government and for carrying out our wishes. To a certain extent, Sir, we have the right of *post mortem* examination; we may submit our recommendations, but these recommendations are not binding on the Government, and what is more important than all these is, that if responsible Government is introduced and Ministers are chosen from the Assembly they will have a great advantage, as the chosen representatives of the people. (At this stage the President vacated the Chair and the Deputy President occupied it.) It would have a great educative value upon the House and upon the country. Ministers will feel that they owe a duty to us; and they would consult us; and we shall go to the country and enunciate our policy. Thereby the country will be educated and in course of time it will be in a position to attain the status of Dominion Self-government promised to us by the British Government. Now, Sir, it is not necessary to debate this point any further; I shall now try to meet some of the objections which have been advanced for bringing in this scheme at this stage. It has been asked whether it is not premature to ask for responsible government now, and, in the language of the Head of the Government, His Excellency the Viceroy, the question has been put whether the machine has been sufficiently tested; Sir, it is my duty now to proceed to answer these questions. My answer is this, that before the introduction of the Reforms Scheme everybody who had given any attention to the subject asked the Viceroy, the Secretary of State, and the British Parliament to introduce responsible government in the Central administration. They based their claim upon the fact that Indian Executive Councillors in the Central Government and elsewhere had done exceedingly good work; they based their claim on the fact that Members in the Provincial Legislatures had done exceedingly good work; they based their claim on the fact that Members of the Central Legislative Assembly had acquitted themselves very well and they based it further on the fact that Indians as administrators in Native States and persons employed in the highest offices of the State had proved themselves as efficient as Englishmen. On those facts they based their claim that responsible government should be introduced in the Central administration. The Government was apprehensive; they were over-cautious. Now, Sir, the question I put is this. During the last Session, have we not conducted ourselves in such a manner as to remove your misapprehension and make you less suspicious than you were before?

It is not a question of proving capacity. It is a question whether you have found us deteriorating during the last Session. Lord Chelmsford has paid a

glowing tribute to the work which we did in the last Session, and one who is very conversant with our work (I am sorry not to find him in the Chair) has spoken in high terms of the work we have done.

Journalists, both Englishmen and Indians, have testified to the good work we have done. And I put you the question once again whether these are not confirmations of what has been urged before, namely, that we are capable of managing our own affairs and that responsible government should be given to us immediately. And I put it to you further whether after all that you saw of us in the last Session you are satisfied that we are incapable of discharging the duties which we seek. That is the real question. It is not a question of proving capacity, it is a question whether you have found us wanting, it is a question whether you think that we cannot be given more responsibility.

Sir, there is no doubt there is a demand for responsible government, in the Central Government, throughout the country. One large representative body composed of Liberals has put the matter plainly before His Excellency the Viceroy and, as we all know, the Government has great faith in the wisdom of the Liberal League, and if they do not pay any attention to their demand, it would be regarded as an indication that they do not consider that anybody in this country can be trusted to offer them advice and suggestions.

Sir, the real question which will be asked of me and which I think I should answer, is how are you going to introduce dyarchy at once or as early as possible in the Central administration. That is a difficult question, no doubt, and it is a very important matter which must be dealt with. There are two or three solutions possible. One solution is that this Assembly should be dissolved and a new Assembly elected which would choose its own Ministers. I have given up that idea in deference to the wishes of a large number of Members whom I have consulted. They say that they should not be asked to face another election after having undergone a great deal of trouble; I think I would not be justified in the circumstances in pressing that scheme before this Assembly. The second alternative is this. As vacancies occur from time to time, Government should fill them up by conferring them on responsible Ministers. There should be no difficulty in carrying this out. Whenever you find a vacancy, entrust it to a Minister who would be responsible to the House. And a third suggestion which I make in all humility is this,—that my Indian friends who are Executive Councillors should themselves forego their privileges and should be content to be responsible to the House, that they should go to the country and get themselves elected. This is a bold suggestion that I make and it may not be acceptable to my friends. But there has been a demand in that direction and I do not wish to ignore that demand. It may be, Sir, that this suggestion may be regarded as going too far, but I put it before you for what it is worth. I am quite sure that if my Honourable friend, Dr. Sapru, goes to a constituency, he will find no difficulty in getting into the Council through that constituency, and when he and Mr. Sarma come back to this House they will find that their hands are strengthened and their burdens lightened, because they will share the burden with the representatives sitting in this Assembly. I am sorry Mr. Shafi is not here, otherwise I should have put the same suggestion to him also.

Sir, my time is very short and I shall have to wind up my remarks. Now, Sir, I may be permitted to say, that I am under no illusion that this will be entirely acceptable to the people of this land. There are two classes of people who have to be considered. The extremists on the one hand and the

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reactionaries in England and here on the other. As regards the extremists in this country, I make bold to say, that if the Government make a serious and earnest attempt to introduce responsible government and to grapple with some of the problems which have been urged upon them, a large number of people who are practically undecided as to their attitude and who are watching the events, would come over to the side of the Government.

Mr. N. M. Samarth : They are not extremists.

Mr. T. V. Seshagiri Ayyar : Well, my friend may have some idea of what an extremist is. These people are at present called extremists because they are not co-operating with Government. But if the Government is really serious and earnest in their endeavour to introduce responsible government in the Central administration and if they grapple with some of the questions that are agitating the public mind, I am quite sure that most of them will join the ranks of the co-operators. Sir, I take it that it should be the endeavour of everyone in this House to make it possible for non-co-operators to come in and I request the Government therefore to make a serious attempt to grapple with this problem; in the result many of the non-co-operators would come in to help the Government in the administration of the country. It may be that my friend, Mr. Samarth, thinks that he alone is capable of conducting the administration of this country, but my endeavour, so long as I am in this Assembly, would be to make it possible for the non-co-operators to come in.

Now, Sir, I come to the reactionaries in England. To them I would apply the words which Mr. Price used this morning in regard to the Barrage question, when he referred to one of the retired engineers and said that he has been ten years away from the country and does not know the developments which this country has undergone, and is therefore not in a position to speak with authority upon the affairs of this country. The same thing can be said about a large number of reactionaries who are urging the British Government not to give in. I would make an offer to them, namely, that if these people come in and witness what is going on in this country and if the Finance Member would be good enough to provide them with free passages to come here, they will find that the country has undergone such a great constitutional development that it is impossible any longer to withhold the privileges claimed by its people. Sir, we are going to invite the Parliamentary Committee to come here, and I believe the Finance Member can give the same facilities for these men to come here and witness what is going on. And if they come here, I promise that they will go away as much satisfied as my friends who went to the North-West Frontier on the invitation of the Commander-in-Chief.

(President resumes his seat.)

Sir, one word more and I have done. It has been said by a well-known writer in England that the words 'too late' are inscribed on the portals of Downing Street. Sir John Simon, speaking on the Irish situation, used the same expression. I hope it will not be said of British statesmen who have to deal with India that the words 'too late' are also written on the doors of Whitehall. England has to face very difficult problems. Unless official and non-official Europeans in this country agree with the people of the country in urging upon the Government at Home to face the situation

at once and to take the people into their confidence, the situation here will become very difficult. I hope that this lesson—the lesson which is being learned in Ireland will not be lost upon European gentlemen in this country. That lesson is, that unless you take steps in time, the situation may become unmanageable. Sir, I have hitherto spoken on the general Resolution; I now move with your permission that my amendment of which I have given notice may be considered. I do not want to make another speech in moving my amendment. I have said all that I need say upon the general question. If you will permit me, Sir, I will move my amendment at once.

Mr. President : I think it would be preferable to take the amendment which raises a really different issue from that raised by the Mover of the Resolution. I propose to take one of those which asks for the appointment of a Committee, and to call Mr. Agnihotri.

I think it desirable to have a discussion on the general proposition first before we embark upon a discussion of the suggested amendment.

Munshi Iswar Saran : Sir, I venture to think that there is no Member, official or non-official, Indian or European, of this House who will not approach this question with a due sense of responsibility, and I wish to assure the House that in rising to give my support to the main idea underlying the Resolution moved by my Honourable friend, I am fully conscious of my own responsibility. I wish it to be clearly understood at the very outset that I do not want this House to be committed to the principle of dyarchy. I venture to think that the principle of dyarchy is not the last word in politics. I leave it to the wisdom of this Honourable House and to the wisdom of others interested in this question to devise some system which may be better, which may be more feasible, and might I add, quicker than the system of dyarchy. I wish also to state at the very outset that I am fully conscious of the difficulties, constitutional as well as administrative, that are involved in the solution of this question, and one of those difficulties is the temperamental difficulty.

We know that when the Government of India Act was before the House of Lords, Lord Macdonnell, from his place in the House of Lords, observed:

'I believe you cannot find any individual native gentleman who is enjoying general confidence, who would be able to give advice and assistance to the Governor General in Council.'

This was before Lord Sinha was appointed Law Member of the Government of India. That speech was in 1909, and in 1921, instead of one native gentleman, to use his words, we have three native (Cries of 'Indian') gentlemen,—these are the words of Lord Macdonnell and I am repeating his words, I am not using them myself. Please have patience before you interrupt. Now I put it to this House and I put it to the gentlemen who are occupying the Treasury Benches whether the presence of these three men in the Executive Council is a menace to the stability of the Empire. In that debate, it was said that if there were Indian gentlemen in the Executive Council, the discussion would not be free and frank. Might I ask the European Members of the Executive Council who happen to be present in this Assembly to say whether Lord Macdonnell's fears or the fears of other noble Lords have come to be true? Or is it or is it not a fact that these gentlemen are giving their best to the service of the British Government and to the service of their country. I,

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therefore, say that the first difficulty is temperamental. There are some people who are averse to change. Then, there is another. I can understand the feeling of an Englishman, with the average Englishman's knowledge of India, with the average Englishman's interest in India distracted by the difficulties in England and nearer home who may be inclined to say, 'Look at these people. They got these reforms only a year ago, and here they are pressing for more. These people must be a curious set of people indeed,'—I can quite sympathise with this point of view. But, Sir, let me quote the words of General Gordon:

'To government, there is but one way and it is eternal truth. Get into their sins. Try to realise their feelings, that is the true secret of Government.'

I submit with great humility that if those Englishmen who take that view or are likely to take that view, will make a sincere and honest attempt to 'get into the skins' of Indians, they will find that there is a general, might I say, universal demand for Self-government in India, a demand which is gaining in strength and volume as one day succeeds another. I shall say with great humility that this demand should not be dismissed as the work of some pestilential agitators who have brought about this state of affairs in this country. There is one thing which our critics should remember. I may say without any feeling of boastfulness that India is not a barbarous country which is now emerging from darkness into light and which is now being civilised by the British Government. India, as everybody who knows history is fully aware, has a civilisation the like of which has not been seen as yet and which even to-day excites the wonder and admiration of the world. What is the feeling in India? That is, I submit, the real crux of the case. It is no good saying, 'reforms were introduced in 1920, they have been in operation only one year and you press for more.' I say there is no estoppel in politics.

True wisdom, I submit with great respect, lies in so adapting the political machinery to the changed conditions that the result may be satisfactory, that trouble may be avoided, and progress may be achieved. If that be so, I have not the slightest hesitation in submitting with confidence to this House that time has come when the authorities in England and the Government of India should seriously tackle with this question. Sir, we know non-co-operators. Many people here are fond of using the most choice epithets in regard to non-co-operators, but I do not wish to follow their example. Look at the deputation which waited on his Excellency the Viceroy on behalf of the Moderates. What did they say? Look at the nationalists. What do they say? Look at the non-co-operators too. What are they asking for? Take the facts as you find them and I submit with respect that is a mistake to go into their causes. Causes do not matter. Here you have a solid incontrovertible, indisputable fact that in India there is a demand, loud and insistent and persistent that India should soon have Self-government within the Empire. If that be so, then I ask, is it not wisdom to take account of that feeling and try to do what is possible under the circumstances.

Sir, then, there is another circumstance which should receive serious consideration. If you look at the constitution of the Indian Legislature to-day, what do you find? A majority with power and the representatives of Government, relying on them for support to have their money bills and other measures passed, this, I say, is not a very satisfactory position for the Members of Government to occupy. How, I ask in all seriousness, can they under the

present conditions have any majority at their back? I do not mean to offer a threat because I feel I have got the sense to understand and realise that nothing could be more silly than to offer a threat to the mighty British Government. I am only stating a fact. Suppose that this Legislative Assembly or the Council of State, being influenced by the feeling outside turns down proposal after proposal, refuses to grant money bills. What will happen then? I submit, Sir, this is a very unsatisfactory condition. This is a most unhappy state of affairs, and the sooner we get rid of it the better.

There are only a few more observations which I wish to make before I sit down. I do not wish at this stage to invite your attention to this amendment, or that amendment, to this technicality or to that. I only wish to invite the attention of the House to the consideration, as I have said, of the main issue that you have got before you. There is one thing which we have to remember, that, in spite of the storm and strife, the vastly over-whelming majority of our people are in favour of the connection between India and England being retained. And, Sir, I have great faith in that connection. And let me make a personal remark: I do not say this because I wish to please the officials; I have never worshipped at the official shrine, and I hope I never will, but I say so, because I am a patriotic Indian, because I feel that the interest of my country demands that India and England should remain together. And I shall be very sorry indeed if any delay, if any oscillation,—may I say any procrastination,—puts a serious strain on this feeling which you have got in the country to-day. Even to-day people may say the bitterest of things, but the vast majority of them would like to remain within the Commonwealth. I beg the Government, I beg the authorities, I beg all those who may be interested in this problem, to take note of this feeling, and to do something solid and substantial so that our desire, our anxiety, our eagerness to remain within the Commonwealth may not be shaken, but may become firmer and firmer. Sir, I shall beg the Government—and I think the Honourable the Home Member will reply to this debate—I shall earnestly beg him, I shall entreat him to give a reply which will be hope-inspiring. It will be easy for him to say. Here are these difficulties. Here is the Montford Report. Just look at that Parliamentary Joint Committee's Report. We must pause and not rush forward. But let me remind the Honourable Home Member that the whole country will watch with interest and anxiety the reply which he will give to-day: and I shall beg him earnestly to give a reply which may be soothing and satisfactory, inspiring and heartening.

Sir, before I sit down, let me make one observation, and it is this. Let it be thoroughly realised, not only in this Assembly, not only in this country, but even in countries outside India—I wish my words would travel to them—that we and the Government have our differences, and that we have acute differences, but, as far as any foreign power is concerned, we are united, we have been united and we will remain united behind the Throne. India desires to remain within the Commonwealth and is loyal to the British connection. Sir, I have made these few observations in the hope that they will receive the sympathetic consideration of this House, the Government and of the authorities in England.

Prince A. M. M. Akram Hussain: Sir, I rise to oppose this motion. While I am in perfect sympathy with the object of the Honourable Mover, I am afraid sufficient time has not elapsed to convince our adverse critics that the appointment of Ministers has passed the experimental stage, and that the time

[Prince A. M. M. Akram Hussain.]

is ripe to transfer all provincial subjects to the care of Ministers. The Executive Members of the Provincial Governments have by no means shown inefficiency to deal with the subjects which are entrusted to their care at present. In my humble opinion, a pound of modesty is worth more than a ton of brass. We ought to wait for some little time yet till our ability to govern ourselves is established beyond all possibility of doubt. We ought to have sufficient time to gain confidence in ourselves, and to be perfectly certain, that in our anxiety to saddle ourselves with increasing responsibilities, we do not bring on disgrace upon ourselves, and we do not undermine the efficiency of good government, bringing in its train, as it must, in justice to the poor dumb masses and a chaotic condition which must be carefully guarded against. I hope I shall not be taken by my countrymen to be a reactionary when I say that we cannot be too careful in a matter like this. Our progress may be slow, but it must be sure. I shall therefore ask this Honourable House not to be impatient and meanwhile we ought to try our best to prove ourselves fully deserving of what we so earnestly desire. In the spirit, therefore, of the remarks I have made, I am constrained to oppose this Resolution.

Mr. Sarfaraz Hussain Khan: Sir, had I had time, I should have moved an amendment similar to the one to be moved by Mr. Jamnadas Dwarkadas. I now rise to support the amendment.....

Mr. President: There is no amendment yet before the House. We are still discussing the main question.

Mr. Sarfaraz Hussain Khan: Sir, I am second to none in my desire to have our country raised to the status of Self-governing Dominions within as short a time as possible. I am not one who would tolerate for a single minute being looked down upon as an inferior or a subject nation. Indian self-respect demands social and political equality with all the other Self-governing nations, and India will have it sooner or later. But, Sir, time there was when I thought that the British Government had done us a great injustice and wrong by withholding full responsible Self-government from us. I have, however, painfully to admit, after my experience of the methods of the non-co-operation movement and of its effects on not only the masses but on a portion of the educated class, that my former views have undergone a change. I have seen people led to commit most objectionable acts at the dictation of a single dictator, without exercising their own judgment. Sir, had the question at issue been an ordinary one, it would not have mattered much. But the question becomes very serious indeed when it concerns the happiness and unhappiness, the lives and properties not only of thousands but of millions of the people of this vast country. Under the circumstances, although I am in sympathy with the principle underlying the Resolution moved by my Honourable friend, Mr. Majumdar, I am the last person to propose a time-limit for another instalment of the reforms without having the matter threshed out in a Committee of officials and non-officials, including Members of the Indian Legislature. That is all I have to say.

Rai Bahadur Pandit J. L. Bhargava: Sir, there can be no subject of greater importance than the one embodied in the Resolution under discussion. The present times invest the subject with a significance all its own. The whole country is astirred with agitation, and the atmosphere is surcharged with the desire for the attainment of Swaraj as early as possible. There is a great political awakening throughout the country, and things are moving so fast that

they elude the calculations and foresight of ordinary times. Great waves of political thought are surging the people's minds, and the entire population is in a state of political ferment. Whatever one might think of the merits or demerits of the non-co-operation movement, one fact is indisputable, that the whole country has been thoroughly convulsed, and the springs of human thought and action have been so deeply stirred that an unprecedented upheaval in political thought has taken place.

It is literally true that the whole country is gasping for political progress and development and awaiting full autonomy with bated breath. The demand of the country for provincial autonomy is very insistent and every evil or mishap is in the popular imagination ascribed to the absence of full responsible Self-government. It is high time, therefore, that Government should take the necessary steps for the granting of full autonomy in the provinces and the introduction of responsibility in the Central Government as soon as possible. Further postponement of these overdue measures will not allay the vigorous agitation that is going on in the country and is bound to increase and foster the discontent and unrest which are now prevailing everywhere. The Resolution of the Honourable Mover proposes a march too slow in the present temper and condition of the country. To my mind, the proposal contained in the Resolution about the fixation of time for full Dominion Self-government in India does not express truly the genuine feeling of the country and errs, as he himself admits, on the side of over cautiousness. Early steps in my opinion should be taken to confer full Dominion Self-government at a date earlier than the one proposed in the Resolution.

Mr. President: The words which have fallen from the Honourable Member prompt me to ask the Mover of the Resolution in what precise sense he used the word 'term,' because it affects half a dozen different amendments.

Rai J. N. Majumdar Bahadur: By 'term' I mean three years.

Mr. K. B. L. Agnihotri: Sir, I beg to move an amendment to the Resolution moved by my Honourable friend, Rai Bahadur Jadunath Majumdar. My amendment, Sir, runs thus:

'With a view to very early conferment of full Dominion Self-government on this country, this Assembly recommends to the Governor General in Council to appoint a Joint Committee of both the Houses of the Indian Legislature to frame proposals for:

- (a) The transference of all provincial subjects to the administration of the Governor acting with Ministers responsible to the Provincial Legislature;
- (b) The transference from among the Central subjects of all subjects except Army, Navy, Political and Foreign Departments to the administration of the Governor General acting with Ministers responsible to the Indian Legislature; or conferment of increased powers and control on the Indian Legislature over all the departments of the Central Government.'

Sir, in spite of the note of opposition sounded by one of my Honourable friends, I will venture to say that there is not one person in this august Assembly who does not desire or who does not believe in the ideal of full Dominion Self-government for this country. The majority of Indians also hold the same view. Many Indians fret at the political position of India at the present time. Sir, even the so-called inarticulate and voiceless millions have come to realise and express in no unmistakeable terms that they want the attainment of full Swaraj within no unreasonable time. Sir, it would be a sad lack of statesmanship on the part of those who are responsible for the governance of this

[Mr. K. B. L. Agnihotri.]

country, not to feel the pulse that has been throbbing in the hearts of millions of my countrymen, for the attainment of full Swaraj in this country. It is not the result of the speeches or the incitements of political agitators, as some of my Honourable friends may think. If it had been so, how is it that the people who have led them so far, who have brought them to this position have been cast into oblivion and their leadership is now only a matter of past history. The millions of the masses now begin to follow those who they believe—either rightly or wrongly—will carry them to their goal sooner.

Now we Indians are all agreed that we must have Dominion Self-government. If there be any difference of opinion at all, the difference is about the time and the method of its attainment. Some say that the progressive realisation of responsible Self-government is the proper course for this country, and that the steps of that progress are to be decided by a Parliamentary Committee that should visit periodically this country to find out how far we have gained a knowledge in the art of Self-government. Sir, the principles for which the great German War was fought, the principles safeguarding the rights of small nations and the right of all peoples to work out and rule their own destiny. Britain also fought on the side of liberty and cannot now deny that liberty to India. Sir, the hopes that have been entertained by my countrymen that the same principles for which Great Britain fought in the Great War would be extended to us after the termination of the war, have been dashed to the ground. The hopes we entertained, may have been the fond hopes of ambitious people, but hopes there were and it was a rude shock to them to find that the much cherished reforms which they were to get, were to be given only in instalments, and not in full. There are many of my Honourable friends who cannot agree about the period of time within which we should get the full reforms, and therefore I shall later on suggest one of the remedies for that.

The announcement of the policy of progressive realisation of full responsible Self-government after periodical inquiries by a Parliamentary Committee caused much disappointment to my countrymen, as well as resentment and discontent. This policy implied that the Indians were not fit for the exercise of responsible Self-government in their own country, and inquiry by a Parliamentary Committee was regarded as an examination of school children to see whether they are fit for Self-government and whether they have properly learnt their lessons. May I ask whether this charge of unfitness that has been laid at our door is true? If Persia, China, Armenia, Poland, many of the Balkan States and the Philippine Islands can have the right to govern themselves, why cannot India? If India could produce men who have brought glory and credit to themselves and their country, men who could be capable Governors, Members of the League of Nations, Members of Parliament and Executive Councils, mathematicians and scientists of world repute, poets of world-wide renown and fame, surely the same India could also produce competent and thoughtful representatives to govern their own country.

The result is that Indians as a whole resent the charge of incapacity laid against them and feel that because they are not free and are a subject nation, they are required periodically to justify their capacity and claims for further doses of reforms.

Sir, the present motion is also to draw the attention of the English statesmen that nothing short of full responsible Self-government immediately

will satisfy the Indians in general, and the further postponement will be injurious to the interests of all, the governors and the governed. They should take lessons from the history of the past and not make India another and far bigger Ireland. They should take the opportunity before it is too late. So far no responsibility has been introduced in any of the Governments, Central or Provincial. There is nothing which is good in them and nothing good that is new in them. 'Responsibility,' as Mr. Montagu has said, 'is a savour of popular government and that savour the present Councils solely lack.' Naturally, therefore, the present form of government is not popular. Many have absolutely rejected it and those who have accepted it, have accepted with a belief that by co-operation they will bring round the English statesmen to do their duty by us and get our ideal realised at no distant date. Sir, this fact along with the growing desire of the people, with their ideas rapidly changing and with the growth of nationalist feeling, it has become necessary to revise the system granted so recently. The late Mr. Gokhale's memorandum of 1915 and the 19 Members' demand of 1916 were found inadequate in 1919 and it is quite natural that the Reforms which were granted in 1919 are found to be much more inadequate in 1921. The people could only be satisfied now by the immediate grant of full provincial autonomy, responsible to the people and of full and complete responsible government in the Central Government as in the Dominions, but if the full immediate transfer be not possible, then at least the responsibility should immediately be introduced in the Central Government in respect of all subjects except Army and Navy and Political and Foreign Departments and the full responsible Self-government should be conceded to us at a very early date. All the settlement of these proposals I leave to the Committee which I propose. I therefore propose a Committee because there are still people to be found who are not enamoured of the system of dyarchy as is clear from the speeches of some of the Honourable Members in this House to-day. They still desire to have immediate control over all the departments and be not only confined to a few subjects. The Committee will easily settle it. It will settle the period within which we should get the full Dominion Responsible Self-government. It will also settle the constitutional changes involved; it will settle the question of the Ministers acting jointly and being jointly responsible to the Legislature; and lastly, it will also settle the procedure of these changes and put a definite and final proposal for the introduction within a definite period of full responsibility in the Central and Provincial Governments and the relation between these two.

In conclusion, Sir, I may be permitted to draw the attention of English statesmen to the great necessity of granting full responsible government immediately and not to give an opportunity to Indians in a mood of disappointment, to join Lecky in saying: 'The deliberate selfishness of English statesmanship is digging a chasm between England and India which must inevitably lead to separation.'

The Honourable Sir William Vincent: May I inquire, Sir, when you propose to adjourn the proceedings to-day. I am quite prepared to put this Resolution on the agenda for the 29th and I hope it may be possible for us to rise at a reasonable time to-day. Members of Government have been sitting in this Assembly every day, and every day after the Assembly rises we have to go back to our offices and deal with urgent work. In fact, the burden of these late sittings has become almost intolerable to us.

Dr. H. S. Gour: I move, Sir, that we might sit to-morrow.

The Honourable Sir William Vincent: I am afraid, Sir, we cannot adjourn till to-morrow, because we have already a meeting of the Executive Council fixed for that date. The Assembly will understand that Members of Government have important work to do outside the Legislative Assembly. I would have put down the Resolution for a day before the 29th, say, the 26th, but I really see no prospect whatever of our being able to reach it on that day: the 27th and 28th are of course non-official days, and if any of the Members withdraw their Resolutions on the 27th or 28th, then this debate can be carried on then. If not, I think that I can safely say that we shall have time on the 29th.

Mr. President: Before accepting the motion for the adjournment of the debate, I should like to find out from Honourable Members their wishes. Whether the debate on this Resolution can be resumed on the 29th depends upon the transaction of the business which precedes it.

The Honourable Sir William Vincent: I am afraid, Sir, I cannot say what the business on the 29th will be, and under the rules I think legislative business must always be given precedence.

Mr. President: I may draw the attention of the Assembly that it all depends upon the programme of legislation which Government wishes to pass on the 29th which seems likely to be the last day of this Simla Session.

Mr. Jamnadas Dwarkadas: Sir, with regard to the question raised by the Honourable the Home Member that the debate should be adjourned now, I think the House will be prepared to accede to this suggestion only on a definite undertaking that the debate will be continued on the 29th. Unless a definite undertaking is given by the Honourable the Home Member to that effect, I do not think the House will be prepared to adjourn the debate.

The Honourable Sir William Vincent: I cannot say what the legislative work on the 29th will be, but I will give an undertaking that we will finish this debate this Session.

Mr. Jamnadas Dwarkadas: In view of the undertaking given by the Honourable the Home Member that the debate will be continued on the 29th, I move that this debate be adjourned till the 29th instant.

Dr. H. S. Gour: I move, Sir, that this debate do stand adjourned till to-morrow, and I give my reasons for it. On the 29th, Sir William Vincent has already told us that first of all we shall go through the Government business and what time remains over after the disposal of the Government work will be devoted to the discussion of this Resolution. How much time we shall have on the 29th, the last day of the Session, to spare for this most important Resolution we cannot say. And to-morrow is a vacant day and you can finish it from 10-30 to 2-30 P.M. I hope, in view of the importance of the subject, the Honourable Member will consent to this motion for adjournment.

Mr. President: The prior consent of the Chair is required. I may point out that the House might carry a motion to sit on any day which they choose, and yet, if the Chair does not choose, the House will not sit.

I may point out further to the Honourable Member and the House that in view of the firm offer from the Honourable the Home Member that this debate will be concluded this Session, it seems rather ungracious not to accept it.

[Mr. President.]

As far as the power of the Chair is concerned, I am prepared to sit till it is finished.

I accept the motion of the Honourable Member from Bombay that this debate be adjourned till the 29th instant.

The motion was adopted.

PROGRAMME OF GOVERNMENT BUSINESS FOR THE REST OF THE SESSION.

Mr. President: I should like to ask the Home Member if he will be in a position on Monday to state definitely whether the programme of Government business will enable us to adjourn next week so that we need not sit on any day in the week following.

The Honourable Sir William Vincent: I hope to be in a position to make a statement on Monday, but I wish first to consult His Excellency the Viceroy and other Members of the Council.

May I point out, with reference to what Dr. Gour said about continuing this debate to-morrow and postponing the Executive Council, that the Home Member does not fix Executive Council meetings but His Excellency the Governor General, and that if the debate had been continued tomorrow, none of the Members of the Government would have been able to attend at all.

USE OF THE CHAMBER PRECINCTS FOR A NON-PARLIAMENTARY PURPOSE.

Mr. President: I have received notice from the Secretary that an invitation has been issued, without his authority or that of the President, to a meeting in one of the rooms of this building to-morrow. Neither this Chamber, nor any of the rooms in this building, can be used for any purpose beyond those for which they were designed without the express consent of the President. It is improper to summon meetings of this kind without the express consent of the Chair. I have no intention of using my powers to stand in the way of the meeting which it is proposed to hold to-morrow but I wish it to be clearly understood that there is no discretion in the matter for Honourable Members to ask or not to ask anyone outside this House to enjoy the hospitality of this building without the previous sanction of the President.

This House now stands adjourned till Monday, 10-30 A.M.

LEGISLATIVE ASSEMBLY.

Monday, 26th September, 1921.

The Assembly met in the Assembly Chamber at Half Past Ten of the Clock. The Honourable the President was in the Chair.

STATEMENT LAID ON THE TABLE.

The Honourable Sir William Vincent : Sir, I lay on the table a statement containing information promised in reply to part (b) of the question asked by Mr. B. H. Jatkar on the 21st March 1921, regarding the anomalous status of Berar.

'The suggestions made in the representations referred to were considered by the Government of India. The Honourable Member is, it is believed, well aware of the position of Berar as a province of Hyderabad State leased to and administered by the Government of India. Several of the suggestions put forward were, in the peculiar circumstances of the case, impracticable. Others were regarded as premature. The advantages derived by Berar from the reformed Constitution will be apparent from a study of the present Government of India Act and the Rules thereunder.'

QUESTIONS AND ANSWERS.

IMMIGRANTS FROM HYDERABAD STATE TO TUNGABHADRA.

624. **Rao Bahadur T. Rangachariar :** Have the Government of India any information about a number of immigrants from Hyderabad State who have recently settled at Tungabhadra in British territory, and will they be pleased to take steps to give them pecuniary relief to save them from starvation ?

The Honourable Sir William Vincent : The Government of India have no information on the subject but they will draw the attention of the local Government to the allegation made.

UNIFORM FOR INDIAN TRAINED MILITARY NURSING SISTERS.

625. **Lieut.-Colonel H. A. J. Gidney :** (a) Is it correct that no official orders have been issued with regard to a recognised uniform for the Indian Trained Military Nursing Sisters, and that no uniform allowance is granted ?

(b) If so, will the Government of India be pleased to issue official orders, allowing the Indian Trained Nurses to wear the same uniform as that of the British Trained Nurses, and that a similar uniform allowance be granted on joining appointment ?

Sir Godfrey Fell : (a) Yes.

(b) As the nurses referred to are serving on temporary engagements, terminable every six months, Government are not prepared to prescribe a uniform for them or to sanction a uniform allowance.

INDIAN TRAINED NURSES.

626. **Lieut.-Colonel H. A. J. Gidney:** (a) Do the Indian Trained Nurses do exactly the same work as that of British Trained Nurses?

(b) Do Government propose to sanction the same scale of pay for Indian Trained Nurses as that drawn by British Trained Nurses?

(c) Do Government propose to issue orders that Indian Trained Nurses should draw their salary from the *date of appointment*, instead of, from the *date of arrival in Sisters' Mess*?

Sir Godfrey Fell: (a) Indian Trained Nurses are employed in Indian troops hospitals whilst British Trained Nurses are employed in hospitals for British officers and men and their families. Their work is in all respects similar.

(b) In view of the reasons given in the note to the statement laid on the table in reply to Question No. 254 asked by Mr. Harchandrai Vishindas, the Government of India do not propose to sanction the same rates of pay for Indian and for British Trained Nurses.

(c) The nurses referred to are paid on and from the date on which they take up their appointments.

ACCUMULATION OF PRIVILEGE LEAVE TO NURSES.

627. **Lieut.-Colonel H. A. J. Gidney:** Do Government propose to sanction the 30 days' privilege leave granted to nurses after one year's service, to be accumulated?

Sir Godfrey Fell: The question is understood to refer to temporary nurses engaged for duty with Indian troops hospitals. The Government of India do not propose, at present, to change the rule under which these temporary nurses are allowed 30 days' privilege leave on full pay annually. The conditions governing their leave are the same as those which apply to temporary nurses of the Queen Alexandra's Military Nursing Service for India.

INDIAN TROOPS HOSPITALS.

628. **Lieut.-Colonel H. A. J. Gidney:** (a) Is it true that a scheme for staffing the Indian Troops Hospitals has been submitted, and that the Indian Trained Nurses will be placed on the Subordinate Grade?

(b) If so, will Government be pleased to reconsider the proposal in view of the loss of social status and prestige which the Indian Trained Nurses would undoubtedly suffer, were such a ruling passed?

Sir Godfrey Fell: (a) The question of creating a permanent Nursing Service for Indian troops hospitals is at present under the consideration of the Secretary of State for India. No proposals have yet been made as to the rates of pay and the status to be granted to the members of this Nursing Service.

(b) This part of the question does not now arise.

No. 2-56 RIFLES, FRONTIER FORCE.

629. **Mr. Ahmad Baksh Khan:** (a) Is it a fact that the No. 2-56 Rifles, Frontier Force, was posted at Alexandria in the month of July 1920,

and Lieutenant C. A. May and Lieutenant P. J. Don were attached to this regiment?

(b) Is it a fact that on 14th July 1920 these two officers while making a recreation ground started to demolish a Muslim Mosque which was situated there?

(c) Is it a fact that some Muslim Officers of the said regiment headed by the Subedar-Major Atta Khan, I.D.S.M., protested against the action of these two officers, and reported the matter to the Colonel of the regiment?

(d) Is it a fact that this officer who has over 22 years' loyal and faithful service to his credit, was sent on pension against his wish, and without any reason being given for this action?

(e) Will the Government be pleased to state why the full pension of Rs. 115 was not allowed to the said officer?

(f) If the above facts are correct, does His Excellency the Commander-in-Chief propose to make an inquiry and remove the injustice, if any, done to this officer?

(g) What happened to the Mosque referred to above?

Sir Godfrey Fell: (a) The regiment was at the time stationed $3\frac{1}{2}$ miles from Alexandria. The two Lieutenants named were attached to the regiment.

(b) and (c). In the camp area there were a few huts which were purely temporary structures. On the 14th July 1920, while the General Officer Commanding, Division and the General Officer Commanding Brigade accompanied by the Commanding Officer of the regiment were inspecting these huts, the Commanding Officer asked their permission to convert one of the huts into a badminton court. The permission was granted. On the next day the two Lieutenants above referred to, went to the hut with a view to starting work on it. A fatigue party was proceeding with the removal of the roof and had been at work for about a quarter of an hour when the Jemadar-Adjutant of the regiment came up and said that he was in the habit of saying prayers in the hut. He went and reported the matter to the Subedar-Major, Atta Khan, who in his turn reported it to the Commanding Officer. The latter directed the two Lieutenants to stop work at once. The work was stopped. None of the British officers knew, or had any reason to believe, that the hut in question was used as a place of prayer; nor had the Subedar-Major at any time asked the Commanding Officer for permission to appropriate the hut for this purpose.

(d) On the 20th July, a Court of Inquiry was assembled to inquire into the affair and generally into the state of discipline in the regiment. The inquiry revealed the fact that on more than one occasion Subedar-Major, Atta Khan, had been guilty of grossly insulting behaviour towards his superior officers and had made scandalous insinuations against them. The Court held that in the interests of discipline, it was undesirable to retain him any longer in the regiment.

(e) After a careful consideration of the findings of the Court of Inquiry, His Excellency the late Commander-in-Chief decided that the Subedar-Major should be discharged from the service on the full pension to which he was entitled by his service but that the special allowance of Rs. 50, which is granted on the special recommendation of a Commanding Officer, should not be granted to him.

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LEGISLATIVE ASSEMBLY.

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(f) It will be seen that the Honourable Member's information in the matter is not entirely correct. It is not proposed to reconsider the case.

g) It is not known what happened eventually to the hut in question.

PERSONS PROHIBITED TO MAKE A SPEECH IN PUBLIC MEETINGS.

630. **Rai Bahadur Pandit J. L. Bhargava:** Will the Government be pleased to lay on the table a statement showing:

- the names, residence, and occupation of the persons (province by province) against whom orders under Section 144, Criminal Procedure Code, have been passed since 1st January 1921, restraining them from making a speech in any public meeting;
- the names, residence and occupation of the persons (province by province) against whom such orders were cancelled, stating briefly the reasons and the conditions of such cancellation;
- the names, residence and occupation of the persons (province by province) who have been punished for disobeying such orders, also the punishment awarded for such disobedience;
- the number of cases (province by province) in which action under Section 144 of the Criminal Procedure Code was taken to prohibit the making of speeches in the years 1920, 1919 and 1918?

The Honourable Sir William Vincent: (a) A statement showing the number of orders issued under Section 144, Criminal Procedure Code in each province since 1st January 1921 according to the information available to us at present is laid on the table. The particulars required in respect of each order are not available.

(b), (c) and (d). Government have not the information on record.

The Honourable Member should understand that this is a matter with which local Governments are chiefly concerned and that further information might conveniently be obtained from them.

Number of orders issued in each province against persons under Section 144, Criminal Procedure Code.

Madras	...	14	Bihar and Orissa	...	68
Bombay	...	2	Central Provinces	...	28
Bengal...	...	26	Assam	...	34
United Provinces	...	484	North-West Frontier Province	...	14
Punjab...	...	4	Coorg	...	Number not given.
Burma	...	6			

PERSONS UNDER SECTIONS 124-A AND 153-A.

631. **Rai Bahadur Pandit J. L. Bhargava:** Will the Government be pleased to lay on the table a statement showing the names, residence and occupation of the persons (province by province) tried, convicted, discharged or acquitted, for offences under Sections 124-A or 153-A, Indian Penal Code, since 1st October 1920, as well as the punishment awarded in cases of conviction?

The Honourable Sir William Vincent: The Honourable Member is referred to the answer given by me on the 15th September 1921 to a similar question asked by Mr. Seshagiri Ayyar.

KANUNGOS OF THE PUNJAB.

632. **Rai Bahadur Pandit J. L. Bhargava:** (a) Has the Government received a memorial from the Kanungos of the Punjab praying for the improvement of the scale of their pay and prospects in service?

(b) If so, will the Government be pleased to state what action has been taken to redress their genuine grievances?

(c) Whether in view of the multifarious and not unimportant duties this class of Government servants have to perform, the Government will be pleased to consider the advisability of bringing the pay of Kanungos on a level with the other subordinate staff of the Civil Department whose status is equal to theirs?

Mr. J. Hullah: (a) Yes.

(b) and (c) The memorial has been returned for submission through the Local Government, and until that Government's views are received, the Government of India are unable to consider it.

BOOKING OFFICE WINDOWS AT RAILWAY STATIONS.

633. **Rai Bahadur Pandit J. L. Bhargava:** Are the Government aware that the booking office windows at the railway stations are opened only a short time before the trains are timed to arrive or start?

Colonel W. D. Waghorn: So far as Government are aware, arrangements for continuous booking exist at all the more important stations of the principal railways, and at others ample time is given to passengers to enable them to purchase tickets before the departure of trains.

The importance of this matter has already been brought to the notice of Railway Administrations.

THIRD CLASS RAILWAY PASSENGERS.

634. **Rai Bahadur Pandit J. L. Bhargava:** Are the Government aware that third class passengers are put to great inconvenience in purchasing tickets at the railway stations, particularly at big stations and junctions, and that they often have to propitiate the railway porter or the policeman on duty to secure the ticket in time to catch the train?

Colonel W. D. Waghorn: Government are not prepared to accept the first part of the question as a general statement of fact nor are they aware of the practice referred to in the latter portion.

OPENING OF BRANCH BOOKING OFFICES IN BIG TOWNS AND JUNCTIONS.

635. **Rai Bahadur Pandit J. L. Bhargava:** Will the Government be pleased to direct the Railway authorities to arrange the opening of the branch booking offices in big towns and junctions where such do not exist at present, and the opening of the booking office windows at least 3 hours

before the starting time of the trains at all junctions and one hour before at every other station?

Colonel W. D. Waghorn: Railways are prepared to consider proposals for opening branch town or city booking offices at specified places where traffic conditions justify such offices. In regard to the second part of the question, I would refer the Honourable Member to the reply just given to Question No. 633.

POLITICAL PRISONERS.

636. Rai Bahadur Pandit J. L. Bhargava: Do the Government propose to consider the advisability of laying down a definite policy for treating political prisoners in the same or different provinces in a uniform manner and issuing the necessary instructions?

The Honourable Sir William Vincent: As jail administration is now a provincial subject it rests with Local Governments to frame their own rules in regard to the treatment of various classes of political prisoners. We are, however, in correspondence with Local Governments in regard to the recommendations of the Jails Committee made in paragraphs 130-131 of their report.

COMMITTEE ON REHABILITATION OF GOVERNMENT SECURITIES.

637. Lieut.-Colonel H. A. J. Gidney: Will Government be pleased to state the deliberations of the Committee which, it is understood, was recently appointed in connection with the rehabilitation of Government securities?

Mr. G. G. Sim: The reports of the two Committees were published on the 19th September.

INCOME-TAX ON THE INTEREST ON GOVERNMENT SECURITIES.

638. Lieut.-Colonel H. A. J. Gidney: (a) Will Government be pleased to say why income-tax is now charged at sixteen pias per rupee on the interest derived from Government securities while in the case that I have in view the man only pays six pias on the rupee on his monthly salary?

(b) Is Government aware that this is a source of hardship to the holders of Government paper and considerably reduces the interest?

Mr. G. G. Sim: (a) Income-tax on the interest on securities is deducted at the source and must therefore be deducted at the maximum rate under the provisions of sub-section (3) of Section 15 of the Income-tax Act. This applies to all securities whether those of the Government of India or of companies or of local authorities.

(b) The Government is aware that difficulties are sometimes experienced in obtaining refunds of such income-tax where the recipients of the interest are not liable to income-tax at the maximum rate. Paragraph 17 of the Statement of Objects and Reasons of the new Income-tax Bill, which has been circulated to Honourable Members, contains a statement of the arrangements which are proposed under the provisions of the Bill to facilitate the obtaining of refunds.

DISCOVERY BY THE ARCHÆOLOGICAL DEPARTMENT.

639. Mr. S. M. Zahid Ali Subzposh: (a) Is it a fact that the Archæological Department has discovered the grave of Zaib-un-Nisa-Begam, the daughter of the Emperor Aurangzaib in the Tis-Hazari Maidan at Delhi?

(b) If so, will the Government be pleased to state whether any steps have been taken to preserve it?

(c) If nothing has so far been done, do the Government propose to adopt any measures for its preservation?

(d) Should the Government be not prepared to take any action in the matter, would they be prepared to make it over to the Muhammadan public?

Mr. H. Sharp: A grave was discovered in the Tis-Hazari-ka-Maidan, which is believed to be that of the Princess Zeb-un-Nisa, but, in the absence of any inscription, its identity cannot be regarded as conclusively established.

The grave has been covered by a simple mound of earth, but Government propose to erect over it a suitable memorial, and will welcome any help which the Muhammadan community may be disposed to give.

UNSTARRED QUESTIONS AND ANSWERS.

THE JUMNA RAILWAY BRIDGE AT MUTHRA.

25. Lala Girdharilal Agarwala: (a) Is any toll levied on the Jumna Railway bridge at Muthra (Bombay, Baroda and Central India) for passenger and vehicle traffic?

(b) Is it a fact that the said bridge was constructed some 38 years ago?

(c) What is the approximate *extra* cost incurred by the B. B. C. I. Railway Company for providing facilities for passenger and vehicle traffic over and above the cost which the Company was obliged to incur for Railway purposes only in construction of the said bridge?

(d) How much money has the said Company realized in the shape of tolls on passenger and vehicle traffic up to this time from the said bridge?

(e) Is it a fact that no tolls are levied from passengers and vehicles on several other Railway bridges in India including Allahabad, Cawnpore and Benares?

(f) Will the Government be pleased to state whether they are aware that the United Provinces Government have been trying to get the Jumna bridge at Muthra freed from tolls on passenger and vehicle traffic from 1907 and have been in communication with the Railway Board in the matter?

(g) Do the Government propose to recommend to the Railway Company concerned (B. B. C. I. Railway) to free the Muthra Railway bridge from all tolls on passengers and vehicles in future?

Colonel W. D. Waghorn: (a) The reply is in affirmative.

(b) The bridge was opened for traffic on 15th December 1884.

(c) Rs. 2,20,000.

(d) The information asked for is not available. From certain investigations made in 1915 it was, however, ascertained that the average annual income from tolls was Rs. 16,500, of which Rs. 8,900 was spent on the maintenance of the roadway, the balance representing interest on the Capital cost.

(e) Yes.

(f) Yes.

(g) The Government of India do not consider that any useful purpose will be served by reopening negotiations with the Railway Company pending the acceptance by the United Provinces Government of compensation to the Company for the loss due to abolition of tolls.

COST OF CONSTRUCTION OF THE CAVALRY LINES AT AURANGABAD.

26. **Mr. K. G. Bagde:** Will the Government be pleased to state :

(a) The amount of the total costs incurred in constructing the new Cavalry Lines at Aurangabad before the war ?

(b) The respective dates of the completion of the lines according to the contract and of the final payment made to the contractors ?

(c) The cause of the delay in payment ?

(d) Whether they will place on the table a copy of the final receipt obtained from the contractors ? and

(e) The purpose for which the lines are utilized at present ?

Sir Godfrey Fell: (a) Rs. 88,688. This is the cost of the Military Works buildings only. The barracks for the sowars and married quarters, etc., were built under regimental arrangements, a system now abolished. The Government of India have no information as to the cost.

(b) The final payments were made in March 1912. The dates for the completion of the different buildings varied according to the contracts made.

(c) So far as the Government of India are aware, there was no delay in payment.

(d) The bills, as signed by the contractors, form the receipts and the Government do not think that the labour entailed in copying out these documents would be justified by the result.

(e) The lines are being utilised as a Remount Training Depot.

THE HOUSE ACCOMMODATION ACT.

27. **Mr. K. G. Bagde:** Will the Government be pleased to state :

(a) Whether under Section 11 (c) of the House Accommodation Act, owners are permitted to occupy their houses in Cantonments ?

(b) Whether it is a fact that General Officers Commanding Cantonments compel new owners to sign agreements so as to deprive them of the advantage of the above section ?

(c) Under what provision of Law such action is taken ?

(d) Whether it is not a fact that such cases have occurred in Poona and other Cantonments ?

(e) Whether it is not true that certain owners took possession of houses for their occupation even after signing such agreements as mentioned in clause (b) above ?

(f) Whether Government intend to eject them ? and if so, under what provision of law ?

Sir Godfrey Fell: (a) Section 11(c) of the Cantonments (House-Accommodation) Act provides that no notice shall be issued under Section 8, if the house is occupied by the owner. To this extent, owners of houses in cantonments are protected from evacuation in favour of a military officer.

(b) and (c). The Government of India have no information on the subject. But I may point out to the Honourable Member that no owner can be compelled to sign an agreement against his will. Presumably, the Honourable Member is referring to cases where persons desire to obtain a lease of land in cantonments for the purpose of building a house. In such cases the cantonment authorities, in exercise of the powers conferred by Section 264 of the Cantonment Code, can insist upon their executing a lease in one of the forms indicated in Schedule VI of the Cantonment Code. Conditions VI and VIII of Forms B and D provide that an owner, even though occupying a house built on land for which a lease has been granted under Form B or Form D, can be made to vacate if the house is required by a military officer.

(d) The Government of India have no information.

(e) There is nothing to prevent an owner occupying his own house, even after signing a lease in Form B or Form D.

(f) I have already explained that the conditions of the lease enable the cantonment authorities to require an owner to vacate his house in certain circumstances.

DISALLOWED QUESTIONS, RESOLUTIONS AND BILLS.

28. **Babu Ambica Prasad Sinha:** Will the Government be pleased to lay on the table all the questions, Resolutions and Bills, notices of which have been given by any Member of the Indian Legislature, which have been disallowed ?

The Honourable Dr. T. B. Sapru: It is not the practice to publish questions and Resolutions which have been disallowed by the Honourable the President or by the Governor General as the case may be. The Government of India therefore regret that they are not in a position to accede to the request contained in the question.

As regards Bills, no question of disallowance arises. The Honourable Member is presumably referring to Bills of which the introduction requires the previous sanction of the Governor General under Section 67(2) of the Government of India Act and to the introduction of which such sanction is refused. Attention is invited to Rule 19(2) of the Indian Legislative Rules under which there can be no valid notice in respect of such a Bill. The Government of India are not prepared to lay such Bills on the table.

UNDISPOSED OF BILLS AND RESOLUTIONS.

29. **Babu Ambica Prasad Sinha:** (a) Will the Government be pleased to lay on the table all Resolutions and Bills of non-official Members of the Indian Legislature, which have not yet been brought forward before the Council of State, or the Legislative Assembly at the last Session, or in the present Session although the said Bills and Resolutions were duly admitted ?

(b) Why have such Bills and Resolutions not been brought up yet ?

The Honourable Dr. T. B. Sapru : (a) As the Honourable Member is aware, lists of non-official Resolutions which have been admitted are from time to time circulated to all Members and he has been furnished with such lists. The official Reports of the proceedings of the Council of State and Legislative Assembly will show which of the admitted Resolutions have been brought before either Chamber

The attached statement shows all Bills of which notice has been received from non-official Members and the stages which these Bills have reached up to date. As the Honourable Member is doubtless aware the Rules and Standing Orders do not require Bills to be admitted in the same way as Resolutions.

(b) I would refer the Honourable Member to Standing Order 7 (2) of the Legislative Assembly Standing Orders and Standing Order 6 (2) of the Council of State Standing Orders under which the relative precedence of non-official Bills and Resolutions must be determined by ballot. A Bill can be introduced and a Resolution can be moved on a day allotted for non-official business only if it obtains a place in the ballot or on a day allotted for official business if Government agrees to give time for it on such day. It may interest the Honourable Member to learn that if three days a week were allotted for the discussion of the Resolutions of which notice has been received for the current Session, it would, at the present rate of disposal, be necessary for the Assembly to sit continuously for twenty weeks in order to dispose of them. This calculation is based on the not very liberal allowance of one hour for each Resolution. The Honourable Member will also no doubt realise that in those twenty weeks sufficient additional Resolutions would probably be received to keep the Assembly employed for the rest of the year.

Statement showing Bills of which notice has been received from non-official Members during the last Delhi Session and the current Session and the stages which these Bills have reached up to date.

No.	Name of the Member.	Title of the Bill.	Stage which the Bill has reached up to date.	REMARKS.
(A) LEGISLATIVE ASSEMBLY.				
1	Mr. A. B. Latthe	Invalidation of Hindu Ceremonial Emoluments Bill.	Referred to Select Committee.	Notice received in Delhi Session.
2	Do.	Removal of the Shudra Disabilities Bill.	Not ballotted	Do.
3	Dr. H. S. Gour	Civil Marriage (Amendment) Bill.	Introduced	Do.
4	Mr. T. V. Seshagiri Ayyar	Repealing and Amending Bill...	Withdrawn	Do.
5	Do.	Hindu Transfers and Bequests Bill.	Passed into Act	Do.
6	Mr. T. Rangachariar	Transfer of Property (Amendment) Bill.	Introduced	Do.
7	Do.	Indian Income-tax (Amendment) Bill.	Not ballotted	Do.
8	Dr. H. S. Gour	Indian Contract (Amendment) Bill.	Introduced	Notice received in Simla Session.
9	Do.	Code of Civil Procedure (Amendment) Bill.	Introduced	Do.
10	Do.	Adoption (Registration) Bill	Do.	Do.
11	Do.	Hindu Minors' Liability Bill	Not proceeded with by the Member.	Do.
12	Lala Girdharilal Agarwala	Indian Penal Code (Amendment) Bill.	Do.	Do.
13	Mr. T. V. Seshagiri Ayyar	Hindu Law of Inheritance (Amendment) Bill.	Introduced	Do.

No.	Name of the Member.	Name of the Bill.	Stage which the Bill has reached up to date.	REMARKS.
14	Mr. T. V. Seshagiri Ayyar.	Exclusion from Inheritance Bill.	Introduced	Notice received in Simla Session.
15	Do.	Hindu Law of Adoption Bill	Not ballotted	Do.
16	Do.	The Insurance Companies Disbursement of Claims on Policies Bill.	Do.	Do.
17	Mr. J. R. Pantulu	The Land Acquisition (Amendment) Bill.	Do.	Do.
18	Mr. Abul Kasem	The Mussulman Waqfs Registration Bill.	Introduced	Do.
19	R. B. Bakhshi Sohan Lal	The Code of Criminal Procedure (Amendment) Bill.	Not ballotted	Do.
20	Mr. B. S. Kamat	The Married Women's Property Act (Amendment) Bill.	Do.	Notice received during Simla Session.
21	Mr. T. Rangachariar	The Criminal Procedure (Amendment) Bill.	Do.	Do.
22	Mr. Mohammad Yamin Khan.	The Money Lender's Bill	Ballotted for but not reached.	Do.
23	Pandit Radha Kishen Das	Hindu Females Disposition of Property Bill.	Previous sanction of the Governor General not applied for.	Do.
24	Munshi Iswar Saran	Civil Procedure Code (Amendment) Bill. Amendment of Sections 100 and 115 of the Code.	Not ballotted	Do.
25	Mr. Abul Kasem	Criminal Procedure Code (Amendment) Bill. (Amendment of Section 4, clause 2).	Do.	Do.
26	K. S. Maulvi Abdul Qadir	Bill to amend the Interest Act XXXIII of 1830.	Ballotted, but not within time for introduction on the day chosen.	Do.
27	Mr. Abul Kasem	Criminal Procedure Code (Amendment) Bill. (Removal of racial distinctions).	Previous approval of the Secretary of State required.	Do.
28	Mr. Mukandaraja Aiyangar	Bill to amend Act No. 14 of 1920.	Previous sanction of the Governor General not applied for.	Do.
1	The Honourable Sukhbir Sinha.	Lala Registration of Chelae Bill	Previous sanction of Governor General applied for.	Notice received on the 27th September 1921.

GRIEVANCES OF THE CLERICAL ESTABLISHMENT OF THE ACCOUNTANT-GENERAL, UNITED PROVINCES.

30. Eabu Ambica Prasad Sinha : Have the Government received any memorial from any assistant in the clerical establishment of the Accountant General, United Provinces, about the grievances of that Department recently? If so, what action has been taken or is proposed to be taken thereon?

The Honourable Mr. W. M. Hailey : Yes. Advance copies of memorials have been received. The Government of India are awaiting the recommendations of the Auditor General on the original memorials which have been submitted through him.

THE SOUTH KANARA PENSIONERS' ASSOCIATION.

31. Mr. Pyari Lal Misra : Will Government be pleased to state if they have received any memorial from the South Kanara Pensioners' Association? If so, do Government propose to take a favourable view of their grievances?

The Honourable Mr. W. M. Hailey : The answer to the first part of the question is in the affirmative. As to the second part, I would refer the

Honourable Member to the answer which I have given to Question No. 282 by Mr. Wali Mahomed Hussanally.

COUNSEL IN THE MUNITIONS CASE.

32. **Mr. Pyari Lal Misra:** (a) Is it a fact:

(i) That the prosecution of the Munitions Case against Karnani and Banerji was entrusted to the Advocate General, Bengal, and Mr. Ross Alston of Allahabad?

(ii) That the Honourable the Law Member was also consulted before prosecution?

(b) If the answer to (i) and (ii) be in the negative, will Government be pleased to state who were engaged and consulted?

The Honourable Mr. C. A. Innes: In their reply to this question, the Government of India have nothing to add to their press communiqué, dated the 28th August 1921.

RECONSTRUCTION OF THE PATTI-LOTHRA RAILWAY.

33. **Baba Ujagar Singh Bedi:** (a) Will the Government be pleased to state as to whether there is any likelihood of the reconstruction of the Patti-Lothra Railway which was previously running between Qasur and Lothra and was dismantled because of war emergencies?

(b) If so, when?

Colonel W. D. Waghorn: The Honourable Member is referred to the reply given to a similar Question No. 9 put by the Honourable Haji Wajih-ud-Din in this Assembly on the 20th September 1921 on the same subject.

WARRANT OF ARREST AGAINST THE KHAN OF AGROR.

34. **Mr. T. V. Seshagiri Ayyar:** (i) Will the Government be pleased to state whether the original warrant of arrest issued under Regulation III of 1818, against the Khan of Agror applied to the brothers of the Khan of Agror or not?

(ii) Will the Government be pleased to state whether it is true that the brothers and other dependents of the Khan of Agror were taken out of their native country on account of the report of local officers that the re-establishment of cordial relations between the British Government on one side and the Hassanzaïs and Akazais on the other was greatly impeded by the presence in Agror of the Khan's relations and dependents?

(iii) Whether it was after this letter of the then Lieutenant-Governor of the Punjab that the brothers and dependents of the Khan of Agror left their native home and settled at Kangra Fort with their chief?

(iv) Is it true that in April 1893 as per letter No. 206 (Foreign Frontier), dated the 1st April 1893, the Punjab Government again repeated the promise that the Khan would be permitted to go to Agror after the tract has been settled and after the relations of the British Government with the Hassanzaïs and Akazais are on a satisfactory footing?

(c) Will Government be pleased to state:—

(a) whether the re-settlement of the tract referred to in the said letter No. 206, dated the 1st April 1893, has been completed, and, if so, since when?

(b) whether cordial or satisfactory relations have been established between the British Government on one side and the Hassanzaïs and Akazai tribes on the other, and, if so, since when?

(vi) Will the Government be pleased to state why the Khan and his brother and dependents are still kept out of their territory, if the conditions which led to their externment are no longer in existence?

The Honourable Dr. T. B. Sapru (on behalf of the Honourable Mr. Denys Bray): An answer will be given to the Honourable Member's question on receipt of the required information from the North-West Frontier Province Government to which a reference has been made.

ACQUISITION OF LANDS FOR MANAMADURAI-SIVAGANGA RAILWAY.

35. **Mr. M. G. Mukundaraja Ayyangar:** (a) Will the Government be pleased to state whether the acquisition of lands for (The Ramnad District Board) Manamadurai-Sivaganga Railway has been completed?

(b) If not, why not?

(c) If the same has been completed, why has the construction of the line not been commenced?

(d) What has been done with the lands, etc., already acquired for the said Railway line?

(e) Do the Government propose to recommend to the authorities concerned that the construction of the line should be immediately taken up without any further delay?

Colonel W. D. Waghorn: (a) The acquisition of land required for the Manamadurai Sivaganga railway was completed on the 12th December 1920.

(b) In view of the reply just given, the question in (b) does not arise.

(c) Owing to the large increase in the price of imported materials the District Board of Ramnad, who were granted a concession in November 1915, for the construction of the line under Branch line terms, have decided to defer the construction of the line for the present.

(d) The land has been handed over to the Revenue Department for custody till construction is commenced.

(e) Owing to the abnormal state of the money market and the high prices of labour and material, the Government regret their inability to take the action proposed, but they will bring the matter to the notice of the Madras Government.

TRANSPORT FACILITIES OF COAL TRAFFIC.

36. **Mr. N. C. Sircar:** (a) Will the Government say what action, if any, is being taken by the Railway Board to improve the transport facilities of coal traffic?

(b) Will the Government say if they intend taking any action to give effect to the recommendations of the informal committee formed in July last under the presidency of Mr. C. A. Innes regarding the withdrawal of the preferential supplies of wagons for transport of coal, other than to Loco., R. I. M. and works of public utility?

Colonel W. D. Waghorn : (a) The position with regard to the ability of the various Railways serving the coal areas of India to meet the demands of the coal traffic, and the best methods of increasing their capacity to do so have been closely examined.

The question is a large one and it must be realized relates not only to the railways in the immediate vicinity of the coal fields but also to those further afield.

Broadly speaking to increase the traffic and coal carrying capacities of Railways entails an extensive provision of some or all of the following, as circumstances require :—

- (1) Additional lines to serve particular coal fields.
- (2) Doubling certain sections of existing trunk lines.
- (3) Increased Locomotive capacity.
- (4) Increase of wagons.
- (5) Additional crossing stations.
- (6) Increased junction and transshipment facilities.
- (7) Provision of train control.

A statement showing some of the more important works under the heads enumerated above, is laid on the table.

(b) As the Honourable Member is aware, for he has been consulted throughout, a Coal Transportation Committee has been established and it has prepared a detailed scheme on the lines recommended by the Committee. It was found necessary however to defer the introduction of the scheme, and it is doubtful whether the scheme in its original form is workable.

Modifications have been proposed and it is hoped to re-assemble the informal Committee in order to discuss these modifications.

Statement showing the more important works in hand or about to be undertaken to increase the coal transshipment facilities on railways.

I.—Additional lines to serve particular coalfields.

1. Bermo-Sawang-Duneya section of the Bokaro-Ramgarh Extension, Bengal-Nagpore Railway.

2. Majri-Rajur Extension of the Wardha-Bollharshah Branch, Great Indian Peninsula Railway.

3. Kargali to Anard, Bengal-Nagpore Railway.

II.—Doubling certain sections of existing Trunk Lines.

1. Certain sections of the Grand Chord line, East Indian Railway.

2. Dhanbaid to Katrasgarh, East Indian Railway.

3. Kulti to Asansol, East Indian Railway.

4. Sini to Manharpur, Bengal Nagpore Railway.

5. Anara to Kandra, Bengal Nagpore Railway.

III.—Increased Locomotive Capacity.

The total deliveries of broad gauge and metre gauge locomotives during the three years ending 31st March 1922 will roughly be 900, of which about 400 are renewals. It is not possible to say what proportion could be specifically used for coal traffic.

IV.—Increase of Wagons.

The total deliveries of broad gauge and metre gauge goods wagons during the three years ending 31st March 1922 will roughly be 26,000 of which about 8,000 are renewals. It is not possible to say what proportion could be specifically used for coal traffic, except that 4,000 out of the 5,000 American wagons (included in the above 26,000) were altered specially to suit the coal traffic.

V.—Crossing Stations.

Certain additional crossing stations on the Bengal Nagpore, Great Indian Peninsula, and Bombay, Baroda and Central India Railways.

VI.—Increased junction and transshipment facilities.

1. Improved facilities between Dhanbaid, Katrasgarh and Gomoh, East Indian Railway.

2. Stabling sidings at Ondal, East Indian Railway.

3. Down Sorting Yard at Moghalserai, East Indian Railway.

4. Remodelling Allahabad Station, East Indian Railway.

5. New marshalling yard at Anara, Bengal Nagpore Railway.

6. Permanent-way and bridge renewals on the Itarsi-Jubbulpore section, Great Indian Peninsula Railway.

7. Remodelling Jubbulpore Station, Great Indian Peninsula Railway.

8. Fifteen refuge sidings on the Bombay, Baroda and Central India Railway.

9. Improvement of transshipment facilities between broad and metre gauges at Agra, Bombay, Baroda and Central India Railway.

VII.—Provision of train control.

1. Throughout the East Indian Railway system.

2. 505 miles, Bengal Nagpore Railway.

3. 530 miles, Great Indian Peninsula Railway.

4. 713 miles, Bombay, Baroda and Central India Railway.

PURCHASE OF FOREIGN COAL.

37. **Mr. N. C. Sircar :** (a) Have Government purchased one million tons of foreign coal?

(b) When making the purchase did Government take the statistics of stocks in the Coal Fields and, if so, what were the stocks then and when was the purchase made?

Colonel W. D. Wagborn: (a) Yes; the purchase of about one million tons of imported coal has been arranged for the State and Company-worked railways.

(b) It was in view of the shortage of stocks in Collieries and on railways and the anticipated continued reduction in the output of the Collieries, that the Railway Board in February and June decided to purchase imported coal for the State-worked railways and to recommend the Company-worked railways to make similar purchases to provide against the possibility of a break-down of the transport service.

As the Honourable Member knows, production in 1920 was 4½ million tons less than in 1919, and stocks at the beginning of this year were known to be small.

PENSIONS AND GRATUITIES TO GAZETTED OFFICERS.

38. Rai Bahadur Pandit J. L. Bhargava: (a) Has the benefit of the new rules embodied in the Government of India Resolution No. 1085-E. A., dated 15th November 1919, regarding pensions and gratuities to gazetted officers in certain of the Civil Services in India been extended to Ajmer-Merwara? If not, why not?

(b) Do the Government propose to consider the desirability of extending the same rules to Ajmer-Merwara and giving effect to them from the date from which they have been enforced in other provinces?

The Honourable Sir William Vincent: The Honourable Member is referred to the answer given to parts (a) and (b) of the Question by Lala Girdharilal on the same subject entered as No. 24 of the list of unstarred questions admitted by the Honourable the President of the Legislative Assembly for the meeting of the 22nd September 1921.

POSTAL INQUIRY COMMITTEE.

39. Mr. B. H. Jatkari: (a) Is it a fact that the Government of India having first decided to take the representatives of the staff on the Postal Inquiry Committee of 1920, did not take any of their elected representatives?

(b) Was such a representative of the staff allowed in the Telegraph Committee?

(c) Were the witnesses examined by the Postal Inquiry Committee all nominated by the Postmaster-General or other officers, while the staff and the various Postal Unions were not asked to send in the witnesses of their choice?

Colonel Sir S. D'A. Crookshank: (a) One of the Members of the Committee was Rao Bahadur Srinivasa Rangachari, a retired Postmaster, who was at the same time President of the Bangalore Postal Union; while another Khan Sahib Ahsan Azim, Personal Assistant to the Postmaster-General, United Provinces Circle—was a clerk and Postmaster in the earlier part of his service. It was not considered necessary therefore to include in the Committee any more representatives of the various postal associations, as the Committee would in that case have become unwieldy.

(b) Yes.

(c) The witnesses examined by the Committee were nominated by Postmasters-General, or other officers, mainly on the recommendations of the staff. Some witnesses elected by Postal Unions offered themselves for examination by the Committee, although not nominated by the Postmaster-General, and were examined by the Committee. It will be seen from page (3) of the Committee's report that, in addition to the large number of witnesses examined, the Committee received a mass of documentary evidence from Postal Unions and Clubs all over the country and that nothing that those concerned had to say was left unheard or unconsidered.

POSTAL INQUIRY COMMITTEE.

40. Mr. B. H. Jatkari: (a) Has the Postal Inquiry Committee failed to lay down any principle for fixing the strength of the staff, although it was one of the terms of reference?

(b) Is it a fact that though the witnesses had complained of overwork and understaff and yet the Postal Committee left the matter undecided, leaving a free hand to the Director General and the Department, to deal with the matter?

(c) Have the Government considered the question of shortage of staff and do they propose to take steps to increase the staff?

Colonel Sir S. D'A. Crookshank: (a) Yes. The Postal Committee, after much discussion and consideration of the question expressed their opinion that the matter was one which required close examination by experts who possessed an intimate knowledge of the details of the work.

(b) Yes. Some of the witnesses complained of overwork. In accordance with the suggestion made by the Postal Committee, a close examination of the time test employed to determine the strength of the staff is in hand.

(c) It has not been possible yet to arrive at any reliable estimate of the deficiency in the number of clerks in India and Burma. It appears to the Government probable that the procedure followed in post offices in connection with various routine operations is too elaborate and steps are being taken to simplify it so as to enable the work to be done by a smaller staff.

TRAFFIC AND REVENUE OF THE TELEGRAPH BRANCH.

41. Mr. B. H. Jatkari: (a) Is it a fact that more than half the traffic and the revenue of the Telegraph Branch is secured through the combined Post Offices?

(b) If so, are the signallers of the combined post offices allowed to share the profits and enjoy the rates of pay and concessions open to the Government Telegraphists? If not, why not?

Colonel Sir S. D'A. Crookshank: (a) Yes, approximately as far as traffic is concerned; the telegraph revenue collected in combined offices is, however, less than 45 per cent. of the total message-revenue of the Telegraph Branch of the Department.

(b) The Department is not at present organized on a profit or loss sharing basis, nor do Government propose that it should be.

The telegraph work performed in combined offices is generally of a very simple nature. By far the most important work in connection with the

transmission of telegrams is done in the Departmental offices which are the 'feeding' and 'distributing' centres of the Telegraph organisation. The latest high-speed and printing Telegraph apparatus, suitable for long-distance working, are installed in these departmental offices and the staff employed there are required to possess a much higher degree of operative skill and technical attainments than those employed in combined offices. Further, operators in Departmental Telegraph Offices are liable for a regular turn of night duty which is not the case in combined offices. In the circumstances it is unnecessary to pay both these classes of employes at the same rate.

CHARACTER SHEETS AND PERSONAL FILES OF THE POSTAL SUBORDINATES.

42. **Mr. B. H. Jatkari:** (a) Did the Postal Inquiry Committee object to the confidential nature of the character sheets and personal files of the Postal subordinates?

(b) Are these papers now open for perusal by the party concerned?

(c) Are copies of unfavourable remarks noted therein against any subordinate, furnished to the official concerned and is his defence called for in such cases?

Colonel Sir S. D'A. Crookshank: (a) No, though they suggested a slight alteration in the rules so as to require that in all cases damaging reports shall be communicated to the officer concerned. Orders have already been issued by the Government of India on this recommendation.

(b) No.

(c) When an unfavourable remark regarding the work of any official is recorded in his character sheet, the purport thereof is communicated to him. No defence is called for in such cases but the official concerned is at liberty to make any representation which he thinks proper.

PROPORTION OF TELEGRAPH MASTERS TO THE OPERATORS IN THE TELEGRAPH DEPARTMENT.

43. **Mr. B. H. Jatkari:** (a) What is the proportion of Telegraph Masters to the operators in the Telegraph Department?

(b) Are Telegraph Masters counted as working strength or as supervisory staff?

(c) What is the proportion of the selection grade posts to the clerical working strength in the post offices and in Postmaster-General's offices?

(d) Do Government propose to raise this percentage to the level of the Telegraph Department?

Colonel Sir S. D'A. Crookshank: (a) The proportion is approximately 1 : 9.

(b) Telegraph Masters are counted as supervising staff.

(c) In 1920, for a working strength of 18,211 clerks in post offices, the number of selection grade appointments was 824, or a proportion of approximately 1 : 22. The proportion in the offices of Postmasters-General varies between 1 : 5 and 1 : 9.

(d) No. The Honourable Member's attention is invited to paragraph 18 of Chapter II of the Postal Committee's Report.

DISTINCTION BETWEEN POSTS OF SELECTION GRADES AND THOSE OF INSPECTORS AND HEAD CLERKS TO THE SUPERINTENDENTS OF POST OFFICES.

44. **Mr. B. H. Jatkari:** (a) Does not the G. R. No. 6458, dated Simla, 23rd September 1920, make a clear distinction between the posts of selection grades and those of Inspectors and Head Clerks to the Superintendent of Post Offices (*vide* paragraphs 2 and 3)?

(b) Are not the selection grade posts intended specially for the benefit of men in the postmasters' cadre only as defined in the Government Resolution?

(c) Are not the interests and prospects of this cadre affected seriously by giving Inspectors and Head Clerks early benefits of these posts also, before they attained the maximum available in their own grade?

(d) How many appointments of the selection grade posts have been given to the men of Inspectors and Head Clerks cadre, before they reached the maximum available in that cadre or put in 15 years' service in that cadre?

Colonel Sir S. D'A. Crookshank: (a) Yes.

(b) No.

(c) The interests and prospects of the Postmasters' cadre are not so affected under the new time-scale of pay, any more than under the old graded system. Inspectors and head clerks are specially selected on account of their superior capabilities, and it is in the interests of efficiency that these specially competent men should be promoted into the selection grades in advance of men of less capacity.

(d) The information is being collected.

SELECTION GRADES IN THE POSTAL DEPARTMENT.

45. **Mr. B. H. Jatkari:** Does not the Government of India think of starting a fair, open competitive examination for the posts of selection grades in the Postal Department? If so, when?

Colonel Sir S. D'A. Crookshank: The reply is in the negative.

STAFF OF THE POST AND TELEGRAPH DEPARTMENTS.

46. **Mr. B. H. Jatkari:** Will Government be pleased to state:

(a) What is the percentage of University qualified men to the non-qualified men in the Telegraph Department and in the Postal side?

(b) What steps are being taken to make the postal service more efficient and attractive to capable and qualified men?

Colonel Sir S. D'A. Crookshank: (a) Complete information is not available and could only be obtained by making a reference to each individual member of the staff, that is about 48,000 references.

(b) The increased efficiency of the postal service receives the Director General's constant attention. The recent improvements in pay and prospects are designed to render it more attractive.

EXTRA CLERKS FOR SUB-POST MASTERS.

47. **Mr. B. H. Jatkari:** (a) Were sub-post masters having three or more clerks counted as working strength or supervisory staff in the time test?

(b) If they were counted among the working strength, are those sub-post masters whose posts are now raised to selection grades and taken up as supervisory staff, given extra clerks to make up the working strength?

Colonel Sir S. D'A. Crookshank : (a) Ordinarily in an office having less than five clerks the Sub-Postmaster is treated as part of the working strength, in applying the time-test.

(b) Yes, where the Postmaster-General is satisfied that an additional clerk is required.

TIME TEST FOR POST OFFICES.

48. **Mr. B. H. Jatkár :** (a) When was the present time test for Post Offices first framed and brought into operation ?

(b) How many times has it been revised and when and on what account ?

(c) Does it cover all the different departments of the Post Offices ? If not how many branches does it cover ?

(d) How many branches does it leave off while measuring the working strength of an officer ?

(e) Does the time test cover all the other items of work referred to in the Postal Manual for which the clerk has to spend time and is held responsible, is fined, reduced or declared unfit ?

(f) Was not the V.P. procedure revised, sorted bundles introduced, registration, parcel, money order, telegraphic money order, and V.P. system extended to many foreign countries and lists of money order paid branch increased from one to ten during these 18 years ?

(g) Was the time test revised from time to time whenever the additional items of work were introduced in each branch ?

(h) Does any one of the Circulars and General Orders issued in 1917-18 in connection with the new work of cash certificates, and War Bonds and Government securities, declare, or clearly state to the working staff and to the supervising staff the time test to measure this work ? If not, why not ?

Colonel Sir D'A. Crookshank : The information asked for by the Honourable Member is being collected and will be furnished when received.

TIME TEST IN THE OFFICES OF THE POSTMASTER-GENERAL AND DIRECTOR-GENERAL OF POST OFFICES.

49. **Mr. B. H. Jatkár :** (a) Is there any time test or approximate standard by which the strength of staff in the offices of the Postmaster General and Director General, is calculated ?

(b) How many references, or letters or cases is one clerk expected to clear daily ?

(c) Does not the Post office (Head office and sub-office) deal with correspondence ? Does the time test for Post offices omit this very important work and if so, why ?

Colonel Sir S. D'A. Crookshank : (a) No. The strength of the staff is determined, as in other ministerial offices, according to the volume and nature of the work.

(b) It depends upon the nature of the references or cases. No hard and fast rule can be laid down.

(c) Yes. The classes of work included in the time-test are more or less of a stereotyped nature. Correspondence work is not of this nature and therefore can not be included in the time-test, but provision is made in it for correspondence work. One clerk is ordinarily admissible for every 5 hours'

work of the classes covered by the time-test. This low standard has been fixed partly in order to provide a margin of time for the classes of work (e.g., correspondence) which are not covered by the test. In large offices where the work is generally continuous, and a clerk cannot attend to any other work, a separate staff is allowed for the Departments (e.g., correspondence) outside the scope of the test.

PIE MONEY SYSTEM IN THE TELEGRAPH DEPARTMENT.

50. **Mr. B. H. Jatkár :** (a) What is the pie money system in the Telegraph Department and what is overtime ?

(b) Is it allowed in the case of postal staff ? If so, why not ?

(c) What is the total number of daily transactions which one clerk is expected to do according to the time test in money order issue, money order paid, registration and sorting branch ?

(d) What is the same in the case of a telegraphist ?

(e) If the telegraphist does not get 150 messages in one day, does the balance go to his credit in the next day's outturn ?

(f) If not, why is the same system not followed in post offices ?

Colonel Sir S. D'A. Crookshank : (a) Under the pie money system a Telegraphist is, under certain conditions, paid 4 pies on each message above a certain minimum disposed of by him in his turn of duty.

Overtime is work for which the whole or part of the staff in a signal office is employed over and above the normal hours of duty.

(b) No. It is neither feasible nor desirable to extend either system to the postal staff, since the work in a post office is entirely different in nature from that in a telegraph office.

(c) No definite standard has been or can be prescribed. The volume of transactions is not uniform throughout the day nor, except in very large offices, is a clerk employed upon only one class of business.

(d) A telegraphist employed in a pie money circuit is expected to dispose of 200 messages on Baudot or 150 on Morse during a full term of the duty and 15 messages an hour on Wheatstone hand punching, 30 messages an hour on the Gell perforator, and 18 messages an hour by hand transcription, before he is entitled to count pie money.

(e) No.

(f) This part of the question does not arise.

FREQUENT TRANSFERS OF POSTAL STAFF.

51. **Mr. B. H. Jatkár :** Will the Government be pleased to state what steps are taken to relieve the postal staff from frequent transfers ?

Colonel Sir S. D'A. Crookshank : It may be explained in reply to this question that the introduction of a time-scale of pay in accordance with the recommendations of the Postal Committee, 1920, has largely eliminated the necessity for transfers amongst the subordinate non-gazetted staff. Personal pay in place of pay attached to the office will shortly be

(b) Are the Government going to take any practical steps in consonance with any of the suggestions for the protection and welfare of the cow, made in the aforesaid proceedings?

(c) Will the Government be pleased to state whether the railway lands by the sides of the railway lines are used for growing trees, plants or grass? Are they sold or let out? If so, what is the present annual income for the same? If nothing is grown what is the reason?

(d) Do the Government consider the advisability of growing grasses for fodder on the railway lands on both sides of the railway lines and selling or letting out the same for grazing purposes?

(e) Do the Government propose to consider the advisability of relaxing the Forest rules for affording better facilities for grazing purposes?

Mr. J. Hullah: (a) Government have seen the Resolution of the All-India Hindu Conference held at Hardwar on the 10th April 1921, but not the proceedings of the Meeting in August last.

(b) Government have already asked Local Governments whether the export of any breeds of cattle should be stopped, and if such recommendation is made, will give effect to it, as was promised by the Honourable Member in the Revenue and Agriculture Department during the last session of the Council of State. They consider that there is no justification for the prohibition of the slaughter of cattle, but they are investigating the extent and conditions of the Burma meat trade. The improvement of cattle-breeds and the extension of pasturage are primarily matters for the consideration of Local Governments but the advice of the Imperial Dairy Expert is at the disposal of Local Governments, local bodies and private business firms and he is freely consulted by them. The Government of India have under consideration a proposal to establish an Imperial Dairy School, but any further development in this direction is a matter which is primarily the concern of Local Governments.

(c) In the Madras Presidency certain railway lands are being utilised for the cultivation of foodstuffs as a special case in order to meet scarcity. Railway lands adjoining the line are not, however, generally used for growing trees, plants or grass as an object in itself.

Such grass as does grow on the land is generally let out or sold.

It is not possible to give figures showing the income from the sale of grass as the practice of letting out grass right is by no means general, and, since the object is to keep down the growth of grass, only nominal rates are charged.

The reason for this attitude is that the land is required for *bona fide* railway purposes such as excavations, diversions, emergent repairs, etc. The growth of grass is discouraged as it attracts cattle and leads to accidents and danger to the travelling public, and in dry weather gives rise to danger of fires from sparks. Trees are similarly discouraged as they are liable during storms to be blown across the track or to foul wire circuits.

(d) For the reasons already given, Government do not propose to consider the suggestion as a general measure.

(e) Local Governments are principally concerned, but it may be stated that so far as is compatible with the maintenance of Forests as such every facility is at present allowed for grazing.

UPPER SUBORDINATE SERVICE OF THE SURVEY OF INDIA.

57. **Mr. Pyari Lal:** (a) Has the attention of the Government been drawn to the existence of discontent amongst the members of the Upper Subordinate Service of the Survey of India after the reorganization of their Service under Circular Order No. 392 (Administrative), dated the 15th December, 1920?

(b) What was the aim at the formation of this service and how are recruitments being made and what are the percentages of Indians and Europeans in the service?

(c) Is it a fact that the Upper Subordinate Service is composed of Indians only?

(d) Why was the new scale of pay for these poorly paid appointments given from 21st May 1920, whereas those for the highly paid appointments were given from 1st December 1919?

(e) What is the reason of the Survey of India Notification No. 938, dated 22nd April 1921, making certain changes in the list of certificates accompanying the application form just about a couple of months after the submission of a batch of memorials? Is it to lower the status of the service?

(f) Have memorials from many members been withheld by either party or administrative officers?

(g) Is it a fact that the Upper Subordinate Service of the Survey of India was formed on parallel lines to the Upper Subordinate Service of the Public Works Department and with the object of attracting the same class of men? If the reply is in the affirmative, will the Government be pleased to state why the enhancement of emoluments necessitated by the increased cost of living in one case has not been followed up in the other?

(h) What action has the Government taken to redress the grievances of members of this service?

(i) Do the Government propose to appoint a Committee of enquiry with a majority of non-official members to investigate and report on their grievances?

Mr. J. Hullah: (a) Yes.

(b) The Upper Subordinate Service was constituted in 1909 to take the place of the Sub-Assistant Superintendents, who had previously been classed with the Provincial Service. The Survey Committee of 1904-05 were of opinion that the arrangements of the Provincial Service should be such as to draw a clear distinction from the start between the men who might hope for eventual employment in the higher posts and those who could not hope to rise beyond the subordinate classes of work on which the majority of Provincial officers were then employed. The Committee therefore recommended that the Provincial Service should in future be divided into two classes with separate regulations for their recruitment, the members of the latter service being eligible for promotion to the former in exceptional cases. This proposal for the division of the service into two classes was accepted by the Government of India, and an Upper Subordinate Service corresponding to the Survey Committee's Junior Service was formed. It is intended to provide men capable of carrying out the minor triangulation, levelling and the more difficult classes of topographical surveying. All appointments are made by the Surveyor

General by selection from among candidates who possess qualifications similar to those required for admission to the Entrance Examination of the Thomason Civil Engineering College or by promotion from the Lower Subordinate Service.

(c) Yes.

(d) The revision of the pay of Classes I and II of the officers of the Survey of India Department was based on the recommendations made by the Public Services Commission in 1915. Proposals for the revision of the pay of the Upper Subordinate Service were not submitted to the Government of India till March 1920.

(e) The object of the change was to introduce a clearer definition of the term statutory native of India. It was not to lower the status of the service.

(f) The information is being obtained.

(g) The conditions of service in the two Upper Subordinate Services referred to are similar, and the same class of men is required in both. But the Upper Subordinate Service in the Public Works Department have to undergo a severe training at an Engineering College, while the Upper Subordinate Service of the Survey Department are appointed untrained. So long as sufficient well-qualified candidates are forthcoming for the Upper Subordinate Service in the Survey of India Department, Government do not consider it necessary to assimilate their emoluments with those of the Upper Subordinate Service in the Public Works Department.

(h) Government has now under consideration certain memorials dealing with grievances put forward by certain members of this service.

(i) No.

ARMY CANTEEN BOARDS IN INDIA.

58. **Mr. J. Chaudhuri:** (a) Is it a fact that one Mr. Morten has been brought out from England for organising Army Canteen Boards in India on the lines of the Navy and Army Canteen Board in England? Is it a fact that though not a regular member of the Army, the rank of Lieutenant-Colonel has been conferred on him? What is the ordinary pay of a Lieutenant-Colonel in India? What salary is Lieutenant-Colonel Morten drawing in India, and what was his office, position, and salary in England? Is his appointment in India permanent or temporary?

(b) What expenditure has been incurred by the Government of India up to now in connection with this scheme for establishment of Canteen Boards in India and what amount has been provided in the Budget for this purpose?

(c) Do the Government propose to establish the Canteen Boards out of Public funds, and then to make them over to private parties or firms?

Sir Godfrey Fell: (a) The scheme for the establishment of an Army Canteen Board (India) has been prepared with the assistance of Lieutenant-Colonel Morten. Lieutenant-Colonel Morten is not a regular soldier, but was employed during the Great War, in which he earned promotion to his present rank. He is no longer a serving soldier. He possesses special qualifications for his present work, as well as wide commercial experience. At the suggestion of the War Office, on whose recommendation he was engaged, he is paid at the rate of £2,000 a year and a bonus of £1,500. His appointment is a temporary one. The ordinary pay of a Lieutenant-Colonel in India, if in command of a regiment, is—British Service Rs. 1,600 per mensem, Indian Army Rs. 1,750 per mensem.

(b) No expenditure has been incurred by the Government of India. They have advanced money towards the preliminary expenses of establishing the Army Canteen Board (India), but this will be repaid as soon as the Board is constituted.

(c) Government do not propose to establish Canteen Boards out of public funds.

ARMY CANTEEN BOARDS.

59. **Mr. J. Chaudhuri:** Have the Government enquired whether the Indian Army Contractors are prepared to carry out improvements that the Army Headquarters propose to introduce by the system of Canteen Board? If not, will they be asked to carry out improvements now required?

Sir Godfrey Fell: The Government of India have no doubt that Indian Army contractors will be willing to carry out improvements. These, however, though very necessary, will not wholly meet the case. The reasons for setting up an Army Canteen Board (India) are fully stated in the reply to part (c) of Question No. 62 asked by Rai Bahadur Bakhshi Sohan Lal.

WARRANT OF PRECEDENCE.

60. **Mr. K. B. L. Agnihotri:** Will the Government please state the place, that has been assigned to the following persons in the Warrant of Precedence:

- (a) members of the United Provinces of Agra and Oudh Legislative Council;
- (b) members of the Bihar and Orissa Legislative Council;
- (c) members of the Punjab Legislative Council;
- (d) members of the Central Provinces, Legislative Council?

The Honourable Sir William Vincent: None of the persons mentioned have been given any place in the Warrant of Precedence by virtue of their membership of one of the Legislative Councils mentioned.

PERSONS EMPLOYED IN CERTAIN SERVICES.

61. **Mr. K. B. L. Agnihotri:** Will the Government be pleased to lay a statement on the table giving the following particulars:

(1) The names of persons appointed, to the Indian Forest, Medical and Engineering services:

- (i) During the year 1920-1921;
- (ii) During the current year up to 31st August 1921?
- (b) Pay on which they were appointed?
- (c) The educational and Technical qualifications they hold for such appointments?
- (d) The educational and Technical qualifications necessary for such appointments?
- (e) And in cases, if any, in which the persons appointed did not possess the necessary qualifications, the reasons for their appointment?

Mr. J. Hullah: Statements have been compiled and are being supplied to the Honourable Member.

DISCONTENT AMONG ARMY CONTRACTORS.

62. **Rai Bahadur Bakhshi Sohan Lal:** (a) Is the Government aware that the proposal to replace Indian Army Contracts by a Navy and Army Canteen Board in England has already created great discontent amongst the Army contractors as well as amongst the Indian merchants generally?

(b) Will the Government be pleased to lay on the table the opinions of the Commanding Officer and the Army Commanders who were either in favour of or against the establishment of a Canteen Board in India on the lines of the Navy and Army Canteen Board in England?

(c) Is it not a fact that the majority of these officers are opposed to the proposal under contemplation?

(d) Will the Government be pleased to lay on the table the correspondence that has passed between Colonel Morten and other officials on the subject?

(e) Is the system of N. A. C. B. to be introduced in India by way of experiment? Will the Government be pleased to state the reasons why such system should be introduced in India?

(f) Is the Government aware that the Indian Army contractors are quite prepared to carry out improvements that the Army Headquarters propose to introduce by the system of N. A. C. B.?

Sir Godfrey Fell: (a), (b) and (c). The Honourable Member is referred to the reply given to parts (b), (c) and (d) of Question No. 80, asked by Mr. Chaudhry, of which a copy is being laid on the table at the same time as this.

(d) Government are not prepared to lay on the table the correspondence, which relates only to matters of detail.

(e) The Army Canteen Board (India) is being set up as an experiment, but if, as the Government of India anticipate, it proves successful, they have no reason to suppose that it will not become permanent. The reasons for introducing this system are as follows. The existing system under which Army Contractors have run the canteens and supper bars for British troops has not proved satisfactory in many respects. It has resulted in food of very inferior quality and deleterious to health being supplied to the troops. The reports of the Officer-in-Charge of the Military Food Laboratory at Kasauli on samples drawn by Inspectors of Canteens afford ample proof of this statement. If the Honourable Member so desires, I will furnish him with a copy of such reports. The first consideration of the Government of India must be the health and comfort of the troops; and it is the clear right of the military authorities to set up such organization in matters of this sort as will result in the greatest benefit to the troops. In peace time, the British soldier draws part of his ration in kind, and in addition draws a cash allowance to enable him to purchase food to supplement the ration which he receives from Government. It is therefore essential that he should have clean and comfortable supper bars and canteens where he can be certain of obtaining pure food and liquor at reasonable prices. This has not been the case under the system which it is now proposed partly to supersede. In war, experience shows that it is essential to the morale and health of the soldier to supply him in the field with minor comforts and to ensure that these are in every way fit for human consumption. The well-being and contentment of a modern army depend very largely upon the efficiency of this service. Under

the conditions of modern war, the old-fashioned sutler or private trader cannot render the necessary service. In the early days of the Great War, the service in Mesopotamia was left to sutlers. It broke down entirely, and the failure of this system caused much discomfort and suffering to the troops, as well as loss of money. In the last Afghan war, again, it was found that contractors' service was inadequate and unsatisfactory. In order to have a proper organization for war, as well as for the reasons already stated, it is necessary to have an organization working in peace. In the United Kingdom, His Majesty's Government have decided to have a permanent peace organization of this kind, and the Government of India propose to adopt a similar system in this country. The Government of India propose to set up an Army Canteen Board which will, in the first instance, take over all canteens on the North West Frontier, including Baluchistan and Waziristan. At present only so many of the military districts will be run by the Canteen Board as will insure a working war organization. In other parts of India, contractors will be encouraged to co-operate to remove the serious defects in this system.

MESSAGE FROM HIS EXCELLENCY THE VICEROY.

The Honourable Sir William Vincent: Sir, I have received a Message from His Excellency the Viceroy which I wish to hand over to you, Sir, for communication to the Assembly.

Mr. President: His Excellency the Governor General thanks the Legislative Assembly for the expression of its warm and hearty welcome on his appointment as Viceroy and Governor General of India.

PROGRAMME OF GOVERNMENT BUSINESS FOR THE REST OF THE SESSION.

The Honourable Sir William Vincent: Sir, on the last occasion on which the Assembly met I promised to make a statement to-day as to the date on which the business of the present Session will terminate. The position is that there is a long list of business—as Honourable Members will observe for themselves—down on the list to-day, but I hope we shall get through it faster than would appear at first sight. The 27th and 28th of the month are allotted for the discussion of non-official business, and on the 29th, any residue of to-day's business, plus a very small amount of legislative business, and Mr. Majumdar's Resolution on political progress will be taken.

On the 30th, there are two Resolutions to be proposed by Government and I hope on that date to conclude the business of Government, but it may be necessary, to have one day more to finish all the business to which I have referred. I hope it will not be necessary to put in that additional day, but it may be.

Honourable Members will understand that these are provisional dates and that I cannot guarantee them, but I hope our forecast will turn out to be correct and that we shall be able to conclude the business of this Session by the end of this week.

Mr. President: I take it that the Honourable the Home Member will be able to consult the Members of the Assembly regarding that additional day.

The Honourable Sir William Vincent : Certainly, Sir, I only want to keep a day in reserve in case of urgent need.

Mr. W. M. Hussanally : May I inquire of the Honourable the Home Member whether any day will be allotted for non-official Resolutions that have not been taken up on account of their not being reached before the Session closes?

The Honourable Sir William Vincent : I am afraid the answer must be in the negative. If we have time, I have already engaged to give the first available opportunity for two Resolutions—of great public importance, one by Sir Sivaswamy Aiyer and the other by Mr. Jamnadas. I am not at all sure whether I shall be able even to help these Honourable Members by giving time for these two Resolutions which certainly have a claim on any extra time there is.

THE INDIAN FACTORIES (AMENDMENT) BILL.

Mr. A. C. Chatterjee : Sir I beg to present the report of the Joint Committee on the Bill to amend the Indian Factories Act, 1911.

THE CODE OF CRIMINAL PROCEDURE (AMENDMENT) BILL.

The Honourable Sir William Vincent : Sir, I move:

That this Assembly do agree to the recommendation of the Council of State that the Bill further to amend the Code of Criminal Procedure, 1898, and the Court-fees Act, 1870, be referred to a Joint Committee of the Council of State and of the Legislative Assembly and that the Joint Committee do consist of 12 Members.

On the last occasion when this motion was made in this House, Honourable Members very reasonably complained that they had not had adequate notice of the motion or had sufficient opportunity of examining the Bill. I hope that that criticism will not be made now. The facts about this Bill have already been explained to this Assembly. It was prepared by a very strong Committee including a number of lawyers. Among the Members of that Committee were Sir George Lowndes, Mr. Justice Pigott, Mr. Justice Kumaraswamy Sastri, Mr. Sinha (now Lord Sinha) and Sir James Walker. The proposals of the Committee are explained in detail in their report and the other amendments which have been incorporated are explained in the Statement of Objects and Reasons. The Bill is really intended only to remedy defects in the law which 22 years of working have proved to exist. I do not think it involves any new principle of great importance. It was introduced by me when I was in the Council of State into that body on the 21st February 1921. The Council passed the motion that the Bill should be referred to a Joint Committee. On the 1st of March Mr. O'Donnell made a similar motion here, but I understand that as many Members had only received copies of the Bill a very short time before the motion was made, it was not accepted. There is no change whatever made in the Bill as then placed before the Assembly, and it has been re-circulated to Members. I hope that Members of this Assembly will agree that the most expeditious and best way of dealing with a Bill of this kind is the motion which I now make before this Assembly.

Mr. P. P. Ginwala : Sir, would I be in order in moving my Amendment of which I have just given notice at this stage? The Amendment* runs.....

The Honourable Sir William Vincent : May I rise to a point of order, Sir? I have only had notice of this amendment just now. It is one of great importance and I submit that I am entitled to longer notice to consider a matter of this kind.

Mr. P. P. Ginwala : I received the agenda only yesterday and I think I could not have given notice of the amendment earlier than this.

Mr. President : Does the Honourable the Home Member object to the moving of the amendment?

The Honourable Sir William Vincent : I really think that on a matter of such importance I should have time to take instructions from His Excellency and the other Members of Council. I must press the point.

Mr. President : The objection made by the Honourable the Home Member is upheld.

Mr. P. P. Ginwala : I will speak generally on the motion, Sir, and raise the point in a different form. The Honourable the Home Member is perfectly entitled to take this objection, though I understood, Sir, that it was ruled before that if the List of Business should not be in the hands of Members in time, amendments ordinarily like this would be allowed. However.....

Mr. President : The Honourable Member does not seem to have quite understood the facts. The ruling of the Chair does not over-ride the provisions of the Standing Order. Where a Member objects to the moving of an amendment owing to inadequate notice, the Chair, I think, is bound to uphold it where the circumstances are so important as those described by the Honourable the Home Member. I have allowed a good deal of latitude on the subject, but in view of the representation made to me by the Honourable the Home Member, I am afraid I cannot uphold the point made by the Honourable Member from Burma.

Mr. P. P. Ginwala : I shall put my point in another way, Sir. I may remind the House that this amending Bill comes practically after a quarter of a century, or nearly 23 years, and within that period many of the principles of the Criminal Procedure Code have become obsolete, and if they have not become obsolete, they certainly deserve re-examination with reference to the change of conditions. There is one point that I want to make perfectly clear to the House, and that is, that if this Bill is referred to a Select Committee in the form in which it was introduced in the Council of State, objection will be taken, and is likely to be taken, in the Select Committee that the examination by the Select Committee ought to be confined only to those provisions of the Code which are affected by the amending Bill. This is what actually happened in one Select Committee on which I was acting. And the reason

* The Amendment was:

That the word 'and' after the words 'Legislative Assembly' be deleted and that the following words be inserted after the word 'members' viz.:

'and have power to propose amendments to any provisions of the said Code which are not covered by the said Bill as introduced in the Council of State.'

[Mr. P. P. Ginwala.]

given to me was that the President on a former occasion had given a ruling that amendments to an amending Bill must be confined to the scope of the particular Bill. That, of course, so far as I understood, was perfectly correct with reference to that particular Bill, namely, the Indian Penal Code (Amendment) Bill, which referred only to one particular principle. But I do think that it is rather too much of an extension of that principle to apply it to a Bill which covers practically the whole body of an Act, and if the Select Committee is merely going to confine itself to the provisions of the amending Bill, I submit that the examination will be incomplete. In order to make my point clear, I will give a few illustrations. Take for instance, the provision with regard to the appointment of Special Powers Magistrates. Of course, some Honourable Members from some Provinces are more fortunate than ourselves and they do not have this provision applied to their Provinces. But there are a number of Provinces where these provisions are literally applied, and I think the time has arrived when it should be made impossible for the Local Government to appoint Special Powers Magistrates with power to try all cases which are not punishable with death and to award punishments which may extend to imprisonment for seven years, for the conditions have now changed, and every man ought to have a trial before a properly constituted court, by which I mean a Sessions Court or the High Court as the case may be. So far as I can see, there is no reference whatsoever to this provision in this amending Bill.

Then I will give another instance. Take Section 144 of the Criminal Procedure Code. This Section has been used recently for purposes for which it was never intended, and a careful examination of this Section is absolutely necessary. The point arises as to whether this Section ought to be used for the purposes for which it has been used, and if it is used, whether the District Magistrate ought to be the final authority or whether the matter ought to be brought up before the High Court, and in any case, whether an appeal should be allowed to the High Court when an order is made under Section 144 or not.

Take another provision, the provision about inquests.

This provision also has at times been misused, I would even say abused. In a case in which a particular person is accused of having committed an offence, this provision has sometimes been used and even such questions as the question of self-defence are inquired into at an inquest. That, I submit, is wholly objectionable and some provision ought to be made by which procedure by way of inquest is not made applicable to such cases but that such cases are inquired into by a court in the ordinary way.

Then, with regard to provisions relating to juries, I do not wish to be misunderstood on this point, but if you examine the provisions of the Code with regard to the panel of juries, you will find that it is not impossible for the jury to be packed.

Mr. President : Order, order. I am afraid I cannot allow the Honourable Member to go through the whole Code, Section by Section. I have allowed the Honourable Member to give four instances already.

Mr. P. P. Ginwala : I will finish with this point, Sir. On an examination of the provisions, you will find that it is possible for the juries to be

packed. There is no compulsion, so far as the High Courts are concerned, on the part of the Clerk of the Crown or any authority to summon the first jurors and original panel by lot. He may choose any men he likes and whom he probably knows, and out of them nine men are eventually selected, and the fact, therefore, still remains that it is possible for juries to be packed, though I do not say that it is often done.

Now these are the kind of principles which have not been dealt with at all by the amending Bill. I could have given scores of other instances of a similar character. The Bill deals with a number of details, but it does not touch many of the principles which have assumed considerable amount of importance since the Code was last examined as a whole. I would, therefore, ask this House to insist, if possible, upon enlarging the powers of the Select Committee or to make some reservation by which it may be possible either in the Select Committee or when the Bill as amended by the Select Committee comes before the House to raise questions which are not actually covered at present by the amending Bill. With these remarks I ask the House to convey to the Select Committee some instructions by which the object of these periodical amendments of important enactments may not be frustrated by the Select Committee merely confining its attention to the scope of the amending Bill.

The Honourable Sir William Vincent : Sir, what the scope and the duties of the Select Committee will be is a matter, I imagine, for the Chairman to decide when the Bill comes before it. I admit there may be many Members who have strong views on particular Sections of the Code which are not included in this Bill. For instance, I know that they hold strong views on the subject of the trial of European British subjects. We are putting up a separate Committee to examine that matter, as the Assembly is aware. But this particular Bill is merely intended to deal with specific points which have been very carefully considered and which have been under examination for about 7 years in the Government of India; it seems a pity that the fruit of the labours of such eminent lawyers as sat on that Committee should be entirely lost because a motion of the present character is not accepted by the Assembly. If there are any other points or if it is necessary to undertake a more complete revision of the Code, the Honourable Member has only to propose a Resolution to that effect and it will be for the Government to consider what action should be taken. If a large number of Members of this Assembly wish to force a Resolution before the Assembly, there is a very simple way of achieving that object, a method which was quite reasonably and properly used last session. The point really is as to whether we are on this occasion to make any use of the valuable report which we have from these gentlemen or to start again afresh a roving committee of inquiry, which to my mind would delay the passing of this Bill,—a very useful Bill and a very valuable measure in many respects,—for another 5 or 7 years. I hope that on this occasion the Assembly will accept what is really a very harmless and useful Resolution.

Mr. President : The question is :

‘That this Assembly do agree to the recommendation of the Council of State that the Bill further to amend the Code of Criminal Procedure, 1898, and the Court-fees Act, 1870, be referred to a Joint Committee of the Council of State and of the Legislative Assembly and that the Joint Committee do consist of 12 Members.’

The motion was adopted.

The Honourable Sir William Vincent: Sir, I move:

'That the following Members of the Legislative Assembly be nominated to serve on the Joint Committee:

The Honourable Dr. Tej Bahadur Sapru.

Rao Bahadur C. Krishnaswami Rao.

Mr. Harchandrai Vishindas.

Rao Bahadur C. S. Subrahmanayam.

Mr. J. Chaudhuri, and myself.'

I can only say that in making the nominations I have attempted to select lawyers from different parts of India, men who are well acquainted with the provisions of the Code and according to my information (excluding myself) well qualified to deal with it.

Mr. President: It is assumed that the Honourable Member has got the permission of these gentlemen.

The Honourable Sir William Vincent: Inquiries have been made and these gentlemen have accepted the nominations.

Mr. President: The question is:

'That this Assembly agree that the following Members of the Legislative Assembly be nominated to serve on the Joint Committee, namely:

The Honourable Dr. Tej Bahadur Sapru.

Rao Bahadur C. Krishnaswami Rao.

Mr. Harchandrai Vishindas.

Rao Bahadur C. S. Subrahmanayam.

Mr. J. Chaudhuri, and

The Honourable Sir William Vincent.'

The motion was adopted.

THE EXCLUSION FROM INHERITANCE BILL.

Mr. T. V. Seshagiri Ayyar: Sir, I rise to move for leave to introduce:

'A Bill to amend the Hindu law of inheritance in certain particulars and to remove certain doubts.'

On the last occasion when I moved for leave to introduce a Bill relating to exclusion from inheritance of certain classes of persons, I pointed out the underlying principles which guided me in framing this and other measures relating to Hindu Law. It is unnecessary to go over the same ground on this occasion. Moreover, Sir, this Bill is a very harmless measure. I am trying to bring the law into conformity with what obtains in Bombay. In Bombay, interpreting the *Mitakshara*, the Bombay judges have come to the conclusion that relations whom I have mentioned in this Bill should take precedence over the reversioners, whereas in Madras and in the United Provinces, interpreting the same law, the judges have come to the conclusion, that they come after the reversioners. Sir, nobody can doubt that these relations who are very near to the deceased person should, if he were to nominate, undoubtedly have been fixed upon first before the reversioners are thought of. But unfortunately owing to the state of the law, it has been found by certain judges of the

Bombay, Madras and the United Provinces High Courts that these female relations should come later on. My present object is simply to bring the law into conformity with what obtains in Bombay. I have stated the reasons, Sir, very fully in the Statement of Objects and Reasons. Moreover, I may mention to the Assembly, that about 20 or 30 meetings have been held in Madras by ladies and they have pressed upon me the necessity of bringing in this Bill before this Assembly. Under these circumstances, I beg leave to introduce the Bill which stands against my name.

Mr. President: The question is:

'That leave be given to introduce a Bill to amend the Hindu Law of Inheritance in certain particulars and to remove certain doubts.'

The motion was adopted.

Mr. T. V. Seshagiri Ayyar: I introduce the Bill.

THE PRESS LAW REPEAL AND AMENDMENT BILL.

The Honourable Sir William Vincent: Sir, I move:

'That the Bill to repeal the Indian Press Act, 1910, and the Newspapers (Incitements to 11 A.M. Offences) Act, 1908, and to make certain provisions in regard to the liability of editors of newspapers, and to facilitate the registration of printers and publishers and to provide for the seizure and disposal of certain documents, be referred to a Select Committee consisting of the Honourable Dr. Tej Bahadur Sapru, Mr. P. E. Percival, Mr. N. M. Samarth, Mr. M. K. Reddi, Munshi Iswar Saran, Khan Bahadur Mir Asad Ali, Rai Bahadur J. N. Majumdar, Maulvi Abul Kasem, Rai Bahadur Pandit Jawahar Lal Bhargava and myself.'

I explained the principles underlying this Bill when I introduced it; indeed, they are already set out at considerable length in the Report of the Press Committee. I do not think that the Assembly will have any doubt as to the general principles on which this legislation has been inaugurated. There are matters of detail—difficult matters of detail—which will have to be considered, as I said on a previous occasion, very carefully when we go to Select Committee. This will particularly be the case in regard to the printing of the editor's name on the front page of a newspaper. This proposal has been criticized a good deal and the Committee will have to examine the criticisms with the utmost care at their command, but, subject to that, I have not seen any criticism of what I may call the general principles of the measure, and I hope that it will commend itself to this Assembly. The Committee proposed to examine the Bill is, I think, a representative one on which there is a majority of non-officials and in which we have included one or two Muhammadans who have considerable knowledge of and interest in the subject under discussion.

I hope that the measure will commend itself to this Assembly.

The motion was adopted.

THE CODE OF CRIMINAL PROCEDURE (AMENDMENT) BILL.

The Honourable Sir William Vincent: Sir, with the leave of this Assembly I do not propose to make any motion with regard to the Bill* which

* Bill to provide that when firearms are used for the purpose of dispersing an assembly preliminary warning shall in certain circumstances be given.

[Sir William Vincent.]

is next down on the List of Business. The Bill was introduced in response to a Resolution passed by the Council of State to give effect to certain recommendations which that body made to Government. Yesterday, however, I received a number of very important amendments on this Bill which I think are of such a character that the Government will have further to consider its position altogether in regard to this Bill. I notice also that the Mover of the amendments is not here and I think it might be equally convenient to my Honourable Colleague on the other side if the motion were not taken up on the present occasion if I can secure the leave of the Assembly to that course.

Mr. J. Chaudhuri: I understand that the Honourable Sir William Vincent does not introduce the Bill but postpones introduction. I have got certain objections regarding the amendment of Chapter IX of the Criminal Procedure Code, in such a hasty and haphazard manner. I may tell the Honourable Home Member that the Bill as passed by the Council of State purporting to provide safeguard against the Police firing on a crowd too hastily provides no safeguard at all and an amendment of this kind may do more harm than good. I intended opposing the motion of the Honourable Member for leave to introduce the Bill in this Assembly. If the Honourable Home Member's motion to-day amounts to a motion for the withdrawal of the Bill, I would not oppose. I would further suggest that as we are going to amend the Code of Criminal Procedure, we might take up this question then.

The Honourable Sir William Vincent: I do not understand if I have leave to withdraw this motion.

Mr. President: The Honourable Member has not moved his motion, and nobody can compel him to move it.

THE CATTLE TRESPASS (AMENDMENT) BILL.

The Honourable Sir William Vincent: Sir, I move :

'That the Bill further to amend the Cattle Tresspass Act, 1871, as passed by the Council of State, be taken into consideration.'

This is really a very short Bill and I had hoped a non-controversial one. It was considered and passed without amendment in another place on the 19th of September, and laid on the table in this Assembly on the 20th, when I gave notice of my intention to move that the Bill should be taken into consideration here.

The position is a very simple one. At present under Section 12 of the Cattle Tresspass Act, the scale of fines which may be levied for cattle impounded is prescribed by law. This scale was fixed half a century ago and it is only under the conditions specified in the proviso, that is in case of habitual trespass, that a Local Government can double the fee. The Bill proposes to empower Local Governments to prescribe a scale or different scales for different places, as circumstances may demand. I believe it to be a very reasonable proposal. The subject is a provincial one, but at the same time it is convenient for Local Governments that legislation on a matter of this kind should be uniform. I may say that we have consulted Local Governments and that they agree that this course is convenient from the provincial aspect. An

examination of the Bill will indeed show that it does not detract in any way from the provincial authorities, and I hope that the Bill will commend itself to this Assembly.

The motion was adopted.

Mr. M. G. M. Ayyangar: Sir, there is an amendment of which notice has been given by Mr. Rangachariar and in the absence of Mr. Rangachariar, I wish to know if I have the permission of the Chair to move the amendment which stands in his name. But before I do so, I would, with your permission, Sir, make a small verbal alteration. In the printed copy of the amendment, it is stated that the words 'with the previous consent of the local legislature' should be added after the words 'time being.' I think it is a slip. The said words are to be added either after the word 'prescribed' or after the word 'Government' in paragraph 2 of clause (2) of the Bill.

The object of this amendment, as the Honourable Members will see, is to replace legislation by notification which is the one intended by the Bill by legislation by the local legislature, by giving power to the local legislature to decide the scale of fines to be levied from the owners of impounded cattle.

Under the existing Act, the scale of fines to be levied varies from one anna in the case of a ram, ewe, etc., to two rupees in the case of an elephant.

This scale is fixed in the existing Act itself. This scale which was fixed 50 years ago is now quite out of date. Even double the amount of fines, to levy which in certain cases and under certain circumstances power is given under the existing Section 12 may not be sufficient to feed the cattle impounded owing to rise of prices in recent times. It is quite true as the Member in charge of the Bill said in the other House that it is not possible to feed a horse now on 4 annas a day or even on 8 annas a day. It is therefore necessary to make suitable changes in the existing scale of fines.

But the present Bill in clause (2) gives the power of fixing the scale of fines to the Local Governments. The Bill recognises of course that different scales may be necessary for different provinces and that even within the same province different rates may be necessary for different local areas. This fact was not taken note of by the existing Act.

My point is that this power of legislation regarding the fixing of the scale of fines should not be given to the Local Government. Clause (2), paragraph 2 of the present Bill wants the Local Government to prescribe the scale of fines and then notify it in the official Gazette. Often-times Local Government may feel difficulty in finding out what exactly is the reasonable cost of feeding a particular kind of animal coming within the Act in a particular local area. It may therefore be that it fixes either a smaller or larger amount for a certain animal for a particular area. If the scale of fines is to be discussed in the local legislature (and local Legislative Councils consist of representatives from all local areas) it will be easy to find out the reasonable cost of feeding a particular kind of animal in any particular area. This will also avoid any complaint from the people concerned to the scale of fines fixed.

For these reasons, Sir, I submit, that the amendment should be made to clause (2) of the Bill.

Honourable Members may remember that the Government agreed to a similar amendment being made to clause (7) of the Bill to provide for the levy of customs duty on lac exported from British India where the question was

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whether the said Act should be continued after the period of 5 years (the life given to the Act under Section 6 of the Act) by the Governor General in Council on the recommendation of the lac association or whether it should be extended by the Governor General in Council with the previous consent of the Indian Legislature.

I therefore hope and trust that the Government would accept this amendment also.

Mr. President : The Honourable Member has taken the wrong place in the clause to insert the words desired. If the Honourable Member inserts the words in the place indicated in the amendment, then it would mean that the previous consent of the local legislature will have to be obtained for every head of cattle on account of which a fine is to be levied. I presume the Honourable Member means that he wishes the prescribed scale not to be established without the consent of the local legislature. Therefore, I think he should insert those words after the word 'prescribed,' or perhaps after the word 'gazette.' That I leave to the Government draftsman to decide.

Mr. M. G. M. Ayyangar : I move, Sir, that the words be added after the word 'prescribed.'

The Honourable Sir William Vincent : Sir, I feel a little difficulty about changing the language of a Bill in this rapid way. It is entirely foreign to anything that I have been accustomed to in the Legislative Department.

Mr. President : The proposal is not to change the drafting of the Bill, but to insert the amendment in a place where it makes sense instead of leaving it at a place where it makes nonsense.

The Honourable Sir William Vincent : Very well, Sir, I am quite in the hands of the Mover of the amendment in the matter, but I submit to the Assembly that it is in any case really an unnecessary amendment. The position in regard to the Bill is entirely different, if I may put it, from the position in regard to the Lac Cess Bill; speaking from memory—if I make any mistake, Mr. Innes will correct me—I understand the question there was that the duration of the Bill was to be for a period of five years and after that if the duration of the Bill was to be extended the question was to be brought before the Assembly. But here we have a question of a Local Government fixing from time to time pound-fees suitable for different localities, and I suggest to the Assembly that the local legislature is a cumbrous machinery, if I may say so, for use for every petty change, such a change for instance as to whether you are going to charge 2 annas pound-fee for a goat or ten pice; the amount of delay, the amount of work that would come before the Legislative Councils on account of what I may fairly call a tuppenny-hapenny matter of this kind would be intolerable; surely this Assembly can trust Local Governments in a matter of this kind in which they are subject to the scrutiny of their own local Councils. Indeed Local Governments will proceed largely no doubt on the advice of District Boards and Municipalities in whose hands the direct control of pounds lies.

Then, there is another matter; how is the previous consent of the legislature to be obtained, under the amendment as drafted? I confess I cannot make it out. Is it proposed that the local legislature should pass a law every time for one sub-division or one district? Is not this rather an impracticable proposal?

If the Assembly really wish to examine the proposal in detail they will have to go back to the Government of India Act, and rules made thereunder when it will be seen that the only way there in which consent could be given would be, as far as I can see, by legislation or possibly by some form of Resolution.

As it is, however the local legislatures have full power to discuss any modification in the rules, any change that is made by the Local Government in the scale of fees; and I think that the suggestion that in a very small matter of this kind, you cannot trust the Local Government which is always subject to the scrutiny of the local Council is unjustified (Mr. G. C. Nag : Yes, the district boards are consulted and besides the proceeds of the Act are enjoyed by district and local boards.) In a matter and in which as my Honourable friend behind me says, they will always move at the instance of a local authority—the Honourable Member is assisting me a great deal in a somewhat unusual manner. May I express the view the suggestion will not commend itself to the Assembly. I hope that the Amendment proposed by the Honourable gentleman opposite will be rejected.

Mr. W. M. Hussanally : I rise, Sir, to oppose this amendment which has just been proposed, for several reasons, some of which have just now been stated by my friend on the opposite side (Honourable Sir William Vincent). But he has not mentioned the fact that nearly all the cattle pounds in districts are transferred to either district boards or to municipalities; so that any scale of fees settled by the district magistrate which he sends up to the Local Government for sanction necessarily has the consent of the district boards or municipalities concerned. Moreover, if a list of fees as recommended by this amendment is made for all India for different localities and sent up for sanction, I am afraid that it will be so tremendously long that I do not think any Member of this House would care even to look at it. It is such a matter of detail and the changes that will have to be introduced from time to time will be so small as the Honourable Sir William Vincent has just now pointed out, that it is hardly worth while occupying the time of this House over this matter when we have several other important subjects to deal with.

Rai G. C. Nag Bahadur : Sir, I oppose this amendment because in the first place the administration of the Act is under the control of the local Minister, and in the second place the proceeds which are obtained out of the operation of this Act go to support municipalities and other local bodies, and they are invariably consulted in the matter of levying fees under the Cattle Trespass Act. I do not think that the local legislatures should be bothered about this small matter of levying fees under the Act and so I oppose this amendment.

Rai Sahib Lakshmi Narayan Lal : Sir, the amendment that I rise to move is that in clause (2) of the Bill after the words 'time being' the words 'with the previous consent of the Legislative Council' be inserted.

The Bill provides that it shall be left to the discretion of the Local Governments to prescribe, in future, a scale of fees which may be different for different places, instead of the existing scale of fees for cattle impounded. The Local Government has already been vested by an amending Act with power to double the scale of fees in certain cases; the Legislative Council is the best source of finding out in what place it is proper to increase the scale and to what

[Rai Sahib Lakshmi Narayan Lat.]

extent and so it is admissible that any increase in the existing scale of fees should be made with the previous consent of the local Legislature. This is a small matter but it affects mostly the poor classes of people especially the poor agriculturists whose interest will be better safeguarded by adopting this amendment and inserting the words mentioned therein; I hope Honourable Members will be pleased to support me unanimously.

Mr. P. P. Ginwala : Sir, I move that the question be now put.

The amendment was negatived.

Clauses (1), (2), and (3) were added to the Bill.

The Honourable Sir William Vincent : Sir, I move that the Bill as passed by the Council of State, be passed.

The motion was adopted.

THE LAND ACQUISITION (AMENDMENT) BILL.

Mr. J. Hullah : Sir, I move :

'That in clause (3) of the Bill to amend the Land Acquisition Act, 1894, for the words 'Act of a local legislature' the words 'enactment for the time being in force' be substituted.'

As explained in the Statement of Objects and Reasons, the first part of new Section 54 inserted by clause (3) of the Bill, which allows an appeal to the High Court, and the High Court only, is necessitated by a ruling of the Bombay High Court, which held that where a claim under Rs. 5,000 in value has been decided by a Court of first instance, an appeal lies to the District Court in virtue of Section 16 of the Bombay Civil Courts Act, 1869, and the right of appeal given by Section 54 of the Land Acquisition Act is thus exhausted.

It has come to notice that the Bombay Civil Courts Act, 1869, is not an Act of a local legislature, but was passed by the Indian Legislative Council, and for that reason I have to move this amendment.

The motion was adopted.

Sir P. S. Sivaswamy Aiyer : Sir, the amendment which stands in my name runs as follows :

'That in clause (3) of the Bill for the words from 'and subject also' to 'High Court' the following shall be substituted, namely :

'and from any decree of the High Court passed on such appeal as aforesaid an appeal shall lie to His Majesty in Council subject to the provisions contained in Section 110 of the Code of Civil Procedure, 1908, and in Order XLV thereof.'

That clause 3 (2) of the Bill be omitted.'

I will briefly state the reasons which have induced me to bring forward this amendment. I gathered from the various amendments of which notice has been given by Honourable Members that the general desire was to provide that appeals to the Privy Council shall be subject to the same limitations, and to no more nor less than the limitations which now exist in regard to appeals

from decrees generally under the Code of Civil Procedure, and I thought the amendment which I now propose would be the simplest way of achieving that object. It will be noticed that several of the amendments relate to clause (2) and are intended to secure that the restrictions which may be imposed upon appeals which lie to His Majesty in Council shall not be made more stringent than in the case of ordinary decrees. It might perhaps be said that, by the definition now inserted in clause (2) of the Bill that 'Every such award shall be deemed to be a decree' it is not necessary to provide for any appeal to the Privy Council inasmuch as from a decree of the High Court, an appeal would as a matter of course lie to the Privy Council under the provisions of the Civil Procedure Code. The reason for the amendment is that it is desirable to insert it *ex majori cautela*. It is for this very reason that clause (1) of the Bill contains a provision like this 'subject also to the provisions hereinafter contained to His Majesty in Council from that of the High Court.' It is for the same reasons that have suggested to the framers of the Bill the necessity for making special provisions for appeal to the Privy Council that it seems to me desirable to provide expressly for an appeal to the Privy Council. It is not necessary for me at this stage to make any reference to the amendments which stand below mine on the list. If the amendment I have suggested in part 1 of Section 54 is accepted, it will not be necessary to retain clause (2). I think these reasons will be sufficient to commend my amendment.

Mr. T. V. Seshagiri Ayyar : Sir, I have given notice of a similar amendment. I do not think it necessary to go over the ground covered by my Honourable friend, Sir Sivaswamy Aiyer, but there is one matter which I should like to mention and which I hope the Government will take notice of and that is, that until the Privy Council passed those two judgments, one in the Bombay case and the other in the Burma case, appeals from awards have been held to lie under the same limitations as appeals from any other decrees under the Civil Procedure Code. The Privy Council did not say that there should be any restriction in regard to the right of appeal from awards in land acquisition cases. What they said was that the language of the Land Acquisition Act was 'award', and against an award, there is no appeal. Therefore, they held that an appeal does not lie. Consequently it follows that the Privy Council did not intend to restrict the right of appeal in any other manner. If there is an appeal against similar decrees under the Civil Procedure Code, then under the Land Acquisition Act also, the same liberty should be given to appeal to His Majesty in Council. Therefore there is no reason or justification for restricting the power of appeal so far as the Land Acquisition Act is concerned.

Sir, there is only one other matter of drafting. I do not want that my amendment should be preferred to that of my learned friend. My Honourable friend has used the following language in his amendment: 'and from any decree of the High Court passed on such appeal as aforesaid an appeal shall lie to His Majesty in Council subject to the provisions contained in Section 110 of the Code of Civil Procedure.' Section 110 contains the words 'decree or final order.' It is for that reason that I have made a slight modification in regard to this expression in my amendment. If you look at the alternative amendment, Sir, you will find that I say '(2). The appeal to His Majesty in Council shall *mutatis mutandis* be governed by Sections 109 and 110 of the Code of Civil Procedure, 1908', because I thought that if you use the word 'decree' in the amendment and you find the word 'order' in the Section, it would lead to confusion, but if you use the word '*mutatis mutandis*' that

[Mr. T. V. Seshagiri Ayyar.]

would certainly take away the objection. However, if the Government is accepting the principle of the amendment moved by my Honourable friend, it does not matter very much to me whether his is accepted or mine.

Mr. President: I would point out to the Honourable Member that the amendment moved by his Colleague from Madras excludes his amendment except for this fact, that his includes a reference to Sections 109 and 110 of the Civil Procedure Code.

Dr. H. S. Gour: Sir, while I am in general sympathy with the Movers of the two amendments, I think their object will be best served if they vote with me for the total repeal of clause (3) of the Bill, and I shall give my reasons in support of my view. The Privy Council have no doubt laid down that the award of a Land Acquisition Officer is essentially an award, and therefore not a fit case for appeal to their Lordships of the Privy Council. But in clause (2) we make it clear that an award shall be a decree within the meaning of the Code of Civil Procedure. Having done that, it must of necessity be subject to appeal to the High Court and to the Privy Council in accordance with the provisions of the Code of Civil Procedure. I have not overlooked the Statement of Objects and Reasons which have led to the enactment of clause (3). Honourable Members will find that in the whole of India except the Bombay Presidency all Land Acquisition cases are triable in the first instance by the District Judge, and we know from the Code of Civil Procedure that all appeals from the decrees of the District Judge lie to the High Court. But in the Bombay Presidency such cases are tried by the Assistant Judge and subject to pecuniary jurisdiction and valuation, appeals from the decrees of the Assistant Judge lie to the District Judge, and that has necessitated clause (3). Now I venture to submit, and I hope Government will accept my suggestion, that the position can be simply met by asking the Bombay Government to gazette the Assistant Judge as an additional District Judge for the purpose of trying cases under the Land Acquisition Act, and the anomaly which exists in the Bombay Presidency will then be removed, and all cases throughout India coming under the Land Acquisition Act will be tried by the District Judge, and be subject to appeal to the High Court and necessarily then, subject to the provisions of the Code of Civil Procedure, be appealable to their Lordships of the Privy Council. In this view, I submit, Sir, that clause (3) of the Bill may be completely deleted.

Mr. J. Chaudhuri: Sir, I am sorry I cannot agree with my Honourable friend, Dr. Gour, in this matter. It will be remembered that in the Civil Procedure Code provisions with regard to appeals to His Majesty in Council relate to the subject-matter of suits. The Land Acquisition Act is a special Act and proceedings under it cannot be called suits. So simply saying that an award under the Act amounts to a decree under the Land Acquisition Act would not necessarily imply that an appeal to His Majesty in Council would lie from such awards. I would, therefore, prefer that the amendment proposed by my Honourable friend, Sir Sivaswamy Aiyer, should be inserted in clause (3) of the Bill, because, then there will be no room for any ambiguity. So, I oppose my Honourable friend, Dr. Gour's suggestion and I support Sir Sivaswamy Aiyer's amendment.

Mr. P. E. Percival: Sir, I beg to oppose the amendment moved by Sir Sivaswamy Aiyer. I regret that I have to oppose the amendment of such a

distinguished Member of this Assembly; but I am supported by the fact that all the Bombay Authorities who have been consulted on the subject, namely, the Bombay Government, the Bombay High Court, the Commissioner in Sind and the Judicial Commissioner of Sind are against the proposal. That is to say, they are against the proposal that an appeal should lie to the Privy Council on pure questions of fact. I would refer only to the opinion of the Judicial Commissioner of Sind, as he brings out a point which has not, I think, been mentioned hitherto. He says:

'There are ample safeguards of private rights, which can, under the existing law, be fought out in three courts (counting the Collector's as one), and to give a further right of appeal is merely encouraging litigiousness and speculation in a matter which it is desirable should be settled without undue delay.'

Sir, the question has been raised 'why should we make a difference in dealing with Land Acquisition cases, instead of treating them like cases under the Civil Procedure Code?' The answer to that objection is that the procedure throughout is different. In Land Acquisition cases you have first of all an investigation by the Collector. Against that award Government and the company concerned have no right of reference to the District Court. After the investigation by the Collector there is a detailed inquiry by the District Court, and again by the High Court. Surely it cannot be said that in the interests of justice there should be a fourth inquiry by a fourth tribunal on questions of fact, when that tribunal itself has said that it is not a suitable court to decide such questions of fact. Sir, I noticed that Honourable Members who have spoken so far on this debate have not made any reference to the opinions that have been obtained from the officers who have been consulted on this Bill. I am considerably strengthened by the opinions that have been received from the various officers in different parts of India. I have already referred to those in the Bombay Presidency and I will now refer to the authorities in other parts of India. Now, Sir, I have no doubt that the opinions to which the greatest weight will be attached are the opinions of the highest judicial authorities in the different respective major provinces. Out of the judicial authorities, we find that the Privy Council, the High Court of Calcutta and the High Court of Bombay are against this proposal—I mean the proposal that an appeal should lie on pure questions of fact to the Privy Council. There is of course the opinion on the other side of the High Court of Punjab, the High Court of Bihar and Orissa and the Chief Court of Burma, while the other judicial authorities are divided in opinion. I submit, however, Sir, that we should take into consideration the fact that Bengal and Bombay are the chief industrial Provinces in India. Consequently the opinions of the Privy Council and of the High Courts of India. Calcutta and Bombay are also entitled to special weight in this matter. Next, if you refer to the opinions of the Governments of the respective provinces, you find that the preponderance of opinion against the proposal is overwhelming. That is to say, out of the nine major provinces, including Assam and the Central Provinces, there are only two, Burma and the Punjab, which are in favour of an appeal to the Privy Council on questions of fact.

The whole of the seven other provinces, that is to say, Madras, Bombay, Bengal, the United Provinces, Bihar and Orissa, the Central Provinces and Assam, are against the proposal that there should be an appeal to the Privy Council on questions of fact. I submit, Sir, that this Assembly, whatever their own views may be on this subject, will not disregard this strong preponderance of opinion against the proposal. Well, Sir, there is one other

[Mr. P. E. Percival.]

point to which I should like to refer, and it is this. Besides the weight that should be attached to the opinion of the Privy Council, there is the fact that we should be careful not to come into conflict with that august body. Referring to Prof. Keith's book on 'Responsible Government in the Dominions' I find, that when it was proposed on the previous occasion to alter the rules regarding appeals to Privy Council from the Dominions (the proposal did not apply to India), it was suggested to the Governments of the Dominions that a draft of the proposed legislation should be forwarded to the Judicial Committee of the Privy Council for any observations they might desire to offer on the subject. From this it is clear that the Privy Council like to be consulted if any alteration is made in the rules regarding appeals to the Privy Council. Now, Sir, the present amendment is, as we know, contrary to the opinion of the Privy Council; because it has been laid down, in the case to which reference has already been made, that the Privy Council is against appeals on questions of fact coming to them, and that the Privy Council is not a suitable body to decide the valuation of land in India. The Indian High Courts, it was stated, are more suited to deal with such matters. So, I submit, Sir, that it is not right that we should run the chance of a conflict with the Judicial Committee of the Privy Council on a matter in which the majority of the officers who have been consulted on the subject are adverse to the proposed amendment, namely, that there should be appeals on questions of pure fact to the Privy Council. For these reasons, Sir, I oppose this amendment and also the amendment moved by my Honourable friend, Dr. Gour, and support the Bill as proposed by Government and as passed by the Council of State.

Mr. J. N. Mukherjee : I venture to support the amendment put forward by my Honourable friend, Sir Sivaswamy Aiyer. Practically, the two amendments, the one coming from him and the other from my Honourable friend, Mr. Seshagiri Ayyar, proceed on the same lines. Now two objections have been raised to the amendment. One is of procedure emanating from my learned friend, Dr. Gour, who says that the amendment proposed would be simplified if the course suggested by him was adopted. The second one emanating from my Honourable friend, Mr. Percival, is an amendment on the merits, that is to say, whether the matter of an award given under the Land Acquisition Act, should be carried to the Privy Council on facts. Now, as regards the first objection, that of my Honourable friend, Dr. Gour, I submit that his method will not in all probability serve our purpose, because if the wording of the Civil Procedure Code be examined, it will be found that its phraseology is directed more towards different aspects of a suit than to anything else. Now, although in the case of the Land Acquisition Act, it has been provided that the trial of a reference case before a judge should proceed on the lines laid down in the Civil Procedure Code, a distinction has been drawn between a decree passed in a suit, and an award passed under the Act, by the Privy Council itself. So that, I think, a specific provision like the one proposed by my Honourable friend, Sir Sivaswamy Aiyer, is more likely to meet the situation than the course suggested by my Honourable friend, Dr. Gour. So far with regard to procedure. As regards merits, I must submit to the House that there are two sides to the entire question. One is the official side and the other, the people's side. It is the people alone who can understand the difficulties to which they are put by compulsory acquisition of land. This compulsory acquisition of land, it is to be

borne in mind, is by a purchaser who compels a person to sell his land at the price dictated practically by the purchaser, so that the official view very often fails to take notice of the difficulties of the seller. As a practical lawyer, I know of instances where a railway has acquired land on the principle that although it does not want the land immediately, yet it wants to acquire it because the price of land will go up in future, may be some 10 years or 8 years afterwards, and I have known that the land so acquired has been left for years together without being put to any use whatever after acquisition. It is not a question of price alone that is connected with compulsory acquisition of land, but it means a great deal more than that. I have known cases where a particular object has been put forward in the Gazette as the purpose for which the land is to be acquired, but in reality the object with which it was going to be acquired was something different. Now as regards what the Privy Council has said lately with regard to appeals under the Act, my submission to the House is, that that august body is not likely to know all the particular incidents which are sometimes connected with the acquisition of land in India, and therefore the people themselves, or rather their spokesman, the Members of the legislature in the country should concern themselves very carefully with the circumstances attending all compulsory acquisition of land. The Privy Council, as a matter of fact, entertained appeals from High Court decrees passed under the Land Acquisition Act, for a long series of years. The first note of dissent was heard, I think, in the Burma case. As regards Bombay, the local Acts there, are different from the local Acts in other parts of India and in Bengal. It would not do for anybody to say that the Privy Council as a rule raised notes of dissent in connection with appeals to that tribunal in Land Acquisition cases. My submission to the House is, that as a matter of fact for a long series of years the Privy Council did entertain appeals in Land Acquisition cases just as in any other case, from decrees in ordinary suits passed by the High Court. It is therefore absolutely necessary, that there should be this precaution, that in matters of importance, appeals should be taken up to the Privy Council, as provided by the Civil Procedure Code, and that we should obtain the opinion of a detached body like the Judicial Committee, which is not concerned with the politics of India so far as the executive side of the question is concerned. I therefore support with all my heart the amendment put forward by my Honourable friend, Sir Sivaswamy Aiyer.

Mr. B. Venkatapatiraju : Sir, the Honourable Mr. Percival has raised an objection to this amendment on the ground that 'Why should on mere questions of fact an appeal should be allowed to the Privy Council.'

The Honourable Member should have noticed that there are certain other restrictions besides, namely, the value must be Rs. 10,000, or the High Court should certify that it is a fit case or that there should be a substantial question of law when there is concurrence of judgment on fact. These are the three limitations which are placed and we naturally see in the matter of land acquisition cases several cases arise where out of a big block a small portion is taken. It may be of small value, but the High Court may certify it as a fit case. Therefore, the only question is whether the people's interests are better safeguarded by providing under the Civil Procedure Code for an appeal to the Privy Council. I think the amendment of Sir Sivaswamy Aiyer is a very reasonable one, and I hope the House will accept it.

Raj Bahadur Pandit J. L. Bhargava : Sir, I also support the amendment moved by Sir Sivaswamy Aiyer. I need not repeat the arguments which

[Rai Bahadur Pandit J. L. Bhargava.]

have already been advanced to justify the amendment in question. There is no reason why there should be any distinction between the appeals allowed under the Civil Procedure Code and those proposed to be allowed under the Land Acquisition Act.

Lala Girdharilal Agarwala : Sir, I also support the amendment moved by my Honourable friend, Sir Sivaswamy Aiyer.

There is no reason why appeals should not be allowed in such cases where a question of principle is involved, although the amount may be below Rs. 10,000. In all civil cases there is provision in the Code of Civil Procedure that appeals can be preferred to the Privy Council even if the value is below Rs. 10,000, if it is otherwise certified to be a fit case for appeal to His Majesty in Council. In our courts there has been one important case on the subject of encroachment of land where an appeal was allowed to the Privy Council though the value of the property in dispute was only Rs. 900, namely, the well known case of Seth Baniram. So I submit that the opportunity should not be lost by omitting from the Statute Book a provision which applies to all civil cases and therefore I submit that the amendment should be accepted.

I may submit one thing more, that we are going to have, sooner or later, a Privy Council in India, and in that case the Judges who will sit on the Privy Council can very well be able to appreciate the questions of fact in all cases of appeals.

The amendment was adopted.

Sir P. S. Sivaswamy Aiyer : The next amendment is a consequential amendment.

Mr. President : The question is that clause 3 (2) of the Bill be omitted.

The amendment was adopted.

Mr. President : The question is that clause (3) as amended stand part of the Bill.

The motion was adopted.

Mr. J. Hullah : I move, Sir, that the Bill, as amended, be passed.

The motion was adopted.

THE MUSSALMAN WAQFS REGISTRATION BILL.

Mr. Abul Kasem : Sir, I beg to move for leave to introduce :

'A Bill to provide for the registration of Waqf Estates and the proper rendering of accounts by the *Mutwallis* of such estates in British India.'

The reasons for the introduction of this piece of legislation I have given both in the preamble as well as in the Statement of Objects and Reasons, and I need not repeat them here. It is well known not only to Mussalmans but to others as well that it has been the practice of pious Mussalmans to make dedications for public charities frequently, but, unfortunately, those who are appointed as the trustees of these estates or who succeed to the office of trustees more often than not treat them as their personal property, misappropriate them

and squander them away, and it is a fact that very large number of waqf properties are extinct on account of the misappropriation or the mismanagement of these *Mutwallis*. Sometimes, after the *Mutwallis* have enjoyed the property and treated it as personal property, they go to the length of selling it to non-Mussalmans, and an absolute stranger without knowing anything purchases the property, and, after the property has been purchased and taken possession of, some Muhammadans get together and put it a claim, that being a Waqf property, the *Mutwallis* had no right to transfer it. Unnecessary litigation, I may add, ensues with the result that if the court holds that the purchaser is a *bona fide* purchaser, the Mussalmans lose a property dedicated for public or charitable purposes, and, if the court holds that the *Mutwallis* had no right to transfer the property, then the poor stranger, who purchased it in good faith, loses his money. To avoid all these difficulties and to see that these estates are properly administered, it is proposed to have these Waqf estates properly registered and that the *Mutwallis* may be called upon to render accounts for public inspection. In this case it is not proposed to interfere with any provisions of the Muhammadan law, or customs, or vested interests. What the Bill aims at is the enforcement of the provisions of the Muhammadan law itself, to have supervision over the *Mutwallis*; and nothing more is intended.

I may add that not being a lawyer myself, I cannot claim that the Bill has been drafted in a satisfactory manner; in fact it is based mainly on the Bill which was drafted by my friend, Maulvi Fazlul Haq, for introduction in the Bengal Legislative Council. He was not allowed to introduce it there because it was said that it being an All-India question should be introduced in the Imperial Legislative Assembly. I hope and trust, that with the aid of distinguished lawyers in this House it will be so amended or the defects of it may be so remedied and rectified that when it comes out as an Act, it will come out in a way which will be satisfactory to all parties concerned. I can assure the House that this is not an attempt to interfere with the vested interests of any one, whether he is a *Mutwalli* or trustee or not. We only want to safeguard the interests of these trust properties.

With these words, Sir, I beg to move that leave be granted for the introduction of this Bill.

The Honourable Sir William Vincent : Sir, I ought at the first opportunity to make clear the attitude of Government on this Bill, because in the first place the management of charitable and religious trusts is a provincial transferred subject, and therefore the sanction of the Governor General was necessary to the introduction of this Bill, as well as under another sub-section of the same Section of the Government of India Act and in the second place because there is another matter of great importance; hitherto it has always been the practice of the Government of India at any rate for the last sixty years to keep their officers entirely free from any connection with the management of these religious trusts; Government officers, in other words, have not been allowed, save in very few cases, to take any part in the management of such trusts, but if Honourable Members will look at clause (16) of the Bill, they will see that under this clause the Collector of the District is *ex-officio* President of the District Committee which has considerable power over these trusts. Now, these are *prima facie* objections of some weight to the Bill, but at the same time it has been represented to us that the Muhammadan community were very anxious that the Bill should be introduced, and the Government of India will

[Sir William Vincent.]

not therefore oppose this motion for introduction; it must however be quite clearly understood that they reserve to themselves full liberty later to take any attitude towards this Bill which subsequent circumstances may necessitate. We shall consult Local Governments, particularly really the reformed portion of the Local Governments, as to what their wishes are, and we will also have a full opportunity of ascertaining what public opinion is. The Honourable Member referred in his speech to a Bill introduced by Mr. Fazlul Huq in Bengal; it is quite true that at that time the question was an All-India one; but a good deal of water has passed under the bridges since then and it is now a provincial transferred subject.

Mr. W. M. Hussanally: Sir,

Mr. President: On the introduction of a Bill, the rules provide for a speech in favour of the Bill by the Mover and for a short speech by any one who intends to oppose the Bill. The Honourable the Home Member did not exactly oppose the Bill, but he gave his reasons for taking up a guarded attitude with reference to it.

The motion was adopted.

Mr. Abul Kasem: I beg to introduce the Bill.

RESOLUTION RE: LIMITATION OF HOURS OF WORK IN THE FISHING INDUSTRY.

The Honourable Mr. C. A. Innes: Sir, before I deal specifically with the first Resolution which stands in my name, I ask your permission to make a very few remarks by way of introduction. I have not very much to say, for I have already placed all my cards on the table; I have circulated to all Members of the House a bulletin in which all the official correspondence regarding the Genoa Seamen's Conference has been published. What I wish to explain is that there are two important matters discussed at this Conference which I am not placing before the House to-day. The first is the question of the limitation of hours of work on board ship. The Conference passed no draft convention and no recommendation on that subject and so there is nothing which I can place before the Assembly. But the fact that the Conference failed by a fraction of a vote to adopt the principle of an eight-hour day is, we think, ~~both~~ profoundly to influence the future of this question. I understand that a settlement at Home may be arrived at by consent, and that negotiations on the subject are still proceeding. We propose to keep in very close touch with those negotiations and as soon as we know what they propose to do in England we will no doubt take up the question again in India.

The other question which I am not placing before the House is the question of the limitation of hours of work in inland navigation. This is a very complex subject and opens up many difficult questions; and the Conference recognised this fact by allowing specially a period of two years for Members of the International Labour Organisation to report progress in. We have therefore till July 1922 to consider what action we propose to take and we propose to take our full time. It is by no means clear to us, even assuming that a limitation of hours of work in inland navigation is theoretically desirable, how that limitation can be enforced in practice. We propose to direct our inquiries to that point, and the House will have another opportunity of considering the question.

Following the precedent of the action taken in regard to the Washington Conference, we are placing all the remaining recommendations and draft conventions before the House for its consideration. The rules allow us at the most 18 months to consider these draft conventions and recommendations, and that is the reason why we are compelled to take this opportunity of placing the matter before the House to-day; for officially the Genoa Seamen's Conference came to a close on the 10th of July 1920.

I now turn to the first Resolution which stands in my name, which is to the effect that:

'This Assembly recommends to the Governor General in Council that no action be taken on the recommendation concerning the limitation of hours of work in the fishing industry adopted by the General Conference of the International Labour Organization of the League of Nations convened at Genoa on the 15th day of June 1920.'

This recommendation was to the effect that each Member of the International Labour Organization should undertake legislation limiting the hours of work of all workers employed in the fishing industry in the direction of an eight-hour day or a 48-hour week and that in framing such legislation organizations of employers and organizations of workers should be consulted. I do not think that I need say very much about this particular recommendation; I doubt myself whether it will be applied in any country in the world, and I am quite certain that at any rate at present we could not apply it in India. We have no organisations of employers or of workers to consult. Deep-sea fishing in India is in its infancy. Such sea fishing as is carried on is almost entirely in-shore fishing; it is carried on in very primitive boats and with very primitive appliances. The fisherman, although they may be financed by merchants, usually remunerate the men they employ by a share in the catch. Every maritime Local Government is unanimous in holding that it would be entirely premature for the Government of India to take any action on this recommendation; and I am quite sure that all Members of this House who like myself come from maritime provinces and who are acquainted with the conditions in which sea fishing is carried on in India will agree with me that no other conclusion is possible.

The Resolution was adopted.

RESOLUTION RE: ESTABLISHMENT OF NATIONAL SEAMEN'S CODE.

The Honourable Mr. C. A. Innes: Sir, I next move that:

'This Assembly recommends to the Governor General in Council that no action be taken on the recommendation concerning the establishment of National Seamen's Codes adopted by the General Conference of the International Labour Organization of the League of Nations convened at Genoa on the 15th day of June 1920.'

Here, again, Sir, I do not think I need say very much. We take the view that the codification of our numerous merchant shipping Acts must take precedence over the establishment of any Seamen's Code. That question has been under consideration for some time and I understand that some progress has been made in the Legislative Department. When the codification is complete, it will to a very large extent serve the purposes of a Seamen's Code, and at any rate at present we think that no action need be taken on this particular recommendation.

The Resolution was adopted.

RESOLUTION RE: UNEMPLOYMENT INSURANCE FOR SEAMEN.

The Honourable Mr. C. A. Innes: Sir, the third Resolution on the agenda standing in my name runs as follows:

'This Assembly recommends to the Governor General in Council that no action be taken on the recommendations concerning Unemployment Insurance for Seamen adopted by the General Conference of the International Labour Organization of the League of Nations convened at Genoa on the 15th day of June 1920.'

This is another Resolution with which I do not propose to trouble the House with any lengthy speech. The general question of unemployment insurance in India was considered in this Assembly in February last in connection with the recommendations of the Washington Conference that step should be taken to establish an effective system of unemployment insurance in India.

In the course of the debate on the 19th February last, the House was informed that the Government of India, and all Local Governments were unanimous that no system of unemployment insurance in India was practicable in this country at present, and this decision also applies in our opinion to the question of seamen's labour. And that for two reasons. Indian seamen usually combine to a very large extent, agriculture with their main profession. The second reason is that we have no machinery at present by which we could make a system of unemployment insurance effective.

Mr. K. Ahmed: I rise to oppose this Resolution which has just been moved by the Honourable Mr. Innes, and in doing so I should like to say that it is high time that we should give effect to the terms of the Resolution which was passed in June of last year by the General Conference of the International Labour Organisation of the League of Nations at Geneva. If this Assembly accepts a Resolution of this character as it has been moved by my Honourable friend, Mr. Innes, it will be a serious matter and be a great shame in regard to unemployment insurance for the seamen of this country.

I listened with great pleasure to the first Resolution which the Honourable Mr. Innes already moved and which this House accepted, in regard to the limitation in the hours worked by the fishing industry. But, Sir, certainly in a case like this, I think, that to pass a Resolution saying that no action should be taken on the recommendations of the Geneva Conference would not be fair to the Indian seamen, and I believe that my Honourable friends, Mr. Rhodes and Sir Frank Carter, who are so well known in the shipping world especially in Bengal, will bear me out in what I say. Sir, is it not desirable that we should adopt a system of unemployment insurance for our Indian seamen? When I look at the picture of the state of the seamen in Eastern Bengal—the province from which I have the honour to come—I see that a system of unemployment insurance would be a great boon there, as well as in the other maritime ports of this country. When you come to know that those seamen only commence life on about Rs. 15 a month, a life which is one of the most, if not the most arduous, you will recognise that a system of unemployment insurance is necessary. Many of the seamen come from the District of Chittagong, Tipperah, Dacca, Noakhali and Faridpur as well as some districts in Assam.

I therefore beg the House, Sir, to oppose this Resolution that we should take no action in regard to the recommendations of the Genoa Conference, and I hope the House will not only oppose it but reject it.

(1026)

Mr. B. Venkatapatiraju: Sir, I think the Honourable Member should not have used the word 'shame' if the House does not adopt his suggestions. It is not Parliamentary language.

Mr. President: I did not hear the Honourable Member use that word.

The Honourable Mr. C. A. Innes: I am afraid I was in much the same position as yourself, Sir, because I found it very difficult to hear what the Honourable Member had to say. It would have helped me if Mr. Ahmed had indicated precisely how he proposed to make his suggestions effective if this House adopted them.

As I tried to point out when I first spoke on this recommendation, the principle of unemployment insurance has not been accepted in India generally. That being so, I think it would be a mistake to accept it on a side issue in respect of seamen only. I should like to point out to the House that all questions of labour, especially seamen labour, are novel in India and I think it would be a mistake for the House to allow itself to be hustled into a hasty, ill-considered decision which gives away an important principle. I also endeavoured to point out in my opening speech that there were two main reasons of a practical nature why we did not wish to take any action in regard to this recommendation, and I may state in passing that because we decide now to take no action on this recommendation, it does not follow that we shall never take any action. The reasons I gave in support of Government's attitude, were firstly, the well-known fact that Indian seamen combine to a large degree their seafaring profession with the profession of agriculture, so that when they are unable to obtain employment on ships they can always go back to their villages and find employment in the fields. Secondly, it would be premature for the Assembly to take action on this recommendation because if they did so, we could not make that recommendation effective. We have no means at present of making it effective. We have no machinery.

Mr. President: The question is:

'This Assembly recommends to the Governor General in Council that no action be taken on the recommendations concerning Unemployment Insurance for Seamen adopted by the General Conference of the International Labour Organization of the League of Nations convened at Genoa on the 15th day of June 1920.'

The Resolution was adopted.

RESOLUTION RE: MINIMUM AGE FOR ADMISSION OF CHILDREN TO EMPLOYMENT AT SEA.

The Honourable Mr. C. A. Innes: I next move, Sir, that:

'This Assembly recommends to the Governor General in Council that he should ratify the draft Convention fixing the minimum age for admission of children to employment at sea adopted by the General Conference of the International Labour Organization of the League of Nations convened at Genoa on the 15th day of June 1920, subject to the following reservations:

- (a) that it shall apply only to foreign going ships and to home trade ships of a burden exceeding 300 tons; and
- (b) that nothing in the draft Convention shall be deemed to interfere with the Indian custom of sending young boys to sea on nominal wages in the charge of their fathers or relatives.

[Mr. C. A. Innes.]

The main feature of this draft Convention, Sir, is that it prohibits the employment of children under 14 years of age at sea, and I think that the House will cordially agree with the Government of India that this draft Convention should be ratified. We have thought it necessary, however, to suggest that two reservations should be made. In the first place, we suggest that the draft Convention, if it is ratified, should apply only to foreign-going ships and to home-trade ships of a burden exceeding 300 tons. The explanation of this stipulation is contained in Section 26 of the Indian Merchant Shipping Act of 1883. Agreements with seamen are obligatory at present only in respect of seamen engaging to serve on ships of the classes which I have mentioned, and it is only when agreements are required that we can undertake to enforce the Convention. We can enforce it because the agreements are signed in the presence of the Shipping Master. When agreements are not necessary, as in the case of small ships, usually sailing ships engaged in the coasting trade of India, we could not enforce the Convention, and that is why we propose this reservation. We think it wrong on principle to ratify the draft Convention in a form in which we could not undertake fully to enforce it. The other reservation which we propose is intended to safeguard the present practice whereby sea-cunnies, serangs, tindals and other Indian seamen are allowed to take with them on board ship their young sons or nephews. These boys serve as deck-hands on nominal wages, and it is a sort of a form of apprenticeship. We are informed on all sides that this practice is regarded by Indian seamen as a great concession and a privilege, and we see no reason why at present we should interfere with it.

Mr. K. P. L. Agnihotri: Sir, the amendment which I propose to make to this Resolution moved by the Honourable Member in charge of the Commerce Department is that '100 tons' be substituted in place of '300 tons' and add after the word.....

Mr. President: The Honourable Member had better take his amendments one by one. They deal with different points.

Mr. K. B. L. Agnihotri: I will take the first point, Sir. In clause (a) substitute '100' in place of '300' and after the word 'tons' insert the words 'and to steamers, and other vessels driven by electricity or motor power.'

Sir, the object of restricting employment of children as seamen on board the ships is very salutary. By the employment of children on board the ships, their growth is stunted, their development is impaired, and their physique and health also suffer, and they do not get any proper opportunity of receiving proper education, and when they grow up, their efficiency naturally diminishes. The charge that is laid against the Indian seamen is, that by reason of their inferior physique they are not so efficient as British seamen and that they cannot work as much or turn out an equal amount of labour as any foreign or British seaman can do. It was so far I think with these objects that the restriction of the employment of children was introduced.

Now, under the Apprentices Act of 1850,—as will appear from the pamphlet issued by the Government of India,—we find that apprentices are permitted to be employed from the age of 10, and though instructions have been issued by the Government of India not to employ children below

the age of 16, still we find from the report of the Madras Government on page 58 that boys of tender years are frequently employed on board the ships. That shows that in spite of the executive instructions issued to the contrary this vice still remains, and it is therefore necessary to restrict the age and ratify the Draft Convention. The Honourable Mr. Innes has proposed that the restriction should be relaxed in the case of ships of less than 300 tons, and the reason for that, so far as I could understand is, that such ships are owned by private families or members of the same family or by one man and it is their children that generally work on board these ships, and if we were to include the ships below 300 tons, within the provisions of the Draft Convention, it will cause great hardship to these poor people. But on this very reason I beg to propose my amendment. At the present day it is hardly probable that any poor family of seamen who have to employ their children can own a ship of 300 tons; and one of a burden of 100 tons even is rather beyond their purse; it is, therefore, necessary to reduce the tonnage. We also find in practice that ships over 100 tons are generally owned by well-to-do persons, individually or in partnership with others and who are not under any necessity to employ their children on board the ship they own. The result is that these young children for whose benefit we are introducing this Resolution to ratify the Draft Convention will have to suffer nevertheless and will often be exploited by the traders and foreigners.

The second amendment which I propose is, that the restriction should also extend to ships which are propelled by electricity or any other motor power. The same principle which I have just enunciated in the case of ships of a burden of more than 100 tons will apply equally in the case of ships driven by electricity or any other motor power. The electric driven or the motor power driven ships will not cost less than about Rs. 3,000 or Rs. 4,000 at the lowest and the poor seaman, in whose interest we are introducing this clause, will not be in a position to purchase such ships and to benefit thereby. Therefore I propose by these amendments to extend the restriction of the employment of children in ships of a burden of over 100 tons and to ships propelled by electricity and other motor power.

Mr. President: Amendment moved:

'That in clause (a) of the Resolution the word '100' be substituted in place of '300'.'

The Honourable Mr. C. A. Innes: I am afraid, Sir, that Mr. Agnihotri fell into the mistake of trying to anticipate the arguments I was going to use in support of this reservation, and of demolishing those arguments. The trouble is, Sir, that he has demolished a number of arguments which I never used and never had any intention of using. What I said, Sir, was that I thought that this House would object on principle to our ratifying the Convention in a form in which we could not undertake to enforce it. I think that this House will agree with me that we ought not to go in for what for lack of a better term I might call eye-wash legislation.

As I tried to explain in my previous speech, the only reason why we have suggested this reservation is that it is only in respect of foreign-going ships and home-trade ships of a burden exceeding 300 tons that agreements between the master and seamen are required. It is only when those agreements are required that we can undertake to enforce the convention, because those agreements are signed in the presence of a shipping master. We all agree, I think, that it is desirable to limit the age of children serving on board ship, but, Sir,

[Mr. C. A. Innes.]

that is no reason why we should commit ourselves to a convention which we cannot enforce. I hope, Sir, that the House will reject Mr. Agnihotri's amendment.

Mr. President: The question is that this amendment be made.

The motion was negatived.

Mr. President: Amendment moved :

'That in clause (a) after the word 'tons' insert the words 'and to steamers, and other vessels driven by electricity or motor power'.'

The Honourable Mr. C. A. Innes: In regard to this amendment, Sir, I have only to say that Mr. Agnihotri has not taken the trouble to study the Act. Section 3 of the Indian Merchant Shipping Act of 1883 defines a ship as follows: Ship includes every description of vessel used in navigation not propelled by oars and, as I understand, that Mr. Agnihotri comes from an inland province, perhaps I can assure him that steamers and other vessels driven by electricity or motor power are not propelled by oars.

Mr. President: The question is that that amendment be made.

The motion was negatived.

Mr. President: Amendment moved :

'That in clause (b) the words 'or relatives' be omitted.'

Mr. K. B. L. Agnihotri: Sir, the amendment which I propose in this clause is that the words 'or relatives' be omitted. It is stated by Government that the sons of serangs, sea-cunics and other seamen go with their fathers and work on board the ships under their protection, and that it would be a great hardship to those people if their sons are not permitted to work on board the ships. It is also said that the fathers can very well look after the feeding, clothing and nourishment of their children and therefore the children under the prescribed age will not generally suffer. My reply to that, Sir, is that our country has not yet so far advanced that fathers in poor circumstances would take proper care of their children. In our every day life we come across fathers who even go against the interests of their children; who would like to live on the wages and earnings of their young children and some in poverty even sell their children. Owing to these reasons and out of ignorance some fathers often employ their young children on board the ships to get some larger income for the maintenance of their families and of themselves. And the provision instead of being a salutary one, is more liable to be abused; but I also admit that the removal of such a provision will also cause great hardship and will be a very drastic and radical change. The word 'relatives' as we understand in India is a very wide term, even a person who is connected up to the fourth or the seventh generation is also regarded as a relative. Among Hindus, kinsmen of distant connections can also come within the term 'relatives.' The word 'relatives' in the provision would give an opportunity to every person coming from the same village as the child or every man howsoever distantly-connected to exploit those children, whose interests are to be protected by this Resolution. I therefore propose that the word 'relative' being very wide might either be restricted to the members of the same family or be deleted.

Mr. J. N. Mukherjee: Sir, I ask the Honourable Mover if he has any objection if the word 'near' is put before the word 'relatives'. That might obviate the objection which has been raised.

The Honourable Mr. C. A. Innes: Personally I do not regard the matter as one of any great importance. The only reason why we made this reservation was that it was represented to us very strongly that Indian seamen looked upon the system of apprenticeship as a very great privilege. We specially put the point before the Genoa Seamen's Conference and though the Report of the Proceedings does not refer to it, we were assured that they took no exception to the practice. That is the only reason why we made the reservation.

The whole question is a matter of small importance and I am quite prepared if it would please the House to accept Mr. Mukherjee's amendment and insert the word 'near' before 'relatives'. This I think would meet Mr. Agnihotri's point.

Mr. President: The question is that leave be given to the Honourable Member to withdraw the motion to omit the words 'or relatives'.

The motion was adopted.

Mr. President: The question is that the word 'near' be inserted after the word 'or' in the last line of the Resolution.

The motion was adopted.

Mr. President: The question is that the Resolution, as amended, be passed.

The motion was adopted.

RESOLUTION RE: UNEMPLOYMENT INDEMNITY CASE OF LOSS OR FOUNDERING OF A SHIP.

The Honourable Mr. C. A. Innes: I next move, Sir, that :

'This Assembly recommends to the Governor General in Council that the Draft Convention concerning unemployment indemnity in case of loss or foundering of a ship adopted by the International Labour Organization of the League of Nations convened at Genoa on the 15th day of June 1920, should not be ratified, but that inquiries should be undertaken whether the law should not be amended so as to provide (1) that any Indian seaman whose service is terminated before the period contemplated in his agreement by reason of the wreck or loss of his ship should be entitled to his wages until he is repatriated to the port of his departure from India, and (2) that he should be paid compensation for loss of his personal effects up to the limit of one month's wages.'

This Resolution, Sir, raises a very difficult point and I will first endeavour to briefly explain the law on the subject. Section 25 of the Merchant Shipping Act of 1883 prescribes that the master of every ship, except ships of a burden not exceeding 300 tons engaged in the home trade shall enter into an agreement with every seaman he engages. Section 29 prescribes that when a lascar is engaged for a voyage which ends at a port not in British India his agreement shall contain a stipulation that other fit employment should be found for him on board some other ship bound for the port at which he was shipped or that he should be provided free of charge on such terms as may be agreed upon with a passage to some port in British India. If a ship is wrecked, Section 51 of the Merchant Shipping Act of 1859 states that the wages of seamen on board that ship cease from the date of the wreck. Chapter III of the Indian Merchant Shipping Act of 1880 however makes provision for the subsistence and conveyance home of an Indian seamen ship wrecked on the Indian coast and there are similar provisions in the English Merchant Shipping Act.

[Mr. C. A. Innes.]

of 1894. Now the most important part of the Draft Convention which we are now considering is Article 2. This Article states that in every case of loss or foundering of a vessel, the owner or person with whom the seaman has contracted for service on board a vessel shall pay to each seaman employed therein an indemnity against unemployment resulting from such loss or foundering.

The indemnity is to be paid for the days during which the seaman remains in fact unemployed at the same rate as the wages payable under the contract, but the total indemnity payable under the Convention to any one seaman may be limited to two months' wages. There is some difference of opinion among Maritime Local Governments as to whether this particular Convention should be ratified or not, and the solution which the Government of India propose for the consideration of this House is in the nature of a compromise. We suggest, for reasons which I have already explained, that we should not commit ourselves at present to the principle of an unemployment indemnity and we think that in lieu of ratifying the Convention, an examination should be undertaken of the law on the subject in the direction which I have mentioned. We suggest that this is a reasonable solution of a difficult question. If it proves practicable, it has obvious advantages over the proposal of the General Seamen's Convention. The objection to an indemnity against unemployment is that it would be extremely difficult to work it in the present circumstances of India. We have at present no Labour Exchanges and no Employment Offices, and as I shall show in dealing with the next Resolution it is rather doubtful whether we could usefully establish such Labour Exchanges for seamen at present. This being so, we have no ready means by which a shipwrecked seaman on his arrival back in India can be registered for employment. If, therefore, we ratify the Draft Convention as it stands, and introduce the system of unemployment indemnity, what we fear is that the system would lead to constant disputes between seamen and ship-owners. It will be necessary for the seamen to prove for precisely how long he had in fact remained unemployed and that he had attempted to find employment. We think that a procedure of this kind would lead to disputes, delays and, possibly, law suits, and we have arrived at the conclusion that in the interests of the seamen themselves it would be better to arrange, if possible, that in the event of the wreck or loss of their ship, they should be paid their wages till the date of their repatriation to India *plus* a sum in compensation for loss of personal effects. The effect of this proposal, if it proves practicable, is that these seamen on their return to India will be entitled to a definite lump sum down. They will not be put to the trouble of proving that they had tried to obtain employment on another ship and had not succeeded in doing so. It is quite possible that the principle of an employment indemnity will, sooner or later, be accepted in India but, as things are at present, we think that it would be premature to endeavour to introduce the system in the absence of machinery properly to work it, and that it is better to ensure the seamen a lump sum in the shape of wages from the date of wreck till the date of return, *plus* compensation for the loss of personal effects.

Mr. K. B. L. Agnihotri : Sir, I beg to propose an amendment to this Resolution which will be as follows :

Omit the word 'not' before the words 'be ratified.'

Substitute the words 'and the inquiries' in place of the words 'but that inquiries.'

Insert the words 'even if the period be longer than two months' after the word 'India.'

The effect of my amendment will be, Sir, that we shall ratify the Draft Convention of the General Conference and that we shall also ask the Government of India to make an inquiry whether it would not be advisable for us to extend that period beyond the time limited by the Draft Convention.

My object in moving this amendment is, Sir, that the seaman who get stranded after the wreck or foundering of their ships, should not go unprovided for, and some compensation should be allowed to them for the resultant unemployment due to that wreck or foundering. Moreover, this ratification would not even work hard on the owners of the ships or the proprietors, the reason being that the owners can very well insure against such risks while the poor man cannot insure against the risk of his unemployment. It is therefore absolutely necessary to ratify the Convention immediately. If we refer to Section 51 of the Indian Merchant Shipping Act, we find that such a seaman loses his wages from the date of the wreck and according to that Section it will really be very hard on the poor seaman to be deprived of his wages for the period of unemployment for which he was not at fault at all. It must also happen that such wrecks are very rare and probably the time used for the repatriation of such men would itself be more than a month or even two months. It is also possible that by such wreck or foundering of the ships the personal effects of those seamen may be lost. In order to meet the cost of those personal effects and the result of unemployment, it is not very hard or harsh to impose on the owners of the ships the condition to provide for their wages to the extent of two months' wages. If we look to the case of ordinary servants, we find that if we were to dismiss a servant we shall have to pay him one month's pay in advance. And when the Government of India by this proposed Resolution are willing to pay or compensate him for one month's pay for the loss of his personal effects there is no valid reason why they should not pay him for the two months' wages in a lump sum. Therefore, I beg to urge that the conditions laid down by the Draft Convention are absolutely just and fair, and should be ratified.

Sir, I may also submit that the point raised against it is, that Indian seamen, when they have some money, do not generally seek employment and go away to their homes. The same reason is equally applicable in the case of British seamen and other seamen. This Draft Convention was accepted by almost all the Members of the League or the General Conference. There is no reason, then, why our seamen should be deprived of these two months' wages. Even the Bombay Government has suggested that it is a very satisfactory and reasonable condition and it should be ratified. Moreover, it is also possible that shipwrecks may occur at such a period when such seamen may not be able to get labour on the land or in their villages or in round-about cities, and, in those cases, they will certainly have to undergo a great hardship. One of the objections which the Honourable Member in charge has just put before us is that by ratifying this condition we shall have to ratify the other condition of the Draft Convention which deals with the employment of seamen. I do not find what objection there could be to that. The Honourable gentleman has given us certain reasons as to what

[Mr. K. B. L. Agnihotri.]

are the objections to ratifying that Convention, but I shall deal with it later on when we come to that Resolution.

Under these circumstances, I beg to submit that it will not at all be a hardship on the owners and proprietors of ships, if a seaman is given wages for a period of two months and therefore we should ratify the Draft Convention of the Genoa Conference.

A further amendment which I propose, Sir, is that 'even if the period be longer than two months' be added after the word 'India.' The reason for amendment is this, that shipwrecks are very rare; sometimes these seamen may be stranded in distant parts of the world and it is just possible that the time taken to repatriate them be more than two months; and if we confine the compensation to the extent of two months' wages, it will go a little too hard for these poor men. Therefore, I urge that after ratifying this Draft Convention, we should also request the Government of India to make further inquiries as to whether the wages for these poor men should not be allowed for the period of over two months prescribed.

The Honourable Mr. C. A. Innes: Sir, as the Government of India said in the letter which circulated these Draft Conventions and recommendations to the Local Governments, the proposal of the Genoa Seamen's Conference regarding unemployment indemnity has much to recommend it. It is quite true as Mr. Agnihotri has said that wrecks are not very common and that ship-owners can insure against a risk of this kind. But Mr. Agnihotri has not dealt with the objection which I took to ratifying this proposal to introduce a system of unemployment indemnity. My main objection was based on practical reasons, viz., that as things are at present we could not properly work the system. We have no employment bureaus at present; and even if the House desires to accept the next Resolution, it will take a long time before we can establish such things and get them going. That is my main objection; we cannot work this system of unemployment indemnity and we fear that if we ratify the Draft Convention at present we shall merely set up disputes between owners and seamen, disputes about matters of fact; if we introduce a system of unemployment indemnity we must have some machinery by which these seamen can register for employment as soon as they return to India and can be in a position to prove that they have in fact been unemployed and that they have tried and failed in fact to get employment. Mr. Agnihotri has not dealt with that objection which is a practical objection. The next point I have to make is the point to which I have already referred in this debate and which is familiar to all. These seamen, as I have said before, when they come back to India in the ordinary course, they do not immediately try for another ship. Some of them may apply for employment on another ship, but a great many of them employ themselves for a shorter or longer period in agriculture. A further objection I have to point out is that Mr. Agnihotri is trying to hustle this House into the acceptance of a very far-reaching principle. The reason why unemployment indemnity in the case of loss or wreck of a ship is on the face of it a fair and reasonable proposition is that the loss or wreck of a ship takes place by act of God. If we admit this principle in respect of seamen, we must extend it to others also; there is another calamity which takes place by the act of God, namely, famine. Are the landlords prepared to look forward to the time when

they will be compelled to have a system of indemnity for unemployment arising out of famine in respect of their agricultural labourers? I suggest, Sir, that the House will be well advised to go slow in this matter, and to accept what I think is the very reasonable proposal we have put forward. It is a proposal which was conceived in the best interests of the seamen themselves. We do not want these seamen when they are repatriated to India after a wreck to be landed in with serious disputes with their owners; we want them to get a definite lump sum of money down, their wages from the date of the wreck in addition to their subsistence allowance and compensation for the loss of their personal effects. I advise this House very strongly to hasten slowly in matters of this kind. I think that our proposal makes a good beginning and that we can leave future developments to the future.

The amendment to omit the word 'not' in line 4 of the Resolution was negatived.

The amendment to substitute the word 'and' for the word 'but' in the 4th line of the Resolution was then negatived.

Mr. President: A further amendment has been moved that in line 8 of the Resolution after the word 'India' the following words be inserted 'even if the period be longer than 2 months.'

The Honourable Mr. C. A. Innes: May I point out, Sir, that this amendment is quite unnecessary? In the Resolution, as it is now worded, we do not limit the period in any way at all; we merely suggest that an inquiry should be made whether the law should not be amended so as to provide that any seaman whose service is terminated before the period contemplated in his agreement by reason of the wreck of his ship should be given his wages until he is repatriated. We have not suggested any limit of time and I see no necessity to insert the words suggested by Mr. Agnihotri.

The amendment was negatived.

The Resolution was adopted.

RESOLUTION RE: FACILITIES FOR FINDING EMPLOYMENT FOR SEAMEN.

The Honourable Mr. C. A. Innes: I move, Sir, that:

'This Assembly recommends to the Governor General in Council that the Draft Convention for establishing facilities for finding employment for seamen adopted by the General Conference of the International Labour Organization of the League of Nations convened at Genoa on the 15th day of June 1920, should not be ratified, but that an examination should be undertaken without delay of the methods of recruitment of seamen at the different ports in India in order that it may be definitely ascertained whether abuses exist and whether those abuses are susceptible of remedy.'

This Draft Convention, Sir, recommends that the business of finding employment for seamen should not be carried on by any person, company or other agency as a commercial enterprise and that fees shall not be charged by any one directly or indirectly for finding employment for seamen on any ship. Article 3 runs:

'Any person, company or agency at present carrying on the work of finding employment for seamen as a commercial enterprise for gain to continue temporarily under Government license and supervision:

provided that all practical steps be taken to abolish the practice of finding employment for seamen as a commercial enterprise as soon as possible.'

[Mr. C. A. Innes.]

Article 5 prescribes the organisation and maintenance of an efficient and adequate system of public employment agencies. The above are the most important provisions of this Draft Convention. Broadly speaking, the Draft Convention is directed against crimping in any shape or form, and this is an object with which I think every one will sympathise. Our law on the subject is contained in the Merchant Shipping Act of 1859. Section 18 of that Act authorises a Local Government to grant a license to fit persons to engage or supply seamen on such terms as may be thought proper. Section 19 constitutes it an offence either to supply seamen without a licence, or the employment of unlicensed persons for the purpose of obtaining seamen. Section 20 makes it an offence to demand or receive money either directly or indirectly from seamen in return for finding them employment.

Now, the most important point for decision is whether we should abolish our system of licensed shipping brokers and create a system of public employment agencies, and the conclusion we have arrived at after consulting Local Governments is that we require further information before we are in a position to make any confident proposals for the consideration of the House. I am prepared to admit that the system of licensed shipping brokers is theoretically wrong. It is true that the shipping brokers are paid by the ship-owners and not by the seamen, but the system is not in accordance with the principle laid down by the Conference that no fee shall be charged either directly or indirectly by any person for obtaining employment for seamen. But the real question we have to consider is whether under present conditions we could usefully abolish the licensed brokers in favour of employment agencies and whether employment agencies would remedy such abuses as are now suspected. The Governments of Bengal and Bombay are the Governments chiefly concerned for it is only in Calcutta and Bombay that seamen are engaged in great numbers—have answered this question in the negative, but on a separate reference from the Government of India they have both agreed that there is a case for inquiry, and that is the proposal I wish to put before the House. I suggest that before this House comes to any final decision in the matter, any final decision on points that are very difficult and very thorny, I suggest that there ought to be a preliminary inquiry in order that all the facts may be made known.

I am not prepared to commit myself too far in regard to the existing system, because it is a subject on which different people hold different views. As far as I know, the licensed shipping brokers are respectable men. I believe that complaints have been made in the past that they were in the habit of taking money from seamen in return for finding them employment, and on more than one occasion formal inquiries have been made into these complaints but without any result, either on account of the vague and unsatisfactory nature of the complaints or because those persons who made the complaints were afraid to come out into the open and substantiate them. My information is, that it is doubtful whether there is any reason to suppose that the licensed brokers take money from seamen. If money is taken at all, it is taken by the serangs, and here I might explain briefly to the House what the practice is in Calcutta in regard to the engagement of crews. When a ship is in need of a crew, the chief officer, chief engineer and the chief steward select respectively the deck serang, the engine room serang and the butler. They select men whom they know and with whom they have sailed before

and such serangs frequently sail for years together under the same officer. Each serang obtains his own crew, and it is worthy of remark that very often a crew will refuse to sail on a ship except under its own Serang. The crew, if accepted by the three ships' officers I mentioned just now, sign on in the presence of the Shipping Master, and when the men sign on it is the custom to give them each an advance of one month's pay. According to my information, it is here that the shipping broker licensed under Section 18 of the Act of 1859 comes in. As I understand the position, he has little to do with the actual recruitment of the seamen; indeed, he could not recruit them except with the assistance of the serang. His main function appears to be to advance the seamen the one month's wages, and he stands to lose his money if an or any of the crew fail to turn up on board the ship. He makes this advance in return for a commission of 7½ per cent from the owners on the amount disbursed. The advance is paid in the presence of the Shipping Master direct into the hands of the seamen, and it is probable that each seaman does pay a *dastur* to the serang. Nobody can prevent him from doing this. All we can do is to see that the money is paid into his own hands. The system is of course a peculiar one and may be wrong in principle, but it is a natural growth and has one advantage, namely, that it does not require the presence in Calcutta of seamen waiting for a ship. They can go back to their villages and keep in touch with their serang. A further advantage and it is an important one—is that the system encourages team work on board ship. If the description of this system is correct, it will be seen that if money is paid at all by the seamen, it is to the serang and it is a point to remember—that even if we establish public employment agencies, it is extremely doubtful whether we shall be able to abolish the serang or prevent the seaman from paying away a part of his wages to the serang.

All these remarks of mine are purely provisional. I have laid the proposition before Honourable Members that before this House can come to any confident decision on this very difficult question of the right method in which to recruit seamen, it is necessary that we should have further information, and I suggest that the House should agree to my proposal that we should appoint a small Committee to examine the methods of recruitment for seamen in Calcutta and in Bombay. In accordance with the pledge given in February of last year, no action will be taken on the report of that Committee without giving this House an opportunity of considering the report.

Mr. K. Ahmed : Sir, I rise again, to oppose this Resolution. There is a story I heard a long time ago to the effect that if you wish to build a house you must go to a builder or an architect first. Now, Sir, the Government are going to do just the opposite, they are going to construct their house first and then approach the builder or the architect afterwards. Sir, this is a subject that requires very careful examination. The Honourable Mr. Innes has actually asked us not to ratify the Draft Convention for establishing facilities for finding employment for seamen, and that was the Draft Convention which was adopted by the General Conference of the International Labour Organization held at Genoa on the 15th June 1920. At that Conference there were representatives of the Government if not of the people. That Draft Convention was passed by the Geneva Conference and what are we here for to-day but to give effect to their recommendations. What the Honourable Mr. Innes has told us is in other words that the Government are not satisfied with that Draft Convention.

[Mr. K. Ahmed.]

Is this not a conspiracy of the Government of India to oppose what the advanced Nations of the West have considered it a great boon for the amelioration of the condition of the seamen in general. If it is good for the seamen in Europe, it is also, I submit, good for the seamen in India.

We are asked to agree to the Resolution that has been proposed by the Government of India. It is quite clear to us that it is for the benefit of Indian seamen that facilities should be provided for finding out employment for them in the country. It is certainly very essential to them. But I am sorry that the Government of India think to-day that it is not so, and want to keep the middleman, that is the broker, who is called the licensed broker. Hitherto, they have been essential to the Government of India to procure the services of seamen, and they have been getting remuneration in some way or other. We have been told that the remuneration they expect to get is not much for the kind of trouble that they take to find out Indian seamen, to bring them and get them employed in the sea. The Honourable Mr. Innes has cited certain Sections of the Merchant Shipping Act. He has also told us that anybody who gives illegal gratification for procuring the services of seamen will be punished, as well as the man who takes it. But, Sir, if my Honourable friend, Mr. Innes, were to go to the town of Calcutta towards the Presidency Magistrate's court, he will find innumerable sources of proving a number of cases of taking illegal gratification. Sir, there have been a number of petitions made to the Government of India during the years that have gone by to redress the grievances of these poor Indian seamen, and yet the Government of India have not done anything. Sir, we thought that the world was progressing, and the Genoa Conference of the 15th June of last year considered and thought that we were in an advancing world. But here, Sir, the Government of India think that it is not so. They had sent their representatives to the Genoa Conference. They considered the matter there, but yet the Government of India say that they are not satisfied with the Draft Convention, and that they will not give effect to the Resolution which was passed there. Was there a single word spoken by the so-called representatives who were sent there to represent the Government of India and the people of this country, a single voice raised against this Resolution which was accepted by the League of Nations? But to-day, Sir, it is something surprising, something extraordinary, that though the Resolutions were passed for the benefit of India, and for the benefit of Indian seamen, the Government of India comes as an obstacle, not to facilitate action in the right direction of the Resolution but to oppose it. Sir, I venture to put forward this objection and I hope that the House will remember this and will not certainly support this Resolution.

Mr. R. A. Spence: I move, Sir, that the question be now put.

Mr. President: The question is that :

'This Assembly recommends to the Governor General in Council that the Draft Convention for establishing facilities for finding employment for seamen adopted by the General Conference of the International Labour Organization of the League of Nations convened at Genoa on the 15th day of June 1920, should not be ratified, but that an examination should be undertaken without delay of the methods of recruitment of seamen at the different ports in India in order that it may be definitely ascertained whether abuses exist and whether those abuses are susceptible of remedy.'

The Resolution was adopted.

MESSAGE FROM THE COUNCIL OF STATE.

Mr. President: A Message has been received from the Council of State. The Secretary will now read it.

Secretary of the Assembly: Sir, the first Message received from the Council of State runs as follows :

'I am directed to inform you that the Message from the Legislative Assembly to the Council of State desiring its concurrence in the Resolution to the effect that the Bill to consolidate and amend the law relating to Income-tax and Super-tax be referred to a Joint Committee of the Council of State and of the Legislative Assembly, and that the Joint Committee do consist of 16 Members, was considered by the Council of State at its meeting to-day, and that the Resolution was concurred in by the Council of State. The following Members of that body were nominated to serve on the Joint Committee, namely :

The Honourable Sir Alexander Murray.
The Honourable Mr. Lalubhai Samaldas.
The Honourable Mr. Sethna.
The Honourable Mr. Moncrieff Smith.
The Honourable Mr. Chettiar.
The Honourable Mr. Bhurgri.
The Honourable Mr. Khaparde, and
The Honourable Mr. Froom.'

Secretary of the Assembly: The second Message received from the Council of State is as follows :

'I am directed to inform you that the Council of State have, at their meeting of the 26th September, agreed without any amendments to the following Bills which were passed by the Legislative Assembly on the 15th September, 1921 :

- (1) A Bill further to amend the Indian Marine Act, 1887;
- (2) A Bill further to amend the Indian Works of Defence Act, 1908.'

Mr. President: I propose to take Resolution No. 7 after the adjournment. This House now stands adjourned till 2-45 P.M.

RESOLUTION RE: ENHANCEMENT OF PENSIONS OF CIVIL PENSIONERS.

Lieut.-Colonel H. A. J. Gidney: Sir, the Resolution which stands in my name reads as follows :

'This Assembly recommends to the Governor General in Council that he may be pleased to consider favourably the claims of civil pensioners for an enhancement of pensions, specially that class drawing an annual pension of between Rs. 5,000 and Rs. 540, and further recommends that the Government be pleased to appoint a Committee from among the Members of this Assembly to inquire into and report to what extent enhancement should be given to such pensions, and, till such report is made, to afford an *'ad interim'* relief.'

In representing this Resolution for the generous and sympathetic consideration of this Honourable House, I feel it is incumbent on me to briefly survey the past history connected with the grant of civil pensions.

Sir, the Resolutions that are usually presented to this Honourable House can be divided into three categories. There is the Resolution on which both this House and the Government find themselves in thorough agreement, and there is the Resolution on which this Honourable House and the Government

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find themselves in total disagreement. These two kinds of Resolutions present no difficulties and are dealt with with alacrity. The Resolution, which I bring before this House to-day, belongs to the third category and is one which I feel sure will receive the sympathy and support of this Honourable House but, which Government, I have no doubt, will oppose on the ground of insuperable financial difficulties.

Sir, civil pensions may be broadly divided into three classes; (1) those for the Indian Civil Service, with which I have no concern, (2) those for the 'unconvenanted services,' and (3) those for the 'subordinate and menial services.' It is to the two latter classes that I wish to draw your special attention and, in doing so, I desire to make it quite clear to this Honourable House that I am not championing the cause of any particular community amongst the pensioners, for in my Resolution I include every community in India and I would add that there are many more Indians than non-Indians who are affected by the present inadequate rates of pension. At the outset I may be permitted to state a few well recognized and accepted facts for the benefit of this Honourable House, *viz.* :

(1) 'Pension' has been interpreted as 'deferred pay,' to which every officer in India contributes during his public service; that it is an officer's income during his lifetime, and on his death should, in equity, become part of his estate. The accumulated profit arising from such contributions and accruing to Government as a result of death, prior to, or soon after an officer retires is therefore large and those who suffer in consequence are the widows and children, who in most cases are left insufficiently provided for owing to the officer's inability to make a suitable provision during his lifetime, due to the receipt of an inadequate salary, which is especially the case in the lower grades. It follows then that the appropriation by Government of an officer's deferred pay after his death cannot be regarded as equitable or just, nor can the Government's declaration that pension is a burden on the public revenue be accepted as strictly correct in its integrity. As an example, let me quote the case of an officer who has served Government for, say, forty years. His accumulated deferred pay would amount to a large sum which he can never hope to realize during the remaining years of a normal life after retirement, spent in an insalubrious tropical country which does not bid for longevity. I wish this Honourable House to remember that if Government service were not pensionable, Government would be compelled to pay their temporary servants much higher rates of salary. One is therefore entitled to ask Government, in connection with their plea of financial inability to sanction an enhancement of pensions, what becomes of deferred pay *undrawn* by pensioners?

(2) The cost of living in India has enormously increased during the past few years—more than 100 per cent and, as a result of this, pensions that were fixed and determined with reference to the conditions that prevailed in by-gone years, are now found to be utterly inadequate when those conditions have completely changed. I opine if the granting of pensions is a recognition on the part of the Government of a duty it owes to its superannuated servants, that duty, I submit, is very imperfectly discharged when they are allowed to fall into a condition of poverty and suffering, without adequate assistance being rendered to them by the Government they had so long and faithfully served.

Pensions being in the nature of deferred pay, I submit, that the pensions now drawn by these servants of Government do not represent the same value as they did when they retired; not even by a half—and, in equity and justice, Government should grant them such relief as will bring their pensions up to the same value as they were then. The lot of these pensioners, so intolerable before, has become still more intolerable by the heavier taxation of all kinds that has come into force from the beginning of the official year. Inasmuch as it imposes a greater burden on the already sorely stricken and impoverished pensioners who, as the consumer, will ultimately have to pay the tax of the tradesman, who will put the tax he has to pay, and a good deal more, on to his goods, and this, as a matter of fact, is what is already being done by tradesmen all over India, but, while the additional burden imposed by this taxation is capable of being borne by those whose salaries and pensions have been raised expressly with the object of enabling them to meet the increased cost of living, it must press with crushing and resistless force on the pensioner who has no possible means of eking out his scanty income and cannot adjust himself to the new conditions which have only aggravated his sufferings.

(3) It is the moral obligation of Government to aid a pensioner who, in terms of Rule 9 (2) of Appendix No. 10 of the Civil Service Regulations, is required to maintain himself in accordance with his station in life, which it is now impossible for him to do, owing to the value of the rupee being diminished by more than half its original purchasing power.

(4) It is also the primary duty of Government to save its pensioners from privation and distress.

(5) It is a recognised fact that all pensioners are under the disciplinary control of the Government of India; inasmuch as, in certain circumstances, their pensions might be alienated or wholly or partially forfeited.

(6) The standard of living in any class of pensioner must be presumed to have been determined by the pensions of that class, and if the abnormal economic conditions that now prevail make it impossible for that standard to be maintained in any one class, they must make it impossible in all classes.

(7) Pensioners pay income-tax, and, *vide* Articles 520 and 521, Civil Service Regulations, the re-employment of pensioners is fettered and penalised.

I must also inform this Honourable House that the Islington or Royal Services Commission, which commenced its inquiry so long ago as 1912, and the execution of whose recommendations was, for various reasons, delayed till 1919, definitely stated that the *then* rates of pension were inadequate. And this recommendation, I may mention, was *pre-war* and had nothing whatever to do with the abnormal conditions which prevail in India to-day. With this preamble I shall now ask this Honourable House to bear with me while I try to trace how the present position has developed. The original rates of pension were fixed many years ago and were standardized in consonance with the *then* value of the rupee and terms and conditions of living. From time to time slight additions were sanctioned to the salaries of certain classes of Government servants, but it was universally felt, especially amongst those officers of the Civil Service, other than the Indian Civil Service, that their pensions were utterly inadequate.

This resulted in the submission of various memorials to the Government of India, which were either evaded or partly met by an increase being granted

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in certain rare cases where exceptionally meritorious services were performed. The cumulative effect of all these memorials led to the appointment of the Islington Commission in 1912. I use the word 'cumulative' with great emphasis and for reasons to which I shall later on refer. This Commission, amongst various other findings, pronounced the *then* rates of pension as inadequate and offered certain suggestions and recommendations not only as regards salaries, but also as regards pensions. Most of these dealt with the higher services which were of a very liberal, and I would add, in some cases, a generous character. I would now ask this Honourable House to take careful note of a certain memorial which was submitted to the Government of India by certain Public Works Department officers in the Punjab in 1913, for this forms a most important point. I would also ask you to note that this very memorial was submitted after the Islington Commission had commenced their deliberations. In this petition, the memorialists, fearing that there might be a long delay in giving effect to the recommendations of the Islington Commission, asked for an assurance from the Government of India that their claims, to any enhanced rates of pension, would not be overlooked. This assurance was given by the Government of India and the 23rd of July 1913 was the 'time-bar' which the Secretary of State admitted. Well, as we all know, the war started in 1914 and, though the report of the Islington Commission was completed in 1915, yet for national reasons, its publication was postponed till 1919, when orders were issued on the subject. It would only weary this Honourable House if I were to enter into the labyrinthine findings and recommendations of this Commission, except to broadly say that the higher services were the principal beneficiaries, both as regards the enhanced salaries and pensions. From this report it will therefore be seen that July 23rd, 1913, was the date from which retired officers were allowed to participate in these enhanced rates of pension. I shall now draw your attention to the Government of India, Finance Department, Resolution No. 1085-E. A., dated the 15th November 1919, which sanctioned an improved scale of pension, from the 1st April 1919, to all *gazetted* officers in certain of the Civil Services in India whose ordinary maximum pension was Rs. 5,000 a year. Since the publication of the Secretary of State's orders on the Islington Commission various memorials have been submitted, from time to time, both in this country and in England, protesting against some of its findings. In England the matter has been forcibly represented to Members of the House of Commons, and two influential deputations have already waited on the Secretary of State on the 18th May 1920 and the 6th April 1921. These deputations rightly based their claim on the admissions made by the Islington Commission regarding the inadequacy of the pension of certain higher appointments. They did not plead *in forma pauperis* but rightly took as their stand point *pre-war* and not *post-war* conditions, though the latter, they added, had accentuated the conditions of the former period. These deputations objected to and forcibly pointed out the injustice of arbitrarily fixing the time-bar of enhanced rates of pension to July 23rd, 1913, and asked that all officers who retired prior to this date be also allowed to participate in the enhanced rates of pension. They pointed out, and very rightly so, that the pledge given to the memorialists of July 23rd, 1913, by the Government of India should have included those memorialists who had frequently petitioned, in similar terms, years previous to 1913, and emphasised the fact that the Islington Commission and the pledge given by the Government of India were the direct outcome of

the cumulative effect of all the memorials that had been submitted on the pension question since 1900 and even before that date. They submitted that what applied to those officers who retired on or after July 23rd, 1913, should, by all the canons of justice and equity, apply with equal force to those officers who had retired previous to that date. These deputations were unsuccessful in their endeavours but at the last deputation, namely, that on the 6th April 1921, the Secretary of State pronounced that the matter would be reconsidered '*both here and in India*'. I would here ask the Finance Member to be good enough to inform this House whether he has received any communication to this effect from the Secretary of State, and, if so, what action it is proposed to take on it. This, Sir, is how far the campaign in England has gone.

I now turn my attention to the action taken by pensioners in India. And, at the outset, I must make it quite clear that whereas the activities in England mainly concern the superior services, those in India deal almost exclusively with the subordinate establishments. After the issue of the report of the Islington Commission, and finding themselves unfavourably positioned, the pensioners in India formed themselves into various Associations; for example, those of Bangalore, Sind, Punjab, Bengal, Burma, Bombay, Allahabad, Mussoorie, Dehra Dun, Hyderabad, Dinajpur, Dacca, Ahmedabad, Broach, Kaira and other places throughout India and Burma. These bodies strongly represented their grievances to their respective Local Governments and the Government of India, and have frequently petitioned the Viceroy, with what result I shall show later on. To enable this Honourable House to clearly understand their grievances, it will be necessary for me to refer at some length to *two* letters which have been issued by the Finance Department of the Government of India as they have an important bearing on the matter under consideration. The first letter which I have already alluded to is No. 1085-E.A., dated the 15th November 1919, which sanctions an improved scale of pensions to those officers whose ordinary maximum pension was Rs. 5,000 per annum, and which was given effect to from the 1st April 1919. The second letter, which was issued from the same source and after consultation with the various Local Governments, is No. 55-C.S.R., dated the 14th January 1921, was the outcome of repeated Memorials submitted by the Indian pensioners. In this latter letter, the Government of India was pleased to sanction a small increase to those in receipt of Rs. 5,000 per annum and Rs. 540 per annum tacitly admitted the inadequacy of the old rates of pensions. I would particularly draw the attention of this Honourable House to the fact, and emphasise it strongly, that, while the increase granted to pensioners of the higher class, *i.e.*, Rs. 5,000 per annum, as also to Chaplains, is with retrospective effect from 1st April 1919, the paltry increase granted to those of the lowest classes is not.

It will no doubt surprise this Honourable House to learn that the Government, whilst giving effect to these increases, did not afford any relief to the large class of pensioners who occupy a position midway between these two limits, that is, those pensioners whose pensions are below Rs. 5,000 and above Rs. 540 a year, and, it is this class of pensioners who throughout the length

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and breadth of India and Burma, who are to-day appealing against this act of gross injustice and inequity on the part of Government in their attitude towards them. In other words Government has given more to those to whom much has already been given and withheld all relief from those whose necessities are infinitely greater. It is unnecessary for me to point out to this House that if the present economic condition of India is felt by the two classes who have received an enhanced rate of pension, it must be equally felt and, in some cases, more so, by the middle class who have been in their old age left inadequately provided for. All have rendered loyal service in their various spheres of life. All feel the pinch of life at the present time. Most of them have had compulsorily to retire owing to the time limit, and, I submit, that it is the bounden duty of Government to treat *all* alike and not to make such an unfair and invidious distinction of treatment. I could, if I liked, portray a picture to this House of the hardships that are to-day endured by these old, infirm and, in most cases, decrepit servants of Government, but I feel sure that the House will bear with me when I say that this body of men are, to-day, living in absolute destitution, deprived in their old age of the comforts of life, unable to threaten or force the hands of Government with strikes, unable to compete in the strenuous present day competition of life, unable to adequately feed, clothe, and educate their families, in short, are unable to make their voices heard in the country of their birth and have, perforce, to silently endure these privations. Need I add that many of these people are, to-day, bed-ridden, blind, deaf, maimed, with families dependent on them, and spent a large part of their meagre pensions in paying for medical aid to maintain their failing health. I say, is it not galling to these old faithful servants of Government to realise that the very same posts that they held, a few years ago with distinction, are, to-day, occupied by men in receipt of twice their salary with better prospects and a liberal scale of pensions, while they are driven to a state of penury and are so incapacitated by infirmity as to be unable to supplement their meagre pensions? Their cup of righteous indignation is now full to overflowing and it is up to Government to give them a generous relief as soon as possible, in recognition of their long, loyal and, in most cases, meritorious service in the administration of the British Government of India. I know from personal experience and observation that these poor pensioners are, to-day, reduced to a condition which is almost indescribable. I feel sure if Honourable Members could look into their households and see the state of affairs which exists there to-day it would reveal to them a condition which is incredible. The pensioner, whose cause I am pleading, is certainly right when he sums up the present situation in something like these terms: 'If Government can find the money to give a man who is doing exactly the same work I was doing ten years ago, in the same office, nearly double the pay I received after 20 years' service, then, it is all nonsense when they say they cannot find money to pay me the pension I have earned; all I want is my 'deferred pay' at the current rate of exchange—that is all.' And the man who puts it in this matter-of-fact way is talking sense all the time! In short, one is entitled to say that, whereas the present Government official is surrounded with joy bells, for the class of people on whose behalf I am appealing the funeral bells are always tolling.

Sir, I have tried to portray to you, briefly and *inadequately*, a true and faithful picture of the utter misery and privations in which Government has allowed their old and faithful servants to exist. Is this a credit to any

Government, especially when I inform this Honourable House of the *magnanimous* manner in which the other Governments have treated their pensioners? I would here state that the Ceylon Government, the Straits Settlements, the Egyptian Government and the Colonial Governments have awarded their pensioners liberal increases on their old scales of pension, and with *no* time-bar, such as the Government of India, in their *magnanimity* have been pleased to order. Is this a treatment of which any Government would be proud? Does this become the dignity of the British Government? Even an impoverished Indian State would not treat its pensioners in so parsimonious a manner.

This Honourable House will no doubt want to know what this is going to cost the Government of India, and doubtless the Finance Member in his reply, will state that the expenditure involved will be so appalling, that no Government will be able to stand the financial burden. I fully expect this reply but, before this Honourable House accepts it, I feel I must draw its attention to certain points. I think Honourable Members will agree with me that if the higher and lower pensions have been increased, the intermediate class should have their pensions augmented. Ordinary justice demands this and Government *must* find the money, whatever it comes to. This may sound rather mandatory on my part and, at the same time, some of the Honourable Members may be inclined to view it as impracticable. I have tried in vain to ascertain the exact numbers of pensioners in India and Burma, whose pensions come within these two limits and what it would cost. However, I would like to make a few remarks on this point. In estimating the probable cost to Government, one must remember the following facts: (1) the average length of time that pensioners, as a whole, to-day draw their pensions is, I am told, about five years. I understand that this is the average, so far as the Indian Civil Service is concerned. I may be wrong, in fact the Honourable the Finance Member will no doubt tell you that I am hopelessly wrong. Anyhow, considering that most, if not all, of these pensioners are from 55 to 58 years of age and more, I think 8 years would be a safe figure as the time for which these pensions would be drawn. Remember, you are dealing with a body of old men who have given their whole lives in the service of Government and most of them are aged and infirm at this period of life. In fact, it may be said that for these pensioners the funeral bells are always ringing. They are disappearing very fast and the liability to the Government of India on their account will rapidly decrease year by year. It will, therefore, be apparent to this House that the cost to Government will be practically *nil* after 5 to 8 years, for those who ask for relief now are a rapidly diminishing body and cannot possibly continue long to be a burden to the State. It must also be remembered that to meet this additional burden of increased salaries and pensions to the present-day Government officials, the Government of India have incurred a debt which has helped to make a deficit of 19 crores in the last budget. This deficit has been met by increased taxation on incomes, and increased import duties, both of which these poor pensioners are subject to, for pensioners, like others, are liable to the enhanced taxation and they, too, contribute to the additional revenue required to meet the additional expenditure. In other words, these impoverished pensioners have to pay to keep these Departments going at their present enhanced rates of salaries and pensions. Is this fair? Is this British justice? I call it a scandal and a state of affairs of which any Government should be ashamed.

I wish to draw the attention of this Honourable House to the reply given by the Honourable Finance Member to a question put by Maharaja Sir

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Manindra Chandra Nandy on 20th September 1920 at the Imperial Legislative Council:

'It will thus be seen that the extremely laborious task of revising the pay of all ministerial subordinate and menial establishments throughout India for granting substantial temporary relief is nearing completion and that the total additional cost of the measures already sanctioned or agreed to in principle, amounts to 9 crores. These figures do not indicate that either the Government of India or the Provincial Governments, on the whole, have failed to recognise the importance of giving relief to non-gazetted establishments as well as to the Imperial and Provincial Services or that they have dealt with the problem in a spirit of illiberality.'

I accept the spirit of liberality displayed in this, but, remember this expenditure was incurred at a time when the strictest economy was demanded of all Governments, and the hands of Government were practically forced by repeated memorials accompanied by distinct threats of strikes, etc. In the face of this I now ask, Is it fair; Is it just for Government to adopt an attitude of financial retrenchment in the case of its helpless, aged, and retired servants? It is the work of these good and faithful servants which has enabled the Government to carry on and consolidate the administration of the country, as is evidenced by the work that is being continued in the four walls of this Honourable House by us this very day. I ask if it is fair to grant increases to the present-day workers and to deny an extension of that relief and help to their worn-out predecessors when the hardships of both are identical, indeed, when those hardships bear more heavily on the latter, a class whose lives are embittered by their efforts to keep out of debt?

The Honourable the Finance Member may contend that it is the smallest pensioners who stand most in need of relief. If this is so, I ask, in the name of all that is fair and just, why did Government find it necessary to make haste to increase the pensions of those former high placed officials whose handsome salaries, when in service, and large pensions, after their retirement, effectually protected them from privation.

The Government of India, before they thought it fit to hand over the reins of Government, be it only in part, to an elected Indian majority, took good care to enhance the salaries and pensions of their higher officers on a magnanimous scale, and left it to the Legislature to deal with the pensions of the subordinate staff.

The Honourable Member in charge of Finance may say that this is an impracticable Resolution, that the Local Governments will not be able to bear the burden of this financial strain on their already paralysed finances. To him I would say, if this is so, why did you, so recently as 18th June 1921, sanction an enhanced rate of pension for the Indian Ecclesiastical establishment with effect from 1st April 1919? I freely admit that to increase the pensions of all pensioners would impose a heavy financial burden on the country, but, strangely enough, financial difficulties were not thought of when enormous expenditure—unjustifiable, I think, in many cases—was incurred immediately after the war, at a time when the strictest economy was called for, and is still being incurred regardless of public opinion—and which lavish expenditure has helped to make a deficit of 19 crores with which this very Government is faced to-day. No, Sir, it is too late for Government to plead financial difficulties as an excuse

when the pensions of some of its retired officers—those who least needed to be helped—have already been liberally increased—when in all departments the salaries of those in service, and more especially of the higher officials, have been very considerably raised—and a new scale of pensions has been sanctioned for the benefit of those who will retire hereafter, when those who now ask for relief, but are left out in the cold, have passed beyond the need of pensions. A tender solicitude for the wants of those who are now in active service may be right and proper, but this need not be joined to a callous indifference to the wants of those, who in their day, rendered faithful service to Government and are now, in their old age, in a condition of utter helplessness. What I ask of the Government is, that the same treatment that has been meted out to some, be meted out to all the pensioners.

Government quite easily raised the money required for the present-day enhanced salaries and pensions which, let me add, the present Legislative Assembly is now called upon to obtain and which is a recurring and permanent expenditure. Is it too much for me to ask Government to resort to the same means, and obtain more money to meet its moral and legal obligation to its retired helpless servants, money that will only be needed for another 5 or 8 years and decreasing each year?

These pensioners have borne the burden of the day, have laid the very foundations and maintained the structure of British supremacy in India for so many years. I say it is these very pensioners who have built up the first storey of this rest-house, i.e., the present Government of India, which we are to-day attempting to administer. Are we now to tell these pioneer and faithful workers that there is no admission for them? Are we going to desert them in their hour of need and distress? It is a bad day when the country cannot afford to do common justice to its old retired servants.

I know that the condition of the finances of India to-day is not encouraging to any one who asks for any concession from the Government, but I would respectfully submit that financial conditions are passing. They fluctuate and change as do the winds. But equity and justice do not change. My claim is a matter of equity and fairness. If the Government of India had treated all pensioners alike, if it had said 'From this day forward, those who retire shall have an enhanced pension but none of those who have already retired,' well, it would have been a bitter disappointment to a large number of pensioners but, then, there would not have been that inequality in dealing with equal claims of which the pensioners now complain.

I know it is sometimes said, 'We must draw the line somewhere.' Well, nature herself has drawn the line. You need not go far back at all events you know what the limit is likely to be. No veteran from Queen Anne's time or pre-Mutiny days is likely to turn up and claim an enhanced pension, and, I submit, if the Government of India had trusted to the natural limitations of human life, it would have kept on safe ground.

I want the Government of India to recognise the administrative disadvantage of having in existence, a body of men of their own creation who, to the end of their days, will nourish and make the most of a grievance which it has inflicted upon them. It is not to the credit or advantage of any Government to have men, to the very last, cherishing and making the most of a grievance

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of this nature. It is this inequality of treatment, this difference between high and low, between the great and the humble, this favouritism to those who are scarcely in need and this heartless indifference to those who are sorely in need, that creates a bitterness of feeling that must tend to alienate the affections of those whose loyalty and support would mean a great deal to Government in the troublous times that are coming. I ask the Government of India to bear that consideration in mind but, above all, I ask it to look at it from the point of view of intrinsic justice as between all classes of His Majesty's servants in India. For if relief is denied to such a class, the natural result would be the extinction of the poor, and no modern Government, and certainly no modern democracy, could possibly view this result with approval and equanimity.

In conclusion, I would beg of the Members of this Honourable House to remember that I am pleading the just cause and dues of a body of His Majesty's subjects who are unable to raise their voices and, in arriving at a decision on my Resolution, to weigh most carefully all the points I have tried to bring out and to ask themselves, how they would feel; how would they act, if they were placed in a similar position after rendering faithful, loyal and meritorious service for from 30 to 40 years. I ask them not to be, in any way, influenced by what the Honourable the Finance Member says. If the Finance Member says, my Resolution is financially impracticable, let this Honourable House retort with one voice: 'Then retrench your expenditure but, in the name of justice, in the name of humanity, in the name of God, do not let your old and faithful servants live and die in abject poverty and starvation' I can only press upon this Honourable House as well as on the Honourable the Finance Member the truth of the well-known quotation '*Securus judicat orbis terrarum*,' viz., 'That which is approved of (or accepted) by the whole world is correct,' irrespective of what the Honourable the Finance Member or the Government of India say to the contrary.

The Honourable Mr. W. M. Hailey: Colonel Gidney has assumed that his Resolution would be opposed by the Government, but would receive the sympathetic support of this House. This first part of his supposition is correct; I am reluctantly compelled to oppose this Resolution. Reluctantly, I say, Sir, because I am as conscious as he is of the hardships of many of our old servants; I am as conscious as he is of the great work which they have done for Government, but I must nevertheless oppose his proposal. Whether it will receive the sympathetic support of this House will depend upon the case I put before Honourable Members in regard to this question.

I shall begin by giving a history of the case regarding our treatment of pensioners. Colonel Gidney has given us his version of the facts and I must supplement them in some instances and in others I must correct them; for I think that a clear statement of the case will do much to remove grievances that are no doubt felt in many parts of the country as to the course that has been taken by Government in this respect, and will also, I hope, remove some of the prejudice that Colonel Gidney has endeavoured to create against Government in regard to the treatment of our pensioners. Now, Sir, our pensions for the Uncovenanted Service I shall like him neglect all pensions that depend on a statutory basis are calculated on what is known as the system of sixtieths; that is to say, that for each year of service, an officer of Government receives as pension one-sixtieth part of his pay. The effect of

this is that after 30 years' service—which we may take as the normal period of service—he is entitled to a pension of half his average pay. But this has never operated in full; there has always been a fixed limit; the maximum limit in the case of officers of the uncovenanted Service was Rs. 5,000. Honourable Members will see at once that this operated against all pensioners who drew pay of over about Rs. 900 a month. Thus, as the result of the application of the maximum limit, an officer drawing Rs. 2,000 a month, instead of receiving a pension of Rs. 12,000 a year, would be restricted to a pension of Rs. 5,000 a year. There was at the same time an additional pension of Rs. 1,000 for holders of certain high administrative posts. Now, as Colonel Gidney has said, when the Public Services Commission reported, they stated that these pensions were inadequate. But I must correct, or rather perhaps supplement his statement by quoting the exact terms of the report of the Commission. They are very important for my present purpose. The Commission reported as follows:

'In this connection it has been represented to us that the maximum ordinary pension now payable to officers, namely, Rs. 5,000 a year, was fixed so long ago as 1855 and that this figure was adopted as the equivalent of £500 at the then rate of exchange. Now, however, that pensions are converted into sterling at the rate only of 1s. 9d. to the rupee, the ordinary maximum pension of to-day is worth £62-10s. less to the officers who draw it in sterling than the amount originally intended. As in the case, however, of salaries we attach little importance to arguments founded on a comparison between present and past conditions. What affects us more is the consideration of the amount needed to make Government service reasonably attractive to recruits.'

The last is the point on which I wish to lay emphasis. They went on to say that it was only in the case of highly placed officers that they saw ground for reasonable complaint:

'The higher an officer's rank in the service, the greater becomes the difference between his actual pension, as determined by the maximum limit, and the pension he would have received if it had been determined in accordance with the scale of sixtieths without any maximum limit.'

I will ask the House to notice the passage which follows:

'Apart from this general consideration, we are impressed by the strong feeling of dissatisfaction with the present limits which is everywhere prevalent and we are satisfied that from the point of view of recruitment some improvement of the existing conditions is needed.'

What therefore they recommended was an increase of pension, or rather a raising of the maximum limit which we had applied to pensions, and they recommended it in the interests of recruitment and nothing else. When the recommended it to be decided, it was settled that the maximum limit of case came finally to be decided, it was settled that the maximum limit of Rs. 5,000 should be increased to Rs. 6,000 and the additional pension of Rs. 1,000 which was given to holders of certain high administrative posts was increased to a total of Rs. 2,500. For a somewhat lower grade of administrative posts the additional pension was fixed at Rs. 1,500. Then arose the question as to the date from which this new scale of pension should be introduced. Here Colonel Gidney has given the facts correctly. He said that when we came to look into the matter, we found that the Government of India had in 1913 given a pledge that certain officers who had memorialised Government should not find themselves penalised should at any subsequent date the general scale of pensions be improved as a result of the report of the Public Services Commission. It was purely in satisfaction of that pledge that we gave the benefit of the higher limit with retrospective

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effect from 1913. If it had not been for that pledge, we should have introduced the new scale of pensions, which as I have said were recommended purely as an improvement in recruitment conditions, from 1919 only. I wish in this connection to give at length the reply which Mr. Montagu gave to the pensioners who approached him in England with the request that the benefit of the higher limit should be introduced with entire retrospective effect, that is to say, should be given to all pensioners on the list. He said.

'The revised rates were based on the necessity for improving the attractions of recruitment and not with the intention of settling the grievances of those in the service or of giving increased rates to those who had already performed their contract with Government.'

He went on to point out that revised rates of pay or pension are given from the date that the decision is arrived at, a decision which is inseparable from the ordinary conditions of service and that it would have been a perfectly logical development of the ordinary rules of public service if the new scales of pension had been dated from the moment the decision was taken. 'Retrospective effect from 1913 was given because in July 1913, the Government of India had informed certain officers of the Public Works Department who had memorialised on the subject of their pension, that should the pension rules be revised in consequence of the memorials submitted by them or as the result of the recommendations of the Commission, the positions of the officers who had retired by then would be taken into consideration.' Colonel Gidney has referred to the fact that the memorialists again approached the Secretary of State and he has asked me to inform the House what has been the effect of that further representation to him. In that respect, Sir, I can only say that the case now stands exactly where it stood when Mr. Montagu gave his former reply to the memorialists.

That, Sir, explains the case of the higher placed pensioners. But let me remind the House that Colonel Gidney is not correct in saying that we have improved the pensions of all those who drew the higher scale. We have simply given the benefit of the higher maximum in the case of those who retired after 1913, and have given that benefit with effect from 1919. I come now to what he has called the lower end of the line. Last year we received numerous memorials from pensioners in India. We were particularly struck with the fact that pensioners on a very low scale of pension were suffering severely from the increased cost of living in the country. Let me remind the House that we have in India altogether some 2,60,000 pensioners. No less than 13,000 of these pensioners were drawing what is known as the inferior scale of pension, namely, Rs. 4 a month. It is perhaps natural that in the circumstances our attention was directed mainly to the men who were drawing what could in no circumstances be described as a bare subsistence wage. We consulted the Local Governments as to what could be done for this class. The Local Governments professed, as every Local Government in the circumstances would be bound to profess, very great sympathy with this class, but they pleaded that financial difficulties stood in the way of their giving any largely increased scale of pensions even to the lower grade of pensioners. The difficulty of course was to fix a suitable maximum, up to which relief should be given. The Government of Burma suggested that Rs. 50 would be suitable; Bihar and Orissa, Madras and the Central Provinces suggested Rs. 40; the Punjab suggested Rs. 35, and Bombay suggested Rs. 30. We eventually drew a line between these various recommendations and fixed the maximum

at Rs. 45. All pensioners who drew up to Rs. 10 got an increase of Rs. 2; those from Rs. 10 to Rs. 20 got Rs. 3; from Rs. 20 to Rs. 30 got Rs. 4; from Rs. 30 to Rs. 40 got Rs. 5 and those drawing over Rs. 40 were brought up to Rs. 45. That, Sir, was the utmost which we felt, in view of the representations of the Local Governments, that we were able to do at the time. As you will see, Sir, we went in some cases further than what certain of the Local Governments had themselves suggested.

That is the history of the case. And now, Sir, let me go, though at no great length, into our obligations in this respect. Is there really a claim on the merits? I am very anxious that nothing I should say here should lead any one to suppose that Government do not feel to the full all that Colonel Gidney has said in regard to our pensioners. I certainly dissociate myself from the hard words he has used in regard to the callousness of Government and its general extravagance. I may point out to him that of the deficit of 19 crores which this Assembly implemented last March an expenditure of no less than 10 or 11 crores was due to the fact that we had surrendered that amount to the Local Governments to enable them to finance their own establishments and the progressive requirements of their own administrations. I am not going to dwell on that point. Let me only repeat emphatically that Government does feel the hardships and does appreciate the good work of its old and well-trying pensioners. But when we come to discuss the merits of the case for an increase of all existing pensions, I must disagree with Colonel Gidney. Let me read here the words which the Chancellor of the Exchequer in England used in reply to a similar representation in which the case of pensioners on the English list was forcibly placed before him. This was the reply he gave:

'Their case is a hard one. They are suffering from the same causes and in the same way as every person with a small fixed income in this country. I have received a deputation about it and I told them that I could not reconcile it with my duty as Chancellor of the Exchequer to charge in their case upon the tax-payer at large a misfortune which is common to all who are similarly situated.'

It is true, Sir, that something was subsequently done for pensioners in England. But I would invite the attention of the House to the scale on which this was effected. Parliament granted an increased pension to all those Government servants who, if unmarried, had a total private income, including their pension, of not less than £150 and if married, a total private income of £200. That is to say, Parliament took into consideration not only what pension its former servants were drawing but also what private resources they had. That was the limit to which Parliament felt itself able to go. In other words, they did very much what we ourselves did in this country; they took the lowest scale of pensioners, and gave them such small relief as they found financially possible.

Now, Sir, Colonel Gidney has told us in words which, I may say, somewhat astonished me, that we were really appropriating the accumulated savings of pensioners. What he said was this: 'Pension is deferred pay to which every officer contributes during his service. What has Government done with those accumulated funds? Government has no right to appropriate for other purposes an officer's deferred pay.' Sir, I deny entirely that these officers have contributed during their service directly or indirectly to any fund which Government could have, or has indeed appropriated to, other purposes. What is the rationale of our pensionary system? We give pensions to Government

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servants on two grounds, firstly as an inducement to recruitment and secondly, to secure certain administrative benefits. By giving a pension we believe that we are able to set a better class of recruit than we should if we gave no guarantee of a minimum means of livelihood after the employee had left our service. Again, by holding out the chance of securing a pension we endeavour to secure that while a man is in our service, he should remain honest and devoted to the cause of the public he serves. That is the reason why we give the pension, and I maintain that when a man has begun to draw his pension the contract between us is over. I maintain that no local body, and no private employer would admit, when once an employee has left his service and has commenced to draw his pension, that that employee had any further equitable claim upon it or upon him. I would admit, at the same time, Sir, that he may have a claim to sympathy, but the extent to which the employer can satisfy his feelings of sympathy in this respect is and must be subject to financial considerations. In this case, who will have to pay? It is all well for Colonel Gidney to twit the Finance Member with the certainty that he would bring forward the argument that relief of the pensioner is financially impossible. I reply to him that he has not considered the direction in which responsibility for payment will lie; for if this Assembly were to pass this Resolution and if Government were to accept the suggestion that it should immediately increase all pension rates, then it is not the Central finances which would have to bear the burden but the Local Governments. Let me give the House the proportion in which civil pensions are borne by the Central and by the Provincial finances. Out of a total sum paid in India of 2 crores and 38 lakhs on the civil pensionary charges, the Central finances bear only an expenditure of just over 16 lakhs. The whole of the rest of this expenditure, and the House will agree that it is not inconsiderable, is borne by Local Governments. My figure, as I am reminded, includes of course only civil pensions. If we increase civil pensions, we shall of course have to do something at the same time for military pensions, but I leave that question on one side for the moment, because my main argument is this, that when out of 2 crores 38 lakhs expended on civil pensions, we ourselves are paying only between 16 and 17 lakhs, we have no right to lay down, over the heads of Local Governments, a general increase in the rate of payments drawn by all civil pensioners. The House knows very well the limits of our own finances in this respect. I quite agree that if we made a moderate increase in the intermediate grades of pensions, that need not necessarily be an excessive burden on the Central finances. Though I think they are already sufficiently burdened, it might be possible to raise the additional money. I maintain, however, that it would place an unjustifiable burden on Provincial finances. There are many Local Governments (I may instance that of Bengal) who are now faced with the necessity of revising yet again the pay of their ministerial and subordinate establishments. They are meeting great difficulties in doing so; and it must be for the Local Government to decide as between the two alternatives, namely, whether they will spend more on their pensioners or will meet the expenditure necessary to improve the pay of their ministerial and subordinate establishments. Remember this, that when we spend money on improving the pay of men still in our service, we hope to get an immediate return for the outlay. If owing to financial considerations we have to refuse to pay our existing establishments and especially our subordinate establishments a living wage, we cannot secure their honesty; and we cannot secure their good work.

Therefore, Local Governments must choose for themselves between the alternatives of increasing pensions and maintaining or improving the pay of their own existing establishments. That, Sir, then is the problem. As I have said before, I do not wish to take up an attitude which may seem to exhibit a lack of sympathy with those of our pensioners who are suffering from current high prices, but I am bound to put before the House the difficulty in which they are now placed. If they support this proposition they may be placing on the Local Governments a burden which these Governments have previously stated they may be unable to support, and which indeed I have no reason to suppose they will be able to support in future.

Mr. B. Venkatanatiraju : Sir, the pensioners really deserve sympathy. I agree with Colonel Gidney that it is rather unfair that those whose pensions are below Rs. 45 should get an increased pension, but not those on pensions ranging from Rs. 540 to Rs. 5,000 per annum. That is the state of things. At the same time, I must say that I cannot agree with all the arguments adduced by the Honourable Mr. Hailey, the Finance Member, in supporting an indefensible case. But I am going to oppose the Resolution of Colonel Gidney on the sole ground that we are not financially able to meet it and it is not fair on the part of this Assembly to throw a burden on the local Legislatures and on the Local Governments without consulting them, without taking their consent, but asking them to pay. It is easy for us to say that some one else should pay, when we know, as a matter of fact, that almost all the Local Governments are spending more than their revenue. I am sure of Madras which is running at a deficit after exhausting all their reserves. Of course, pensions are well earned but pensioners are not entitled to claim more. They have neither legal nor equitable claim, but I ask what should be the legal or equitable claim of those who have retired after 1913, for the same rule applies to them and they ought not to have been paid. Without making any distinction, we know that in Ceylon and in the Colonies some increase of pensions were given and, when the question was asked in the House of Commons, the Secretary of State stated that some relief would be given, not with reference to particular individuals but with reference to all these persons.

Now, the simple question is, if it is possible to afford relief, as suggested by Colonel Gidney, by retrenching expenditure, and not burdening the people, it is a fair thing that ought to be done and these pensioners should receive some additional pension, not as a matter of right, not as a matter of legal claim, but only as a piece of generosity because, as the Government are protecting so many people, they are bound to protect their own pensioners who have served the State for a long time fairly well and who deserve some help at a time when they are in a poor condition. But, if it means an additional burden on the general taxpayer, we, who represent the general taxpayer and not pensioners, must say why should we be generous at the expense of the general taxpayer. Because you are providing some increased pension to those whose pension is Rs. 540 and below per annum, it is proposed to increase it for those whose pension is above Rs. 540 per annum. But how many millions of people are there in India whose income is less than Rs. 40 a month. Why should not the Government also have some system as in other countries of giving old age pensions. We cannot give pensioners any increase in their pensions because our financial condition will not permit it and so we must be satisfied, as the Honourable Mr. Hailey says, with expressing our sympathy with them: they deserve some help but we are not in a position to help them at this stage.

Mr. Abdur Ra' in Khan : Sir, I was surprised to hear two Honourable gentlemen offering their sympathy to these poor pensioners. I think, Sir, they do not deserve sympathy; they deserve money; they want money and they require money very badly. I cannot understand why when the present scales of pay have been increased why should not that sense of justice be exercised here also.

Another point I wish to bring to the notice of this Honourable House. We admit that these gentlemen have spent their best days in the service of this Government. Their sunny days are over and their wintry days are setting in; they have not long to live on these pensions; they are not strong enough to earn for themselves, and, if some enhanced pensions are not given to them in these present famine days and high cost of living we will be shortening their lives and I appeal to this House to say whether we will not be guilty under either Section 302 or Section 304 of the Indian Penal Code.

Then, again, I am going to support this Resolution because we in the East have the special privilege and pride of all the religious qualifications in us, in other words, I may say that all the religions had their birth in the East, and it will be a reflection on us that in the case of these deserving people we should be so prejudiced that we should not look to their interests because we have no money. What is charity and what is deserving charity? Deserving charity means that it should be a burden on our pockets, whether it is private or whether it is public. So I say this would be a reflection on the sense of this Assembly and it would also be a reflection on our benign Government if we do not consider these cases sympathetically. Sir, when people in their old age know they are not respected and looked after, how can you expect young men to volunteer their services. How will they know that Government is going to be grateful to them in future when we are now showing our sense of ingratitude to those who have been loyal and faithful to us. It is with the sense of justice, with a sense of equity, and with a sense of well deserved charity that I have pride and pleasure in supporting this noble Resolution.

Rai Bahadur Bakshi Sohan Lal : Sir, I rise to support the Resolution moved by Colonel Gidney. The lowest grade of pensioners, those who are receiving Rs. 540 a year or Rs. 45 per mensem, have been allowed some increase though it is very inadequate. Then, the highest grade of pensioners, that is, all gazetted officers who are receiving more than Rs. 5,000 per annum pension, have also been given increases on a very liberal scale. This class of pensioners includes all the European Service men and a large number of Europeans and some few Indians too. But there does not appear to be any reason why these middle-grade pensioners whose pension does not exceed Rs. 5,000 have not been allowed any increases at all. These pensioners include Provincial Service men; most of them are Indians and non-gazetted officers and officers belonging to the Subordinate Services, most of whom are Indians also. In my humble opinion, these are the persons who have been hit hardest by the rise in prices in these days; in their days of service their pay was hardly sufficient to maintain them and their families and to meet all requirements, and they could not save enough to depend upon in their retirement; and there are persons who have served Government during the whole of their lifetime; they are prepared to serve even now if they can be taken back into service, and they can be depended upon for service in India. But instead of considering their case first for enhancing pensions, the case of those persons has been considered whose salaries were quite fair enough to enable them to

save something to rely upon in their retirement, and most of whom had left this country in order to pass the remainder of their life in Europe or the Colonies of America. I most respectfully submit that by enhancing the pension of such pensioners, this Assembly and the Government have committed themselves to provide enhancement for the middle-grade officers whose pensions are very small—not exceeding Rs. 5,000—and whose salaries were hardly sufficient to maintain themselves and their families in comfort when in service. With these few words I recommend that the Resolution be passed.

Mr. E. L. Price : Sir, I should like to associate myself with all that has fallen on behalf of unfortunate people, not only pensioners but in all states of society and in all grades of life—who have been hit hard by the rise in prices; in other words by the loss in the purchasing power of money, not only of the rupee but of all money. Giving full credit to the pensioners for their past services, giving them our fullest sympathy in their present difficulties, which again, I remark, are not confined to them, but prevail throughout all sections of society—I practically know no one myself who has not had to go carefully, more carefully: putting all that aside, let us come down to the business proposition put before us by Mr. Hailey. The pencil note I have got down—I hope it is correct—shows that the total amount of pensions payable in India amount to Rs. 237 lakhs, and the amount payable by the Government of India out of that is a matter of Rs. 16 lakhs; that means that the Government of India is paying only 7 per cent of the whole, and the Provincial Governments are paying as much as 93 per cent. I am taking the Honourable the Finance Member's figures as I got them down—I hope I have not made a mistake. Now, if this proposition involves an increased payment, are we in a position to pass such a Resolution? Because I take it that this 7 per cent which the Government of India is paying is on account of super-annuated servants in Coorg, in Ajmer and so on

The Honourable Mr. W. M. Hailey : And the Post Office.

Mr. E. L. Price : And the Post Office, whereas of course the Provincial Governments are paying their own men. I take it that these people covered by Coorg, Ajmer and the Post Office are not the people on behalf of whom Colonel Gidney is speaking. I know myself—I have been inundated by these petitions; they are all founded on one that came from Bangalore—that of course may include ex-Government officers from Coorg; but the thing that rather surprised me was—I am told that it is only a quotation, but it certainly seems to me from whatever source it came, a most objectionable quotation—that in the petition to the Viceroy which they circulated was the expression that 'the revenues of India are capable of great expansion' or something like that. Well, Sir, I must deny that. My own feeling is that though the standard of taxation is far lower than the standard of taxation obtaining in any European country, conditions being what they are unfortunately, the standard of taxation in India has already risen to the very limit that the people can or will stand; and I look with the greatest jealousy on any expenditure on anything at all that will raise the cost of taxation higher and throw a greater strain upon the patience of the people. But to come back to this business—pass this Resolution, decide that enhanced pensions should be given on this basis—you are paying from the Government of India 7 per cent and from the Provincial Governments 93 per cent—increase all those pensions by 50 per cent and it will cost the Government of India 8 lakhs and it will cost the Provincial Governments Rs. 118 lakhs. Now, I put it to this House that

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it is not possible for this House to saddle the Provincial Governments of India with a further annual expenditure fifteen times as great as they are assuming themselves.

Dr. H. S. Gour : Sir, the main gist of the Honourable Mover's Resolution seems to be that because the pensions of all persons drawing above Rs. 5,000 per annum has been raised and the pensions of all persons drawing below Rs. 45 a month has been increased, therefore this intermediate class who draw a pension of between Rs. 45 a month and Rs. 5,000 a year should also be raised; and the main argument advanced by the Honourable Mover was that there was no reason whatever for making a distinction between these middle classes and the classes for whom relief has already been given. To this the Honourable the Finance Member replies that the class of persons above Rs. 5,000 stand on a different footing, and that it was with a view to promote recruitment that their pensions were increased. Let us examine this argument. The increase was made in the case of pensioners on and from 1913 who were drawing larger sums than the maximum of Rs. 5,000 pension.

In other words, if their half salary went towards their pension they would be getting far more than 5,000 rupees which was the maximum pension. Now, I submit that the reasons the Honourable the Finance Member gave for increasing those pensions are singularly unconvincing and, I venture to point out, self-contradictory. If the Government wished to stimulate recruiting, the first thing the Government should have done was to say that this class of people should be drawn and these posts should be filled by persons drawing a higher salary, and on their retirement higher pensions will be given to them, but I ask you, what justification is there for giving persons already on the pension list an increased pension? The Honourable Mr. Hailey will say 'to set a very good example to the new recruits.' My reply is that if that is an argument for the purpose of promoting recruiting, then it is equally a good argument for giving effect to Colonel Gidney's Resolution. What is sauce for the large official is also sauce for the middle class official.

The Honourable the Finance Member seems to have entirely overlooked the real issue in the question; if one reason justifies an increase in the pension of one class of Government servant, that very reason justifies an increase of pension of the other class. I, therefore, submit that the apology from the Honourable the Finance Member for justifying what is regarded by this country as a wrong act on the part of Government in increasing the pensions of those highly placed and highly salaried officials is one that cannot be justified on any logical grounds. But is there any reason why we should not put the middle class pensioners on the same footing? The Honourable the Mover cheers me for my previous statement; I am afraid he will not be sorry to hear what follows. Though the reasons given by the Honourable the Finance Member are, as I have already said, entirely unconvincing, we ought to approach this question not from any standard of sentimental philanthropy. We have placed our eyes on one side of the question and seen 10,000 pensioners who are crying for relief, and on the other side there are 350 millions of the population who are equally crying out for relief. I think the Honourable the Mover realises the distress of which he complains on behalf of the pensioners is not confined only to that class. It is a distress which is world wide, it is an economical and universal distress, and if the pensioners have suffered on account of

the economic strain, we know at any rate that the rest of the community are not free from the same destitution.

Now I would ask the Honourable the Mover this. Does he consider it to be fair, does he consider it to be just and, to use his own expression, does he consider it to be equitable, that he should put his hand into the tax-payer's pockets for the purpose of relieving those destitute pensioners? By doing so would he not add to the destitution of the tax-payer? Would he not increase the discontent among the 315 millions of people who would exclaim that pensioners or no pensioners, we all suffer from this economic strain and trouble. Now, Sir, this is a question which we cannot pass over, this is the question with which we are faced to-day; and another question I would ask the Honourable the Mover to seriously consider is the question whether we should be justified in voting other peoples' money? The Honourable Mr. Hailey has told us that out of 2 crores and 37 lakhs of rupees, the Government of India is responsible for not more than 16 lakhs of rupees, and if he were to accept the Honourable Member's Resolution, it would have the effect of straining the already over-strained finances of the Provincial Governments, and I therefore ask the Honourable the Mover to seriously consider whether it is fair to ask for the vote of this Assembly for the purpose of adding to the strain of Provincial finances which are already over-strained. My Honourable friend, Mr. J. Chaudhuri, speaking presumably for Bengal, will explain that Bengal is at the present moment on the verge of bankruptcy; and I would say that the neighbouring Province of Bihar is no better off. We have already a Resolution from a responsible Member from the Southern Presidency asking the Central Government to give them relief, and I am perfectly certain that if this additional burden is thrust upon the Provincial finances, you will be jeopardising the Reforms in a very serious way. The expenses of the Provinces have gone up by leaps and bounds. The limit of taxation has already been reached, and whatever may be the sympathy that we can extend to the pensioners who are destitute, I feel that we have nothing else to give, and in justice to the tax-payer, in justice to the Provinces, and regarding our own responsibility to both, I am afraid that we cannot do what the Honourable the Mover asks.

Mr. R. A. Spence : Sir, I am very glad indeed that the question of an increase for old pensioners of Government has been raised in this House as I am perfectly certain that we all have a great deal of sympathy with this class of pensioners of whom the Honourable Colonel has spoken, and we are very glad to have heard from him and from the Government a full appreciation of the services which they have rendered in days gone by. I know, speaking as one who comes from Bombay where there are a great number of pensioners whose case Colonel Gidney is pleading, that their troubles are great. But, as my Honourable friend, Mr. Price, has already pointed out to this House, their distress is one which does not only fall on them, but on the great majority of people in India. I really do consider—although I am full of sympathy for them, that in view of the figures given us by the Honourable the Finance Member, that this House should not support the Resolution. Personally speaking I should have really liked to have supported the Honourable the Mover—my sympathies are with the pensioners, but I do not think it is for this House to pass the Resolution in view of the fact that the majority of the money required to relieve the distress of the pensioners would have to come from Provincial sources. I should like to see this question brought up in every

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Legislative Council in the Provinces, I should like to see these very unfortunate people get an increase in their pensions, but I must admit that I do not consider it is this House which should give it. The Honourable the Mover in the course of his speech has referred to the increases in pay recently given to various Departments of Government and he quoted one amongst them, namely, the Ecclesiastical Service and said that in the case of that service retrospective effect had been given. Well, a member of that Service told me that his wish was that retrospective effect should not have been given, and the shorter the period the better for him because he expected to receive a nice little cheque for 1,500 from the Accountant General who however sent him a debit note and the result of the retrospective effect was that he had to pay to Government about 500 rupees in respect of his House allowance which had been cut, also, with retrospective effect, so these increases have not benefitted all the people about whom the Honourable Colonel has spoken.

I am sure, if it will be of any comfort to the pensioners, that they will be glad that this House was able to give expression to its sympathy with them and its desire to do them good, and that this was unanimously the opinion of this House, but I think the Honourable Member must admit in view of what the Honourable the Finance Member has said, that it is rather difficult for this House to pass his Resolution.

Mr. Jamnadas Dwarkadas : Sir, the strongest argument that the Honourable Mover has in support of his Resolution is that while people who belong to the higher scale have been treated with greater sympathy, people who really deserve more sympathy than they are being neglected. The answer given to that argument by my Honourable friend, Dr. Gour, is that the Government was not justified in showing that special sympathy to those belonging to the higher scale. I entirely agree with my Honourable friend, Dr. Gour. But I also wish to point out to the Honourable Mover that if it had been in the power of this House to express its opinion effectively on the action of the Government in showing special sympathy to the higher class, I have no doubt that this House would have unanimously defeated the Government on that point. Now, if a wrong has been committed because this House has no power to express its opinion on the question, one wrong by the Government cannot justify another wrong both by the Government and this House together. As a matter of fact, however much we may sympathise with the destitute condition of these middle class men, as they have from the point of view of law and from the point of view of equity no legal claim to our special consideration, I think it will be a lesson to those who have without consulting this House treated differentially another class of people not to repeat this experiment in future. We have no right to tax the generosity of the tax-payer and at his expense let the middle class men reap the advantage. I submit, Sir, that this House ought to reject the Resolution.

Dr. Nand Lal : Sir, I am in full sympathy with the pathetic appeal which has been placed by Colonel Gidney before us. The reasons which have been advanced by him are very convincing and it is extremely difficult to meet them. But Colonel Gidney must not feel proud that I am quite prepared to give him the money. This is my lip sympathy. I am extremely sorry that we are feeling very much handicapped. Our financial circumstances are very much embarrassed and we cannot issue a warrant against Provincial Governments. No jurisprudence will admit this argument that we may ask the

Provincial Councils to come to the help of all these pensioners. I am afraid we are not competent to do so. I think Colonel Gidney might have very reasonably advised his clients to make a petition to the Provincial Councils. So far as Colonel Gidney's information is concerned, I think he has not got sufficient knowledge of all the Provincial Governments' decisions in this matter. Perhaps he is basing his argument on the information or on the reply given by the Government in whose Province he lives. I daresay the arguments advanced by the Honourable Mr. Hailey, the Finance Minister, are not convincing. But, as Mr. Jamnadas Dwarkadas very ably put, if this mistake was made, there is no reason why we should allow the same mistake to recur. I think that the Government of India and the whole House combined are in sympathy with the terms of the appeal, but since we have not got sufficient money to help these pensioners, therefore, we are sorry we cannot support this Resolution which has been placed before this House.

Mr. S. M. Zahid Ali Subzposh : I move, Sir, that the question be now put.

Lieut.-Colonel H. A. J. Gidney : Sir, I have listened very attentively to the various remarks made by the supporters and non-supporters, or I would say more appropriately, the co-operators and non-co-operators of my Resolution. I wish to take this early opportunity of thanking the Honourable the Finance Member for the very gracious words of appreciation on behalf of Government, which he has used in regard to the past services rendered by these old servants of Government, and coming, as it does from him, I have no doubt it will help to make them feel a little happier. The Honourable the Finance Member has placed before this House, figures, which I noticed, my Honourable friend, Mr. Price, has laid such stress on. The Honourable the Finance Member has told us, that pensions are paid, both by the Government of India and the Local Governments. He has also told us the total cost of these pensions, which he has not divided and debited to the Local Government and the Imperial Government. But he has not enlightened this House on the most important point—that the House and I want information on, that is, how many pensioners receive a pension of Rs. 5,000 and above, and how many receive Rs. 540 a year and below, and how many are in the middle class, whose cause I am here to-day pleading? I may be wrong in understanding the Honourable the Finance Member's figures, but I have not been able to trace any effort on his part to show separately, what are the pensions given to the three divisions. He has told us what the cost is, to the Local Governments, and to the Imperial Government for these three divisions, and has drawn a picture as to what it would cost if increased pensions are to be granted. I want to know what are the pensions, separate amounts given to these classes?

Then, Sir, the Honourable Mr. Price made a statement which I thought was rather an elastic one, suggesting an enhancement up to 50 per cent. I am not asking for an enhancement of 50 per cent. of pensions, but a relief so as to make the difference between comfort and discomfort, or starvation, and a diet that these pensioners can live on.

Mr. E. L. Price : On a point of personal explanation, Sir, I did not suggest an increase of 50 per cent. I only took an increase of 50 per cent. in order to illustrate what the proportionate cost would be to the Government of India and the Provincial Governments as a reason for not touching the subject.

Lieut.-Colonel H. A. J. Gidney : I thank the Honourable Mr. Price for his explanation, but I still take the same attitude. Why did Mr. Price suggest such an absurd percentage of 50 per cent? I never asked for that. The House I submit has been influenced by the extravagant figure of 50 per cent. Has Government given 50 per cent. to the higher pensioners? What have they given to the lower pensioners? Rs. 5 for Rs. 40, or Rs. 3½ per man per mensem. Does that work out to 50 per cent? I submit the House has been influenced by what Mr. Price has said. I am not asking for any extravagance. I am not asking for luxuries but for absolute necessities.

Then the Honourable the Finance Member adduced the old hackneyed reason, which was given by Mr. Montagu as to why pensions were increased, and that was, for the sake of recruitment. I was aware of that, because I have read Mr. Montagu's reply. I do not agree with either the Honourable the Finance Member or the Honourable Mr. Montagu on this point. I would like the Honourable the Finance Member to tell us whether he has sent a reply to the Secretary of State regarding the statement made by the Honourable Mr. Montagu to the last deputation of M. Ps., who waited on him. Why should the matter to-day stand as it was when Mr. Montagu gave his reply to this deputation? He has not adduced any reason, to this House. Then, he referred to the increased pensions that were sanctioned in England, as a result of the agitation that was made there. The Finance Member admitted that pensions had been increased in certain cases in England. I ask, if in England, why not in India? My friend, Mr. Price, talking purely as a business man, has said to this House, that income-tax has reached its limit in this country.

Mr. E. L. Price : May I rise to a point of personal explanation? I did not say that the income-tax had reached the limit, I said that taxation generally had reached the limit, without mentioning income-tax.

Lieut.-Colonel H. A. J. Gidney : To talk of taxation as a whole, is only a generic way of including income-tax in it. If it has reached its limit in India, I ask him, does he know what it has reached in England? Yet, in spite of this, the pensioners in England have had their increases, i.e., for unmarried men drawing a pension of less than £ 50 annually and, if married, £200. Then again another reason brought forward by the Finance Member was, that if this enhancement were given to civil pensioners, the same would be claimed by military pensioners. I am not pleading the cause of military pensioners, they stand on their own footing, and I do not think this should be brought into this argument at all. The Finance Member has also remarked on the expense that will have to be incurred by the Local Governments. Now I would like to know, whether the Local Governments were consulted, and whether they had any voice in the settlement of the enhanced pensions that have been given. Remember the Local Governments as they are to-day, are not the same as they were, when the Royal Services Commission sat, and recommended an enhancement of pay and pensions. I should like to have got some information as to what the Local Governments had said on this matter. My Honourable friend, Mr. Venkatapatiraju, talked about the burden of these increased pensions falling upon the tax-payer. I am well aware of this. But I would like to remind him that these pensioners, whose cause I am pleading, are also tax-payers and that the taxation will, and does fall, on them also. Then my Honourable friend from the North-West Frontier Province wanted to accuse the Government of murder, as the denying of these increased pensions would have the effect of shortening the lives of these pensioners.

I agree with him in his charges, as it practically amounts to that. Then my friend, Mr. Price, talked of sympathy. It was very kind of him to associate himself with the remarks of the Honourable the Finance Member about sympathy. But, in these days, one cannot live on a diet of sympathy, or, as Dr. Nand Lal called 'Lip sympathy.' No amount of sympathy can help to relieve the distress of the pensioners, whose cause I am pleading. They do not want mere lip sympathy. I have heard this to-day *ad nauseum*. Mr. Price also spoke of a certain percentage of the cost falling on the Imperial Government, and a certain percentage on the Local Governments. Here again I am at a disadvantage, because the Finance Member has not given us the information, which I think this House would like to have got, and, which I particularly asked for, and wanted. I know that this would have entailed an enormous amount of labour, but I think that it would have put an entirely different complexion on my Resolution and the views of the House on it, had he told us what was the amount of pensions paid to the middle class of pensioners, who had not received any enhancement. I am not asking you to paralyse your Exchequer. If Government gave some slight increase to the middle class pensioners, then, I submit, something would be better than nothing. Then again my friend, Mr. Price, talked about a certain memorial, which was sent from the Bangalore Pensioners Association, in which it was stated, that the revenues of India were capable of great expansion. Now I prefer, if I were given the choice, to take the opinion of the Secretary of State on this matter. What these memorialists have stated in their petition, is exactly what the Secretary of State replied to the deputation that waited on him, and as a side issue, let me add, however large the revenues of this country are increased by putting an import duty on silver, as was suggested by Mr. Price in his Budget speech at the last Delhi Session, yet, I consider, that I would rather take the opinion of the Secretary of State on this matter. Then my friend, Dr. Gour, in sympathising with my Resolution, twitted me somewhat, and jeeringly asked, 'How can you propose to relieve these destitute pensioners when 350 millions of people are undergoing an acute economic strain and distress.' Now, my reply to my Honourable friend is, that I do not want sympathy. I only want the Government to observe the laws or ordinary equity and justice. He then referred to the universal economic distress. I wonder whether he will put forward the same view before this House, when he proposes in a day or two, his Resolution for the removal, of the present Capital from Delhi to the Central Provinces. It will be interesting to hear his views on this matter, then, I feel sure he will hold different views of the financial condition of India, and the economic distress will not be so universally distributed as he now tries to make it out to be. I think that argument is a very weak one. He says, that if my Resolution were carried, it will affect every one of these 350 millions. I do not suppose he wants us to believe, that every one of these pays taxes. Let me ask him, who will pay for this new Capital when his Resolution comes up? I also wish to thank the Honourable Mr. Spence for his expressions of sympathy, but there is such a lot of sympathy in his speech, and so little of justice and equity, that it forms an incompatible mixture, so far as the needs of pensioners are concerned. As my Honourable friend knows, I want a practical amalgam of both. Then my friend, Mr. Spence, said, that he would like to see this matter represented to Local Governments, and Dr. Nand Lal rather tried to belittle my information on this matter. But I may tell him, that all the Local Governments have already been approached by the various Pensioners Associations.

Mr. R. A. Spence : I referred to the Provincial Councils.

Lieut.-Colonel H. A. J. Gidney : I thank you. Mr. Spence said that he would like to see the Local Governments give these increased pensions. He, therefore, really supports my Resolution. Then, my friend talked about Chaplains. They have my entire sympathy. At the same time, I have brought forward their case as an argument against the Finance Department pleading Financial inability, because whilst they refuse the plea of pensioners, recently gave an increased pay and pensions to Chaplains.

Sir, in spite of the remarks I have heard to-day in regard to my Resolution, I still stand unshaken and unconvinced. After all, you can only have but one result in the battle of justice *versus* financial inability, and which the Honourable the Finance Member refers to, as financial impotency, which alone prevents the Government from agreeing to my Resolution. All I want this House to do, is to bear with me, whilst I plead the cause of these poor humble, starving, pensioners, and if it is not prepared to accept my Resolution in its entirety, to at least accept it to the extent that a Committee be appointed to inquire into the needs of these pensioners and grant them whatever relief it finds necessary and possible and until such time as that is done to sanction them an *ad interim* relief, however small it may be. I plead with this House not to reject this Resolution simply on the ground of what the Honourable the Finance Member has said. It is the only ground that he could possibly put forward. I admit that it is an all powerful ground, and confronts one at every turn, but, can this plea weigh against the justice, and equity which the claims of these pensioners demand? Personally, I opine, that nothing that the Finance Member or the House say, can alter the injustice meted out to this middle class of pensioners who have received no enhancement in their pensions. Whilst the higher and lower pensioners have received it. Give this class, I plead some relief, be it ever so small an amount. Let the Committee sit, and I am sure the pensioners will be quite prepared to abide by their decision, be it for them, or against them. In conclusion, I again commend this Resolution for the acceptance of this Honourable House, and in doing so, I plead of you in the name of justice, in the name of equity, in the name of God, do not let these old, and faithful servants of Government live and die in a state of abject poverty and starvation.

The Honourable Mr. W. M. Hailey : I have had an uncongenial and not very popular task this afternoon. I do not wish to add to my unpopularity by detaining the House longer, but the debate shows that there are still two or three misapprehensions which it is my duty to remove. It is not a fact that a pensioner retiring at the age of 55, which is the date of our superannuation pension, can only expect five years of life. The annuity tables will give him about 12 years of life. I am glad to see certain Members of this House are congratulating themselves on having received a new lease of life! Nor is it a fact, as Mr. Sohan Lal said, that we have granted increased benefits to Indian Civil Service pensioners. What was done in that case was to relieve the members of the Indian Civil Service from the payment of the 4 per cent. contribution towards their annuity. The benefit of that concession will only begin to accrue from 1919, and will benefit most of those who are now entering the service. No Indian Civil servant who is now in receipt of pension and who retired before 1919, will receive any benefit whatever from the fact that we have relieved the service from the payment of this 4 per cent. contribution. That misapprehension, if uncontradicted, might cause a serious prejudice in the

minds of this Assembly, and I must emphatically call attention to the true facts.

My third point is this. Several Members of this House, Dr. Gour, Mr. Jannadas and Colonel Gidney himself, were unable to reconcile what they described as our attitude of favouring the higher class of pensioner at the expense of the middle class. Now I took the trouble to explain to the House fully, even at the cost of wearying it, exactly what we had done with regard to the upper class of pensioners. The ordinary rule would have been, that when we raised the maximum to which the higher class of pensioner could achieve, we should have done so without retrospective effect, that is to say, no existing pensioner would have received any benefit whatever from the improved terms; but, because we were under a pledge owing to the issue of a letter from the Government of India, we had to give to certain pensioners who had retired since 1913 the benefit of the increased pensions from 1919. It was purely in satisfaction of that pledge that we gave the upper class pensioner the benefit of the new maximum from 1919 and we gave it only to those who had retired since 1913. Nobody who retired before 1913, whatever pension he was drawing, whether Rs. 5,000 or below Rs. 5,000 per annum, received any benefit whatever from the new rates. I wish to make that perfectly clear. We would have given no retrospective effect whatever, we would have given no benefit whatever, to any class of existing pensioners, if we had not been under the obligation to fulfil the promise which was given in the Government of India letter to which I have referred. Now, Sir, our critics may bring it up against us that we have benefited certain pensioners who retired between 1913 and 1919, but we did not do so with the deliberate intention of improving the condition of the upper class pensioner as against the lower class pensioner. We did so simply in satisfaction of a promise which we held to have been given. If we had not implemented that promise, I have no doubt there would have been many Members of this Assembly who would have brought against us another and even graver charge, namely, that of bad faith.

I must hold, Sir, to my former argument that as pointed out by Mr. Price and fully appreciated, I think, by this House, the great bulk of the expenditure proposed by Colonel Gidney would fall not on ourselves but on the Provinces. Colonel Gidney has reproved me for supplying him with insufficient information as to what the cost of his proposal would be. I am unable, Sir, to supply him with information on the point for a simple reason. If this Resolution had suggested raising these pensions by any definite sum, my Department could have calculated it for me, but, as he has merely based his proposal on the ground that we should give sufficient to make a difference between an insufficient and a reasonable means of livelihood, I am unable to calculate the cost. I can only repeat to the House the one certain figure which is in my possession, that out of the total of 238 lakhs of Civil pensions paid in India we ourselves only pay between 16 and 17 lakhs. That is the substance of my argument. I hold that it is not competent for this Assembly to ask us to place on Local Governments a burden which possibly they would neither be able or prepared to undertake. There is, Sir, in hunting circles in England a well-known amusement to enjoy a day's hunting on a friend's horse and with your own spurs. That is no doubt the cheapest and most pleasureable way of getting a good day's hunting; but it is not a class of amusement which I can commend to the conscience of this House.

The Resolution was negatived.

LAST DAY OF THE SESSION.

Mr. President : The Honourable the Home Member made an announcement regarding business this morning suggesting Friday as a business day for a sitting. Friday may not be the most convenient day; but, if it is the desire of Honourable Members to finish business by Friday evening, so that those who may wish may leave Simla by Saturday, a sitting will be held. I may point out that there is one difficulty of which Honourable Members are all aware which complicates the problem of the Friday sitting. There is the additional difficulty that that is the usual day set apart for meetings of the Executive Council, and on that particular issue I imagine Members want the presence of the Executive Council here. There is the further point that arrangements have to be made for a conference between Members of both Houses and Members of Army Headquarters on questions arising out of the Territorial Force. That Conference has been set down provisionally for 11 O'clock on Friday morning, and, if the Executive Council were to meet at the same time, then the only time at which a sitting of this House could be held would be about 2 or 2-30 in the afternoon, in which case, in order to finish business, it would have to sit late on Friday evening. I am prepared to hear opinions on that subject.

The Honourable Sir William Vincent : May I suggest, Sir, that in view of this meeting, we should meet at 2 O'clock on Friday and sit a little late on that day?

Mr. President : That is the arrangement provisionally made; a definite announcement will not be made until we adjourn on Thursday.

The Assembly then adjourned till Tuesday, the 27th instant at 10-30 A.M.

LEGISLATIVE ASSEMBLY.

Tuesday, 27th September, 1921.

The Assembly met in the Assembly Chamber at Half Past Ten of the Clock. The Honourable the President was in the Chair.

QUESTIONS AND ANSWERS.

PRICE OF RICE AND WHEAT.

640. Khan Bahadur Mir Asad Ali : Will Government be pleased to state in a tabular form for each of the last three years and for the current half year the average price per maund of different sorts of (a) rice, and (b) wheat in each Indian Province?

Mr. J. Hullah : The information asked for is being collected and will be supplied to the Honourable Member.

MURDERS IN BRITISH BALUCHISTAN AND UPPER SIND FRONTIER DISTRICT.

641. Mr. S. C. Shahani : (a) Will Government be pleased to state the number of murders committed (i) in British Baluchistan and (ii) in Upper Sind Frontier District (Jacobabad) on account of the surrender of chastity on the part of women during the last five years?

(b) Is it a fact that while in British Baluchistan under the provisions of Baluchistan Criminal Law Justice a woman seduced is punishable as an abetter, she is not so punishable under the Penal Code in the adjoining Upper Sind Frontier or Jacobabad District?

(c) Is it true that there are more murders of the kind mentioned in part (a) on an average in Jacobabad District than in British Baluchistan?

(d) Will Government be pleased to consider the advisability of amending the law in British India or at least in Non-Regulated Provinces, such as Upper Sind Frontier District, so as to make the woman consenting to surrender her chastity punishable as an abetter?

The Honourable Sir William Vincent : In British Baluchistan, so far as Pathans and Baluchis are concerned, a married woman who knowingly and by her own consent has sexual intercourse with a man who is not her husband may be punished with imprisonment for a term which may extend to five years under Section 30 of the Frontier Crimes Regulation, 1901.

In Jacobabad District also under Section 7 of the Sind Frontier Regulation, 1872, a married woman who knowingly and by her own consent has sexual intercourse with a man who is not her husband may be punished with imprisonment for a term which may extend to five years.

As the acts referred to can be punished in both areas with the same punishment, the remaining arguments, suggestions and requests for information in the question do not arise. I would add for the Honourable Member's information that requests for information as to the number of crimes of a particular character committed over an extended period for a particular reason must always be so difficult to comply with that the information cannot usually be supplied.

UNSTARRED QUESTIONS AND ANSWERS.

PRIVATE SECRETARIES TO MEMBERS OF THE EXECUTIVE COUNCIL.

62. **Dr. H. S. Gour:** (a) Is the Government aware that the Llewelyn Smith Committee's Report has recommended the appointment of Private Secretaries to Members of the Executive Council?

(b) Has this recommendation been given effect to and if so, to what extent? If not, why not?

The Honourable Sir William Vincent: (a) Yes.

(b) The recommendation has not been given effect to, as no Member of the Executive Council has hitherto expressed a desire for the appointment of a Private Secretary.

OFFENCES UNDER SECTION 498 OF THE I. P. C.

63. **By Mr. W. M. Hussanally:** Do Government contemplate making offences under Section 498 of the I. P. C. non-bailable and the errant wife equally punishable with her seducer?

The Honourable Sir William Vincent: No.

SYSTEM OF TEST BY THE STAFF SELECTION BOARD.

64. **Mr. S. C. Shahani:** Is it a fact that the Army Department has addressed a Memorandum to the Home Department deprecating the action of the Central Staff Selection Board in examining their existing temporary clerical staff for permanent vacancies and that they have denounced the procedure as to how the Board system of test is conducted?

The Honourable Sir William Vincent: Government are not prepared to make any statement as to the contents of confidential communications between one Department and another.

DISPOSAL OF SURPLUS WAR STORES.

65. **Sir P. S. Sivaswamy Aiyer:** Will the Government be pleased to state:

- (a) Whether with regard to the disposal of surplus war stores the procedure of calling for tenders by advertisement was invariably adopted at least in the case of items the book value of which exceeded ten lacs of rupees?
- (b) Whether it was the practice in Calcutta to consider such tenders with the help of an Advisory Committee?
- (c) Whether in the matter of the sale of flannels to Mr. Halasya, tenders were called for and considered by such committee?

(d) The total quantity of flannels sold to Mr. Halasya, the book-rates of the said flannels and the rate or rates at which they were sold to him?

(e) The minimum or upset prices for the same fixed by or on behalf of the Government, the market prices prevailing on or about the date of the sale in Calcutta for goods of similar description, and the rates at which such flannels were being sold by the Government in lots of 500 yards?

The Honourable Mr. C. A. Innes: These surplus stores are the property of His Majesty's Government, and it would be improper for the Government of India to give the details asked for in this question. I may, however, say that the particular sale of flannel referred to was negotiated by the Chief Controller (Surplus Stores) only after communication with and with the approval of His Majesty's Government.

CATTLE PROTECTION BILL.

66. **Babu Ambica Prasad Sinha:** (a) Will the Government be pleased to lay on the table the last letter, if any, addressed to Lala Girdharilal Agarwala, M.L.A., regarding the Cattle Protection Bill, which is printed at pages 1626, 1627 of the Assembly Debates, Volume I?

(b) Was permission granted to him to introduce the said Bill as required by law?

(c) What action, if any, was taken upon his note, dated 3rd March 1921, printed at page 1630 of the Assembly Debates, Volume I.

The Honourable Dr. T. B. Supru: (a) A copy of the letter referred to is laid on the table.

(b) and (c). I would refer the Honourable Member to that letter. As required by Section 67(2) (i) of the Government of India Act, Lala Girdharilal Agarwala applied for the previous sanction of the Governor General to the introduction of his Bill. The application was most carefully considered by the Governor General who was unable to accord the previous sanction asked for.

No. 2522-A.C., dated Simla, the 19th May 1921.

From—The Honourable Mr. H. Moncrieff Smith, C.I.E., I.C.S., Secretary, Legislative Assembly.

To—Lala Girdharilal Agarwala, Member, Legislative Assembly.

With reference to the correspondence ending with your letter dated the 12th March, 1921, regarding your Bill to provide for protection of milch and agricultural cattle, I am directed to inform you that His Excellency the Governor General is unable to accord the previous sanction to the introduction of the Bill for which you have applied under Section 67(2) (b) of the Government of India Act.

REVISION OF PAY OF ALL SERVICES.

67. **Khan Sahib Mirza Mohamad Ikramullah Khan:** (a) Is it a fact that the Government of India revised the pay of all services with retrospective effect from the date of the Secretary of State's sanction?

(b) Did the Government consider this point in sanctioning the Punjab Munsiffs' scheme?

(c) Will the Government please state the date on which the Secretary of State sanctioned the inclusion of Punjab Munsiffs in the Provincial Civil Service?

The Honourable Sir William Vincent : (a) Pay was revised from the date of the Secretary of State's sanction or in some cases from an earlier date.

(b) No. The matter was one for the provincial Government to decide.

(c) The 20th April, 1920.

THE CODE OF CRIMINAL PROCEDURE (AMENDMENT) BILL.

Secretary of the Assembly : Sir, in accordance with Rule 25 of the Indian Legislative Rules I lay on the table a Bill further to amend the Code of Criminal Procedure, 1898, by providing for the issue by Courts in British India of commissions for the examination of witnesses to such Courts of Princes and Chiefs in India as are notified in this behalf and for the execution by Courts in British India of commissions issued by such Courts, which was passed by the Council of State on the 26th September 1921.

THE INVALIDATION OF HINDU CEREMONIAL EMOLUMENTS BILL.

Mr. A. B. Latthe : I beg to move :

'That the Bill to amend the law relating to the emoluments claimable by Watandar Hindu priests be referred to a Select Committee consisting of the Honourable the Law Member, the Honourable Sir William Vincent, Mr. N. M. Samarth, Mr. N. M. Joshi, Mr. K. G. Bagde, Dr. H. S. Gour and myself.'

The principle of the Bill is very simple. As Honourable Members who belong to the Bombay Presidency and the Maharashtra portions of the Central Provinces know, the High Court of Bombay and the Judicial Commissioners of the Central Provinces have held that the hereditary priests have a right to claim emoluments from Hindus who do not even ask those priests to officiate at their ceremonies. That state of things is very peculiar to those parts of the country and it would be very hard for people living in other parts to realise what this situation means. Fortunately for the remaining portions of India, the High Courts of Calcutta, Madras, Allahabad and the Punjab have held consistently that no such right exists and nobody can force himself as a priest against the wishes of the laymen and if a Hindu does not want a certain priest to go to him to officiate at his ceremonies, that priest has no right to go to a Civil Court and claim any emoluments. That has been the view of the various Courts, and people living under the jurisdiction of these various Courts will find it very hard to understand what the law in the Bombay Presidency and certain parts of the Central Provinces, means. What it means is this. In the villages in the Marathi-speaking territories there are hereditary priests, priests not because they have got the qualifications of a priest, not because their qualifications are tested in any way, but simply because they are born in certain families. They hold certain lands in many cases. This Bill does not affect these lands, and it is not the purpose of this Bill to affect the rights of those priests in these lands. That must be borne in mind by all Honourable Members. But when there is a ceremony like marriage, or funeral ceremony and ceremonies of that kind, the priest says that, although the Hindu may not require his services and may be quite opposed to the priest going to his house

and serving him, he can go to a Civil Court and ask for a rupee or two as his damages. The evils of this state of things are very great. According to the principles of Hindu religion, the duties of a priest are to be performed by a man with certain qualifications. Under the system as it exists, no qualifications are required for the priests. Simply the priest should be born in a particular family and he has the right to officiate. The duties of a priest according to the Hindu Shastras are to minister to the spiritual good of man, but the Shastras also lay down that for a priest to be able to minister to the spiritual good of man, he has to possess certain spiritual qualifications. Well, in this case, the priest may be a man of no character, a man of no learning, and yet he has the right to say that he must officiate at a certain ceremony, and if he is not invited to do so, he must at least be paid certain emoluments. Now, the peculiarity of the Provinces concerned is that the priests belong to one caste generally and the laymen belong to other castes, and the priests also look down upon these other castes as inferior castes. This is not all. The other castes, as the Hindu Members of this House may be aware, very often claim to have certain particular ceremonies performed in their houses. For instance, many Hindus claim that they are Kshatriyas or Vaisyas, that is to say, they belong to the privileged twice-born community. Well, in our part of the country, the priests say that there is no Hindu who is anything but a Sudra, that is to say, they could not recognise the right of anybody to be either a Kshatriya or a Vaisya. Honourable Members who are Hindus, I address these remarks especially to Hindus, will remember that even the Great Sivaji, the founder of the Maharashtra Empire, was refused the right of being a Kshatriya by the Brahmin priests of Maharashtra, and his descendants even to this day have to fight very hard for their being recognised as belonging to the twice-born community. What is the result? The twice-born communities say that they should have the *Vedoktha* ceremony—the priests say, 'You will not have it, and we shall impose upon you the ceremonies which are performed at the house of Sudras,' that is to say, the lowest class of the Hindus. Well, in this way many differences have arisen and the relations between the two communities become unnecessarily strained on account of this claim of the priests to officiate at the ceremonies performed by the Hindus. The Bombay High Court has fortunately held that no priest can force himself personally upon anybody who is not willing to have his services, but he can claim certain emoluments through a Civil Court. That is the view which the High Court has taken, and it is to declare that this view is wrong that this Bill has been introduced.

As I have already told the House, the other High Courts have been consistently holding that no such right can exist. I will quote a few decisions of certain Brahmin Judges of the Madras High Court, because, as they are Brahmins, nobody can say that they are prejudiced against the Brahmins. Mr. Justice Seshagiri Ayyar who is now a Member of this House, as a Judge of the Madras High Court, declared that such a monopoly to officiate as a priest should not be recognised by law.

It was against the spirit of the Hindu religion, and it was against public policy, and it ought not to be recognized. That is what he said in one of his judgments. The same view has been taken by the Judges of the Calcutta High Court, the Judges of the Allahabad High Court, and the Judges of the Punjab High Court. So Honourable Members will see that the view which I propose that the Bombay High Court should adopt is a view which has

[Mr. A. B. Latthe.]

been accepted throughout the country, and that there is nothing new in the legislation which is being introduced now. Even the Bombay High Court has seen, has realised, to a very large extent, the injustice of the course which they have adopted. Honourable Members will ask how was it then that they laid down this view. The state of things was this. In the beginning, before the High Court was established, during the days of the Saddar Diwani Adalat, suits came on between one priest and another, and the claim of one of the priests was that the intruder—the other priest—who had gone and officiated should be prevented from doing so, or should be compelled to restore the emoluments that he may have received. So Honourable Members will see that in those days what the High Court—the Saddar Diwani Adalat had to decide was whether the intruder should be allowed to encroach upon the rights of the watandar priest, and the view on the side of the layman was never allowed to affect the intention of the Courts in those cases. Later on, in the first case—the first reported so far at least as I know—which came on before the High Court between a layman and a priest, the High Court thought that it was bound by the decisions which had been arrived at by the Saddar Diwani Adalat. I am referring to *L. L. R. 3 Bombay, page 9*. In the first reported case between a layman and a priest the High Court relied only upon one ground, and that was that they were bound by authority, by the decisions in the previous cases. They could not take any other view on account of the decisions which had been already arrived at. So in this way the thing went on only as a matter of tradition as it were, and the High Court is holding that the priest has this right. Later on, in a recent decision Mr. Justice Batty went even so far as to say that if the Hindus introduced any change in the ritual, in the ceremonial, then the priests' right ceased. He said that if a Hindu wanted to have a ceremony which was not Brahmanical then, this right does not exist, and the Hindu is freed from the exactions of the priest. This is one way of getting out of the difficulties created by these rulings of the High Court. But, as has been pointed out by a District Judge whose opinion has been obtained by the Government of India, Mr. Dixit, this leads to unnecessary litigation. The priest says that a certain ceremony was performed; the other man says that that ceremony was not performed—it is only a question of fact; litigation thus becomes necessary; but the great disadvantage of this course is that a Hindu who wants to avoid the payments to the priest has to say that he has given up the ceremonies of his family,—the traditional ceremonies. That many Hindus do not like to do. They claim that in order to avoid these exactions, they should not be compelled to give up the ceremonies which have been performed in their house from time immemorial. That is the great difficulty which is given rise to by the decision of Mr. Justice Batty. The view which I have introduced in this Bill proposes that a priest whose services have not been requisitioned should not have the right to come before a Civil Court and to claim any emoluments.

One amendment which has been proposed is intended for the purpose of moving that the Bill should be circulated for opinion. But the Honourable Member who has given notice of that amendment does not seem to have known that the Government of India in the Home Department have been pleased to circulate the Bill to the various Local Governments, who have also in their turn circulated the Bill to the various authorities, the various District Courts, the High Courts, and Bar Associations, and those opinions have been obtained and

they are now at the disposal of the House. From these opinions it appears that in the Bombay Presidency sixteen officers had been asked for opinion, and out of those sixteen, twelve approve of the Bill. One does not express his opinion clearly, and only three are opposed. Of the five Judges of the Bombay High Court who have expressed any opinion on this Bill, four approve of the Bill, and only one is opposed, and that too on grounds which are not quite judicial. Mr. Justice Kincaid says, that the Bill may lend support to the view of many people who think that the non-Brahmin movement has been supported by the Government, and so forth. Some such reason has been assigned. But it is clear that five Judges of the High Court, including the Chief Justice and Mr. Justice Shah, approve of the principle of this Bill.

Now, so far as the Central Provinces are concerned to part of which this Bill applies, I shall read what the Government of that Province says. In their letter they say, that out of five opinions enclosed, two accept its general principles, two hold that it is unnecessary, and one is strongly against it. Honourable Members will see that out of seven or eight opinions that have been obtained by the Central Provinces Government, five are in favour of the Bill, one only is opposed, and two accept the general principles of the Bill. In a supplementary list of opinions submitted by the Central Provinces Government there are three or four opinions from certain Brahmin gentlemen of that Province which are also opposed to it. For the rest of the country, there is a practical unanimity, and the principle of the Bill is approved. Various public bodies in the Punjab, in Bengal, in the United Provinces and so forth have accepted the principle of the Bill and have approved of it. So Honourable Members will see that public opinion has been sufficiently elicited, and substantially, public opinion supports this Bill. Well I may go so far as to admit that the priests themselves as a class may be opposed to the introduction of this legislation; I admit that. And I may even go so far as to say that certain Brahmin gentlemen who advocate the cause of these priests are also opposed to this Bill. But the question for this House to consider is whether they would allow their own Courts to enforce a right which is against public policy, which is really not sanctioned by the Hindu religion, which is, really speaking, an oppression upon those people who do not want to use these priests. The question is whether the Courts ought to be allowed to enforce this right. It may be said that this is an interference with the religious customs of the Hindus, but I submit that it is the rulings of the High Court that are really interfering with the religious rights of the people, and the Bill which I propose only seeks to prevent this interference with the religious liberties of the people. If a man likes to have the present hereditary priest, he is perfectly at liberty to employ him and pay him anything he likes. The Bill does not prevent that man from following that course. But if a man does not want a particular priest, the only question is whether the Courts should compel him to pay that man any emoluments. The principle of the Hindu religion is that he should pay the priest only as a matter of charity. There is not a single authority in the whole literature of Hinduism which could be cited to support the views that the priest has got any right to these emoluments. It is only the wrong, the misguided view of the Bombay High Court and certain Courts in the Central Provinces which is supporting the claim of the priests. The Hindu religion does not support that claim and the Bill seeks to give Hindus the freedom to which every citizen is entitled. I therefore move that this Bill be referred to the Select Committee which I have named.

Mr. B. S. Kamat: I have great pleasure in supporting this Bill. In doing so, however, I am not concerned with the controversy of Brahmins *versus* non-Brahmins. I support it on a broad general principle. I believe, Sir, that in these days the time has come when we ought to liberalise the Hindu customary law. If a man wants to choose his religion, let him choose his religion according to his own conscience; and if a man can choose his religion, he ought also to be able to choose the priest or the minister who will minister that religion, whatever his denomination may be.

The second point I wish to draw the attention of this House to is the so-called hereditary right upon which the Bombay High Courts and other High Courts have laid emphasis. Now in answer to that I must say that this question of hereditary right has been kept alive, as it were, by the Brahmin priesthood itself. The days were when the Hindu Brahmin priest had a right to certain emoluments, because, owing to the social structure of those days, he led a very simple life, and had open to him only one calling, namely, the priesthood. He devoted himself entirely to learning and it was only just and necessary that other members of Hindu society should support him by these emoluments. But in these days the Brahmin no longer confines himself to the priesthood, but follows various other callings. He can be a pleader, he can be a doctor, he can open a shop or he can even open a leather factory. He has thus himself extinguished his own vested hereditary right. If that is the case, I do not understand why Hindu society should continue, as a matter of right, to give him emoluments to which he was entitled. As he has, of his own accord, given up his right to the priestly calling, I certainly think the time has come when we should give to the priest his liberty to choose any calling he likes, and to those to whom he used to minister religion the right of choosing any minister of any denomination that they like. On these grounds I support the motion.

Mr. P. L. Misra: Sir, I rise to oppose the Bill. I come from the Central Provinces, I do not belong to the Berars, but still I am in touch with the Berars and other portions of the Bombay Presidency also as a lawyer. In my opinion the rulings cited by the Honourable Mover do not apply to the Central Provinces and Berar. There have been cases in the Central Provinces but of quite a different nature—that is to say, when the hereditary priest was absent from the ceremony of a certain person, and another priest took his place, the hereditary priest who had jurisdiction over that person of course went up to the Civil Courts. The priest who sues a usurper or an intruder is perfectly right. His claims are quite legitimate and he can sue the intruder. But there have been no cases in the Central Provinces, so far as I am aware—and Dr. Gour will support me or contradict me if I am right or wrong—where a priest has enforced his rights on his disciples or *chelas* because they did not call him in to officiate at a ceremony. Therefore my submission is that for such a law there is not the slightest necessity in the Central Provinces or the Berars. It would, on the contrary, I submit, only create a gulf between Brahmins and non-Brahmins. We have at present no such gulf in the Central Provinces and we are very fortunate in that respect. If such a law were introduced, the results would be very unfavourable indeed. We have already non-co-operation on a large scale in every sphere of life, we don't want any non-co-operation between Brahmins and non-Brahmins.

Moreover, in the Central Provinces, including the Berars, the priest is an unavoidable institution. You know that religion is deeply ingrained in the mind of the Hindu, to however low a class he may belong. The lower class of Hindus are very superstitious at every ceremony from birth to death, even at the time of sowing and harvesting, building houses and so on, they require the services of a priest. Even when they go on a pilgrimage, they like to know the auspicious day and hour to leave the house. Therefore this institution—this ancient institution—is a very indispensable one in the eyes of the lower classes of the people, and I do not see any necessity or any reason on the part of the learned Mover of this Bill why this Bill should be made applicable to the Berars and the Central Provinces. If the Mover of the Bill cares to leave out the Berars and the Central Provinces from the scope of his Bill, I do not mind its introduction. Therefore on these grounds, I strongly oppose this motion, and I appeal to the House that they should not pass the Bill at once, because it is a very important measure, it will have very far-reaching effects in the long run and therefore it should be considered very seriously.

The Honourable Sir William Vincent: Sir, this Bill deals with a question which really only affects Hindus and the Government have therefore decided to adopt a neutral and impartial attitude in the matter, and I am quite sure that their decision in this matter will meet with the approval of this Assembly. We have no desire whatever to take part in Brahmin and non-Brahmin controversies. I mention this in spite of the fact that when I received notice of the intention to introduce this Bill,—the Assembly will scarcely credit what I say,—I was accused of deliberately not giving the Mover time on an official day because he is a non-Brahmin. I need scarcely assure the Assembly that there was no foundation whatever for that suggestion. We Civilians have often been described as official Brahmins, but I have never heard that we have any particular sympathy with the Brahmins beyond that respect which is due to their intelligence, authority, learning and wisdom. Although, however, we are adopting this attitude in regard to this matter, I think the Assembly should have some impartial statement of what the opinions on the Bill are in order that the Members may judge for themselves whether or not the motion before the Assembly should be accepted. There is, among the provinces that are not affected generally, a general feeling in support of the Bill, although one eminent Judge of the Madras High Court suggests that it should in the first instance be made applicable only to the Bombay Presidency and to those parts of the Central Provinces where the evil is said to exist. *Primâ facie* the Government of India are inclined to consider that this view is a sound one.

Now I propose first to deal with the opinions outside the two provinces mainly affected. These are generally, as I have said, in favour of the Bill, but, there are individual Judges who say that the Government should be very cautious in its attitude towards the proposed changes. For instance, I cite from a Judge from Umballa who says that he is apprehensive that the Bill may seem too sweeping an invasion on the privileges of hereditary priests. In Bengal the view differs somewhat, and there is a general approval of the Bill on a very sound ground of principle, namely that non-Brahmins should not be forced by the law courts to pay *Joshis* for services which have been neither required nor asked for. In Bombay opinions are more divided. The High Court Judges generally, as also most of the other authorities, consulted, support the Bill. But it would be a mistake to suppose that approval is universal. Indeed, in

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some places the opinion is very much divided on the question. For instance, I find one set of opinions where three judicial officers who were consulted favour the proposal and three oppose it. While I am dealing with this question of Bombay opinion, I should like particularly to draw the attention of the Assembly to the criticism of the word 'Hindu' as defined in the Bill. It has been pointed out with great cogency that that definition as it stands now, is open to considerable criticism. I do not dilate on this, because it is a matter which will be brought before the Select Committee. Other authorities, for instance, the Subordinate Judge and Public Prosecutor, of Ahmednagar, do not support the legislation, and the District Judge, Poona, and the Pleaders' Association of Western India—I do not know how far it is an influential body,—are opposed to it. I merely cite these because I do not think it is right that the Assembly should remain in ignorance of opinions against the Bill. But I want to be fair in this matter, and as I have said before, the majority of the persons consulted in Bombay, I think, support the measure which the Honourable Mr. Latthe has brought before the Assembly. In the Central Provinces, as was adumbrated by the last speaker, there is a great diversity of opinion. I want to quote a few words from the opinion of the Governor in Council of those Provinces. He considers that the Mover's introductory remarks are somewhat misleading. The rights of Watandar priests are vested rights; they have been held by the courts to be of the nature of rights in immoveable property. The measure will affect a large body of people as every village in the Maratha country has its Watandar Joshi, and he advises that it is necessary to approach the Bill cautiously and with full recognition of its extent and application. Finally he says, that there has not been a sufficient advance in public opinion in the Central Provinces and Berar to justify legislation and he therefore deprecates legislation affecting a custom which has been so long established.

There are many other opinions also or several opinions,—I will not say many,—in the Central Provinces which oppose this measure on various grounds, some of the objections, I think, being identical with those taken by the last speaker. For instance, the Bar Associations of Nagpur and Amraoti do not support this measure. I assume the Bar Association of Nagpur is a large and influential body. One Subordinate Judge, I notice, says that this measure will deprive thousands of Hindu priests of their livelihood which they derive from customary rights. These are matters which, as I said before, I thought I ought to put before the Hindu Members of this Assembly in case through oversight they have not had time to study the papers relating to the Bill. Government have no interest in the matter at all. If the Hindu Members of this Assembly think that this is a just measure, that this is a measure demanded by fairness and equity to non-Brahmins, and that it is not inequitable or unfair to Brahmins, then they will accept this motion, and the question as to the area in which the Act shall *suo motu* operate, and the question of definitions and so forth, will be very carefully considered in Select Committee, I have only put before the House the various views concerning this Bill.

Mr. J. N. Mukherjee: Sir, coming as I do from Bengal, I may at once tell this House that I do not possess that direct interest in the result of the Bill as those Honourable Members who belong to the Bombay Presidency may possess. But still as

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a Hindu, I think I am bound to say a few words as regards the principle of the Bill and to express my gratitude to the Honourable the Home Member for the impartial manner in which he has placed before the Council the opinions which he has received from various public bodies, and for the attitude which the Government of India has assumed as I know it would, in this matter.

The Bill like some others now before the House, introduces a very important principle, a principle which goes to touch the various representatives of the different religious communities who form this Assembly. So far as I am concerned, it may be a very small matter, but we have just heard that there are thousands of Watandars in the Bombay Presidency who may be affected by this Bill. I hold in my hand an objection to the Bill which I have received—I do not know if other Members of this Honourable House have also received it. It refers to certain Resolutions which were passed at a meeting in some places in the Berars, and it runs to this effect:

'We the Watandar Joshis of Berar, assembled in a meeting on the 28th August 1921, express our strong protest against the Bill to be introduced in the coming Session of the Imperial Legislative Assembly by Mr. A. B. Latthe, M.L.A., as the same purports to encroach on the ancient rights of this class, and unnecessarily creates a gulf between the Brahmins and the non-Brahmins when there is none at present in this Province, and when the majority of the orthodox community of the Hindus quietly and fondly cherish this old institution as the same is not burdensome at all.

(b) The Bill aims at a trespass of the Legislature on the sacred domain of religion and thus violates the promise of the religious neutrality held out in the Royal Proclamation of 1858.

2. Resolved further that the copy of this Resolution be sent to all the Members of the Assembly.

Radhakrishna Raghao Ghonge.

President.

Now this raises the very important question of interference by this House in the religious practices, customs and rules of particular religious communities. That is to say, this House, composed as it is of Hindus, Muhammadans, Christians, and men belonging to other denominations, is called upon to assume jurisdiction in matters which concern religious bodies, and in the present instance, the class of Hindu priests known as Watandars; and the House must, to my mind, be very careful as to how it proceeds in a matter of this kind. We are on our trial now. Private parties have, no doubt, been allowed by Government to put forward Bills, and a private party who is a Member of this House, may bring forward any Bill in respect of any matter which, according to the dictates of his judgment, may be antiquated or may be obnoxious to him. But it must be remembered, at the same time, that we do not represent a large mass of people who do not pay a certain amount of taxes. They are silent. We do not know what they think about Bills of this kind, but still we think that we represent India as a whole. Therefore, Sir, in view of the fact that there are Members of this Assembly, and other people outside this House, who wish to revolutionise Hindu society and Hindu rules of succession and so forth, it is particularly necessary that this House should pause, and consider the position, should ponder on the very grave situation, which has been introduced by Bills of this character. Now, Sir, from what has fallen from the Honourable the Home Member, I find that only large public bodies have been consulted in the present matter. Here is only

[Mr. J. N. Mukherjee.]

one opinion which I hold in my hand and to which I have referred, which has come from the Berars, and from only one body of men. This is not a matter in which opinion outside the class affected by the Bill, should be allowed to prevail, not the opinion of official bodies alone, but the opinion of men who are directly concerned in the result of the Bill itself, should govern the situation. Even taking official bodies as they are constituted, we find that the Honourable Judges of the Bombay High Court are divided in their opinion, that the Poona Bar Association is opposed to the Bill (and they are supposed to know something about the manners and customs prevailing in their part of the country) and the Central Provinces and the Bar Association of Nagpur are divided in opinion. But these bodies of men are what you call educated bodies of men, that is to say, English educated and more or less cut off from the main current of opinion of the orthodox community of the Hindus. My learned friend, the Honourable Mover of the Bill, has characterised the opinion of the Bombay High Court judges as a misguided opinion. Whether misguided or not, there is that opinion, and in view of the opinion that has been expressed, even by official bodies, the position that I would like to take is that the Bill be further circulated for opinion amongst those who are directly concerned with the effect of this legislation. I am entitled to ask for this, I think, under Standing Order 39 printed at page 25 of the Manual. It reads thus :

'If the Member in charge moves that his Bill be referred to a Select Committee, any Member may move as an amendment that the Bill be circulated for the purpose of eliciting opinion thereon by a date to be specified in the motion.'

No doubt the Bill has been privately circulated, if I may use the expression. We do not know to what places the Bill went, but as a matter of fact, it practically went to officially constituted bodies only; and considering the importance of the Bill and knowing to a certainty the effect it will have upon the orthodox classes of Hindus my motion before the House is that it may be further circulated, especially among those classes of men who are likely to be affected by the passing of this Bill, and that their opinions be submitted to this House during the next Session of the Assembly. My submission is that this Bill involves a grave question of principle, that is to say, we, by putting forward this Bill, in a way, assume that non-Hindus, Christians and Muhammadans and Parsis, whatever else they may be—should have a right to dictate to the Hindu community by a majority of votes, if they can get a majority of votes what ought to be their law according to their own tastes and views; and similarly that the Hindus must have a right to dictate to the Muhammadans and other non-Hindus, according to their tastes and views, what ought to be their law.

Sir, in matters of this kind, especially in matters of succession, where there is a gradual growth of law, and custom, we cannot reduce the question into one of taste and conveniences and so forth, and therefore my motion is that the matter be further circulated among those classes of men and their opinion collected and the result placed before this Assembly next Session.

Mr. President: I have received notice of the same amendment from another Member and I must give him the right to move it.

Mr. B. H. R. Jatkari: I have given notice of an amendment on the same lines as suggested by my Honourable friend, Mr. Mukherjee. I move it.

It is to the effect that the said Bill be circulated for the purpose of eliciting opinion thereon. This Bill, as already stated by my learned friend, Mr. Pyari Lal Misra, is a serious encroachment upon the religious susceptibilities of the Hindus and on the region of Hindu Law. The status of the Hindu priest or Joshi is known and has been recognised by custom and there is not a single village in the whole of the Bombay Presidency or the Central Provinces and Berar where there is no village priest.

This custom has been recognised by the Civil Courts, both by the Bombay High Court and the Judicial Commissioner's Court of the Central Provinces and Berar, and the law has been settled by a course of decisions. This Bill seriously interferes with the settled law of both these Provinces, and I say no ground has been shown why a Bill should be introduced to do away with that. In the aims and objects of the Bill, as stated by the Honourable Mover, it is said that it affects only the Bombay Presidency. While making his speech at the time of the introduction of the Bill he said that some parts of the Central Provinces and Berar were also concerned and that they were also affected by this Bill. I cannot say what is the condition of things in the various other Provinces, but even in the above two Provinces the Bill affects a large section of Hindu priests or Joshis as they are called. The village Joshi renders services to the villagers and receives a small pittance at some of the ceremonies performed at their houses. The Bill affects a large mass of village people also who have been receiving the services of the Joshis from time immemorial, and it creates a revolution in their religious ideas. My Honourable friend, the Mover, comes from that part of the Presidency where there is a strong feeling between Brahmins and non-Brahmins and it appears that that idea has actuated him to move this Bill. But it would be a very narrow view if he judges the other Provinces also or other parts of his own Province in the same light. The Bill really creates a strong feeling where there is none, and especially in my part of the Province, that is Berar, where the people have not raised a voice against the settled law of the Province. Like my friend, Mr. Mukherjee, I have also received a copy of the resolution from the Berar Joshis Conference. This will show the attitude of that class which is most affected by the Bill. It is no use hurrying the Bill through, against the wishes of the people, who are affected. The Joshis may be called a class of vested interests, and as the opinion of the Governor of my Province has been just read out by the Honourable the Home Member, the House will see that it says that the watan of Joshis is in itself property and it is immoveable property. The House will see that I am opposed to the Bill at least with regard to its applicability to my Province, but I won't mind if it is circulated for opinion to the various bodies and to the Joshi class and the public generally. It has been said that opinions have been called for and received

The Honourable Sir William Vincent: May I explain, Sir? The Bill has been circulated to all Provinces and full opinions have been received.

Mr. B. H. R. Jatkari: But the public who receive the services of the Joshis and the Joshis themselves have not been consulted, and it is very necessary that they should be consulted before we proceed in this case, and hence I put this amendment that it should be circulated in order to elicit opinion, and I hope the House will support it.

Mr. President : I do not know whether the Honourable Member has understood the technical meaning of the word 'circulation'. I understand, unless this Assembly gives explicit instructions, circulation only refers to Local Governments and such other bodies as may be mentioned in the motion.

The Honourable Sir William Vincent : In that sense it has been circulated.

Mr. President : The Honourable Member must realise that the word 'circulation' in this motion has a perfectly technical sense and that the Bill will not go to those bodies to which he refers unless this Assembly explicitly orders it to go.

Rai D. C. Barua Bahadur : I beg to submit that as exception has been made in the case of Bengal it should also be made in the case of Assam. We do not know what watandar priests are, or anything about them. The word 'Hindu' has been defined in a very peculiar way. I am a Hindu, but I do not come under that definition at all. We have no such priests as watandar, and they are quite unknown in our part of India. So, if it should be introduced, at the outset the provinces of Bengal and Assam should be excluded from its operation.

Dr. H. S. Gour : Sir, I am afraid the fact that the Honourable Mover of this motion has overlaid his speech with controversial matter is responsible for the acrimonious discussion which has followed it. I beg to submit that this is not a pure question of Hindu Law, but a mixed question of Hindu and Civil Law. We have been told and told with a certain degree of emphasis that the right of a Joshi or of a watandar priest to make exactions from his constituents is a matter of Hindu Law. My friend, Mr. Mukherjee, and my friend, Mr. Pyari Lal Misra, have reiterated this statement. Now, I wish to challenge with due humility both of them to point out a single sentence from any of the recognised texts of Shastric Law where it is laid down that the priest is to demand and receive any perquisite for the performance of religious rites.

Sir, the history of this watan exaction may be divided into three chapters, one more gloomy than the other. You will find that in the orthodox books on Hindu Law it is inculcated beyond any shadow of doubt that the priest is to lead the life of an ascetic and to give his priestly services gratuitously and without any recompense. This you will find repeated in Manu and then you will find it repeated in the later books on Hindu Law. Now, we pass on to the second stage. The second stage was the offering of services for payment, and last of all, it happens to be payment without service, and this is the stage at which we find watandar priests' position both in the Central Provinces and in Bombay. Honourable Members will remember the watandar priests claim this as their hereditary watan and the right as their property and Honourable Members will remember that throughout the country such rights have grown up during the last 100 or 200 years. I remember a case which will be recalled by many in this House that a patwari claims one rupee for Dusserah for worshipping his ink pot and he refuses to give any copy of the jamabandi or kasra to a tenant who does not worship his ink pot. The ink pot refuses to surrender the necessary fluid necessary for inditing the kasra or the jamabandi. I find that these immemorial rights and customs existed even in Europe. We have a living example, I am glad to say, the sole and single living example, of the toll keeper, the man who used to put a rod

across the road and said, 'Pay me my six pence, otherwise you cannot pass.' If you ask him, 'Why should I pay you six pence', he said, 'This is the right sanctified by custom and the immemorial user of the land and the passers-by feel that it must be right'.

The priestly classes in Europe made similar exactions. I do not wish to detain the House by giving examples because they occur to all of us. Now I submit that so far as these Watandar Hindu priests in Berar and the Bombay Presidency are concerned, for a very long time they have been making these demands from the public at large, not because they render any public service, but merely because they say they claim this as of right and as sanctified by immemorial custom. Now, Sir, this is their way. If the people are willing to pay, there is no question about legislative or judicial interference. But when they put this matter before the Court, the matter takes a different turn. It assumes a peculiarly secular aspect. A court of law has got to be satisfied that the plaintiff who puts this matter in court has got what is known in the Civil Procedure Code as a civil right. Now, Sir, when the question comes up before the civil court, the first thing that the court inquires is 'have you got the civil right to put in a suit?' I beg to ask the Honourable Members of this House what is a civil right. A civil right is a right to property which a court of law can enforce by its own coercive process. Therefore it is not purely a religious question, but it is a religious question, which is dominated by the secular question as to whether you have got a right of suit. Now if I go to a court of law and say that I have a right, an old, sacred, immemorial right to put my hand into my neighbour, Mr. Mukherjee's pocket once a year on the Dusserah day and to empty its contents, and say to the court that on that particular day my friend received his travelling allowance and was walking home with it but he did not allow me to take possession of the bag which he was carrying, will the court give me a decree? If, then, I say it is sanctioned by ancient immemorial custom, the court will say 'whatever may have been your ancient right, I will put it now to the test of the established law that no custom is valid if it is opposed to public policy. And what is public policy? Public policy, I submit, demands and requires that nothing is good which is against justice, equity and good conscience. The question is, therefore, reduced to this. The question is not whether I have got an immemorial right, but the question is, when I go to a court and say I have got an actionable claim, whether I have got such a claim as the court will regard as a claim founded upon justice, equity and good conscience. That is the crux of the whole matter, and I think that my friends in this House will clearly disentangle this question from the Brahmin and non-Brahmin question, or from those other questions that have been raised, namely that these Watandar priests have been enjoying this right under the sacred Hindu Law,—that it is legalized and sanctioned by immemorial custom. Honourable Members will remember that the short question, therefore, with which we are concerned here is this. Is this a right which appeals to your conscience,—is this a right which can be justified upon the stern and solid ground of justice and reason? I submit, Sir, there can be no two answers to this question. Even my friend who is 'a stern and unbending Tory' in these matters will not deny the fact that if this question is once placed before a court of law, and an appeal is made to that final arbitrator of all disputes, namely, reason and commonsense, my friend will not have a leg to stand upon. I therefore submit that this is not essentially a Hindu-Law question: and I regret that the Honourable Home Member should

[Dr. H. S. Gour.]

have beaten a hasty retreat from the position which I submit he should have taken up in this connection. I say so, Sir, because this is not only a single and solitary instance in which we shall ask the Government to take up a firm attitude. To say that this is a question which affects Hindu Law and, therefore, it will be dropped by the Government, and to say 'we will have nothing to do with this question—you decide this question in the best way you can' is, I submit, not exactly the correct position for Government to take. If they once find that the question is a mixed question of Hindu Law and Civil Law,—if they once find that the courts of justice are daily petitioned to enforce this claim, I think it is the bounden duty of Government to see whether the courts of law, which administer Civil Law, should continue to give decrees in cases of this character. It is then a question of Civil Law, and not a question of Hindu Law, because, as I have pointed out, it is the duty of the court to see whether there is a civil right upon which the plaintiff is entitled to sue and obtain a decree against the defendant. Surely, Sir, if this question is of the character, I submit it is, then I submit, the Government should take courage in both hands and support this Resolution. They should say, 'we do not deal with this question as a question of Hindu Law,' but when you ask our courts of justice to use their coercive processes for the purpose of enforcing your right, you bring yourself within the domain of Civil Law, and it is our duty then to examine and see whether your claim can be supported and justified on the ground of justice, equity and good conscience, which supplements our statutory law. Now, Sir, this is perhaps a vain and idle appeal, because the Honourable the Home Member has already told us that the Government is committed to neutrality in a matter of this character. I wish therefore to appeal to my friends that this is a motion which they should heartily support, not only in the interests of justice but in the very sacred name of Hindu Law, which, I submit, does not tolerate the exactions of sums in the shape of priestly fees and offerings.

I have said, Sir, that in its original conception the office of a priest was an honorary office and he regarded it as a sacred duty to offer his religious ministrations to all and sundry without any charge, without any fee, and without any recompense. It was only in course of time that the clergy came forward and began to assert that they had an ancient right to make exactions from the laity, whether the laity required their services or not. My friend, Mr. Jatkár, who hails from Berar, told us that the feeling in Berar is strongly against this Bill. I think my friend will be the first to remember that in the Berars a very strong movement was on foot, and it is getting stronger every day, where the non-Brahmins have appointed their own non-Brahmin priests to the exclusion and supersession of the Brahmin priests, and who perform all the services which were before performed by the Brahmins.

Mr. B. H. R. Jatkár : Not in Berar.

Dr. H. S. Gour : My friend says it is not so in Berar. Let me repeat that it is so. I am as closely connected with Berar as my friend is. I practise in the Central Court in Nagpur, and I am in daily touch with the feeling in Berar. There is certainly a growing opinion in the Amraoti and Ellichpur districts in favour of excluding all Brahmins from their religious ministrations. Now, Sir, the question is a plain question.

Let us examine the question not as Hindus or Muhammadans, Christians or Parsis, but as men possessed of common sense. These priests come up and if I want their services I pay for them. If I don't want their services, can any Honourable Member in this House appeal to any rule of common sense and reason and say whether you want his services or not you shall pay an annual due to the priest who claims it of you, independent of any service which he may render to you. I have known cases and these cases are not many, but they typify the class of cases which exist in Berar. A gentleman, a Watandar priest, had a land fight, a land feud, with his neighbour, who happened to be his constituent. They were not even on talking terms. His relations died and this Watandar priest refused to perform the funeral ceremony, and at the end of 3 years, out of sheer revenge he filed a suit for Rs. 52 in the court and obtained a decree. I was engaged on appeal by the man, to whom injury in addition to insult had been offered by this gentleman of the priestly class, and I argued and pointed out that it is against the most elementary sense of natural justice that a man should not only inflict an injury of a most egregious character upon his constituent but afterwards demand a sum of money as his ancient perquisite. Case after case, Sir, could be cited in which the priestly classes have abused their power, and I therefore strongly support this motion, and I ask this Honourable House to ignore these adventitious and unnecessary questions about Hindu *versus* non-Hindu and the so-called sacred law of the Hindus, and to deal with the question as one of common sense that no man shall have money for which he has rendered no service.

One word more, Sir, and I have done. My friend, Mr. Latthe, has no doubt defined 'Hindu' in a way which is open to criticism. If my friend will look at the sub-section, even a Khoja or a Momin, who are Muhammadans but follow the Hindu Law, are classed as Hindus. But that is a matter which I think could be corrected by the Select Committee. There are other defects in the Bill, but these are all matters for the consideration of the Select Committee. So far as the cardinal principle of this Bill is concerned, I submit, Sir, it is unobjectionable and should not be objected to by the Honourable Members of this House.

Mr. President : The original question was :

'That the Bill be referred to Select Committee.'

Since which an amendment has been moved :

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

The Honourable Dr. T. B. Sapru : Sir, at one stage of the debate I thought that it was perfectly unnecessary for another Member of the Government to stand up in connection with this Bill. But Dr. Gour's speech I think makes it necessary for some other representative of the Government to make a few observations in regard to some of the remarks which have been made by him. I do not think the Bill is one which lends itself peculiarly to any elaborate eloquence. It is really a matter of law, and there are just one or two considerations of policy involved in it. I will invite your attention first of all to the questions of policy and then to the questions of law.

My Honourable friend, Dr. Gour, has said that the attitude of Government in regard to a Bill of this character ought to have been different to what it was stated to be by my Honourable Colleague, Sir William Vincent, this morning. I need scarcely assure Dr. Gour or many of my friends who are ardent

[Dr. T. B. Sapru.]

supporters of social reform that in my individual and personal capacity there is probably no one here in this House prepared to go further than I am. But at the same time in a matter of this kind which affects certain vested interests, it is quite obvious that the right attitude for the Government to take is one of neutrality—more particularly when the House consists of a non-official majority and when the House can come to its own conclusions independently of any assistance from the Government. I sincerely hope and trust that my friend, Dr. Gour, and those who think with him in a matter like this will not assume that the Government is deliberately offering any resistance. The position that the Government has taken, and which has been explained at some length by my Honourable Colleague, Sir William Vincent, is that having regard to the conflict of interests the safest course for the Government is to leave this matter to the judgment of the non-official majority. I may further add that this attitude relates only to Members of the Government. So far as the official Members of this House are concerned, they are at perfect liberty to take their own course. So much about the question of policy.

With regard to the question of law, I think it is absolutely fruitless now to discuss what really was the origin of this rule or practice or custom, whatever you like to call it.

I do not wish to enter into any controversy with my Honourable friend, Dr. Gour, as to his exposition of the Hindu Law in regard to the rights of priests, though if I did enter into that controversy, I would very strongly challenge at least one of his observations, as my reading of Manu is not exactly the same as that of Dr. Gour. I can recollect numbers of verses in Manu where very minute statements are made with regard to the offerings which are to be made to priests. There is no harm in recognising the fact boldly that the priests have in Hindu history wielded an extraordinarily large power, and because we in modern times are not disposed to recognise their authority, we need not revise our notions of Hindu Law for that reason. The fact of the matter seems to be, if I may venture to make the suggestion, that the office of the Watandar—and I make that suggestion, entirely on my own responsibility—probably had its origin in the performance of certain duties which were cast upon the village priests by the State at a time when the Hindu State was the ruling power. I do not know what exactly is the meaning of the word 'Watandar' in the Marathi language, but speaking as a Northern India man, I can say that the expression is a compound of two Persian words, and very often I have found that when Persian words have travelled down to the South or the Bombay Presidency, they have in course of time come to assume a certain technical meaning which has been given in those particular parts of India. But whether that is a correct explanation or not, what is claimed there is by no means uncommon. Even in Northern India you find claims of this character put forward, though it must be added that the High Courts have persistently declined to recognise these claims. Only two years ago I had a case in which the Pandas of Kedar Nath, one of the sacred shrines, claimed a similar right, and the case was bitterly fought, and the High Court held that they could not claim such rights. Well, so far, therefore, as Northern India is concerned, and I would also say the same thing with regard to Bengal, no difficulty has at all been experienced, and it has been definitely ruled both by the Allahabad High

Court and I believe, by the Bengal High Court also, that there can be no such monopoly in the office of a priest. It is true that difficulty has been felt in Bombay and I understand also in Madras. (*A voice*: No difficulty in Madras). I may be wrong there, but certainly difficulty has been felt in Bombay, and if by reason of a persistent course of rulings it is impossible for the Bombay High Court to take a different view, there may be justification for the Bill which has been introduced by my Honourable friend, Mr. Latthe.

As to whether the provisions of this Bill will be acceptable to all sections of the community in the Bombay Presidency, it is a different matter, and it is precisely for that reason that the Government have decided not to take sides in a matter like this, but to leave it to the unfettered judgment of the House. Whatever may be my personal opinion in regard to matters of this character, whatever may be my personal sentiments, I must identify myself with the Government so far as their policy in this particular matter is concerned.

Mr. N. M. Samarth: Sir, I wish to tell this House briefly what really the substance, the gist of the Bill is. It will be noticed that the Bill is only a permissive measure. It says in clause (3) that no person shall be entitled to claim, as a matter of right, any ceremonial emoluments from any Hindu who does not call in the services of the person claiming those emoluments. If any Hindu in any village is willing to make payment to the village priest, this Bill does not interfere with him at all. It only says that any one who does not want to engage the services of the village priest but who engages some other priest, should not be compelled by a decree of the court to pay emoluments to the person whose services were not requisitioned. In other words, the Bill asks for freedom of conscience and freedom of action. The opposers of the Bill ask for coercion and compulsion, and the House will have to decide between these two issues. The situation is this, that in Madras, Calcutta and Allahabad, the High Courts have held that there cannot be any monopoly in priesthood of this character. The decisions of the Bombay High Court, however, have gone the other way, and only recently, in a decision, 42, Indian Law Report, Bombay, it was held that if a Hindu villager chooses to have Brahmanical ceremonies conducted, he must employ his village Joshi or fee him as if he had employed him.

Now the object of the Bill is to bring the law in the Bombay Presidency as well as in those parts of the Central Provinces, where there is a large Maharashtra community, into conformity with the decisions of the three other High Courts. The Honourable the Law Member was not sure as to what the Madras High Court decided. But I may point out to the Council, that the Madras High Court decided in 26, Madras Law Journal, page 483,—it is a judgment by Mr. Justice Sadashiva Aiyer as follows. This is what Mr. Justice Sadashiva Aiyer said: 'I am strongly against the recognition of office which could give rise to an exclusive right to officiate as *purohit* for a particular person or in a particular village or villages, especially a right that monopoly to officiate as *purohit* should not be recognised by courts and that it is against public policy to allow any such claim.' Therefore, Sir, the uniformity of opinion of Allahabad, Calcutta and Madras High Courts, in favour of the principle embodied in this Bill. The Bombay High Court having by a series of decisions laid down the law which I have already mentioned

[Mr. N. M. Samarth.]

finds itself difficult on account of the well known principle of law known as *stare decisis*, to recede from them, and nothing can be done to get over these decisions unless those decisions go up to the Privy Council and the Privy Council overrule them. The Bill, therefore, is a simple measure, the principle of which is to bring the law in Bombay into conformity with the law which prevails elsewhere. Let the whole House be clear as to the principle of this Bill, and I need not repeat that while it does not enforce any restriction upon any Hindu who wishes to pay a Hindu village Joshi the emoluments that he thinks are his due, it does not compel any one to engage him, but all that it says is that if a Hindu does want to engage the services of the village priest, let him not be compelled by a decree of the court to pay him as if he had engaged him. I hope the House will pass this measure.

Dr. Nand Lal: Sir, it is regrettable to see that the controversy between Brahmins and non-Brahmins is manifesting itself in various phases, and this Bill, I am sorry to say, is a specimen of it. However, I am in support of this Bill for various reasons.

I differ from my learned friend, Dr. Gour, so far as his exposition of the law is concerned. He seems to tell us that the Legislature will step in only in the case when some sort of civil right is denied or crushed. Differing from him I may make my submission that my view of the province of a Legislature is this, that the Legislature will think itself called upon when there is fear of the breach of peace or when there is fear that there will be multiplicity of litigation and coercion. Since there is great room for this, the Legislature is right in stepping in and operating itself as a preventive. For these reasons I am in favour of this Bill and I support it very cordially.

Mr. W. M. Hussanally: Sir, it is impossible for a non-Hindu to recognise the importance of this Bill or the merits of its provisions. But I only want to speak with regard to one or two points that have been touched upon by my friend, Mr. Pyari Lal Misra. He said that the Joshis had not been consulted in Berar. It is impossible to suppose that the Bill which affects that class of people, could acquire their support. I am not concerned, Sir, personally with this Bill in itself, but from the opposition which has been led by my friends, Mr. Mukherjee and Mr. Pyari Lal Misra, I am rather anxious of the fate of another Bill which my friend, Maulvi Abul Kasem, has introduced with regard to the improvement of *waqfs* in Muhammadan societies in India and I am afraid that if this Bill falls, the fate of that Bill is also sealed. As I understand the law, that has been introduced, it ought to be one that is for the greatest good of the greatest number of the people, and if the Joshis alone oppose it and the rest of the Hindus of the Bombay Presidency and Berar and the Central Provinces support it, I think this Assembly is bound to also support it, otherwise no reform in our social life, whether of the Hindus or the Muhammadans, is possible.

Mr. Mukherjee wished that this Bill should once more be circulated for the opinion of the people of the Provinces it will affect. But I do not consider that the rule which he quoted at all applies because it has been once circulated and I believe it has been widely published in the Government Gazettes and every person who wished to express an opinion about it has done so or ought to have done so. And it is no use now to relegate it again to circulation once more

simply to avoid it. But at the same time since a discordant note has been struck by my friends, Mr. Pyari Lal Misra and Mr. Jatkari, I would suggest to the Honourable Mover to add the names of one of them to the Select Committee so that they may express any views they like in the Select Committee.

Mr. J. Chaudhuri: Sir, I move that the question be now put.

Mr. President: The original question was:

'That the Bill to amend the law relating to the emoluments claimable by Watandar Hindu priests be referred to a Select Committee consisting of the Honourable the Law Member, the Honourable Sir William Vincent, Mr. N. M. Samarth, Mr. N. M. Joshi, Mr. K. G. Bagde, Dr. H. S. Gour and the Mover.'

Since which an amendment has been moved:

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

The question I have to put is:

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

The motion was negatived.

Mr. President: The question is:

'That the Bill be referred to the Select Committee.'

The motion was adopted.

Mr. A. B. Latthe: (Cries of 'No, no!') One word of personal explanation, Sir. The Honourable the Home Member observed that when he refused to give me time on an official day to introduce the Bill, I accused him of being partial. I must explain what really happened. The Honourable the Home Member said....

Mr. President: Order, order. If I allow reports of private conversations to be used, I immediately open the door to acrimonious controversy. If the Honourable Member really wishes to make a personal explanation, I am prepared to allow him to do so but he cannot go into a private conversation on the purport of which no doubt two memories may differ.

Mr. A. B. Latthe: I have only to say this, Sir. The reason for the Honourable the Home Member's refusal to give me time for the introduction of the Bill on an official day was that Government would be thought to be on my side and this was fearing a certain community too much.

RESOLUTION RE: THE ANTI-DRINK MOVEMENT IN INDIA.

Beohar Raghubir Sinha: Sir, I rise to move the Resolution standing against my name. It runs thus:

'This Assembly recommends to the Governor General in Council that the following expression of opinion, namely that this Assembly declares its sympathy with the anti-drink movement in India, be conveyed to Local Governments with the request that they may consider the advisability of adopting measures to put a stop to the drink evil as soon as possible.'

In moving this Resolution for the acceptance of this Honourable House, I have no political ends to serve. I shall seek to gain such ends on the 29th instant when the Resolution on Self-government will be discussed.

[Beohar Raghubir Sinha.]

To-day I am solely actuated by purely social, civic, and humanitarian motives. I do not pose as the mouthpiece of any particular party, but as the jealous upholder of the traditions of my country which saw the evils of alcoholism thousands of years ago, and pronounced every sort of fermented liquor as the drink of the *Danavas*, the degraded and the ignoble. I do not mean to assert that drink was unknown in this ancient land before the advent of the Europeans, but there is not the slightest doubt that while before it was confined to the lowest strata of the population, English education and western culture have made it fashionable even among higher and educated classes, and its rapid spread among the working classes is simply alarming. People say, that the advent of the Bible in different lands has invariably been accompanied by the advent of the bottle, in spite of the teachings of the Bible, and it was impossible that India, once so sober, should have escaped this universally admitted curse of western civilisation.

Sir, the apologists of the drink traffic bring forward many arguments and quote arrays of figures to show that the excise policy of the Government is necessary in the best interests of the country and that by making drink expensive, it is keeping down drunkenness and so on and so forth.

But statistics and every day experience clearly demonstrate the alarming spread of the drink evil among the higher classes, that once regarded even the touch of liquor as pollution, and indulgence therein as the surest sign of social and religious degradation.

It is said, Sir, that the sale and consumption of liquor is decreasing. But I rely on the figures which are taken from the official reports. They will show that from the year 1904-1905 to 1918-1919 there has been an increase of twenty lakhs twenty-nine thousand nine hundred and ninety-six proof gallons of liquor, in the whole of India. In Bengal, the total increase of liquor has been ninety-six thousand three hundred eighty-six gallons in a single year from 1917-18 to 1918-1919. In the Punjab, too, there has been an increase of one lakh gallons in two years. Can anybody expect us, Sir, to remain indifferent under such deplorable circumstances when our countrymen are being thus victimised? Government may not be prompted in its excise policy by pure financial motives, but should it permit the people committed to its charge, to offer themselves as a sacrifice to the Moloch of drink by making it available everywhere and thus placing temptation in the very paths of the weak-minded.

I may quote a passage from the speech of Lord Chesterfield in the House of Lords in 1748 against the British Excise and License Revenue derived from intoxicating drink.

It reads thus :

'Luxury, my Lords, is to be taxed, but vice must be prohibited. Let the difficulties in executing the law be what they will. Will you lay a tax on the breach of the Commandments? Would not such a tax be wicked and scandalous, because it would imply an indulgence to all those who would pay the tax? This Bill (to license liquor shops for the sake of revenue) contains the conditions, on which the people are to be allowed henceforth to riot in debauchery, licensed by law and countenanced by magistrates, for, there is no doubt, but those in authority will be directed by their masters to assist in their design to encourage the consumption of that liquor, from which such large revenues are expected.'

(A voice.—Louder please.)

Should the Government which once yielded so tamely to the demands of the British public and sacrificed its opium revenue, now think of flouting Indian public opinion in these days, when the country is being enfranchised and hopes of Self-government are being held out? Some of us cannot believe, Sir, that Government is really indifferent to the fate of the teeming millions of this country and would deliberately sacrifice them for financial considerations.

Sir, no sacrifice of revenue should deter the Government from doing its duty. Some people argue that if we lose the excise revenue, education and other useful improvements will suffer. So it comes to this, that if we wish to provide increased and better facilities for education, etc., we must make the people drink more.

If in America this loss of revenue has easily been made good and when in this country itself a loss of opium revenue has not left the Government insolvent, I see no reason why it proves so formidable. As total prohibition has not proved itself a financial disaster in America, there is no reason why it should do so in India in spite of dissimilarity of conditions. We have in the most illustrious apostle of total prohibition of America in our midst in these days, I mean Mr. W. E. Johnson. He has opened his campaign against drink in this country, which, I am sure, will inspire Indian public with greater zeal in favour of total prohibition.

The moral and material well-being of the Indian Nation as the result of prohibition must be a source of gratification to the Government.

My Resolution, however, does not suggest any particular means to meet the end. All it asks is that this Assembly should express its sympathy with anti-drink movement and that the Government should convey its opinion to the Local Governments to consider the advisability of adopting measures to put down the drink evil.

The acceptance of this mild Resolution by the Government will at least show that it does not wish to maintain an uncompromising attitude against this healthy movement and does not wish to flout public opinion.

One point, more, Sir, and I have done. This Assembly must be aware that the Central Provinces Government has accepted a Resolution moved in the Local Council which runs thus :

'This Council recommends to the Government to stop within, as short a period as may be practicable, the sale of country liquor throughout the whole Province.'

The words 'country liquor' had to be substituted for 'liquor' as the Honourable Mr. S. M. Chitnavis, Minister, observed that in the case of foreign liquor a reference to sanction of the Government of India will be required. To this I wish to draw the attention of the Government of India and request them to adopt the same policy as regards foreign liquor and thus further strengthen the hands of Local Governments.

In fine, with your permission, Sir, I wish to read out to this Assembly a message from Mr. W. E. Johnson contained in the letter which only the other day he has addressed to me. It is this :

'America tried out the policy of prohibition over a period of more than forty years. She was so satisfied with the result that the policy was adopted by the whole nation and no law ever was so strongly approved by the people. It becomes stronger in popular approval every year. Indian teachers have been proclaiming the evils of alcohol for two thousand years. Most of the drink has been eliminated by this teaching until less than one hundred years ago when the traffic in alcoholic drinks began to be commercialised and developed for revenue purposes. Since then, the drink evil has been so rapidly developing that it has now become alarming as a public menace. But India now has the responsibility

[Beohar Raghubir Sinha.]

of dealing with this problem, it being a transferred subject, and the whole world is watching to see what will come of it. I do not believe for a moment that India will eat her teachings of 2000 years and continue to exploit the sufferings of her poor for private profit or for revenue purposes as has been the policy for nearly a century. Temperance teachings will avail little as long as there is a drink shop on every corner established and authorised by law. It is only the removal of the cause of the evil that will serve to remove the evils themselves. As America has taken the lead in the Western world in eradicating this scourge, so will not India take the lead in the Orient in eliminating this supreme cause of suffering and vice.

Cordially yours,
(Sd.) W. E. Johnson.

With these words, I commend the Resolution for the acceptance of this Assembly.

Mr. President: The question is :

'This Assembly recommends to the Governor General in Council that the following expression of opinion, namely, that this Assembly declares its sympathy with the anti-drink movement in India, be conveyed to Local Governments with the request that they may consider the advisability of adopting measures to put a stop to the drink evil as soon as possible.'

Before I call anybody, I had better draw the attention of the Assembly to the character of the first amendment*. Amendments do not have to pass any process of admission before appearing on the paper. It would be physically possible, of course, for this Assembly to pass this amendment, but I will draw the attention of the Assembly to the fact that the Honourable Member moving the amendment instructs the Assembly to recommend to the Governor General to introduce legislation in this Assembly, which it is not within the power of this Assembly or the Indian Legislature to pass. With that I must leave him, because it is not in my power to rule the amendment as out of order.

The Honourable Mr. C. A. Innes: Sir, when the Government of India received notice of Mr. Sinha's Resolution, they were placed in a position of some difficulty. It was their business to advise the Governor General whether this Resolution should be allowed and there were strong grounds for holding that the subject-matter of the Resolution was primarily the concern of the Local Governments, and therefore not open to discussion in this House. Excise, as the House knows, is a Provincial, and in all Provinces except Assam, a Transferred subject, and as the House also knows, the Governor General's power of interference with the administration of Transferred subjects is very strictly limited by rule. On the other hand, apart from the fact that the Government of India naturally take a very deep interest in so important a question as that of temperance reform, they have a direct interest to some extent in the question raised by this Resolution. They derive revenue, a very considerable revenue, from imports of foreign liquor. Eventually therefore it was decided to allow Mr. Sinha to take his chance in the ballot and to put no obstacles in the way of the House, if it so desired, discussing this question of temperance reform, especially in the very general terms in which it has been put in this Resolution. At the same time, I have risen to speak at a very early stage in this debate for a particular reason. Only a few days ago, you had occasion to comment on the fact that the Assembly had embarrassed itself by devoting to subjects of comparatively minor importance time which

could have been more profitably devoted to subjects of greater interest to the House. Now, Sir, I do not wish for a moment to decry the importance of the question raised by Mr. Sinha; but I do say that as far as this House and the Government of India are concerned, at present the subject is not one of immediate practical importance. On the contrary, the interest of the subject is mainly academic. I may point out that we are not a debating society, but we are an Assembly of practical legislators. (Hear, hear.) I say that as our constitution is now arranged, any temperance movement in India must have its origin in the Provinces. I have already pointed out that excise is not only a Provincial but a Transferred subject, and I think that no one in this House will deny that each Local Government must be allowed to decide for itself to what extent the drink evil, to use Mr. Sinha's own expression, exists in each Province. Local knowledge, Sir, is essential for the consideration of the problem in all its bearings, and it is only Local Governments which can decide, having regard to all the considerations involved, whether those considerations be financial considerations or considerations based upon the material and moral condition of their peoples, to what extent they can usefully go in combating the evil. It must be remembered, Sir, that the Local Governments will have to pay the piper. Therefore it is for them to call the tune. I am aware, Sir, that the Resolution merely asks us to declare our sympathy with the anti-drink movement in India, and that it merely suggests that this expression of opinion should be conveyed to Local Governments. I take it, Sir, that the end which Mr. Sinha has in view is the suppression of the evils of drink,—and I am quite sure that there is no one in this House who does not sympathise with that object. (Hear, hear.) Certainly, the Government of India do, most whole-heartedly. But, Sir, I must confess that I am not in favour of accepting the Resolution in the form in which it stands. I am opposed, on principle, to offering, unasked, advice to Local Governments on subjects which are essentially, at present at any rate, their own concern, and which, Sir, they are perfectly competent to deal with themselves. The Ministers in charge of excise in the different Provinces in India are responsible to their own local Legislative Councils, and every one in this House must know that these local Legislative Councils have the cause of temperance very much at heart. I think I am right in saying that practically every Minister in every Province in India is now busily engaged in overhauling and re-examining the excise policy of his Government, in order that he may satisfy his local Legislative Council that all practicable measures are being taken to put down the evils of drink, and that the moral interests of the people are in no way being subordinated to considerations of revenue. The Governments of the United Provinces and of Bombay have appointed Committees to go into the whole subject, and probably most Members of this House will have seen that the report of the United Provinces Committee was recently published in the public Press. The Punjab Council, Sir, has accepted the principle of local option, and I understand that a Committee is now sitting to decide whether a workable scheme can be devised to give effect to that principle. In Bengal, the Minister has recently explained his policy in a long Press Communiqué. In the Central Provinces, as Mr. Sinha has pointed out, the local Legislative Council has adopted prohibition as the goal to be aimed at. And, finally, the whole question was discussed in March last in a full-dress debate in the Legislative Council of Bihar and Orissa. It is worth noting that this Resolution, which recommended that steps should be taken totally to prohibit the sale,

* That for all the words after the word 'Council' the following words be substituted: 'That except for medicinal purposes the sale, manufacture, use and import of liquor in British India be prohibited by an Act of the Legislature.'

[Mr. C. A. Innes.]

manufacture and consumption of liquor in the Province within a period of 5 years, was rejected by a large majority of the Council, on the ground that it was premature, and that at present it was not politics to talk of prohibition. I have given these details, Sir, in order that the House may realise that local Legislative Councils throughout the country have the cause of temperance very much at heart; that they have taken it up in real earnest, and that they are bringing pressure to bear upon their Ministers, in order that adequate measures may be taken to further the cause of temperance in India. This being so, Sir, I suggest, for the consideration of the House, that it would be out of place for the Legislative Assembly to offer to these Councils advice which is not only unsought but which is also unnecessary. If we adopt a Resolution of this kind, I fear that we shall be setting up a bad precedent. This Assembly is jealous, and rightly jealous, of any encroachment upon the functions marked out for it by the constitution. We may take it for certain that the local Legislative Councils are equally jealous of any encroachment upon their functions, and that they might resent advice which they have not asked for, and which is quite unnecessary. I suggest, Sir, that if we are to be careful of the dignity of this Assembly, if we are unwilling to place this Assembly in a false position, and if we are anxious to set up salutary precedents, we should refrain from trespassing beyond the sphere marked out for us by the constitution. I submit, Sir, that the Mover would be well advised to withdraw his Resolution. (Hear, hear.) If not, Sir, I am afraid that if the Resolution is put in the form in which it now stands, I am compelled to oppose it on behalf of Government.

I have carefully refrained from discussing the merits of the case; I base my opposition solely on the point of constitutional principle. It has occurred to me, Sir—and I should like to throw out the suggestion—that possibly we may come to an agreement in a very simple way. We are all in this House entirely in favour of temperance reform ('Yes, yes') I am not proposing a formal amendment, but I just throw out a suggestion as a possible solution. I suggest, Sir, that a Resolution of the following kind, would meet us all:

'That this Assembly recommends to the Governor General in Council that note may be taken of the fact that the Assembly is in sympathy with the temperance movement in India.'

I think, Sir, that that is all that it is necessary to say, and, Sir, it avoids what I have pointed out is a dangerous precedent and principle, namely, the danger of our trespassing beyond our functions and offering to Local Governments and local Legislatures advice which is quite unnecessary, and which is quite unsought.

Mr. R. Faridoonji : Sir, in speaking on this subject I labour under some disadvantage, being one of those who have in recent years come in for a great deal of popular criticism, and latterly, have been somewhat severely handled by a portion of this House. Needless to say, I am referring to district officers.

Sir, the drink habit in India is well known to be as old as history. The ancients used to fight their great battles primed with the *soma* juice. All the world over, the craving for stimulants is as old as mankind, and is not likely to disappear until all humanity ascends to Mr. H. G. Wells' New Utopia described in one of his books. Coming down to more recent times, say, the rule of the Maratha period, which is often held up as a model rule, the drink habit

was just as bad, if not worse, than it is now, and it prevailed among the upper classes. In the city of Nagpur, over a hundred years ago, the Political Officer reported that there were over 300 stills, and women of the middle classes were seen going freely to grog shops. There are at present only 10 to 15 liquor shops in that city.

The policy of Government in regard to drink has been laid down in their Resolution of 1905. I shall quote an extract from the Resolution:

'The Government of India have no desire to interfere with the habits of those who use alcohol in moderation. This is regarded by them as outside the duty of the Government and it is necessary in their opinion to make due provision for the needs of such persons. Their settled policy is, however, to minimise temptation to those who do not drink and to discourage excess in those who do, and to the furtherance of this policy all considerations of revenue must be absolutely subordinated.'

In other words, Government aim at restriction and not prohibition. That policy has been strictly carried out throughout India, by reducing the number of shops, by restricting the number hours and by raising the duty on liquor, the only limitation being guarding against the risk of an outbreak of illicit distillation. That risk is not a small one, as the material for distillation is within easy reach—rice, mowra, the date palm, etc.—and the process of manufacture is just as simple, namely, two earthen pots and two bits of bamboo. This policy of Government is a wise policy. In Persia, which is purely a Muhammadan country, prohibition, with heavy penalties, has been the rule for centuries, and yet the habit of drinking has been widespread. Even in the United States which have run dry lately ('No, no'), illicit distillation is pretty widespread. And, after all, Sir, is the vice of drinking any worse than the vice of over-eating which is far more widespread and which at least does as much harm, intellectually, morally and economically? Increased drinking is an index to prosperity, and is therefore much in evidence in the larger industrial towns, but in the interior the policy of restriction has been eminently successful. In my Province, for instance, which has a large proportion of aborigines, the average yearly consumption per head of the adult population is something like 6 to 8 bottles of the weakest kind of liquor, which is three times as weak as whisky or brandy.

The question of revenue has all along been entirely subordinated to the policy of restriction, and a Government which has forfeited crores of revenue from the opium traffic with China cannot find it difficult to forego revenue from drink, and reach the pockets of the people who have been saved so many crores. Lastly, the evil of driving people by prohibition from drink to drugs is a matter for consideration. The Ganja habit, and the habit of opium smoking, which latter exists even among the upper classes to some extent, is far more injurious than the drink habit. Prohibition is a counsel of perfection, and the object aimed at can only be effected by the propaganda of persuasion and by getting people out of the drink habit.

Mr. E. L. Price : Sir, I support entirely Mr. Innes's suggestion put before the House, and I think on behalf of Government he has expressed a very proper feeling for the cause of temperance. What is temperance? Temperance is moderation in all things and, Sir, imposed not by the iron bars of making ordinary acts criminal offences but by moral impulses. Now, Sir, the Mover of this motion has nothing at all to do with temperance. The House cannot make its mind too clear on that point. He is not concerned in the slightest with Government's idea of temperance and moderation brought about by moral impulses, helped of course by good social customs and usages.

[Mr. E. L. Price.]

Not a bit. All he is concerned with is prohibition. He speaks with his own tongue in his own throat, but the voice is the voice of Mr. Pusseyfoot Johnson. Sir, last Saturday when we had a day off, I took a busman's holiday and induced myself to go and hear some more speeches. I heard Mr. W. E. Pusseyfoot Johnson. What is more, I induced Mr. Pusseyfoot to hear me. Now, Sir, Mr. Pusseyfoot of course is not a great speaker, and he is anything but a great debater, but he is a very clever fencer of awkward questions. He has had illimitable practice no doubt.

Mr. President: Order, order. The Honourable Member has had his say about Mr. Johnson.

Mr. E. L. Price: Sir, I am sorry if I am out of order. I will try and put myself in order. But I must explain that we had exposed to us what is, I think, the basis of Mr. Raghbir Sinha's Resolution, which really has prohibition behind it. Before the era of prohibition in America we had given us a very lurid picture of the country, a picture I should be very sorry to draw of my country; and after prohibition we had a rosy picture which I cannot accept, both from the evidence of the press and the evidence of my own friends who have travelled in America, for I happen to know that in spite of prohibition, America is not dry! And as a matter of fact neither America nor any other country can be dry till you induce all the people to live in glass houses. While people enjoy houses with solid walls and anything like privacy, to prevent private distillation is a physical impossibility. The American law forbade private distillation. It went on. The police, overwhelmed with the importance of their own functions in securing the enforcement of an impossible law, took on themselves to make searches without warrants. There was one Professor—the name of the University I forget now, but his house was searched suddenly and they found his private still. They arrested him, but he said 'What are you doing? Don't be foolish—everybody is doing it.' Everybody was doing it. I turn to the 'Civil and Military Gazette' of the 24th and the cable from New York shows that as everybody was doing it and people were not inclined to put up with the violation of the sanctity of the theory that every man's house is his castle, they have changed the law. They have changed it now: in the United States private distillation is now allowed. No man's house can be searched for it, for no man can be punished for it. He is allowed to make his liquor and to drink it himself and entertain his friends with it. All that he is prevented from doing is to carry a bottle about with him in the street. He can give his friend a drink in his own house, but if he gave his friend a bottle to carry home with him and the friend carried it home that would be 'transport' and a crime! Somebody throws a doubt on it. I have the New York Cable under my hand to show him. Now, if you see this point,—and mind you that whereas Indians are keen on privacy in their own houses, probably more keen than Americans,—you realise that private distillation cannot be stopped, and you will also see that absolute prohibition is an impossible policy for India. Moreover, in the United States to get grape sugar they have to put sulphuric acid on ordinary sugar and so on, but all these things are unnecessary in India where most people have a toddy palm handy and the mowra flower is ubiquitous. So it is quite impossible in my opinion to stop private distillation under absolute prohibition in India, and I do not think the Members of this House are prepared to have anybody prowling about in their kitchens or clearing their sideboard

any more than they show any sign in this Assembly of having their ward robes messed about. I do not see any *khadi* here to-day. Well, Sir, why I feel so peculiarly keen on putting the position before the House that prohibition is impossible is, that an attempt to impose it will mean the infringement of liberty of the subject and the privacy of our houses—and I am very keen indeed on personal liberty. It is not because I am a European, or an Englishman, but just because I am a man, and I am glad to say that the desire for personal liberty and the right of a man to please himself in personal matters goes very far down in society. In the bullying by pickets in Karachi, of two of the men who put up a plucky fight, one of them followed the humble occupation of a *dhobi* and another a *hartgarriwala*. I do not know how they fought, but my own feeling is that those poor fellows showed a very valuable spirit in building up the common wealth. I would sooner as a fellow-citizen have a *dhobi* who would resist bullying rather than a graduate of any university would put up with it. It reminds me of those lines:

'Some village Hampden, who with dauntless breast,
'The petty tyrant of his fields withstood.'

Now we have this position, that a very great country, the United States, during the last two years has been offering its body civic as a *corpus vile* for vivisection. And mark you, that vivisection is not over. The law has been changed as recently as the last week of August. They have not yet solved their problem. Why on earth should we not stand aside, watch them and take all the benefits of that experiment without undergoing any trouble ourselves? It is a valuable thing to find anybody at all offer themselves for such an experiment and to be able to stand aside now and watch the end, and the end is a good way off. Yet we may have all the benefits of their experiments and none of their toils and pains.

Therefore, Sir, to conclude. I do support the Honourable Mr. Innes' suggestion entirely. It is a temperance proposal. It commends itself to all of us. Temperance is moderation in all things and it is urged on a man by moral impulses and not by the iron bar of law. But the proposal of Mr. Sinha, however it may be disguised, has not got anything at all to do with temperance. It is simply a matter of absolute prohibition to be ruthlessly imposed on India *willy nilly*.

Mr. J. F. Bryant: I move, Sir, that the question be now put.

Maulvi Miyan Asjad-ul-lah*: Sir, I rise to support the Resolution moved by my Honourable friend, Mr. Beohar Raghbir Sinha. In this connection I should like to say that the use of liquor is strictly prohibited under our Quranic laws and the object of this prohibition is abstinence from the use of alcohol which is considered to be a polluted thing. The leaders of Islam have called it the mother of evils, that is, it creates evils. So far as my poor knowledge goes, all the religions of the world are opposed to its use, and kings have also from time to time prohibited its use by law on certain occasions. If my memory does not fail me, during the recent Great War our King-Emperor and many of his Ministers gave up the use of alcohol. Although the use of alcohol in small quantities under medical advice is beneficial to patients yet it is an admitted fact that it is quite useless and even harmful to healthy people.

* The speech was delivered in Urdu and the original will be found printed as an Appendix.

[Maulvi Miyan Asjad-ul-Jah.]

In India, where the majority of the population is uneducated, the domestic customs of the people in general are against the use of alcohol, and both the health and habits of the people are impaired when they take to it. The use of alcohol first affects a man's brain and Sheikh-ul-Rais accordingly calls it the destroyer of wisdom. From this it may well be understood that if a man's brain is affected he commits numerous crimes against law. It has often been observed that the dacoits usually take alcohol before they commit those deeds of tyranny and inhumanity, which even an uneducated and illiterate man would abhor.

Further the use of alcohol has proved to be the cause of deterioration of the Indians. As is well known to the Honourable Members of this House, when the habit has once taken a hold on the Muhammadan and Hindu gentry, it has caused the ruin and fall of very big estates in a few days and deprived the members of the families of their daily food. In these circumstances, I venture respectfully to request that the Honourable Members of this House will support this Resolution in the interests of the country and of humanity and by so doing they will earn the good will of Indians in general.

Although Government will lose a small amount of revenue by prohibiting the use of alcohol, yet as this Government has a reputation among the countries of the world for the spread of civilization and morality among the people, which aim it has always at heart, it is expected that it would not mind the loss of revenue but would rather issue orders for the prohibition. I now Recommend to the Honourable Members of the Assembly to support this resolution for the welfare of the world.

Rao Bahadur C. S. Subrahmanayam : I rise to a point of order, Sir. The Honourable gentleman who spoke last has been heard by some of my friends with great approval and manifest delight. I am sorry I could not share in that delight. I presume, Sir, that knowledge of the language in which the last speech was delivered is not among the many attainments with which you are credited, and I should like to know, Sir, if there is any rule under which the last speech could be translated for us into the language of this Assembly, i.e., English.

Dr. Nand Lal : I shall translate if I am permitted.

Mr. President : The appointment of an official interpreter has not yet been considered. The speech will be printed both in the original and in a translation in the official report and that for the moment, I think, must satisfy the Honourable Member from Madras.

Dr. Nand Lal : Sir, I am in full accord with the noble movement of the Provincial Councils, namely, I am in full sympathy with the anti-drink movement. I am one of those who are anxious that this evil should be stamped out, and driven out of this country. I endorse the view of the Honourable Mover in regard to the various reasons which he has assigned but I am afraid I cannot identify myself with some of his remarks, as for instance when he said that this evil followed the advent of the British Government. I differ from him.

Beohar Raghubir Sinha : I did not say that.

Dr. Nand Lal : By this expression, I am sorry to say, he has shown his ignorance of history. I wish he could have spared the time and studied ancient history, then he would not have adopted the attitude which he has done.

So far as the terms of this Resolution are concerned, I must say that I plead my inability to appreciate it because I feel I am not competent to handle it. It is beyond the province of this Assembly. It is directly concerned with the Provincial Councils and on the top of that it is one of the Transferred subjects. (Cries of 'Hear, hear!') As I raised my voice yesterday, I reiterate the same. We cannot issue warrants against the Provincial Councils and we cannot poke our noses into their affairs. That is direct interference with their Province. But when I say that I hope I may not be misunderstood as expressing any lack of sympathy with the noble cause, which is very rightly advocated by this Resolution. On the whole, not being indifferent to the policy couched in the Resolution, I agree with the amendment which has been so rightly moved by the Honourable Mr. Innes. I personally feel very much indebted to the Government for this very kind attitude and I heartily support the amendment which has been moved by the Honourable Mr. Innes.

Mr. W. M. Hassanally : But he has not moved an amendment.

Mr. President : It would be of considerable assistance to the Chair in guiding this debate if the amendment were placed before the House.

The Honourable Mr. C. A. Innes : Have I your permission to move it, Sir? I beg to move, Sir, as an amendment to the Resolution on the agenda paper that the following Resolution be adopted by the House :

'That this Assembly recommends to the Governor General in Council that note may be taken of the fact that the Assembly is in sympathy with the temperance movement in India.'

Rai Sahib Lakshmi Narayan Lal : Sir, there can be no two opinions about the fact that the Government should sympathise and earnestly sympathise with the anti-drink movement. Most of the best men of every country are positively of opinion that drink is an evil ; it is an evil according to every religion, drink is not only an evil by itself but it is an evil which gives rise to other evils. And it is therefore the bounden duty of the Government to leave no stone unturned to take every possible step for completely eradicating this evil by prohibiting the manufacture and sale as well as the import of wine except for medicinal and industrial purposes. It is not befitting the position of any Government as the benefactor of the people to encourage directly or indirectly any trade in an evil. No doubt the Government of India has been trying to eradicate this evil by its excise policy, but this policy has been tried for a sufficiently long time without any appreciable success. America has found out the mistake of its old policy and has now adopted a new policy of prohibition which has already shown ample signs of success. No doubt a long standing evil cannot be eradicated in a day and instances of illicit manufacture are now and then still heard of here and there, but that is the case with every evil—instances of the breach of even wholesome laws like those to prevent the commission of perjury, forgery, theft and other similar crimes are not unfrequently heard of everywhere ; that is no reason why the Government should not have the laws for preventing these crimes ; the Government should not be lagging behind in following the noble example of America.

This is apparently a provincial subject but there are more reasons than one for the declaration of policy regarding this matter by the Indian Government ; this question affects the whole of India ; besides the anti-drink policy has now become a political problem ; this is one of those subjects which has given to the non-co-operators the popularity which they claim and the position of the co-operators is very much compromised in the eyes of the public—if they lag behind the non-co-operator in eradicating this evident evil.

[Rai Sahib Lakshmi Narayan Lal.]

Again, this is a subject which is sure to affect the revenue of the country in one way or another; although, at the outset, its effect upon the revenue seems to be unfavourable, in the long run the effect is sure to be very favourable. If this evil is appreciably eradicated, there shall not only be a great decrease in the number of crimes, reducing very much the cost of criminal administration but there shall also be a considerable saving and economic development making the nation strong enough to bear further taxation and yield more income-tax revenue which is the chief concern of the Central Government. It is therefore in the interest of the people as well as the Government that the declaration of this policy of sympathy with the anti-drink movement should be made soon. The Local Governments are merely asked to consider the advisability of eradicating this evil which cannot anyhow mean dictating any policy to them. I therefore oppose this amendment.

Rai Bahadur Bakshi Sohan Lal: Sir, I don't think that anyone in this House is prepared to deny that the evil of drinking ruins not only the wealth and health of the person who drinks it but also his moral character, and that notwithstanding the utmost and whole-hearted efforts of Government and certain Temperance Societies in India to reduce the consumption of liquor the evil is increasing in this country and, if not checked at once, it may reach to such a climax as to infect all the male and female population of this country and make the check of this evil even by legislation very difficult if not quite impossible. If the history of jail population, civil and criminal, in India be traced, more than half the inmates will be found to be victims of this vice. If the history of the inmates of the lunatic asylums be investigated, the proportion of cases due to this evil habit will not be less than that in the jails.

If the history of indoor and outdoor patients in hospitals and dispensaries, especially of venereal diseases and tuberculosis, diabetes, gout, etc., be gone into, the prominent part will be found due to the effect of alcoholism or to immoral character to which most of the drunkards are addicted. If the history of deaths caused by suicide, murder, culpable homicide not amounting to murder, and by rash or negligent act, specially murders by husband or wife be gone into, a larger part will be credited to the direct or indirect effect of drink. If the causes of absence from duty amongst soldiers, military officers and other private and public servants and daily labourers be investigated, almost all such defaults will be found due to the influence of drink. Prohibition law will be welcomed in India. India has always been under prohibition law except since the advent of the British Raj. Hindu, Muhammadan and Buddhist have prohibited drinking liquors as a very heinous offence. (See *Ancient India* by R. C. Dutt, at pages 287, 288 where it is stated 'murder, drinking spirituous liquors, violation of guru's bed, incest, theft, etc., were heinous offences and sins according to Hindu law and Buddhist law.') When Bharat returned to Ayodhya from his maternal uncle's home in Kashmir on the death of his father, Dashratha, and exile of his eldest brother Rama and went to see his step-mother Kausalya (the real mother of Rama), who was in distress and grief on account of her husband's death and son's exile, and Kausalya pointed out to him by way of a grievance that his mother Kaikeyi had secured the kingdom for him by getting his eldest brother Rama, the rightful successor to the throne, to be sent to the jungle as an exile, Bharat took very hard oaths, attributed to himself most heinous offences, if he were aware of what had taken place or if he were directly or indirectly concerned in any conspiracy against Rama.

Amongst these hard swearings, Bharat said that the punishment of a murderer, or of one who drank spirituous liquor be awarded to him if he were in any way concerned in getting Rama to be sent to exile. This shows that drinking spirituous liquor was during the old Ramayana days treated as a very heinous offence and severely punished next to murder. Quran Sharif prohibits the use, sale and manufacture of liquor and declares it as *Haram* and offence, rendering the manufacturer, seller and drinker of a spirituous liquor an apostate. Even during the present times in India itself the Begum of Bhopal has issued a proclamation that any Muhammadan in her territory found intoxicated, carrying liquor, or sitting in a liquor shop shall be sentenced to rigorous imprisonment. So far as my information goes, Christian religion is also against drinking liquor. If I am wrong so far as the Christian religion is concerned, I shall be obliged to any of my Christian colleagues in this Assembly for correcting me. 'Zenda Vesta,' the religious book of the Parsis, prohibits drinking liquor. Thus, all Indian communities are quite prepared to co-operate with Government in enforcing prohibition laws, and if the Government is also prepared to co-operate with the people in this matter, I think this is the time for eradicating the evil of drinking liquor from this country by legislating prohibition. This will earn for the country the same benefits which America has earned by the prohibition laws. The question put by some of the financiers of the State is that duties on import of liquor, wholesale and retail licensing of liquor shops and duties on liquor stills, etc., bring not less than 10 crores of rupees as a yearly revenue, and how to make up the State expenditure if this revenue is curtailed? Have they ever considered the fact that for every one rupee of liquor revenue, 20 rupees at the least have to be wasted by the people on drink and its accessories in addition to the waste of time and health, and the saving of this 200 crores to the people will add to the prosperity of the people to such an extent that it will immediately bring to the State automatically more than 10 crores without any difficulty, and when this saving of 200 crores is invested in banks, in improvement of trades and industries of the country by the people, the income to the people will go on increasing every day, and bring to the Government treasury every year ever increasing additional revenue far in excess of what the Government can possibly expect from the dirty traffic in liquor. But supposing for argument's sake that no immediate revenue is forthcoming to make up the deficiency the financiers of the State will be justified in imposing without any reasonable grudge on the part of the people, additional taxes, to make up their loss of revenue on prohibiting liquor traffic to meet the peoples' wish; or in finding other sources of revenue and decreasing the expenditure, and Government will cast off the blame of encouraging the people to the cruel habit of drinking liquor by starting drink shops which are most injurious not only to the individual persons dealing with those shops, but also to the society at large. Another reason advanced by the administrators of the country in favour of the liquor traffic is that prohibition by law will lead to illicit distillation and increase the habit of drinking filthy or bad stuff. But how many persons in town or in a village are expected to venture to take the trouble and risk of managing to work illicit stills for the purpose of producing liquor for personal use or for sale, unless the whole Indian population as well as the whole Government machinery be condoning their acts and screening the manufacturers and sellers and drinkers of illicit spirits? Perhaps many cases of theft or murder may not be detected, but a strong smell coming from the distillation

[Rai Bahadur Bakshi Sohan Lal.]

and spreading for miles from the distillery informs everybody of the place where the still is working and this cannot possibly be concealed from the neighbours. The offences of illicit distillation, sale, possession and use of spirits may be made very severely punishable and informants be handsomely rewarded. If still any case of illicit distillation, sale or possession of liquors occurs, that will be very rare, and from this it does not follow that because there is illicit distillation there should be no law against distillation. There are laws against stealing, murder, dacoity, adultery and bribery, but we see that the offences of theft, adultery, murder, dacoity, and bribery do occur every day in every part of the world. The third reason advanced against prohibition law is that it will interfere with personal liberty of individuals. All penal laws interfere with personal liberty of individuals. Why then all penal laws are not repealed? This is analogous to the story of a man who did not know swimming and was being drowned in a river and another who could swim was standing by on the bank and watching the drowning man struggling for life till the drowning man was drowned and lost his life. The man standing by on the bank of the river on being asked, why he did not try to save the drowning man replied that he did not wish to interfere with his personal liberty. That would be the case of those who say that prohibiting the use of intoxicating liquors interferes with the personal liberty of the people. So far as my information goes, prohibition in one form or other is in force in the British West African Possessions, such as Sierra Leone, the vast regions of Northern Nigeria, the protectorates of Somaliland, British East Africa, Uganda, Nyasaland, the northern Rhodesia, British Bechuanaland, and to some extent, in Basutoland, and other European nations in Africa have also prohibited in their territories the introduction of alcoholic liquor. If personal liberty in these parts of British and European Africa has not been interfered with by a prohibition law, how will it be interfered with in India?

The other Indian States, such as Hyderabad, Kashmir, Mysore, Baroda, etc., are all in sympathy with prohibition law, but they cannot take a lead in the matter and wish to follow the laws of the Imperial Government in British India in this respect. The prohibition law having succeeded in America, there is every hope of its becoming successful in India, and we must not shirk the responsibility by anticipating difficulties. Wherever there is any new measure to be introduced there is always a danger of difficulties, but in India there are expected to be least such difficulties in the way of enforcing prohibition law at this stage when the evil has not yet spread among females, and is restricted only to few males. If it is not checked now, it is bound to infect the females and the remaining males, and then it is bound to make the Indian household life so very miserable and unhappy that prohibition laws will be met with immense difficulties for their enforcement. We must lose no time in passing the Resolution as amended.

I may be allowed here to quote Shaikh Sadi's Persian saying :

Darakhte ki aknun grift ast pae
Ba nairue shakhse barayad za jae
Sare chashma bayad gariftan bamil
Cho pur shud na shayad guzashtan ba fil.

The tree which has taken root just now and is not yet deep-rooted can be easily uprooted by the strength of one man. The head of a spring can be crossed by one step, but when it flows on to its full extent it cannot be crossed even by

an elephant. So in my humble opinion this is such a problem that we must take the earliest and strongest steps to eradicate this drink evil from the country, by a prohibition law, if we seriously wish to get rid of the evil.

Mr. B. P. Singh : Sir, I have very great pleasure in supporting the motion before the House. The question has been looked at from all points of view, and there is nothing new to contribute to the discussion. I venture to submit, Sir, that there can be no two opinions regarding the subject now under consideration. I need hardly say that the ultimate goal of the Government policy ought to be total prohibition of the drink traffic in this country, except for medicinal purposes. The example of America affords an object lesson to us. India is always noted for temperance and sobriety. The evil effect of drink is well known. I may be permitted to quote here the opinion of Lord Alverstone, the late Lord Chief Justice of England. He stated that after 40 years' experience at the Bar and 10 years as a Judge, he knew it as a fact that 90 per cent. of crime in England depended on intemperance. The discouragement of drink with a view to its ultimate prohibition is bound to lead to a decrease in crime, and to the amelioration of the condition of the people, especially of the poorer classes, who fall an easy victim to the bane of drink. The policy of 'maximum of revenue with a minimum of consumption' hitherto professed by Government has not brought about any effectual check; and it is a sad fact that the drink traffic in the country is rather on the increase. Government should therefore steadily keep in view the ultimate goal of making this country a 'dry' one. Although I know it is a provincial subject, I would think an expression of opinion from the Assembly would give the Local Governments a lead in the matter. With these few words, Sir, I beg to support the motion before the House.

Mr. R. A. Spence : Sir, I think, from what we have heard from Mr. Innes, and from the amendment that he has put before the House and from the speeches of my Honourable friends, Mr. Price and Dr. Nand Lal, that Beohar Raghubir Sinha's original Resolution put before us was, if I may say so, rather badly worded. If the idea of the Honourable Mover was to draw the attention of this House to the evils which arise from the abuse of alcohol, and to suggest practical steps by which that abuse can be done away with, he would have had—as I think the Assembly has already shown—he would have had the full support of this Assembly. The Honourable Mover's Resolution, and I think the speeches of those in favour of the amendments which were not put, in regard to absolute prohibition were based on two wrong premises. The first is that the use of beverages containing alcohol is an evil, and, secondly, that prohibition would put a stop to that evil if it existed. Let me now deal with the first of these wrong premises, that is, with regard to the so-called drink evil. I may say that I think that except in the extreme teetotaler circles who class the wine merchant in the same category as the non-co-operator classes the Government, that is Satanic—and we have heard something about that in these and other parts of this Hall' lately—except, I say, in these extreme circles, the wine merchant and those who deal in alcoholic beverages are recognized as the keenest in the cause of preventing the abuse of alcohol. Some may put this keenness on a low basis and say that it is due to the harm that has been done to their trade by the abuse of alcohol. But I put it on a higher basis and say that it is due to the fact that we recognize the good that comes from the moderate use of alcohol : and we are therefore only too keen to join in all steps that could prevent the abuse of it. We all recognise

[Mr. R. A. Spence.]

the evils which come from over-eating, the evils which come from too great an attention to athletics, or to work, to the neglect of all other things. But we do not bring forward Resolutions in this House about the evils of eating or playing or working. Whether a man should take in moderation, or avoid the use of, fermented liquors is, I consider, a matter for himself and for his religion. If from his birth onwards he has been taught by his religion that all fermented liquors when drunk on this earth are sinful, I, who consider that religion is good for man, consider he should avoid it and obey the tenets of that religion. But, having definite views of his own, there is no reason why he should dictate to others and force the acceptance of those views on others, whether they approve of these or not. That is interfering, as Mr. Price has already pointed out, with man's natural right of free will.

I do not want to detain the House with a generalisation on the benefits of the moderate use of alcohol. I have my own opinions on the subject,—so have others. I do not want to waste your time, but these benefits are believed in by many of the workers and cultivators of the soil, and I think therefore I might turn to what is necessary to prevent those evils which arise from the use of alcohol and which we are all in favour of preventing.

What is not necessary is prohibition. Prohibition is not necessary because it is impracticable and impossible to enforce in this country, and because if it were possible it would interfere, as other speakers have already said, with men's individual likes and freedom. Prohibition is impossible in a country where the means for procuring every kind of liquor lies at the door of every man's house. Think of our palm-trees of all varieties and the ease with which spirit can be distilled in a private house. Think of it. How can prohibition be possible? These liquors can be illicitly procured. Let me remind you too of the ease with which drugs, such as *Bhang* and *Ganja* can be obtained. Experience has taught us that the suppression of one evil, against the wishes of the people, leads in many cases to even greater evils. Have we not had instances of this in this country, and has not the virtual suppression of opium led to the worse evils of cocaine? Prohibition is impracticable in this country. I have heard an argument that this is not so and that Government has successfully prohibited the illicit manufacture of salt. But this is no true analogy, seeing that the people can get salt from Government. The prohibitionists say, we cannot get liquor from Government or anyone else. Prohibition, I repeat, is impracticable in this country, apart from the loss of revenue which it will entail and which it will be necessary to replace, and if any Members feel so inclined they should ask the Honourable the Finance Member, who I am sorry to see is not here to answer me, what sources of revenue so far untouched he is keeping up his sleeve. We have already heard—we heard it yesterday during the debate on the Civil Pensions—that taxation in India has reached its limits. Think of the burden that you are going to transfer if you bring in prohibition and do away with the revenue from liquor—think of the burden you are going to transfer from the shoulders of what after all is a small section of the community who drink alcoholic beverages, on to the shoulders of the many who do not drink alcohol. Is the hard-working tax-payer to be saddled with heavier burdens in order that some of his fellow-countrymen should be deprived of what they consider a blessing? They will not be deprived. They will still drink liquor but it will be liquor which has not paid revenue to Government. Prohibition is again impracticable because of the vastly increased expenditure it

would entail. The Honourable Member for Commerce and Industry can tell us what is the size and what is the expense to the Government of the present Excise Department. Can he tell us what the expense of the Excise Department would be if we decide to enforce prohibition even nominally? It would be an enormous expense. Prohibition again I say is impracticable because the people of this country, as previous speakers have said, will not put up with the intolerable invasion of their *pardah* which any attempt to enforce prohibition must entail. America, about which we have heard so much lately, as my friend, Mr. Price, has already said, although not a land of *pardah* has just brought in legislation to prohibit the searching of houses by Excise Officers and to permit the distillation—I must not use the word distillation, but to legalise the manufacture of beer and wines in private houses. Does not this look as though America, after trying the experiment of Prohibition, has found it impracticable. I think Dr. Nand Lal was very wise when he said, 'Let us wait and see what the results in America will be.'

I have now shown, I hope, that prohibition is impracticable and will not serve the purpose we have in view, namely, the prevention of the abuse of alcoholic beverages. Let me now put before you the steps which I consider we should take for the purpose. First, surely we must raise the education of the working classes who are, I suppose, the class most addicted to the abuse of drink, and teach them that liquor may be used but not abused. Then we must improve the amenities of life available to them. If they have bad houses, long exhausting hours of labour, no proper means of recreation—is it a wonder they seek the solace of drink and in their uneducated state, abuse it? Further, we must see that liquor is pure and unadulterated. Nothing I have said or could say in regard to the drinking of pure beverages applies to the drinking of bad alcohol. This is what we should avoid; this is what we should prohibit; let Government see to it that the toddy and country spirit supplied is pure and unadulterated, and let them take a firm stand against the importation or sale of spurious foreign liquors. In conclusion, let me, as my friend, Mr. Price, said, ask the Members here to be temperate and moderate on this question, and let there be no intemperance in dealing with it. Let our aim in regard to alcoholic beverages be to use them as not abusing them, and go on our way rejoicing.

Rai Bahadur S. P. Bajpai: Sir, I must at the very outset congratulate the Honourable Mover of this Resolution on the way he has put it before the House this afternoon. I had also given notice of an amendment, but since the Honourable Mr. Innes has come forward to make a compromise and the Government is prepared to meet us half way, I think it much better to withdraw my amendment.

There can be no two opinions that the drink evil has done incalculable harm to India. I think even my Honourable friends, Messrs. Spence and Price, will not deny the virtues of teetotalism. But this is not the point before us. The Government has expressed their fullest sympathy with us in this matter, and I think we should accept their amendment and let the Resolution go chiefly with a view to avoid misunderstanding between ourselves and the Provincial Councils and their Ministers.

Mr. Sarfaraz Hussain Khan: Sir, I move that the question be now put.

Mr. President: The question is that the question be now put.

Mr. S. C. Shahani: Sir, closure at this stage will be a wrong perpetrated on the House. A question such as this is of great interest to the House and some of us have still something to say.

Mr. President: Order, order. I may point out to the Honourable Member that the speeches have nearly all been on one side. There have been in all eleven speeches already.

Mr. S. C. Shahani: Messrs. Price and Spence's arguments ought to be replied to.

Mr. President: May I point out to the Honourable Member again that I am only exercising my discretion in accepting a motion for closure. It is for the Assembly to decide whether the debate shall end or not. I have taken into account the fact that the great bulk of the speeches have all been on one side, and if the arguments advanced by two Honourable Members have not been answered, that is the fault of other Honourable Members who have not availed themselves of their opportunities.

The question is that the question be put.

The motion was adopted.

Mr. President: The original Resolution was :

'This Assembly recommends to the Governor General in Council that the following expression of opinion, namely, that this Assembly declares its sympathy with the anti-drink movement in India, be conveyed to Local Governments with the request that they may consider the advisability of adopting measures to put a stop to the drink evil as soon as possible.'

Since which an amendment has been moved that the following words be substituted for the original Resolution, namely :

'This Assembly recommends to the Governor General in Council that note may be taken of the fact that the Assembly is in sympathy with the temperance movement in India.'

The amendment was adopted.

The Assembly then adjourned till Three of the Clock.

The Assembly re-assembled after Lunch at Three of the Clock. The Honourable the President was in the Chair.

MESSAGES FROM THE COUNCIL OF STATE.

Mr. President: There are two Messages from the Council of State to be read by the Secretary.

Secretary of the Assembly: Sir, the first Message received from the Secretary of the Council of State runs as follows :

'I am directed to inform you that in accordance with Rule 36 (3) of the Indian Legislative Rules, the amendments made by the Legislative Assembly in the Maintenance Orders Enforcement Bill were taken into consideration by the Council of State at its meeting to-day, the 27th September 1921, and that the Council have agreed to those amendments subject to the following further amendment, namely :

'In the definition of 'reciprocating British Possession' in clause 2 of the Bill, the words 'outside British India' be restored after the word 'Dominions.'

I am to inform you that the Council has reinserted these words at the motion of the Government Member in charge of the Bill on his explaining that they were inadvertently omitted.'

The second Message received from the Secretary of the Council of State is as follows :

'I am directed to inform you that the Council of State have, at their meeting of the 27th September, agreed without amendments, to the following Bills which were passed by the Legislative Assembly :

- (i) *A Bill further to amend the Negotiable Instruments Act, 1881.*
- (ii) *A Bill further to amend the Carriers Act, 1865, in order to empower the Governor General in Council to make by notifications additions to the Schedule to that Act, and to free a common carrier from liability under that Act for loss or damage, arising from the negligence of himself or of any of his agents or servants in respect of any property which, being of the value of over one hundred rupees, and of the description contained in the Schedule to that Act, has not been declared in accordance with the provisions of Section 3.*
- (iii) *A Bill to provide for the levy of customs duty on lac exported from British India.*
- (iv) *A Bill further to amend the Indian Post Office Act, 1898.*
- (v) *A Bill further to amend the Indian Penal Code.'*

RESOLUTION RE: EQUALIZING THE NUMBER OF INDIANS AND EUROPEANS IN CERTAIN POSTS.

Lala Girdharilal Agarwala: Sir, the Resolution which I have the privilege to move before this Honourable Assembly this morning runs as follows :

'That this Assembly recommends to the Governor General in Council :

- (a) the desirability of equalizing the number of Indians and Europeans in the following posts by filling future temporary or permanent vacancies by Indians till the deficiency has been made up :
 - (i) Governors of provinces,
 - (ii) Chief Justices,
 - (iii) Chief Judges or other Heads of the highest Judicial courts in India,
 - (iv) High Court Judges or Judges of other highest courts in India ;
- (b) that a copy of the above Resolution be submitted to the Home Government with favourable recommendations.'

Mr. Price: Sir, on a point of order. Are these appointments within the power of the Governor General in Council?

Mr. President: Order, order. I must let the Honourable gentleman finish his Resolution.

Lala Girdharilal Agarwala: The subject is a very delicate one and demands most calm and dispassionate consideration. Far be it from me to raise any racial question, or make any invidious comparison. But I am bound to say that the satisfactory solution of the difficult problem which is now engaging the attention of this Honourable House is calculated to be advantageous to Indians and Europeans alike. Much of the discontent and unrest that rules India at the present day would disappear when India's just claims are recognised and the Indians are given an equal share in the Government of their own country.

As far back as 1833 the monopoly of office by which Indians had been excluded from the principal offices of the Government was abolished by the enactment of Section 17 of the Statute of 1833. Lord Macaulay described it as 'that wise, that benevolent, that noble clause' and said, 'I must say, that

[Lala Girdharilal Agarwala.]

to the last day of my life, I shall be proud to have been one of those who assisted in the framing of the Bill which contains that clause.'

The Marquis of Lansdowne in introducing the Bill before the House of Lords, said :

'It was a part of the new system which he had to propose to their Lordships, that to every office in India every Native of whatsoever caste, sect or religion should by law be equally admissible and be hoped that the Government would seriously endeavour to give the fullest effect to this arrangement, which would be as beneficial to the people themselves as it would be advantageous to the economical reforms which were now in progress in different parts of India.'

The Court of Directors, in forwarding a copy of the Statute to the Government of India, observed :

'The meaning of the enactment we take to be, that there shall be *no governing caste* in British India ; that whatever other tests of qualification may be adopted, distinctions of race or religion shall not be of the number.'

They emphasised that *not race but fitness* is henceforth to be the criterion of eligibility for public offices.

In the Great Charter of 1858, Her Gracious Majesty Queen Victoria proclaimed as follows on this subject :

'And it is our further will, that so far as may be, our subjects of whatever race or creed, be freely and impartially admitted to offices in our service, the duties of which they may be qualified, by their education, ability and integrity duty to discharge.'

On the 11th March 1869, His Grace the Duke of Argyle is reported to have said as follows :

'With regard however to the employment of natives in the Government of *their* country, in the covenanted service, I may say, that we have not fulfilled our duty or the promises and engagements which we have made.'

A Public Services Commission was appointed in 1886 under the presidency of His Honour Sir Charles Aitchison, formerly Lieutenant-Governor of the Punjab, with the result that the Statutory Civil Service was abolished and the Indian Civil Service and the Provincial Civil Service or *Pariah* service to use the words of Mr. Dadabhai Naoroji—were inaugurated.

The Commissioners reported in paragraph 60 of their Report that it was inexpedient to hold an examination in India for Covenanted Civil Service and Indians who wanted to join that service were obliged to go to England. With the exception of a few listed posts, the superior posts of District Judges and Collectors were ordinarily given to members of the Indian Civil Service.

Mr. Monomohan Ghosh, as President of the Indian National Congress of 1903, observed as follows :

'We exercise no real influence over the direction of this vast empire which is really ours. We are lured from time to time by many small and badly paid posts, but we are excluded from those in which important action alone is possible.'

In his pamphlet styled '*Indian Problems*' Mr. Malabari wrote in 1904, that there was a mass of young men in India, capable of competing for Indian Civil Service and demanded that the examination for Indian Civil Service should be held in India as well as in London.

Since Lord Minto became Viceroy and Lord Morley, Secretary of State, further steps were taken towards satisfying the just claims of Indians. In 1907, Mr. K. G. Gupta (afterwards Sir K. G. Gupta) and Mr. Bilgrami were appointed to the India Council in London and two years later, *i.e.*, in 1909, Mr. S. P. Sinha (now Lord Sinha of Raipur), then Advocate General of Bengal, was appointed as the first Indian to be the Law Member of the Viceroy's Council.

On 17th March 1911, the Honourable Mr. Sobha Rao Pantulu in moving a Resolution in the Imperial Council for the appointment of a Commission to consider the claims of Indians to higher and more extensive employment in the Public Services, made a most able and memorable speech and concluded as follows :

'The whole question, I need hardly state, hinges on the attitude of England towards India and the relations that should exist between the British and the Indian subjects of His Majesty. This question has been prominently attracting the attention of all those who are interested in the welfare of Great Britain and India—whether the relationship between Europeans and Indians in this country should be one of manly comradeship and co-operation born of equal status and equal privileges or whether it should be one of timid dependence and sycophancy born of the relationship of superior and inferior. It is a truism that real respect and comradeship can only grow out of common service, common emulation and common rights impartially held.'

The Government calls upon us to co-operate with them in evolving a high sense of citizenship in the difficult task of carrying on the complex administration of this vast country. Is it too much to ask that to secure our co-operation and develop a common citizenship, we should be placed on a footing of equality and manly comradeship with the British subjects of His Majesty the King-Emperor.'

The Honourable Nawab Saiyid Muhammad Sahib Bahadur in supporting the Resolution of the Honourable Mr. Sobha Rao observed as follows :

'The language of the solemn pledges and declarations made by the Parliament and responsible statesmen during the last 75 years and the terms and spirit of the Queen's Proclamation leave no doubt in the mind of the inquirer that the theory on which we are governed is simply excellent and beyond the pale of all dispute.'

The Honourable Mr. Gokhale concluded his speech in support of the Resolution moved by the Honourable Mr. Sobha Rao Pantulu in the following words :

'No body urges that the English element should be withdrawn suddenly or even largely but unless Indians are introduced into higher ranks in larger and larger numbers the discontent which the Government are anxious to remove is not likely to disappear.'

The Honourable Pandit Madan Mohan Malaviya in support of the said Resolution prepared his speech with the following remarks :

'The result of the discussion shows that in many departments Indians are not getting their fair share of the public appointments. The principle that they should freely and impartially be appointed to every office in the different departments for which they may be qualified has long been admitted. I do not think there is anything left to be desired in that direction either in the words of the Statute of 1833 or the Proclamation of 1858 or the subsequent declarations of the Government on this question.'

I am thankful to the Government for appointing an Indian to the post of Governorship and I am glad to say that the Government of India are quite satisfied with the first Indian Governor. I will only quote before this Honourable House a passage from the speech of my Honourable friend, the Honourable Sir William Vincent, made before this very House on 5th March 1921, which is printed at page 624 of the first Volume of the Legislative Assembly debates. He says :

'The Governor of Bihar and Orissa has rendered conspicuous services in public life and I desire now to repudiate any suggestion that the Government of India or any Member of the Government of India has not the fullest confidence in him. Indeed, we all regard him as one of the most eminent men in this country and the suggestion which has been made that the policy of the Government was undertaken in order in any way to deprecate His Excellency Lord Sinha, I am glad to have an opportunity of publicly repudiating in the most emphatic manner possible.'

[Lala Girdharilal Agarwala.]

I can boldly say without fear of contradiction that there are several eminent Indians trusted both by the Government and the people, who can adorn the posts of Governorships in every part of India with as much ability as any European if not better. It is not necessary for me to mention their names as they are well-known.

Turning to the posts of Chief Justices, I submit that several Indians have acted as Chief Justices in various High Courts in India with marked success and one gentleman has been given a permanent post and the Honourable the Law Member will contradict me if I am wrong when I say that the Indian Chief Justice has done credit to his post.

There being six High Courts in India I claim that three of the said posts should be permanently filled by Indians. There being only one Indian Chief Justice at present, there is therefore a deficiency of two. Under the circumstances I submit that so long as two more Indians are not permanently employed as Chief Justices, future temporary or permanent posts should be given to Indians only. There are a considerable number of Indians whose appointment as Chief Justices would be an acquisition to the judiciary, but I refrain from mentioning their names out of respect for them. I may say in passing that the invidious distinction between a Vakil and Barrister for appointment as Chief Justice is absolutely meaningless at the present day and should be removed, when even our Honourable Law Member happens to be a Vakil whose abilities are unquestioned and unquestionable.

As for the posts of High Court Judges, Chief Court Judges and Judicial Commissioners, the case is quite simple and clear. Indians have already established their reputation on the High Court Benches.

According to the statement printed at page 5 (a) of the Legislative Assembly Debates, Volume II, there are 48 permanent and three Additional High Court Judges attached to various High Courts in India, of whom only one-third are Indians. The eight posts of temporary Judges are filled by non-Indians. The Chief Judge of Burma Chief Court is a European. There is only one Indian Judge of that Court while there are three permanent, one additional and three temporary Judges who are all Europeans.

As for Judicial Commissioners, there are 11 permanent, 24 temporary European officers as against two permanent and three temporary Indians.

In the Calcutta High Court, for example, on the 1st January 1921, there were 4,580 original suits, 1,046 insolvency and 220 miscellaneous cases pending on the original side and 523 first appeals, 4,050 second appeals, 1,204 miscellaneous besides a number of criminal cases. During the last five years Rs. 10,39,000 were spent in translation, interpretation and printing in the Calcutta High Court alone.

In that High Court there are only four Indian Judges as against one Chief Justice, seven permanent, one additional and two temporary European Judges besides two permanent European Judges being on leave or other duty, making a total of 12 Europeans. In that High Court the average duration of first appeals from decrees in 1920 was 656 days or nearly two years. Out of the total number of Judges enumerated above only three are able to understand some of the languages of the people, among whom I presume four Indian Judges are included.

This shows that a majority of European Judges and Chief Justice of the Calcutta High Court are unable to understand any local vernacular.

In the Calcutta High Court alone, seven posts of Chief Justice and Judges were filled by direct recruitment in England since 1901 and I am sorry to say that my Honourable friend, Sir William Vincent, has to admit that the Government has no information as to the extent of the acquaintance of these officers when appointed, with the languages, laws and customs of Indians. He has further admitted that these officers did not receive any training in Indian languages, laws and customs before taking charge of their duties. Are such appointments justified by precedent in England?

It may be said that the language of the High Courts is English, and it is not necessary for any Chief Justice or High Court Judge to know the languages of the people.

In reply, I submit, first of all, that time has now come when the language of the High Courts should be the same as the language of the people just as it is the court language in all subordinate courts in India.

Secondly, I say, that in spite of the language of the High Courts being English, a Judge who understands the language of the people is better equipped to discharge his duties as such than any other man. Besides language, it is necessary to know the habits and customs of the people before a man can *honestly and truly be called a Judge*.

A true Judge should be able to place himself in the position of the parties or witnesses before he can form a correct opinion as to their conduct and statements bearing upon the question before the Courts.

We will have all these advantages when we have at least one Indian Chief Justice or High Court Judge presiding in every Court.

A considerable amount of delay and expense to the parties can also be avoided by placing First Appeal of small values before Indian Bench of the High Courts without the necessity of translation and printing. Much delay is caused in the hearing of second appeals on account of preparation of paper books which can also be avoided when there are a sufficient number of Indian Judges in every High Court.

Even if the above suggestions are not adopted at present, I say, there is a distinct advantage in having one Indian Judge at least, in every Bench. Sometimes questions of interpretation and construction of documents executed in local vernaculars come up for decision and the opinions of Indian Judges in such cases is of great value. Similarly when questions of Hindu or Muhammadan Laws are concerned or a question of custom is involved, the opinion of an Indian Judge commands public confidence.

On August 20th, 1917, the Secretary of State for India made the following announcement* in the House of Commons :

'The policy of His Majesty's Government with which the Government of India are in full accord is that of the increasing association of Indians in every branch of the administration and the gradual development of self-governing institutions with a view to the progressive realization of responsible Government in India as an integral part of the British Empire.'

* Report I of Constitutional Reports, Chapter I, paragraph 6.

[Lala Girdharilal Agarwala.]

In paragraph 313 of the report on Indian Constitutional Reforms, it is stated as follows :

'In the forefront of the announcement of August 20th, the policy of the increasing association of Indians in every branch of the administration was definitely placed..... we have already seen that Lord Hardinge's Government were anxious to increase the number of Indians in the public services and that a Royal Commission was appointed in 1912 to examine and report on the existing limitations in the employment of Indians... The report (of the Commission) was signed only a few months after the outbreak of the war and its publication was deferred in the hope that the war would not be prolonged. When written it might have satisfied moderate Indian opinion, but when published, two years later, it was criticized as wholly disappointing. Our inquiry has since given us ample opportunity of judging the importance which Indian opinion attaches to this question. While we take account of this attitude, a factor which carries more weight with us is that since the report was signed, an entirely new policy towards Indian Government has been adopted, which must be very largely dependent for success on the extent to which it is found possible to introduce Indians into every branch of the administration.'

In his minute recorded by Mr. M. B. Chaulbal which is attached to the report of the Public Services Commission, he says in paragraph 20 which is printed at page 379-380 of the report.

'According to the last census, out of a population of over 30 crores 10 lakhs in the country there are only one lakh and 99,787 Europeans and allied races (of whom 91,000 form the army with their wives and dependants) and a little over one lakh Anglo-Indians. So, roughly, for the purposes of recruitment for the public services in India, the total population between these two communities is about 2 lakhs and 9 or 10 thousands.'

The tendency in the latter to return themselves as pure Europeans and in some of the Indian Christians to return themselves as Anglo-Indians, has been noticed at the last census and in the earlier ones.

Thus, strictly, the number of real Anglo-Indians would appear to be even a smaller figure than that given above. To the whole population they stand in the proportion of 1 to 1,400. Assuming all of them to be literate in English, these two communities stand to the Indian literate population as 1 to 6. It should be noted that European population given in the census includes all those that are in India purely temporarily for purposes of Government service or trade. The permanent European population must be very small indeed, and this, together with the Anglo-Indian population, would probably stand as 1 to 10 in literacy. The Anglo-Indian community by itself stands to the general Indian population as 1 to 3,000 and in literacy in English, they stand as 1 in 13.

With these figures one will be able to appreciate the surprisingly large number of posts held by Europeans and Anglo-Indians in the public services as against the natives of the country.

Out of 11,064—the total number of posts—6,491 or 58 per cent. are held by the members of this small community. As regards posts of Rs. 500 and above, out of a total 4,984, they hold 4,042, i.e., 81 per cent., and as regards posts of 800 and above, out of a total of 2,501 they hold 2,259 or 90 per cent.

In his Note of Dissent recorded by Mr. Abdur Rahim (now Honourable Sir Abdur Rahim) he says, at page 400, paragraph 20.

'Looking back to the past history, India until the disruption of the Moghul Empire, always produced men of high administrative talents, and at the present day, in the more advanced Native States, whenever opportunity exists, Indians are successfully bearing the burden of the entire administration; some of them achieved notable distinction, such as Sir

Salar Jung and Sir T. Madhorao. It should also be noted that a fair proportion of these men were originally in the British Indian service but only found an adequate opportunity for a full play of administrative capacity when they were appointed either as ministers or heads of departments in these States.

Then, when there are large Indian commercial communities, such as in the Bombay Presidency, Indians successfully conduct the affairs of Industrial concerns of considerable magnitude. In professions, where success is dominated by free competition and the value of work is judged under conditions different from what prevails in an Indian official department, the merits of the Indians work cannot be gainsaid. In the profession of law which it must be observed was wholly unknown to the Hindu and Muhammadan systems and is, of all institutions peculiarly occidental, Indians have acquired such remarkable proficiency that it is now conceded to them as being particularly suited to their aptitudes. In western medicine, in the practice of which they suffer many disadvantages, as I shall have to point out, their success has been equally remarkable. Not only is the general level of efficiency of Indian qualified practitioners highly satisfactory but some of them in the more advanced presidencies have achieved eminent distinction as surgeons, doctors and gynaecologists, and a few men have also done research work of value with such facilities as were within their reach. Of those who devoted themselves to politics, it would not be difficult to mention the names of a number of men commanding gifts of political judgment and foresight and of platform oratory, debate and organization.

In the region of scientific research of the higher order, at least 2 names may be mentioned, those of J. C. Bose (now Sir Jagadish Chandra Bose) and P. C. Roy, who have won more than an Indian reputation while the Nobel prize of literature was awarded the year before last to Rabindra Nath Tagore whose poems have become familiar to most cultured men and women of Europe and America. Then to anyone who knows India will occur the names of those men who organized momentous movements of social, religious, educational and political reforms, that have so largely changed the outlook of India. Under Lord Morley's scheme of reforms, Indians have been found fit for appointment in the executive councils of the Viceroy, of the Council of the Secretary of State for India. While on the Benches of the High Courts Indians have long established their reputation. In the face of these facts it is hard to believe that India is deficient in wealth of intellect or character.

Section 96 of the Government of India Act clearly provides that no native of India nor any subject of his Majesty resident therein shall, by reason only of his religion, place of birth, descent, colour or any of them, be disabled from holding any office under the Crown in India.

His Excellency Lord Reading in the course of his memorable speech made on 31st May 1921, at the dinner given by our club at Simla stated as follows :

'I am minded to speak to you very briefly on certain propositions which I think are established beyond the possibility of doubt. The first is the fundamental principle of British rule in India. I suppose there is no one—there is no section of the British community, I am sure—who would dispute the proposition that here in India, there can be no trace, and must be no trace of racial inequality.'

No one can study the problems of India without realizing at the outset that there is some suspicion, and perhaps at the present moment, some misunderstanding between us.

Well, I am convinced that whatever may be thought by our Indian friends not present in this room—I do not refer to those present, because they are conscious of the contrary—I say, we do not for a moment indulge in any motions of racial superiority or predominance. I think this is axiomatic of British rule, although I am quite prepared to admit that there may be undoubted certain questions with which I am striving to make myself familiar, in which there will be an opportunity for putting this equality on a firmer basis than at present exists and as a corollary, scientifically considered,

[Lala Girdharilal Agarwala.]

It is not a separate proposition and I am sure that it will demand from you as whole-hearted support as the proposition which I have just enunciated—I say that there cannot be and must never be humiliation under British rule of any Indian because he is an Indian.

These weighty enactments, declarations and announcements have encouraged me in moving this Resolution before this Honourable House.

India has produced great men in the past and is the seat of ancient civilization and learning. Indian rulers and statesmen of the Hindu and Muhammadan periods have left a landmark in the histories of the world.

With these few words I commend this Resolution for your acceptance.

Rao Bahadur C. S. Subrahmanayam : Sir, the Resolution which my learned friend, Mr. Agarwala, has moved in such eloquent terms, and bristling with so many extracts from the speeches of eminent men, European and Indian, is a Resolution which, if I may say so, covers a wide field. As an Indian, it is no doubt my duty to hope that all that is contained in this Resolution, and much more, will come to pass. But it is a difficult task imposed upon the Indian Members of this Assembly. If we do not agree with Mr. Agarwala, we shall be charged with being unpatriotic, and probably it may be said we belong to the Government party. And, if we agree, we, as practical men, are faced with innumerable difficulties, because, as I understand, the business of this Assembly is more connected with what may be termed practical politics, and not with idealistic aims and aspirations and the elucidation of those matters and not with asking the Assembly and challenging the Government to make a definite pronouncement on those aims and aspirations. That tendency to ask the Government to make pronouncements on such aims and aspirations, I think, well, if I may say so, ought to be deprecated, because if we continue this habit of asking the Government to make a pronouncement, Government will probably be driven to and will hesitate to give those answers and those assurances which are ordinarily termed sympathetic, because the Government is a practical body, and if we are to go on asking them to give assurances of a sympathetic character, probably those assurances would carry no weight. We should be very chary in inviting Government to give us assurances, because we have had enough assurances for I think three quarters of a century.

And I suppose these assurances, whether they are carried out in full or whether carried out partially, are there, and our business in this Assembly is to pick out each one of them as occasion arises and press it upon the attention of Government to carry it out in a practical manner. Therefore, as practical Members of this Assembly, I thought it was time that Honourable Members of this Assembly recognised this aspect of their duties. With regard to the Resolution which is now before us, the Honourable the Mover, in the course of his speech, referred to the names of two great Indian administrators. Sir Salar Jung was one of them. I am slightly acquainted with the history of Hyderabad, but if Sir Salar Jung were alive to-day, I fancy it would be impossible for him to carry on the administration of Hyderabad. Well, that factor we should recognise. If Sir Madhav Rao, the other name mentioned, were alive now, probably he would not find a seat in this or any other Assembly in this country. He was great no doubt in his time, and in those times he was all right; but to-day a man like Sir Madhav Rao would not get a hearing anywhere in this country. I shall be treading on a little more dangerous

ground if I refer to Lord Sinha; but probably the Assembly is aware that Lord Sinha's position from time to time has been questioned by a large number of people.

They say he does not represent Indians. So it comes to this, that we shall be quarrelling about these matters from time to time, and the less occasion we have for disputes and quarrels I think the better for our own sakes.

Now the quotations which my learned friend read out were taken out of their proper setting, and while they were quite right, quite proper on the occasions when those speeches were made and those pronouncements were uttered. I do not think, however, that those extracts support the proposition that is now before us. We are very early in our life under the Reforms Scheme. Is it not our duty to confine our attention to working this scheme for all it is worth. Ought we not to test the constitution we have. Pick out holes by all means. Let us try and find out defects and then stand up and say here are the black spots in the scheme. Can any one in this Assembly say that during the last few months that we have been working this constitution, we have been able to pick out a single black spot. In theory and in doctrine, I have heard a great number of people say. There are a great many defects and a great many spots. Probably I should agree to some extent with all they say. But when you have got the thing in hand and you are working it—working it with every facility that can be offered to us to work it—are you able to give one instance where this scheme has failed? Probably time will reveal its defects. Should we not wait for that time which will show where the defect is? I am not at this moment prepared to agree that the scheme is excellent, because even that is in the lap of the Gods: the future will reveal whether it is excellent or bad. Are we in this. Assembly such a homogeneous lot that we are prepared to say really that on the many questions that arise in this House we are agreed? We are as a matter of fact strangers to each other. That is one difficulty in this Assembly. We come from different parts of the Empire, and speaking generally for myself I may say that with one-tenth of the Members I am not well acquainted. How do I know then the feelings of the Members who come from different parts of this country. Interests are oftentimes divided. If we go into the question of finance, we find each Province has got certain things to press forward. Now that is one of the things where the greatest difficulty would arise in the homogeneous working of this Assembly. I don't want to multiply instances, but what I feel to be a matter of great consequence and what has emboldened me to venture to stand up here is, should we not allow some time for these things to settle down and for us to understand not only our own position, but also the position of the various Provinces? Now the increase of Indians in the list of appointments given in the Resolution is all very good. But have we come to the point that we have exhausted all the other spheres of Government activities where we might easily, without trouble and without much opposition from Government, increase our representation? Is it not better to see that in all these other Departments of Government we are more largely represented. I say that this discussion is very like those academic discussions we have every reason to deprecate, and with great deference to my Honourable friend I don't think this is a question we should raise just at present.

The Honourable Sir William Vincent : Sir, when I heard parts of the speech of the Honourable Mover, I thought for the moment that we must be discussing the report of the Public Services Commission and the appointment of Indians to various minor posts under Government. That is a matter which I hope to have an opportunity of dealing with on a subsequent Resolution by Mr. Jamnadas Dwarkadas. It is not relevant to this discussion.

I will ask this Assembly therefore to clear their minds of one fallacy in the last speech, namely, the idea that this Resolution has anything to do with appointments in the All-India services, as we generally understand that term. It is very important that this point should be made clear, because I fear that otherwise some prejudice may be created in the minds of the Assembly. The Resolution itself deals with particular high appointments, namely, the appointment of Governors of Provinces, the appointment of Chief Justices and certain other high judicial appointments. In my opinion, there was a great deal of force in the objection taken by Mr. Price that this is a matter that is not primarily the concern of the Governor General in Council, which, so far as I know, is the test of the admissibility of a Resolution. At the same time, the Resolution has not been disallowed as there are certain of these appointments which are made by the Governor General in Council I believe and with regard to which the Resolution of the Mover was therefore beyond doubt in order.

But the discussion is not a question of Indianising the services or anything of that kind. As a matter of fact, there has been a greater advance in the direction of appointing Indians to higher appointments in the last few years than any one in this Assembly imagines or realises. Take the case of Members of Council. There are now in every Government, I believe, one or two Indian Members of Council as against one or two European Members, and in addition to that there are two or three Ministers in every Province.

If you take the Government of India, when I took over my present appointment, there was only one Indian Member of Council. Well, there are now three. There were also very few Indians in the India Council, I mean the Council of the Secretary of State for India. What is the position now? There are three Indian Members in that body. I mention these facts to show that the suggestion made in this Resolution that the Government of India or the Secretary of State or His Majesty's Government are in any way negligent of the claims of Indians to higher appointments is in the present circumstances entirely unjustified. I put the facts plainly to Members of this Assembly as I want them to consider the facts. Further, the particular appointments to which reference has been made, are, most of them, not made by the Government of India at all. Let me take the case of one appointment, the appointment of a Governor of Province. Here it is said that 'the Governors in the said Presidencies are appointed by His Majesty by warrant under the Royal Sign Manual.' Now it is quite reasonable, that from time to time, this Assembly should seek to amplify its own jurisdiction and power and to influence the Government of India. It is very proper, they should, but is it right that this Assembly should seek to encroach upon the prerogative of the Crown and dictate the qualifications of those who are appointed by His Majesty? That is the question really before the Assembly.

Let me now take the appointment of High Court Judges. They are appointed by Letters Patent from the Crown, and except in so far as the Calcutta High Court is concerned, those appointments are made without

reference to the Government of India. I have no doubt that the Viceroy is personally consulted and at times, we hear of particular proposals but they are made directly by His Majesty, the Secretary of State or His Majesty's Government in communication with the Local Government. That is not again therefore a matter which concerns us. Officiating appointments in the various High Courts, except in the Calcutta High Court, are again made by the Local Governments, and not by us at all. Here again you have a matter which does not concern the Government of India primarily in any way. As a matter of fact, the direct appointments with which we are concerned and which are mentioned in this Resolution are only acting Additional Judges in the Calcutta High Court and Additional Judges of some other High Courts and Judges of the Chief Court of Burma, but nearly all the appointments to which the Resolution refers are not matters with which we are directly concerned at all.

Here I want to turn to another matter, and that is to the words used in the Resolution 'the desirability of equalising the number of Indians and Europeans in the following appointments'. Is it right that the number of High Court appointments should be filled up on racial qualifications only? Are the numbers of Europeans and Indians to be equalised irrespective of merit? For that is what is suggested, and directly suggested, in the Resolution. As a matter of fact, when we come to judicial appointments, Honourable Members will find that there has been a greater advance in the appointment of Indians in the department than in any other branch of the service that I know of except perhaps in the Provincial Executive Council. We have at present one permanent Chief Justice and one Acting Chief Justice of a High Court, and that was never the case till this year; there are also now 16 Indian Judges of High Courts. I do not say that this is all that this Assembly may desire, but I do say that it is a very great advance on anything that we have hitherto known in this country, and I believe that every one will really recognise that in the matter of all these appointments the merits of Indians are being carefully considered. If there is any one who is in doubt on this point in the case of appointments made by the Government of India or in cases in which the question of recommendation lies with the Government of India, I can assure him that he has no ground for his doubts.

There is only one other matter, Sir, to which I wish to advert, and that is the question of appointing Indians as Governors of Provinces. Here, again, I think the Assembly will agree with me that the best men must be chosen irrespective of race. You have in Lord Sinha an admirable Governor. The Honourable Member has put it to me that I made this admission about him. I am glad publicly to reaffirm that the Government of India and all of us have the utmost confidence in him, and he has by the admirable work deserved all credit. Is this appointment any reason why this Assembly should attempt to interfere with the prerogative of the Crown in the matter of appointing Governors? Is it not better to leave unto Cæsar the powers which are Cæsar's.

Mr. Muhammad Yamin Khan : Sir, I have heard the speech of the Honourable the Home Member very carefully, and I am in full sympathy and accord with him when he says that the posts of Governors and High Court Judges should not be given on a racial basis but they should be given to the best men in the country. I also agree with him that the prerogative of the

[Mr. Muhammad Yamin Khan.]

Crown should not be touched by this Assembly. But, Sir, there is another side of the question. While I am in full sympathy with the remarks of the Honourable the Home Member that the best men should be chosen for high posts, I will put a question to him, and it is this. Are there not other men as fit as Lord Sinha is in this country in whom the Government of India have got the same confidence and who can enjoy the same confidence as that reposed in Lord Sinha? Or are there no better men qualified in India among Indians who can be called as good men as the English Judges? I think, Sir, India is not wanting in legal talent; India is not wanting in persons who can do justice to the litigants. There are very capable lawyers who can be chosen to hold the highest offices under the Crown. If the Honourable the Home Member means that it is the prerogative of the Crown to choose only from among Englishmen I think it is a fallacy. That is not what the Honourable Mover of the Resolution means. What he means is this, that Indians, if they are found fit, should be given an opportunity of getting an equal number of appointments under the Crown.

Of course the Honourable the Home Member will admit that India has produced for some time people in whom even the British Government can put the fullest confidence, then why are those persons said not to be fitted to hold office under the Crown? They should be given an opportunity just the same way. If there are persons available in India, then and then alone should those posts be given to Indians. It would be ridiculous on the part of the Honourable Mover if he says that a person simply because he is an Indian, even though he is not fit to hold an office, should be given an office. If you can find a better person amongst Englishmen, certainly the post should go to the Englishman and not to an Indian simply because he is an Indian. But, when we can find in India that there are persons who are as fit and as capable as an Englishman, then why should there be a distinction? Why should that post go only to Englishmen and not to Indians? I fully appreciate what the Honourable Home Member says that when he came here into this House, there was only one Indian gentleman in the Executive Council and there are now three. This shows certainly that there are in India some people who are capable of holding office as Executive Councillors. And that is not limited to 3. There might be other persons as fit as these 3 are. With due respect to these gentlemen I have no doubt that these are the 3 best persons who are there, I have nothing to say against them. What I mean is that there might be other persons available for these posts too. And, when there are 16 Judges who are sitting on the Benches of the High Courts, there are certainly other lawyers who are very capable persons. They are available for any vacancy which might fall vacant. It is no argument to say that those posts which are reserved for Indians, only will go to the Indians and those which are reserved for Englishmen will go to Englishmen. I am not aware of the other High Courts but I know about my own High Court, the Allahabad High Court, and I know that for some time this has been the custom. There is a Muhammadan Judge and there is a Hindu Judge. All the other posts are filled by Englishmen. If there is a temporary vacancy it goes to the same class. If a Muhammadan Judge goes on leave, a Muhammadan Vakil or Barrister who is supposed to be the best man on the Bar is chosen and he is placed there. If a Hindu Judge goes on leave then of course the vacancy is filled by a Hindu. But it has been very seldom that when a

Civilian has retired or other Judge has retired, that the post has been given to an Indian Vakil or Barrister who has been supposed to be as fit as to officiate for an Indian Judge. If a man is quite capable for an Indian Judge's vacancy, why is he not fit to officiate for an English Judge who is going on leave? Well, that is the contention and this is the real grievance, and especially for the Bar, when the people are not properly recruited from the Bar. And what the Honourable Mover has said has been put into a very very narrow shape. This Resolution ought to have been worded very broadly. Of course I cannot speak on that point which is not before the House. But what will satisfy is that the attitude of the Government should be to remove all distinction—whether a man is an Englishman or an Indian, whoever is the best fitted man should come up. Of course, if this principle is adopted, then the Indians will have no grievance and there will be no necessity for the Honourable Mover to move this Resolution. But his contention is that he finds that the best men who are supposed to be coming up are from a certain lot. The other lot is ignored altogether. From the other lot there comes up only one man now and then. Now that should not be so. Out of the whole community, whether Englishmen or Indians, choose the best man and place him there, irrespective of his nationality, simply because he is the King-Emperor's subject, the best man should get the best place and I think that will be a very reasonable thing if the Government goes and adopts this principle.

Certainly it is not primarily the business of the Governor General in Council to appoint persons to these high posts, but, as the Honourable Mover says, the Governor General in his capacity as Viceroy and Governor General is consulted by the Local Governments. His Excellency the Governor General has got some voice and this is only a mere recommendation simply coming up in this shape that in future the tendency of the Government should be in this direction, and, of course, if this Resolution is passed, then the Local Governments will also consider that this is the considered opinion of the representatives of India and they are speaking on behalf of India. But if this Resolution had been passed in the local councils, then it would only have meant that it applied to that particular Province, and it would need to be passed in all the provincial councils. But here this will draw the attention of all the Local Governments to make suggestions and to recommend persons in future in order to fill vacancies from amongst Indians.

At least, what I would submit is, that the Assembly should adopt this attitude. You cannot touch a magic wand and make the whole country become a beautiful garden of Aladdin. We have no magic wand, and we cannot give all the posts to Indians at once but there should be a gradual development in that direction, and if any vacancy occurs it should go to an Indian. We don't want a revolution but gradual evolution. And if this is the attitude of the Government, I think it will satisfy the Indians and all public bodies.

Rai G. C. Nag Bahadur : Sir, I move that the question be now put.

Rai Bahadur S. P. Bajpai : Sir, with your permission, I would like to make a verbal change in my amendment substituting 'possibility' for 'advisability'. My amendment reads thus:

"That for the Resolution the following be substituted:

"This Assembly recommends to the Governor General in Council to consider the possibility of:

(1) increasing the number of Indian Governors to be appointed from among the ranks of public men, and

(2) increasing the number of Indian Chief Justices, Chief Judges, High Court Judges and Judicial Commissioners, to be appointed from among the ranks of practising lawyers."

[Rai Bahadur S. P. Bajpai.]

Sir, I am in full sympathy with the Honourable Mover of this Resolution. He has really made out a very good case but I fail to see why the percentage should be fixed. As my Honourable friend, Mr. Yamin Khan, has just pointed out, we should always select the best men for these high offices. I think, Sir, it is not necessary for me to make a very lengthy speech. What I want to say with regard to this amendment is that Government should accept the principle that there is a desirability of increasing the number of Indians for the high offices of Governors and Chief Justices, etc. The only Indian Governor so far appointed—I mean Lord Sinha—has proved a great success and has given thorough satisfaction to the Government as has been admitted just now by the Honourable Sir William Vincent.

The Indian Chief Justices, Chief Judges and Judges of the High Courts have done very satisfactory work, at least, they have not been found inferior to their European colleagues. If the Proclamation of 1858 and the Announcement of 20th August 1917 have any meaning in them, I think it is high time that the Government should consider the necessity of increasing the number of Indians for the high offices of Governors, Chief Justices, etc. Surely there is no paucity of competent men in India.

I have only one word more to add. I recommend in my amendment that the Governors should be appointed from amongst the ranks of public men. Sir, with the increased powers given to the Legislative Councils it is necessary that the Governors of the Provinces should be men who inspire confidence in the elected representatives of the people. If Governors are appointed from amongst the ranks of public men, they are bound to inspire confidence, and the reforms will be worked out much more satisfactorily. With regard to the appointment of Judges from among the ranks of practising lawyers, I need not say anything to support it. The necessity is obvious. Practising lawyers are decidedly the best men to sit on the High Court benches.

With these few words I move this amendment for the acceptance of the House.

Mr. President: Amendment moved:

That for the Resolution the following be substituted:

This Assembly recommends to the Governor General in Council to consider the possibility of:

- (1) increasing the number of Indian Governors to be appointed from among the ranks of public men, and
- (2) increasing the number of Indian Chief Justices, Chief Judges, High Court Judges and Judicial Commissioners, to be appointed from among the ranks of practising lawyers.

Dr. H. S. Gour: Sir, when I heard the speeches of the Honourable Rao Bahadur Subrahmanayam and the Honourable Sir William Vincent I began to rub my eyes because I was lost in doubt as to whether the Rao Bahadur had not by a mistake been elevated to the position of a Home Member and the Honourable the Home Member had not descended to the common level of a private Member of this House, because, Sir, I see more liberalism in the statement of the Honourable the Home Member than in the castigation of the Rao Bahadur who says that the country is not prepared at present; and the few cheap platitudes in which he has indulged and which I submit have been indulged in by all who wish to detract the people of this country and to be little the

good that these people have been doing. My friend comes here and in his own cynical style says that these reforms must be given time, and that before they have had sufficient time and mature experience, the people of this country should not be given any further measure of self-government. Sir, if these had come from the lips of the sundried bureaucrat, from the Treasury Benches, I should have still considered that statement as highly reactionary. But coming as it does from one of the accredited representatives of the people of this country, I feel, that it will not be received with a ready response in the country. So far as the Honourable Sir William Vincent is concerned, I must say that I take exception to one statement. The Honourable the Home Member is literally right when he says that these appointments of Governors, of Chief Justices and Puisne Judges of the High Court are made by the King; but surely the Honourable the Home Member knows as well as I do that that is only a figure of speech and that the real appointments are made by the Government of India and by the Local Governments.

The Honourable Sir William Vincent: May I rise to offer an explanation, Sir.

That is entirely an incorrect statement. These appointments are not made by the Government of India in any sense.

Dr. H. S. Gour: If the Honourable the Home Member had only indulged me for two minutes and allowed me to complete my statement, he would have felt that my statement was absolutely correct. Before the reforms were conceded and when the High Courts were under the direct jurisdiction of the Government of India, all these appointments were made in the name of His Majesty as a matter of course, but all the recommendations had to go from the Chief Justices of the various High Courts and the Government of India.

The Honourable Sir William Vincent: May I rise again to offer an explanation, Sir. That also is incorrect.

Dr. H. S. Gour: With the exception of the Calcutta High Court where the Chief Justice used to send recommendations, as a matter of fact, the Viceroy used to transmit them to the Secretary of State. As regards the Provincial Governors, I beg further to submit that the Government of India sends the names to the Secretary of State and the Secretary of State then receives the Sign Manual of His Majesty and announces the name of the Governor who is appointed.

The Honourable Sir William Vincent: May I rise for a third time and offer an explanation, Sir. This statement is also incorrect.

Dr. H. S. Gour: The Honourable the Home Member has not told us what is the correct procedure. I have said that the correct procedure is that His Majesty the King signs as a matter of course, but the recommendations are issued by the Government of India and the Secretary of State, and not a single instance is known in the records of the Government of India when the King vetoed an appointment made by the Secretary of State or the Government of India. I invite the Honourable the Home Member to read a valuable book published by Lord Morley. In his 'Recollections' he points out that when the question arose about the filling up of a high vacancy, that of the Viceroyalty of India, great pressure was used upon him by the then King-Emperor and the Cabinet, but in accordance with the well-established

[Dr. H. S. Gour.]

convention, as that appointment was one which was entirely to be made on his own responsibility he stood out and selected a man of his own choice. That I take it is the real convention. His Majesty does sign, it is his prerogative in the real sense of the term, but in reality the recommendations are made by the responsible Governors and Governors General (*A voice*: And the Ministers), and by the Ministers. The point upon which I am at issue with the Honourable the Home Member is this, that when the Honourable the Home Member says that any person who refers to these high offices trenches upon the established prerogative of the Crown, I beg to differ. For all practical purposes the Government of India does make these appointments, the Secretary of State does make the appointments, and I submit it is perfectly within the competence of this Assembly to request His Excellency the Governor General to view with favour the recommendations made by this Assembly. I therefore submit that the question is entirely within the jurisdiction of this House.

The next question, therefore, that arises is, should this Assembly make the recommendation? Here again I have the misfortune to differ from the Honourable the Home Member. He says, the best men are always appointed. Now, Sir, if this question was within the competence of this House fifty years before and we had raised that question, that would have been the reply. Whenever the Government wishes to justify an appointment it says, 'I always appoint the best man. Don't you know that we are infallible?' We never appoint a bad man, but we appoint the best man.' But I beg respectfully to submit that the feeling in this country is growing in favour of the fact that they must not be the best men but they must be the best men out of the people of this land. The Chief Justices are imported from England. The Governors are appointed—more or less the Governors of Bombay, Madras and other Presidencies, are imported from England. Now, I ask the Honourable the Home Member with his long and varied experience of the administration of this country whether these imported articles from a foreign land are as good as he could obtain locally? Do they know the language? Do they know the manners and customs of the people? Do they understand the various problems which the various nations and races in this country present? I submit they do not, and I submit, therefore, that if these reforms are to be given a trial, if these reforms are to succeed, the Government of India must exhibit a measure of generosity in trusting the people of this country in placing at the head of the Governments, in placing at the heads of the various tribunals, the responsible leaders of public thought and men of eminence in the legal profession. Can the Honourable the Home Member say that it has been done in the past? I submit he cannot. And if it has not been done in the past, this Assembly will be justified in raising its voice of protest against what has been the policy of the Government of India, in asking the Government of India to reconsider the policy and bringing it in line with the new spirit of reforms which has been inaugurated in this country. Now, Sir, one more word. It has been said by the Honourable Mr. Subrahmanayam that the homogeneous system, the working of the system is somehow or other inconsistent with the acceptance of this Resolution. Now, if he had quoted some Chinese proverb, it would surely have been more intelligible to me than this phrase which he has made the pivot of his whole case. What is the meaning? I should be so glad if anybody could explain what it means, because I have failed to understand it. These are the political

shibboleths in which people mask their thoughts, their real thought being to oppose this Resolution for the simple reason that this Resolution, if carried, is likely to lead to the appointment of certain people whom we do not like. My friend went on further to say that in this Assembly we have a menagerie of races, which do not always agree. Is that a sign of weakness? I submit, Sir, that it is a sign of strength. We have come here to represent various classes and interests, and at times if we do not agree, there is nothing unnatural about it. Why should we all agree? If we did, our agreement would be miraculous. I submit that if we have to look at these questions from different points of view, and if at times we do not see eye to eye with one another, it is because we come from various Provinces, represent different interests and place before this House the various points of view. The Honourable Member regards that as a sign of singular weakness. I, Sir, regard that as a sign of strength, seeing that this House has the courage of its convictions, and does not fall into one stereotyped groove of following one method and one principle and one measure. On all these questions of various characters that come before this House, every person is entitled to ventilate the views which he considers to be the right views of his constituency. The Honourable Member, I submit, then, cannot treat that as a peg upon which he has hung his whole diatribe against the Honourable Mover's Resolution. I submit that so far as this House is concerned, I submit so far as the representatives of the people outside the House are concerned, I do not think that there is one man who cannot sympathise with the underlying principle of this Resolution. But, at the same time, I am not at one with the Mover of this Resolution, who wants a cut and dried scheme of appointments of Governors and other high dignitaries in the proportion of half and half. I think this House should sympathise with the general principle—that it is necessary in the present interests of the country and of the Government of India and I further make bold to say in the interests of the progress of this country and its position as a portion of the British Empire,—that the Government of India should take the earliest steps for the purpose of showing a greater confidence in the people of this country by placing as many people as they possibly can at the heads of Provinces and Courts. In this light, I submit, this Resolution should receive the support of this House.

The Honourable Sir William Vincent : Sir, if I had the misfortune to interrupt the last speaker on two or three occasions during the course of his speech, I did so in no spirit of discourtesy but merely because I wanted the Assembly to understand that he was under an obvious misapprehension in regard to certain allegations which he made. One of the statements made if, I understood him correctly, was that the Government of India were directly concerned with the appointment of Governors. The Government of India is the Governor General in Council; that is, the Governor General and all the Members of his Executive Council; and I state it as a positive fact, an incontrovertible fact, that the Governor General in Council has nothing to do with these appointments at all, and that individual Members of the Governor General's Council are not consulted in these appointments. Does the Honourable Dr. Gour suppose that when His Majesty's Government are considering the question of appointing a successor to Lord Willingdon, they ask the views of the Government of India? Not at all. It is idle to suggest that we have anything whatever to do with these appointments. It is probably true on doubt—though I have no personal knowledge of the fact—that the Secretary

[Sir William Vincent.]

of State and the Viceroy correspond privately on such appointments. But to suggest that the Government of India have anything whatever to do with these appointments is incorrect. That is the point I have tried to make, and I do not think the position taken up by Dr. Gour can be maintained, or that he would himself attempt to maintain it if he were to investigate the matter or question any one of my Honourable Colleagues here. The same is the case with Chief Justices. I believe the procedure in regard to the appointment of Chief Justices is this. I speak on hearsay information. The Governor of Madras or of Bombay make proposals to the Secretary of State, and the Secretary of State arranges with the Lord Chancellor and other legal authorities, if an English Barrister is to be sent out, as to who would be a suitable nominee. Similarly he probably consults local authorities if an Indian Barrister is to be appointed. But the communications do not go through the Government of India at all, nor do they have any part in such appointments. The Government of India have nothing to do with them. With regard to the Calcutta High Court, what is the practice there? The practice is not to write to the Government save in the case of officiating appointments or additional Judges. The practice is to communicate with the Viceroy, and he communicates with the Secretary of State, although on occasions His Excellency the Viceroy does, when he so chooses, consult individual Members of his Council.

Sir, I think I have established these propositions. The first is that the Governor General in Council is not primarily concerned, or in any way concerned, with many of these appointments. I do not know whether I have made this clear but I do hope that I have removed the misapprehensions created by Dr. Gour. Further when he suggested that I tried to deceive the Assembly, I assure the Assembly that there is no foundation for such a suggestion. Dr. Gour went on to say we have not appointed Indians in sufficient numbers. That is a possible accusation that may appeal to many. What I put to him is this, that the Government have in recent years taken every care to increase the number of Indians in all high executive and judicial appointments, and I defy any Honourable Member of this Assembly honestly to controvert this statement. Having regard to the known sympathies of His Excellency the Viceroy and the Right Honourable the Secretary of State for India, can any one say this question has not been viewed in recent years in a different spirit from what it had been in the past? Is not that a fact? In these circumstances is it right, is it fair, that we should be asked now to make a recommendation of the kind proposed by the Mover of this Resolution, namely, that half the appointments—exactly half and no more or less—should be given to Indians. Dr. Gour however wants to go much further. He does not want to import any English Barristers at all from England, for any High Court; the Assembly have been told, these Judges are ignorant of your language, they are ignorant of your customs, know very little of Indian law and so forth. Those Members, however, who deal with the law courts—there are many of them here, my Honourable Colleague, the Law Member, is one, the Honourable Mr. Shafi is another—those who have had business in the law courts, I should like them to say whether they wish to see the High Courts of this country deprived of the benefit, and the very great benefit, that has been secured by the importation of English Barrister-Judges into this country. Have they not been of the

greatest service? Have they not laid the foundation of a sound system of criminal and civil law in this country? Have their services not been of the greatest benefit to the whole of the people of this land? Dr. Gour's proposal would however lead you to this that no English barristers at all would be employed in High Courts in this country. Now I hold no brief for the English barrister except that I believe the appointment of practising English barristers as Judges of the High Court is of the utmost value. I have now dealt with the Resolution. The amendment asks us to consider the possibility of increasing the number of Indian Governors. If that was a matter which lay in our power, or which was primarily our concern, I should be glad to place it before His Excellency the Viceroy and the Secretary of State. But I put it to the Assembly that we are asked to intrude on a matter which is not our business at all and I hope the Assembly will be reasonable and not ask us to undertake a duty which is not ours in any sense according to the law or practice.

Munshi Iswar Saran: Sir, there is a peculiar disease which attacks some of the public men of this country. It is a most insidious disease and its effects sometimes prove quite fatal. This is the disease of 'sobriety.' When this particular malady attacks a public man his vision is blurred and he imagines that he serves his country by obstructing progress and by standing against all reform. I am afraid that the Honourable Member from Madras, though he may not as yet have actually got the disease, is on the fair way of getting it if he will not take necessary precautions in time. Now what does he say? 'Work the reforms for all they are worth.' Exactly, that is what we are all trying to do. The pronouncement of August 20, 1917, is certainly the corner-stone of the Reform Scheme, and in it we find the declaration made:

'That the policy of His Majesty's Government, with which the Government of India are in complete accord, is that of the increasing association of Indians in every branch of the administration and the gradual development of self-governing institutions with a view to the progressive realisation of responsible government in India as an integral part of the British Empire.'

Whatever opinion the Honourable Member from Madras might have about the merits of this proposition, surely he cannot dismiss it as a proposition the object of which is not to work the reforms, to use his own words, for all they are worth. I may be wrong, Sir—and if I am wrong I shall be sorry,—but I take it that the Honourable Member wishes all these reforms to be postponed till that happy day when there will be absolute unanimity in this Assembly and perhaps outside in the country. If that is his view, let me say in all humility that the country will have to wait long, very long indeed, before any reform is introduced in the Government of India.

Sir, there was waged a battle royal between the Honourable the Home Member and the valiant Knight of this Chamber, Dr. Gour. I am afraid, this battle was fought over side-issues. We do not wish to encroach on the prerogative of the Crown, nor are we at this moment interested in ascertaining whether these appointments are made by the Government of India or by the Home Government. You will find that the Honourable the Mover has distinctly said in his Resolution that a copy of the above Resolution be submitted to the Home Government with favourable recommendations. The Honourable Member's idea was that his proposition should be submitted to the authorities

[Munshi Iswar Saran.]

in England for their favourable consideration with such remarks as the Government of India might be pleased to make. Does he really try to encroach on the prerogative of the Crown? I regret to say that the Honourable the Home Member was rather unjust to my Honourable friend. It does not matter to us in the least who makes the appointments. We take the fact of these appointments and we wish to express our dissatisfaction with them, and at the same time we wish to express a hope that a new departure will be made in the policy that has been pursued so long. We recognise—and there the Honourable the Home Member is right—that the policy of the Government of India of late has shown signs of a welcome change. But, asks the Home Member, haven't we got three Members in the Executive Council? Might I in all humility ask the Honourable the Home Member a counter question: in the High Courts how many Indian Chief Justices have we got? Out of the High Court Judges, how many are Indians? Out of the Judicial Commissioners and Judges of other higher Courts, how many Indians have we got? He says these appointments are not made on racial grounds. Exactly. This is what we are pleading for. Are we then to understand by implication the Honourable the Home Member to mean that there are not men in this country who can be appointed to these high posts? I do sincerely hope the Honourable the Home Member does not mean it.

Take these posts one by one. Take the question of the appointment of Indian Governors. The Honourable the Home Member and my friend the Honourable Mover have both paid their tribute of respect and admiration to that distinguished countryman of ours, Lord Sinha. I have no doubt that Lord Sinha is regarded as one of the most illustrious Indians living to-day. But, Sir, I ask this House in all seriousness, is there not a second Sinha in India? I recognise Lord Sinha's capacity, Lord Sinha's distinction, Lord Sinha's achievements and Lord Sinha's other qualifications, but he does not stand all by himself. There are, I say with confidence, other men in the country who, if called upon, can discharge his duties with equal satisfaction to Government as well as to the people. Sir, I am afraid, some of the Honourable Members here will regard this demand as chimerical and impractical. But I ask this House to consider if five years ago a man had got up and said that he wanted an Indian Governor for a Province, would he not have been laughed at as a lunatic, if not worse? I submit that the time has come when the recommendation should go up to the authorities in England that Indian aspiration demands, and demands in very clear terms, that there should be more Indian Governors in India, and that, having regard to the capacity of Indians, having regard to their education, having regard to their tradition if they are called upon to undertake these difficult tasks, they will certainly be able to discharge their duties satisfactorily. Might I ask the Treasury Benches to tell us when they have called upon us to undertake any task have they found us wanting? Whether as Governors or as Chief Justices or Judges, whether as Members of the Executive Councils or as Ministers, wherever we have been entrusted with the highest positions, we have given every satisfaction to the Government as well as to the people.

Sir, take again the question of the Legal Department. I submit with great respect that it is the one Department in which Indians have established their claim beyond any shadow of doubt. I shall only mention one or two

names. Take in my own Province, Sir Sunder Lal and in Madras Sir Muthuswami Aiyer, and who can say these two gentlemen would not have adorned the positions of Chief Justices with distinction if they were given the opportunity? I submit, Sir, there are many men in India at the present moment who can with profit to the country as well as to the Government, be called upon to hold these responsible posts.

Sir, let us now come to close grips with the real question at issue, and what is that question? Putting aside for the moment all these technical difficulties, the question is, are Indians to be given the opportunity of rising to the highest places in their own country, or is it by way of an exception that a man is to be called upon to occupy a high office? I submit, Sir, that if you want to make the reforms successful, and, as my Honourable friend from Madras has said, to work them for what they are worth, it is absolutely essential that, while you introduce changes in the political machinery, you should at the same time call upon Indians to all the highest offices which by their education, by their reputation, by their integrity and by their intelligence, they are entitled to occupy. Sir, I wish to say that I do not agree with the Honourable Mover when he says that these posts should be given half and half. It is not at all necessary to lay down any hard and fast rule. I am rather inclined to agree with my Honourable friend, Mr. Bajpai, that our recommendation should only be that the number of the Indian Chief Justices and Justices and of Governors should be increased without binding ourselves or trying to bind Government or the authorities in England to any fixed ratio. Sir, I wish to ask the Honourable the Home Member and his Colleagues in the Government to look at this question not from a technical point of view, and will the Honourable the Home Member permit me to say that while he presented before us all these technical difficulties, while he repudiated the suggestion that the Government of India was responsible for these appointments, he did not say a word which would give us hope, which would give us courage. Not a word was said by him to give us hope, he only asked us to look at the policy which was pursued so long. He did not tell us why is it that there is only one Indian Chief Justice in all the High Courts of India. If the Honourable the Home Member will consider this aspect of the matter, I am certain he will see that the proposition which has been moved by my friend on my left is not so impracticable, and is really not a proposition which attempts to encroach upon the prerogative of the Crown. Every one, I submit, has got a right to go up to the Crown and to lay his representations for the consideration of the Crown and of the responsible Ministers of the Crown. This Resolution only attempts to place our views in clear language before the Government of India and the authorities in England, hoping that the Government of India will express their own views about the recommendations which this Assembly wishes to make.

The Honourable Dr. T. B. Sapru : Sir, I am afraid both my Honourable friends Dr. Gour and Munshi Iswar Saran have proceeded on the assumption throughout their interesting speeches, that the Honourable Sir William Vincent was the sworn enemy of the idea embodied in this Resolution. So far from that being the case, I imagine that it must have been apparent to any one who followed his speech with close attention that his objection was based mainly upon a constitutional ground, particularly because of the manner in which the Resolution has been presented to the House. He pointed out to

[Dr. T. B. Sapru.]

the House that during the last few years there has been a steady tendency to increase the number of Indians in the higher offices of the State, and if I understood him correctly—I am here again speaking subject to correction by him or by any other Member,—that tendency is likely, in fact, is certain to grow in the future. Therefore, so far as the future is concerned, I confess that I take myself a very hopeful view, and I do believe that, as time goes on, we shall find that more and more Indians come to occupy higher official positions. The real dispute is with regard to the form of the Resolution, and that turns upon the constitutional issue which has been raised by my Honourable friend, Sir William Vincent.

There is only one other matter to which I will refer and that is because of certain observations which were made by my Honourable friend, Dr. Gour. I am sure when Dr. Gour has heard all that I have got to say he will not regret that I am just reminding him of a matter of which he as a member of the English Bar should be proud. I need scarcely remind the House what my own personal feelings are with regard to the question of the Bar, but even a man like myself who does not belong to the English Bar may in fairness pay a tribute to the service rendered to the cause of liberty and freedom, justice and law in this country by members of the English Bar. If you go back to the beginnings of British rule and remember the battle royal that was waged at that time between the Governor General of those days—Warren Hastings—and the representatives of the judiciary, what do you find? It was the English barrister-Judge who stood out for the liberty of the subject. Coming down from the time of Warren Hastings to more modern times, what names are more honoured in the history of judicial administration or in the entire history of legal systems in recent times than the names of Sir Barnes Peacock, Sir Richard Garth, and, in recent times, that of Sir Lawrence Jenkins? The fact that I am not a member of the English Bar would not stand in my way, and I must candidly recognise that the English barrister-Judge has left a shining example for his successors to follow. This does not mean that I am not equally proud of some of the distinguished countrymen of mine who have adorned the Bench or who have been the beacon lights of the legal profession in this country—men like Mitter, Bhashyam Aiyangar are honoured names among the lawyers in India.

Now, Sir, what I do submit is this. While Dr. Gour and I are both of us agreed that the Indianisation of the High Court must continue, I hope he will not differ from me that, having regard to the manner in which our judicial system and our entire legal system has developed during the last fifty or sixty years, the English barrister-Judge has even to-day his own value. My friend Dr. Gour has contributed a valuable book to legal literature—I refer to his commentaries on the law of the transfer of property—and no one can appreciate better than Dr. Gour that, so far as the essential features of our law of property are concerned, they are closely allied to the English system and an English barrister who comes out from England does no doubt contribute substantially to the elucidation of those intricate principles with which we have got to deal every day of our lives,—and he also brings out with him those high traditions of independence and freedom which we all value and which we all expect from members of the Bench in any part of India. Pray, do not understand that there are not men in this country who would rise equally to the standard, but what I do contend is, that at the present stage of our evolution

and for some time to come I do not think that it would be right for us, having regard to the larger interests of justice and law, to entirely dispense with the services of the English barrister judge. I say so with the full consciousness that there are eminent lawyers in this country, and I say so in the full belief that our lawyers must sooner than later come into their own.

Dr. Nand Lal: Sir, with the greatest possible humility and without meaning disrespect to the Honourable Mover of this Resolution, I feel constrained to say that this Resolution is not aptly worded. This is not due to the lack of ability, but I daresay this is due to lack of time. The Honourable Mover is a lawyer of some standing, and I am sorry to see why he could not spare time to go into the provisions which have got some bearing on the questions involved in his Resolution. I think there is not a single Honourable Member of this Assembly who will not agree with me, so far as this principle is concerned, that the fixity of number for a specific community has already fettered the hands of the Government of India and all of us are feeling the pinch of it. As for instance, so many Muhammadans may be appointed, and similarly so many Hindus may be appointed.

This policy, I may be allowed to submit, has really put ability and merits at great discount, and I am afraid I cannot identify myself with this petition of my friend that a similar policy may be adopted so far as the numerical strength of Europeans and the numerical strength of Indians is concerned. When I look into the provisions of the Government of India Act, then I feel encouraged and I see for myself and I wish to convey the same information to the Honourable Members of this Assembly. I hope they will kindly see that there is no line of demarcation, there is no question of racial distinction, there is no racial bar embodied and incorporated in these provisions. What do these provisions say? I shall let you know what they say. They say: 'A Judge of the High Court must be a barrister of England or Ireland.' An Indian may go to England. Is there any bar? It is a question of money, time, merits and ability to pass examinations. No question of colour or nationality.

I am an Indian and a barrister of England; there is no bar in any way. Referring to the same provision again:

'Or a member of the Faculty of Advocates in Scotland of not less than five years' standing.'

Look at the beauty of that provision. Merits are appreciated. Standing is respected. Standing, ability, experience are given prominence and not nationality. So far as these high posts are concerned, I say—and I can show from the top of my house—that so far as the statutory law is concerned there is no racial distinction at all. With regard to the other point which was at issue in regard to the appointment of Governors, may I invite my learned friend's attention to the very clear provision, which is embodied in section 46. What does this section say? It also is, as it seems to me, averse to racial distinction. The Governors of the Presidencies are appointed by His Majesty by warrant under the Royal Sign Manual.

There is no indication of racial distinction. Merits and abilities are sure to be appreciated. Therefore, this present debate to my mind, my learned friend will excuse me when I say, is idle. I agree with my learned friend Dr. Gour when he says that the Chief Justices were imported. If he means to say in the past years, I may meet him half way, but if he is speaking of the

[Dr. Nand Lal.]

present time, I must differ from him, because we must be very fair in controversy and debate. I come from the Punjab, and I feel proud to inform this Assembly that the Chief Justice of that High Court is an Indian, not only an officiating Chief Justice but a permanent Chief Justice. I am sure my learned friends, the author of this Resolution and the author of the Amendment, do not mean seriously to say that all European Judges should be dismissed at once and their places should be given to Indians. Indeed, in course of time, when vacancies do occur, we will lay our claim to them. We are entitled to be appointed as Judges of the High Courts in India, and we are capable of holding that position and doing full justice to it. The appointments which were given to Indians have been held by them, and in their official career they have shown to the world that they are capable of doing full justice to the appointments and deserved the confidence which was placed in them. My learned friends have gone out of their way in asking why the posts should not be given to Indians. There is no bar in our way. Is there any statutory law which stands and operates as a clog? Again this is an idle idea. We are capable; there is no doubt about our efficiency and capabilities, and why should we doubt our own merits?

On another score I have to differ from the learned author of this Resolution, and that is this. It is not fair on our part to blow hot and cold at the same time. Only the other day we were discussing a Resolution in regard to the achievement of self-government and dominion government, and to-day we are discussing a Resolution of quite a different character. To my mind they are not reconcilable. If we may happen to get dominion self-government, then there will be no question of nationality. It will depend on the choice of the electors. The electors may choose Europeans, Indians, or anybody else....

Mr. Muhammad Yamin Khan: On a point of order, Sir. Does the Honourable Member mean to say that the electors will choose the High Court Judges or the Chief Judges?

Dr. Nand Lal: I beg your pardon. You have not followed me at all. I meant to say that when we have got self-government, the so-called *Swaraj* then these appointments will be given according to merits always, because the power of appointing and dismissing, though indirectly, will lie in the hands of the electors, since they will be electing the Members of the Executive Council. In other words the Executive will be responsible to the people. So, on this score also I beg to differ from the author of the Resolution. So far as our aspirations are concerned, I am in accord with the reasons advanced by the learned Mover of the Resolution and I am in full sympathy with his arguments, so far as our capabilities are concerned. With these few remarks I submit that the debate which unfortunately has become unusually hot is misplaced.

Mr. S. C. Shahani: I move that the question be now put.

Mr. Jamnadas Dwarkadas: There is hardly a single Indian in the country who would not feel cheerful at the prospect of a large number of Indians being appointed to fill higher posts. But, Sir, with due deference to the Honourable Mover of the Resolution, to my Honourable friend Dr. Gour, and to my Honourable friend, Munshi Iswar Saran, I submit that it seems to

me that this Resolution is unfortunate, and it would have been much better if it had not been brought before this Assembly. Munshi Iswar Saran in the course of his very eloquent speech pointed out that in the declaration made by the Secretary of State on August 20th, 1917, the Secretary of State himself admitted the need of assimilating a larger and larger number of Indians in the Government, and he utilised that statement made by the Secretary of State in favour of the argument that he advanced that so far as the higher posts were concerned a larger number of Indians should be appointed to fill those higher posts. I ask my Honourable friend Munshi Iswar Saran to compare the state as it existed before that declaration was made and the state as it exists now. I ask my Honourable friend Munshi Iswar Saran in all honesty to tell me whether at the time when he first read the declaration he ever dreamt that for the first time the post of the Under Secretary of State for India would be given in the year following to a prominent Indian? I ask my friend Munshi Iswar Saran whether he ever dreamt at that moment that in the year 1920 for the first time an Indian would be appointed the Governor of a Province? I ask my friend Munshi Iswar Saran and those who think with him, whether at that time there was any Indian who dreamt that an Indian would be appointed as the permanent Chief Justice of an Indian High Court? It is true that these posts have not yet fallen to the lot of a larger number of Indians, but I want this House not to forget the fact that by entrusting Indians with these highest posts that are available in the country, the Government have recognised, I say His Majesty's Government have recognised, the principle of admitting Indians to equal ranks so far as the higher posts are concerned. As for a larger number it is a question of time. I have no doubt that the moment it is realised by every one concerned that Indians who were appointed to fill these posts have acquitted themselves honourably, both from the point of view of His Majesty's Government and from the point of view of the people of this country, I say that the time is near at hand when more and more and a larger number of Indians will be appointed to fill these posts. But, Sir, we hear a cry in the country to-day even when these high posts, high offices are entrusted to eminent Indians,—we hear a cry, and to a certain extent, a legitimate cry, that it is not the highest posts that we want; the higher posts are the bits that the Government throw in order to throw dust in the eyes of the people of the country and for the purpose of winning over those who might oppose the Government. It is not these highest posts that we want; it is those posts which are filled by men who run the administration that we want should be filled up by Indians. I wish that matter had been discussed here. I wish we had here given expression to our opinion that in the All-India services a majority of the people should be recruited in India. So far as that is concerned, I recognise, Sir, that even that principle has been recognised by the Secretary of State and the Government of India. But what I want to point out, and most emphatically point out, to this House is this, that His Majesty's Government having recognised the principle of admitting Indians to the highest possible posts available in the country, it hardly lies in our mouth to bring any Resolution which might have the effect of showing as if the Government has altogether ignored our claims. I take it as a matter of course that once these distinguished men establish their reputation as equals to Englishmen, and I have no doubt that they have already done so, the process of appointing Indians to the highest posts will be naturally inevitably accelerated,

[Mr. Jamnadas Dwarkadas.]

It does not lie with, it is hardly necessary for, the Assembly to propose a motion of this character. No Government, I submit, Sir, with due deference, can tie itself down to a policy which it is not in its hands to carry out. It is the business, as the Honourable the Home Member has rightly pointed out, of His Majesty's Government. The Honourable the Home Member has also told us that while the Viceroy, as Viceroy, is consulted, the Government of India, as Government of India, is not consulted. If the Government of India is consulted, I think this Assembly will be the first to object to this principle of consulting the Governor General in Council for all the posts that are to be filled by His Majesty's Government. I submit, Sir, that it would not be proper for this House to pass this Resolution. I submit, Sir, that this House ought to have confidence, having regard to the policy that has been followed by His Majesty since that declaration was made, even beyond the dreams, and I submit the wildest dreams, of my countrymen. I submit that, in view of that fact, it would be much better if my Honourable friend, Mr. Agarwala, would consent to withdraw his Resolution, and trust and have confidence in His Majesty's Government that their policy, once recognized, will always be to assimilate Indians for all the higher posts that are available in this country.

Mr. K. Ahmed : I move, Sir, that the question be now put.

Mr. S. C. Shahani : I move that the question be now put, Sir,.....

The Honourable Sir William Vincent : I rise to a point of order. Is the Honourable Member in order in first moving that the question be now put and subsequently speaking on the Resolution?

Mr. President : That is entirely a question of taste.

Mr. S. C. Shahani : I must thank you, Sir, for your kindly permitting me after permitting Mr. Jamnadas Dwarkadas to make a few observations on the question under consideration.

Mr. President : Order, order. There can be no question of permission from the Chair.

Mr. S. C. Shahani : I stand corrected. It is probably my right. So I shall make a few remarks with regard to the question under consideration.

Mr. Jamnadas Dwarkadas got up to say that the character of the Resolution was unfortunate. I looked for his establishing this statement, but in vain. The Resolution is unfortunate if it is calculated to do harm either to Government or to the people. As a matter of fact, there is considerable difference of opinion and misunderstanding on the question, and it is well, I think, for both parties that the question has been discussed here. The fundamental presumption which is involved in the Resolution that has been brought forward is that the right of Indians to the highest appointments should be recognized. It has been said just now by Mr. Jamnadas Dwarkadas that these high appointments are given to Indians to throw dust into their eyes. ...

Mr. Jamnadas Dwarkadas : I said that was an argument made by some of my countrymen outside this House.

Mr. S. C. Shahani : Which argument, however, is wrong. As a matter of fact, the merits of the Indians being recognized, Mr. Agarwala has come forward to us to suggest that this Assembly recommends to the Governor General in Council that it be represented to the authorities responsible for these appointments that approximately an equal number of these important

posts be given to Indians, provided of course they be found to possess sufficient merit; and if this is the presumption involved in the Resolution, I do not see how anybody can rightly object to this Resolution. It has been said by the Honourable the Home Member that the Government of India is not responsible for these appointments; that in fact they are never consulted. The answer is, and the object of the Resolution is, whoever is consulted, and whoever makes the appointments, it should be brought to his notice that, in the opinion of this Assembly, these highest posts should be equally distributed to Europeans and Indians, provided of course there is sufficient merit available.

I have to refer to one statement that was made, namely, that such a Resolution would mean an encroachment on the prerogative of the King. The King never allowed any one to make the appointment of Ministers before the reign of William III. But after the reign of William III, any student of English history will realise that the appointments are made practically in consultation with the representatives of the people in the Parliament of England. Dr. Gour was perfectly right when he said that the opinion of the people should be respected, and if the opinion of the people is in practice respected, the prerogative might in form continue to be exercised by the King-Emperor. There is nothing in the Resolution to suggest that any invasion or encroachment is intended.

It has been suggested by my Honourable friend Mr. Subrahmanyam that we might well content ourselves with the lower appointments and not concern ourselves at all with the higher. I really do not understand why this distinction should be made. It is true that the lower appointments, as Mr. Jamnadas Dwarkadas has pointed out, probably mean more effective participation in the administration of the country, and from that point of view I have no doubt that everyone in the House will endorse what has been said in regard to our having a larger share of these appointments. But if it is seriously contended that at this time we should not come forward to suggest that approximately an equal distribution of the higher posts should be made, then I say, well, the suggestion is wrongly made, and we should not accept it. It has been pointed out, and very rightly, by some that, perhaps at this stage when Indians are being associated in increasing numbers in Government, it will not be in good taste to keep pressing for a larger share. I agree with this view so far as it goes. On this ground I would suggest to my Honourable friend Mr. Agarwala to withdraw the Resolution. The position that we occupy with regard to this Resolution is, I suppose, now clearly defined.

The Assembly divided as follows :

AYES—31.

Ahmed, Mr. K.
Akram Hussain, Prince A.M.M.
Asjad-ul-lah, Maulvi Miyan.
Ayyangar, Mr. M. G. M.
Bagde, Mr. K. G.
Bajpai, Mr. S. P.
Bhargava, Pandit J. L.
Chaudhuri, Mr. J.
Faiyaz Khan, Mr. M.
Girdhardas, Mr. N.
Gour, Dr. H. S.
Hussanally, Mr. W. M.
Jawar Saran, Munshi.
Kamat, Mr. B. S.
Lakshmi Narayan Lal Mr.
Latthe, Mr. A. B.

Mahadeo Prasad, Munshi.
Mudaliar, Mr. S.
Mukherjee, Mr. J. N.
Mukherjee, Mr. T. P.
Nag, Mr. G. C.
Neogy, Mr. R. C.
Pyari Lal, Mr.
Reddi, Mr. M. K.
Shahani, Mr. S. C.
Singh, Babu Ambika Prasad.
Sircar, Mr. N. C.
Sohan Lal, Bakshi.
Subzposh, Mr. S. M. Z. A.
Yamin Khan, Mr. M.
Zahiruddin Ahmed, Mr.

[The President.]

Abdul Quadir, Maulvi.
 Abdulla, Mr. Saiyed Muhammad.
 Abdul Rahim, Mr.
 Abul Kasem, Maulvi.
 Agnihotri, Mr. K. B. L.
 Aiyer, Sir P. S. Sivaswamy.
 Asad Ali, Mir.
 Barodawalla, Mr. S. K.
 Bryant, Mr. J. F.
 Carter, Sir Frank.
 Chaudhuri, Mr. N. N.
 Cotelingam, Mr. J. P.
 Crookshank, Sir Sydney.
 Dalal, Sardar B. A.
 Faridoonji, Mr. R.
 Fell, Sir Godfrey.
 Gidney, Lieutenant-Colonel H. A. J.
 Ginwala, Mr. P. P.
 Gulab Singh, Sardar.
 Habibullah, Mr. Muhammad.
 Hailey, the Honourable Mr. W. M.
 Hullah, Mr. J.
 Ikramullah Khan, M. M.
 Innes, Mr. C. A.

The motion was negatived.

Mr. President: The question is that the original Resolution be adopted.
 The motion was put and a division called for.

The following Resolution was put to the vote: The Assembly divided as follows:

'This Assembly recommends to the Governor General in Council:

- (a) The desirability of equalizing the number of Indians and Europeans in the following posts by filling future temporary or permanent vacancies by Indians till the deficiency has been made up:
 - (i) Governors of Provinces,
 - (ii) Chief Justices,
 - (iii) Chief Judges or other Heads of the highest judicial Courts in India,
 - (iv) High Court Judges or Judges of other highest Courts in India;
- (b) that a copy of the above Resolution be submitted to the Home Government with favourable recommendations.'

The Assembly divided as follows:

AYES—35.

Abdul Quadir, Maulvi.
 Abdulla, Mr. Saiyed Muhammad.
 Agarwala, Lala G. L.
 Agnihotri, Mr. K. B. L.
 Ahmed, Mr. K.
 Akram Hussain, Prince A. M. M.
 Arjad-ul-lah, Maulvi Miyan.
 Ayyangar, Mr. M. G. M.
 Bagde, Mr. K. G.
 Bajpai, Mr. S. P.
 Bhargava, Pandit J. L.
 Chaudhuri, Mr. J.
 Chaudhuri, Mr. N. N.
 Faiyaz Khan, Mr. M.
 Ginwala, Mr. P. P.
 Girdhardas, Mr. N.
 Gour, Dr. H. S.
 Gulab Singh, Sardar,

NOES—47.

Jamnadas Dwarkadas, Mr.
 Jatkari, Mr. B. H. R.
 Jejeebhoy, Sir Jamsetjee.
 Kabraji, Mr. J. K. N.
 Man Singh, Bhai.
 Misra, Mr. P. L.
 Mitter, Mr. D. K.
 Muhammad Hussain, Mr. T.
 Muhammad Ismail, Mr. S.
 Nand Lal, Dr.
 Percival, Mr. P. E.
 Price, Mr. E. L.
 Rhodes, Mr. C. W.
 Samarth, Mr. N. M.
 Sapru, the Honourable Dr. T. B.
 Sharp, Mr. H.
 Sim, Mr. G. G.
 Singh, Babu B. P.
 Srinivasa Rao, Mr. P. V.
 Subrahmanyam, Mr. C. S.
 Vincent, the Honourable Sir William.
 Waghorn, Colonel W. D.
 Wajid Hussain, Chaudhuri.

Iswar Saran, Munshi.
 Jatkari, Mr. B. H. R.
 Lakshmi Narayan Lal, Mr.
 Latthe, Mr. A. B.
 Mahadeo Prasad, Munshi.
 Man Singh, Bhai.
 Mudaliar, Mr. S.
 Mukherjee, Mr. T. P.
 Nag, Mr. G. C.
 Neogy, Mr. K. C.
 Reddi, Mr. M. K.
 Singh, Babu Ambika Prasad.
 Singh, Babu B. P.
 Sohan Lal, Bakshi.
 Srinivasa Rao, Mr. P. V.
 Subzposh, Mr. S. M. Z. A.
 Yamin Khan, Mr. M.

NOES—41.

Abdur Rahim, Mr.
 Abul Kasem, Maulvi.
 Aiyer, Sir P. S. Sivaswamy.
 Asad Ali, Mir.
 Barodawalla, Mr. S. K.
 Bryant, Mr. J. F.
 Carter, Sir Frank.
 Cotelingam, Mr. J. P.
 Crookshank, Sir Sydney.
 Dalal, Sardar B. A.
 Faridoonji, Mr. R.
 Fell, Sir Godfrey.
 Gidney, Lieutenant-Colonel H. A. J.
 Habibullah, Mr. Muhammad.
 Hailey, the Honourable Mr. W. M.
 Hullah, Mr. J.
 Innes, the Honourable Mr. C. A.
 Jamnadas Dwarkadas, Mr.
 Jejeebhoy, Sir Jamsetjee.
 Kabraji, Mr. J. K. N.
 Kamat, Mr. B. S.
 Misra, Mr. P. L.
 Mitter, Mr. D. K.
 Muhammad Hussain, Mr. T.
 Muhammad Ismail, Mr. S.
 Mukherjee, Mr. J. N.
 Nand Lal, Dr.
 Percival, Mr. P. E.
 Price, Mr. E. L.
 Rhodes, Mr. C. W.
 Samarth, Mr. N. M.
 Sapru, the Honourable Dr. T. B.
 Shahani, Mr. S. C.
 Sharp, Mr. H.
 Sim, Mr. G. G.
 Sircar, Mr. N. C.
 Subrahmanyam, Mr. C. S.
 Vincent, the Honourable Sir William.
 Waghorn, Colonel W. D.
 Wajid Hussain, Chaudhuri.
 Zahiruddin Ahmed, Mr.

The motion was negatived.

RESOLUTION RE: AMENDMENT OF THE INDIAN EVIDENCE ACT.

Mr. K. Ahmed: Sir, I beg to move the following Resolution* which stands in my name, with these verbal changes:

'This Assembly recommends to the Governor General in Council that section 165 of the Indian Evidence Act, 1872, should be amended, and that the Judge may, in order to discover or to obtain proper proof of relevant facts on close of the examination, ask any question he pleases in any form at any time of any witness:

Provided that the parties may further examine or cross examine the witness upon any fresh matter elicited by the Court.'

Sir, in moving my Resolution I wish to make it clear that I desire to emphasise its *substance* and not its *actual wording* which I now see is susceptible of much improvement. In the first place, I recognise that the amendment prohibiting the Court to do a certain thing would improve if its language is converted into an affirmation of principle that the Court has the right to supplement the examination of parties and witnesses. But in the latter case not, so as to prejudice the examination or cross-examination by their counsel. The gravamen of my complaint is that Courts often interpose in the examination of the witnesses with a view, no doubt, to elicit further facts, but which has in effect the result of neutralising the examination or cross-examination of witnesses. The Honourable Members of this House may consider this as a trivial point, but I appeal to those who belong to the learned profession to say in how many cases their whole case has not been materially prejudiced by such judicial handling of witnesses.

It is a common complaint in the mufassil and not unusual even on the original side of the High Court that Judges often take upon themselves to examine witnesses in the whole case and then

* The Resolution as it appears in the List of Business as follows:

'This Assembly recommends to the Governor General in Council that Section 165 of the Indian Evidence Act, 1872, should be amended and the word "but he should not interpose after the Examination-in-chief has been finished and question the witness on the points to which the cross-examination will properly be directed" be inserted after the word "irrelevant" in that Section.'

[Mr. K. Ahmed.]

leave the counsel to supplement their examination. And, as the Judges are not tramelled by any restriction regarding relevancy, propriety or leading questions, the parties cannot complain and it has the double effect of prejudicing the Court and of shaking the party's confidence in its partiality.

Fifty years have since passed and the Bar in India has become so strengthened, that its presence is felt even in the remotest corner in the smallest Court of the land. The reason then which existed for the enactment of section 165 has ceased to exist, and I do not see why the whole section should not be repealed and at the same time I wish to make a slight amendment which I submit is abundantly justified by the growth of legal intelligence in the country and the multiplying examples of abuse of power which the section leads to. In this connection I beg to cite the weighty remarks.....

Mr. W. M. Hussanally: Sir, I rise to a point of order. If this Resolution is carried to-day, will it have the effect of committing this House to any Bill that may be brought hereafter embodying the proposal which is now carried?

Mr. President: The Resolution is a recommendation to the Governor General in Council. It does not lay any obligation on them whatever either to introduce a Bill or, if a Bill is introduced, to amend it in the manner suggested.

Mr. K. Ahmed: In this connection I beg to cite the weighty remarks, made as far back as 1881 by Sir Richard Garth, the Chief Justice of Bengal. It is reported in the Indian Law Reports 6 Calcutta at page 279 (*Emperor vs. Nur Buksh Kazi*).

'At a trial before a Sessions Court Judge an examination in chief of the witness for the prosecution being finished, he questioned the witness at considerable length upon the points on which he must have known that the cross examination would certainly and properly be conducted. To take such a course was irregular and opposed to the provisions of section 188 of the Evidence Act of 1872. It is not the province of the Court to examine the witnesses unless the pleaders on either side have omitted to put some material question or questions; and the Court should, as a general rule, leave the witnesses to the pleaders to be dealt with as laid down in section 188 of the Act.'

Section 188 says:

'Witnesses shall be first examined in chief and then, if the adverse party so desires' cross-examined. The examination and cross-examination must relate to relevant facts, etc.'

Now, Sir, another improvement that the section necessitates is that which prevents parties to cross-examine any witness without the leave of the Court upon any answer given in reply to questions by the Court. The Courts in this country use this power to the prejudice of parties without giving them a chance of cross-examining witnesses from whom they have elicited facts prejudicial to their case. On this point also there are decided cases in which the Judges have animadverted upon the arbitrary refusal to grant leave to cross-examine a witness upon matter elicited by the Court. I would not have brought this matter before this Honourable House had it not been of sufficient public importance, and I hope it will not suffer by my inadequate advocacy.

I beg to move, Sir, that my Resolution be accepted.

Munshi Mahadeo Prasad: Sir, the Resolution of the Honourable Mover is only one-sided and contemplates only the prevention of interference by the Court after the examination in chief. Had it been so worded as to limit the power of the Court after the examination is over, I would have supported the motion. There might be Judges who take into their

heads to believe or disbelieve the story of a prosecution or of a witness at an examination in chief and sometimes put questions in cross-examination according to the association of ideas in their brains. But the Resolution as it is worded is such that it will not help Judges to come to a just and true conclusion. Further, when a case is tried by a Judge on the civil side, even then, after the examination in chief is over, and the cross-examination has not commenced, it will be only one-sided to prevent intervention of the Court before a cross-examination. I submit, Sir, that the Courts of this country are to do justice in different parts of the country. There are places in different villages where one cannot get the assistance of a trained lawyer. Sometimes *mukhtars* are available in the sub-divisional Courts of a district. If the hands of the Court are tied by the policy in the Resolution, I submit that there will be injustice. Taking all these points into consideration, I would beg to oppose the Resolution.

Dr. Nand Lal: Sir, I beg to move the following Amendment to this Resolution which has been so ably moved by the Honourable Mr. Ahmed.

The Honourable Sir William Vincent: I rise to a point of order, Sir. Is the Honourable Member entitled to put the Amendment without notice? I have not even had a copy of it.

Dr. Nand Lal: If I may be permitted to give an answer to the Honourable Sir William Vincent, I may say that this Amendment has very kindly been admitted practically by the Chair, and when once permission has been given by the President, that is sufficient.

Mr. President: Will the Honourable Member say whence he learnt that that permission was given? Under Standing Order No. 65 the Honourable the Home Member is entitled to object on the ground of want of notice. I understood that the Amendment had been circulated and no objection had been taken. If the objection is taken I must uphold it.

The Honourable Sir William Vincent: I find the Amendment is here. I withdraw the objection.

Dr. Nand Lal: I thank the Chair for the permission and the Honourable Sir William Vincent for the consent. The Amendment which I beg to move runs as follows:

'This Assembly recommends to the Governor General in Council that Section 165 of the Indian Evidence Act, 1872, be amended to this extent that after the words 'at any time' the words 'before the commencement of examination in chief and after the end of cross-examination' be inserted.'

Before I may be able to do justice to this amendment I feel bound to invite your attention to the provisions of Section 165. Section 165 of the Indian Evidence Act runs as follows:—'The Judge may, in order to discover or to obtain proper proof of relevant facts, ask any question he pleases in any form.' Up to that I have no quarrel with the provision. My quarrel crops up now.

'At any time.

(here is the expression from which I differ.)

'Of any witness or the parties about any fact relevant or irrelevant'.

I do not quarrel with the word 'irrelevant' too. Look at the modesty of this amendment and the liberality of the Resolution.

'And may order the production of any document or thing; and neither the parties nor their agents shall be entitled to make any objection to any such question or order, nor, without the leave of the Court to cross-examine any witness upon any answer given in reply to any such question.'

[Dr. Nand Lal.]

The provision as read out by my humble self before you will, undoubtedly, convey the idea that a Judge, which here includes a Magistrate, has got unfettered power. He may put any question at any time. Perhaps some Members of this Honourable Assembly may ask, is there any section in this Act which gives us some clue to the right procedure? In answer to that, I would submit that there is, and I shall invite their attention to that provision very briefly. That provision is section 138 of the same Act, which lays down the specific procedure, the method which should be adopted in the course of recording the evidence, thereby I mean to say, in the course of examination in chief of the witness as well as the cross-examination of the same witness, and on the top of it, the re-examination, with which I am not concerned here, so far as the present debate goes. Now, the wording of section 138 is as follows:

'A witness shall be first examined in chief, (if the adverse party so desires) cross-examined, then if the party calling him so desires, re-examined. The examination in chief and cross-examination must relate to relevant facts, but the cross-examination need not be confined to the facts to which the witness has testified in his examination in chief.'

The reason why I have particularly invited this Assembly's attention to this is this, that here the method in which the parties to the suit or the Court ought to move is described, and now we find section 165 which gives unlimited power to a Magistrate or Judge.

The first ground on which I question the correctness or the soundness of section 165 is this, that it is in conflict with the provisions of section 138. In section 138 of the Evidence Act it is not stated 'subject to the provisions of section 165,' and therefore I think I have rightly endeavoured to make out this point that the provisions of section 165 are faulty, and that that section is not happily worded in any case. The other ground on which I object to the provisions of section 165 is this. Here a party to the suit or an accused or a complainant engages a lawyer, pays him thousands or hundreds according to the character of the offence, according to the value of the suit, or in some cases according to his (client's) pocket, and again in some cases according to the status of counsel. Counsel comes and begins to proceed with the examination in chief of the witness who has been called by the party whose counsel he is. He has begun examination in chief. He puts one question to witness A, for instance 'Did you see something?' Then the Court jumps up and intervenes and begins to put questions, I mean to say the Judge or the Magistrate. The Court goes on putting questions after questions. In some cases, perhaps *bona fide*; and in some cases, perhaps, being persuaded by bias or prejudice; we cannot say positively, and it cannot be said definitely that always he will be persuaded by bias. At the same time it cannot be said that he will be always prompted by good reasons; but I am quite prepared to assert with the greatest emphasis that in some cases the Courts do go out of their way, and in some cases they exercise their discretion rightly. However, it is established that there is room for fear that injustice may be done, and if I am able to establish that there is room for the deviation of a Magistrate or Judge from the path of justice, then, I think, this Assembly will accede to the contention that I have established my case. Similarly, if a Counsel who has been engaged by the accused or the defendant, as the case may be, begins to cross-examine and he has put one or two questions,

then similarly the Magistrate or the Judge intervenes. The questions which will be put by the Counsel, practically will be of no avail, because the reason and the object with which the Counsel was going to put questions seem to be thwarted altogether by the questions put by the Court or by the Judge, who, I must say, though I am sorry to give expression to it, is in some cases not competent, is not efficient, and does not understand the law. Though it may be conceded that some Magistrates, and some Judges, undoubtedly, understand it. Therefore there is not only a possibility, but a probability, that the questions put by the Court or by the Judge before the cross-examination, will mar the object of the defence, and I am quite entitled to submit that if this provision be allowed to remain, then the defence is crippled. No accused, then, can give proper defence which he is entitled to give. Therefore, my prayer is a simple and modest one which, I believe, will be acceded to even by the Treasury benches that this unfettered power, this unlimited privilege which is given to the Court, I mean to say, the Judge or Magistrate, should be guarded well by certain reasonable limitations as I have suggested.

The Magistrate or Judge is at liberty to put even irrelevant questions in order to find out the truth, as I have already submitted. I am not opposed to this. In some cases, witnesses may be tutored to bear testimony to certain facts which are favourable to the party which gets them, and the Judge in some cases may thus be right, in order to find out the truth, to put questions though irrelevant. I have no quarrel with that. But I submit, and I raise my voice with the greatest power which I can command, that this Assembly will kindly realise the mischief of the effect which is produced by this undesirable provision which remains on the Statute-book of this country. We have got the fountain source of the Indian legislation namely, English Law. Let us examine that perpetual fountain, in order to see whether there is any provision in support of the provision under debate. So far as my knowledge goes, I could not find any. Supposing there is a rule of law which gives this unfettered freedom and liberty to a Magistrate or Judge, even then the proposed amendment may be accepted because the circumstances of India are different from those in England. Perhaps by the opposition I may be called upon to say, what authority I have got to support my view? They may say 'your view is not acceptable; assertions are not sufficient data for alteration of law; what authority have you got.' Then, in reply, I shall submit that I have got very eminent authority, a leading case of the Calcutta High Court (6 Calcutta). (A cry 'that is more than a generation old'). If that question were conveyed to me from the Chair, I would have been justified in answering it. But perhaps my silence may be taken as a sign of weakness. I will therefore submit in reply that the older the law, the better it is, because it has not been repealed. It has got the same statutory force. It is a rule of law. It has not been rescinded. It has not been abrogated: and its very age proves the soundness which is conveyed in that proposition which is laid down in it. As I submitted, I may invite this Honourable Assembly's attention to a pronouncement, a judicial decision, which is in support of my contention which I am raising before this Assembly. The substance of that ruling, so far as I can recollect, is that it is not the business of the Court to examine the witnesses unless the pleaders on either side have ended their work—mark these words, they are of the greatest possible importance, mark what those words convey, it should be borne in mind that the Court should leave the witnesses to be dealt with by the pleaders as laid down in section 138 of the Act. In this

[Dr. Nand Lal.]

case the Judges, before the examination is finished, begin to put questions—which is undesirable. Am I not justified, Sir, in saying that the proposition which I have laid before this House is not a proposition which is a child of my own imagination, but it is a proposition which has got judicial support. No less than the Honourable and learned Judges of the Calcutta High Court, as already pointed out, are against the practice under debate. There is a general complaint—that the Judge or Magistrate interposes and begins to put question after question : and therefore, the work which ought to be done by a pleader or counsel is really disturbed very much, and they are not allowed to do their duty. So I think the House will agree with me that the Amendment, which I have proposed, speaks for itself. One of my friends, a Member of this Honourable Assembly, who spoke last practically was in support of my Amendment when he began to say that the Resolution only deals with one aspect of it

Mr. President : The Honourable Member must bring his speech to a close now.

Dr. Nand Lal : I will do my level best. Taking the very good hint from the Chair, I should like to shorten the debate. So on these grounds, without prolonging the debate unnecessarily, I may invite this Honourable Assembly's attention to the point, which is this: that the right of accused, and in a similar way the right of the complainant, are set at naught by this undesirable provision which has been allowed to remain in the section, and I appeal to the House to accept this Amendment. I feel encouraged that the Law Member, who is well conversant with all the fundamental principles of the law, and who has practised for about 30 years at the bar, will see his way readily to support the Amendment which I have placed before this House.

Mr. President : The original Resolution was :

'This Assembly recommends to the Governor General in Council that section 165 of the Indian Evidence Act, 1872, should be amended and the words 'but he should not interpose after the examination-in-chief has been finished and question the witness on the points to which the cross-examination will properly be directed' be inserted after the words 'irrelevant' in that section.'

The question is :

'That it be amended to this extent that, after the words 'at any time' the words 'before the commencement of the examination-in-chief and after the end of cross-examination' be inserted.'

The Honourable Sir William Vincent : Sir, I think the last speaker is really under some misapprehension as to what the effect of the Section is, and I should like to explain what the legal position is. He spoke of a Judge being allowed to admit irrelevant evidence in answer to questions put by the Court. Now a Judge is allowed great latitude in asking questions of a witness, but I must point out to the Honourable Member that no Judge is allowed to base his decision upon anything save relevant facts duly proved. That is one misconception, as I thought, in the mind of the speaker. The Honourable Member went on to say that Section 165 was inconsistent with Section 188. The latter is the ordinary Section which deals with the procedure for the examination of witnesses, and there is no foundation for the suggestion. Section 165 deals with the examination of witnesses by the parties or their pleaders. Section 165 deals with an entirely separate matter,—the examination of

witnesses by the Court. The object of Section 165 is really to provide, that the Judge may ask any question he pleases in any form at any time of a witness or the parties about any fact relevant or not. The intention is to prevent injustice: that is the simple idea at the bottom of the law,—not to allow any equitable decision to be defeated or avoided by a mere technicality, but to arm the Judge himself with power to get at the real truth of a case. That is what the effect of the Section is. May I read for one moment the remarks of the Select Committee on this provision of the law, they said :

'We have accordingly thought it right to arm Judges with a general power to ask any questions, upon any facts, of any witness, at any stage of the proceedings, and we have inserted in the Bill a distinct declaration that it is the duty of the Judge—especially in criminal cases—not merely to listen to the evidence put before him but to inquire to the utmost into the truth of the matter.'

I need not read more, because this citation sufficiently illustrates my point and what was said when that report was written is very largely true now. The point has been very well put by a gentleman at the back of the Assembly, who spoke earlier in the debate. In many cases Judges and Magistrates—Magistrates more particularly—have to make every endeavour themselves to sift the evidence and get at the truth. The prosecution is often represented in smaller courts—to whom this Act applies just as it does to any other—by unskilled advocates. Consequently, after the pleader for the prosecution, or the Mukhtiar for the prosecution, has finished his examination, there may be some fatal gap in the evidence which the witness is quite able to supply if only asked to. Now I can understand my friend, Dr. Nand Lal, appearing for the defence and finding the prosecution has left a big gap in the evidence being much annoyed when the Magistrate intervenes and asks a question by which he just gets out of the witness the facts which the pleader has omitted to elicit.

There are two views taken of the duties of a Judge in this matter. The first is what I may call the scholastic view, that the Court should sit as an automaton and merely listen to any evidence adduced by pleaders before it. The second seems to me a more rational position, namely, that it would be absurd that the Court should fail to use every effort within its power to get at the truth, that is the view that was taken by the framers of this Act which has been in force without objection since 1872. The Honourable Mover of the amendment, and the Honourable Mover of the Resolution, cited a case to the Assembly in which the Section was misused. It is a well-known case and I am not surprised at their citing it. But there are two points to which I should like to draw attention. The first is that this case is 40 years old. In order to find out any recorded instance of abuse of the law as it stands, the Mover has had to go back for that period. Now this is an important point. If this was a provision of the law which was frequently abused, the matter would have gone up to the High Courts time after time, and the Honourable Mover would have been able to produce numberless instances in recent years. The fact is that on one occasion a Judge did misuse the provisions of this Section, and he was hauled over the coals by the Chief Justice, Sir Richard Garth. But the Chief Justice did not go nearly as far as the Honourable Mover who has suggested that no question should be asked by the Judge at all before the cross-examination is complete. What did the Chief Justice say? I will read the head note of the report—I have read the full record of the case myself :

'It is not the province of the Court to examine the witnesses unless the pleaders of either side have omitted to put some material question or questions.'

[Sir William Vincent.]

Now that is exactly the occasion when Section 165 is most useful to any Court. It was suggested that this provision of the Act is not in accordance with the best legal principle. Now if we go to the law of Great Britain, we shall find that the Judge is allowed exactly the same privilege there. I will read from an authoritative textbook on the subject.

'The writers on the English Common Law repeatedly affirm the scholastic view that the Judge must form judgment exclusively on the proof brought forward by the parties. So far as concerns the practice, Judges both in England and in the United States do not hesitate to interrogate a witness at their own discretion eliciting any facts they deem important to the case.'

Again it is said that a certain latitude is allowed to a Judge with respect to the rules of forensic proof.

'He may ask any questions in any form and at any stage of the cause, and to a certain extent even allow parties or their advocates to do so.'

Again it is said :

'The Court always may, and often does, examine a witness at the close of his examination.'

That is, before the cross-examination,—the very point at which the Honourable Mover says no examinations by the Court should be allowed.

'The Court is not bound by the same rules as to leading questions. The Court can put what question it pleases and in what form it pleases.'

I have tried to bring these points out because they illustrate to my mind the fact that the law of this country is framed on English principles by an English lawyer of great eminence. It is one of the few Acts that has stood the test of many many years without being amended. It was I believe drafted by that great authority, Sir James Fitz James Stephen. The only instance in which it has been shown that there was an abuse of this Section goes back 40 years, and it was then corrected by the Honourable Judges of the Court. The provision is essential for criminal cases particularly, and indeed for civil cases also, where skilled advocates are often not available—if the object of courts of law is to administer justice. I have heard it doubted, whether this is the purpose for which courts of law exist but I have never doubted it myself. I have always hoped that this is the primary function of a court of law. I have shown also that this provision of the law of evidence is entirely in accord with English principles and I submit to this Assembly that it would be lamentable if this Assembly were now lightheartedly to decide to abandon what has been an accepted principle of law for 50 years. Nor can it be said that this is an unimportant provision of the law. If Honourable Members will take the trouble to study any elementary textbook on the subject, they will see that the greatest importance has always been attached to this provision as a means of eliciting the truth. I hope therefore Honourable Members will reject this amendment.

Mr. Jamnadas Dwarkadas : Sir, I move that the question be now put..

Mr. President : The question I have to put is that the question be now put.

The motion was adopted.

Mr. President : The original question was that :

'This Assembly recommends to the Governor General in Council that Section 165 of the Indian Evidence Act, 1872, should be amended and the words 'but he should not interpose after the Examination-in-Chief has been finished and question the witness on the points to which the cross-examination will properly be directed' be inserted after the word 'irrelevant' in that Section ;'

since which an amendment has been moved, substituting the following for the original Resolution :

'This Assembly recommends to the Governor General in Council that Section 165 of the Indian Evidence Act, 1872, be amended to this extent, that after the words 'at any time,' the words 'before the commencement of the Examination-in-Chief and after the end of the cross-Examination' be inserted.'

The question I have to put is that that amendment be made.

The motion was negatived.

Mr. President : The question is that this Assembly do adopt the original Resolution :

'This Assembly recommends to the Governor General in Council that Section 165 of the Indian Evidence Act, 1872, should be amended and the words 'but he should not interpose after the Examination-in-Chief has been finished and question the witness on the points to which the cross-examination will properly be directed' be inserted after the word 'irrelevant' in that Section.'

The motion was negatived.

The Assembly adjourned till 10-30 A.M. on Wednesday, the 28th September, 1921.

LEGISLATIVE ASSEMBLY.

Wednesday, 28th September, 1921.

The Assembly met in the Assembly Chamber at Half Past Ten of the Clock. The Honourable the President was in the Chair.

QUESTIONS AND ANSWERS.

EXPORT OF WHEAT.

642. **Rai Bahadur Pandit J. L. Bhargava:** Will the Government be pleased to state the correct figures of the export of wheat by sea from 1st April to 6th August in 1919, 1920 and 1921, respectively?

Mr. J. Hullah: The figures are:

1919	...	...	...	...	...	3,306 tons.
1920	...	...	...	...	...	3,692 "
1921	...	...	...	...	...	92,270 "

FOREMEN AND ASSISTANT FOREMEN FOR ORDNANCE FACTORIES.

643. **Lieut.-Colonel H. A. J. Gidney:** (a) Is it stated in the Report of the Committee on the Ordnance Factories, that the recruitment of *all* Foremen and Assistant Foremen from Home, effectually bars the promotion of an otherwise perfectly competent Chargeman trained in this country?

(b) Will Government be pleased to state what per cent. of men, trained in this country, have been promoted to the Foreman and Assistant Foreman grade, and, if any, were Anglo-Indians?

(c) Do Government propose to sanction the promotion of a specific per cent. of men trained in this country (Anglo-Indians and Europeans) to the Foreman and Assistant Foreman grade, in the future?

(d) Will Government be pleased to state if any steps are being taken to send on deputation, Chargemen trained in the country, to England (*vide* clause 113 of the Committee's Report)?

(e) Do Government intend to consider the speedy provision of Hostels for apprentices, as recommended in clause 121 of the Committee's Report, in view of the extreme hardships at present suffered by the apprentices, some of whom live at considerable distances from the factories?

Sir Godfrey Fell: (a) Yes.

(b) About 10 per cent., who are mostly Anglo-Indian.

(c) As soon as trained men, Anglo-Indian or Indian, can be obtained in India, it is proposed to appoint as many Foremen and Assistant Foremen as possible from amongst these men.

(d) This matter will be considered when the next year's deputations to England are being arranged.

(e) The importance of providing hostels for apprentices is fully recognised, and it is proposed to make provision for this purpose in the Budget for next year, if funds are available.

Mr. B. Venkatapatiraju : With regard to the answer given to part (c) of the question, I should like to know whether the same concession will be shown to other communities?

Sir Godfrey Fell : We cannot undertake to give a specific percentage. It is proposed to appoint as many Foremen and Assistant Foremen as possible from amongst these men.

Mr. B. Venkatapatiraju : My question is whether the same concession will be shown to all communities?

Sir Godfrey Fell : I fear I cannot hear the Honourable Member.

Mr. B. Venkatapatiraju : I want to know whether the concession will be confined only to Anglo-Indians or to Indians also?

Sir Godfrey Fell : I will read that portion of my reply again : (c) As soon as trained men, Anglo-Indian or Indian, can be obtained in India, it is proposed to appoint as many Foremen and Assistant Foremen as possible from amongst these men.

UNSTARRED QUESTIONS AND ANSWERS.

ADDITIONAL ESTABLISHMENT IN THE DEPARTMENT OF POSTS AND TELEGRAPHS.

68. **Mr. B. H. Jatkar :** Would the Government of India be pleased to state if it is a fact that proposals for additional establishment in the Department of Posts and Telegraphs are generally discouraged and instructions are issued to submit very, very few proposals of such kind?

Colonel Sir S. D'A. Crookshank : No instructions have been issued of the kind mentioned by the Honourable Member. In view of the financial situation the Government of India scrutinize very closely all proposals for additional establishment, but they do not discourage such proposals when the necessity for them is clearly established.

OUTTURN OF TOTAL WORK IN THE POSTAL DEPARTMENT.

69. **Mr. B. H. Jatkar :** Will the Government be pleased to state :

(a) What was the outturn of total work in 1904, 1914 and 1919 in the Postal Department?

(b) What was the clerical working strength in these years?

(c) Why was it not proportionately increased?

(d) Is the present working strength calculated on the present anticipated maximum amount of work or on the outturn of some previous period?

(e) If the work is generally increasing year after year, is this annual increasing work and expansion, of business taken into account while sanctioning the working staff for an office?

Colonel Sir S. D'A. Crookshank : (a) The information will be found in Appendices II, V (a) and VI of the Annual Report on the Post Office for 1904-05 and Appendices II, V (a) and VI of the Annual Report on the Department of Posts and Telegraphs for 1914-15 and Appendices II, IV (a) and V (a) of the Report for 1919-20.

(b) The information will be found in Appendix IX of the Report for 1904-05 and Appendix XVIII of the Reports for 1914-15 and 1919-20.

(c) The staff was augmented to meet the increase in postal business so far as the funds available for the purpose admitted.

(d) It is calculated on an estimate of the work done at present, based on the most recent statistics available.

(e) Yes, by entertaining one additional clerk for every five hours' work indicated by the statistics, the full period of duty being eight hours.

INDIANIZATION OF AGRICULTURAL SERVICES.

70. **Beohar Raghubir Sinha :** (a) Is it a fact that the last Agricultural Commission had recommended that all agricultural services in India should be Indianized?

(b) If so, what steps have the Government taken or are contemplating to take, to give effect to that recommendation?

Mr. J. Hullah : (a) The recommendation was made by the Royal Commission on the Public Services in India and not by an Agricultural Commission. It was to the effect that, provided candidates approved by the Selection Committee and complying with the conditions laid down for recruitment in Europe were forthcoming, not less than half the vacancies in the agricultural branch of the service, i.e., for the posts of Deputy Directors should be filled by Indians appointed in India. In recommending that a minimum proportion, if found competent, should be recruited the Commission expressed their opinion that the minimum should not necessarily be adhered to but that every effort should be made to discover and recruit competent men in India so as to make it possible to meet the whole of the normal requirements of the agricultural and research branches of the department within a reasonable period of time.

(b) During the past 18 months out of 81 appointments 12 or nearly 39 per cent. have been given to Indians. Excluding Burma 12 appointments out of 28 have been given to Indians, or nearly 43 per cent. I may add that the appointment of about 10 more Indians recommended for appointment to the service by the Selection Committee which set in July last, is under consideration. It is the intention of the Government to appoint Indians to 50 per cent. or more, of the posts in the Indian Agricultural Service as soon as adequate training facilities in India are provided regarding which a scheme has been submitted for the consideration of the Secretary of State.

GOVERNMENT OFFICIALS AND COMMERCIAL CONCERNS.

71. **Beohar Raghubir Sinha :** (a) Is it a fact that some high Government officials join Commercial Concerns doing business in India, on leaving service or resigning and sometimes even when holding offices directly or indirectly?

(b) If so, will the Government be pleased to consider how far and in what circumstances gentlemen occupying high financial and other offices under Government, might on retirement or resignations or while in office, directly or indirectly, engage themselves in business in which secret information as to Government policy and position might be utilized to their profit?

The Honourable Sir William Vincent: (a) Government are aware that there have been such cases when officers have left the service. Before they leave the service such acts would presumably constitute breaches of Government Servants' Conduct Rules 14 and 15 copies of which are laid on the table.

(b) The attention of the Honourable Member is invited to the Resolution of the Government of India on the subject, dated the 21st April 1920, a copy of which is laid on the table.

Government Servants' Conduct Rules.

14. A gazetted officer, whether on leave or in active service, may not, without the special sanction of the Secretary of State, take part in the promotion, registration or management of any Bank or other Company. This rule does not apply to any Government servant who, with the sanction of the Government of India, enters into the service of a Railway Company working a concession granted by the Government or to the management by a Government servant of any association established and conducted in good faith for the purpose of mutual supply and not for profit, when such management does not interfere with his public duties, or (subject to the same condition) to any Government servant who, under the general or special sanction of the local Government, takes part in the management of a co-operative society registered under Act II of 1912.

Solicitors to the Government of Calcutta, Madras or Bombay, Government pleaders, Crown Prosecutors, Diocesan Registrars and Coroners may serve as Directors of a Bank or other Company if such service does not interfere with their public duties and the interests of the Bank or Company are not opposed to those of the Government.

15. A Government servant may not, without the previous sanction of the local Government, engage in any trade or undertake any employment, other than his public duties. A Government servant may undertake occasional work of a literary or artistic character, provided that his public duties do not suffer thereby; but the Government may, in its discretion, at any time, forbid him to undertake, or require him to abandon any employment which in its opinion is undesirable.

NOTE.—The Secretaryship of a club does not constitute employment in the sense of this rule, provided that it does not occupy so much of an officer's time as to interfere with his public duties and that it is an honorary office, that is to say, that it is not remunerated by any payment in cash or any equivalent thereof other than the customary concessions of free quarters and personal exemption from messing charges only. Any officer proposing to become the Honorary Secretary of a club, should inform his immediate departmental superior who will decide, with reference to this rule and note, whether the matter should be reported for the orders of Government.

No. 1140.

GOVERNMENT OF INDIA.
HOME DEPARTMENT.

(PUBLIC.)

RESOLUTION.

Simla, dated the 21st April, 1920.

The attention of the Government of India has been drawn to a rule laid down by the Colonial Office that an Officer who has retired from the Colonial Service may not accept a directorate of a company the principal part of whose business is directly concerned with the Colony or Protectorate in which he has served, or employment in the Colony or Protectorate under such a company, without obtaining the previous approval of the Governor; and they have had under consideration the question whether it is necessary to lay down some similar rule for retired officers of the Indian services.

2. After consultation with Local Governments and careful consideration of their views, the Government of India have come to the conclusion that, while it is not necessary at the present time to lay down a definite rule, it is desirable that retired Government servants, especially gazetted officers, before accepting directorships, partnerships or agencies of, or employment by any company or firm or individual engaged in commercial business or associated with the management of land in India, should either obtain the consent of the Government of India, or if the company is managed in London, the consent of the Secretary of State. The Government of India believe that this procedure will conduce alike to the interests of the officers concerned and to those of the services generally, and are prepared to leave it to the good sense and loyalty of their officers to observe the procedure now suggested.

Order.—Ordered that a copy of this Resolution be forwarded to Local Governments and Administrations and to all Departments of the Government of India for information, and that it be published in the *Gazette of India* for general information.

H. McPHERSON,

Secretary to the Government of India.

RISE IN PRICE OF WHEAT AND OTHER FOODSTUFFS.

72. **Beohar Raghubir Sinha:** (a) Are the Government aware of the sudden rise in the price of wheat and other foodstuffs?

(b) What steps have the Government taken or are contemplating to take to bring the prices to normal rates?

Mr. J. Hullah: (a) Yes.

(b) The Honourable Member is referred to the reply which I gave on the 19th September to Question No. 312 asked by Rai Bahadur Pandit Jawahar Lal Bhargava.

MOPLAH DISTURBANCES.

73. **Mr. P. L. Misra:** Will Government be pleased to lay on the table a statement showing:

- (a) Total number of Hindus killed, converted and looted by the Moplahs;
- (b) Total number of Europeans killed, and looted;
- (c) Total number of Mohamedans killed and looted;
- (d) Value of private property looted and destroyed;
- (e) Value of public property looted and destroyed;
- (f) Total number of Moplahs killed and wounded?

The Honourable Sir William Vincent: (a), (c) and (f). It has not been found possible yet to arrive at any definite estimate. Unverified reports indicate that a number of Hindus of the civil population have been murdered; while a report, published in the papers, from a Calicut press correspondent, states that at a modest computation at least 75 Hindus have been forcibly converted by the Moplahs. Government have no information as to the number of Muhammadans, if any, who have been murdered. Rough estimates of the number of casualties among the Moplahs have appeared in the press. At Pukottur it is estimated that 400 were killed and 10 were killed recently in fighting four miles from Manjeri.

(b) So far as known, the number is 12 killed and 12 wounded.

(d) and (e). In existing circumstances it is impossible to collect even approximate particulars of the damage to property in the disturbed area. A statement is laid on the table giving such information as is available.

STATEMENT.

1. Railway Stations at Kadalandi and Parapangadi attacked and looted. Line for former cut in three places.
2. Post Offices at Parapangadi and Tanur looted.
3. Railway damaged at several places west of Shoranur.
4. Road and telegraphic communications reported interrupted by Sub-divisional Magistrates of Malapuram and Palghat.
5. Police Inspector at Waluvanad reports that two Police thanas were attacked, the records burnt and the carbines taken.
6. Manjeri treasury gutted and treasury at Waluvanad looted. (The Accountant-General estimates that the former contained 1 lakh and 30 thousand in cash and 4½ lakhs in notes and the latter, 27 thousand in cash.) The District Magistrate reported that other public offices had been destroyed and Manas and Kovilakones (i.e. houses of Nambudris and Rajas) pillaged.
7. Dacoity and looting was reported to be rife in Waluvanad, Ernad and Ponnani taluks also east of Calicut by the District Magistrate, Calicut. Line cut to Kuttitupam, perhaps beyond; bridges broken from 10th mile from Calicut.
8. Forest Officer's bungalow, Nilambur, and Range Officer's quarters and lines gutted.
9. Plundering of houses and liquor shops reported by Sub-Divisional Magistrate, Palaghat.
10. A telegram from Madras dated 30th August reported that the railway to Calicut had been temporarily repaired and that throughout the affected area Government offices had been wrecked and looted and records destroyed. Communications had been obstructed, all ordinary business was at a stand still, and famine conditions were imminent in portions of the affected area.
11. Press reports state (1) that Hindu houses at Titur were plundered, also the Trikandiyur Temple, near Tirur, and the Tanur fishery station sacked, (2) the Keralla rubber estate was attacked, the bungalows, factory and dispensary burnt and cash and property looted.
12. Office of Sub-Registrar of Mannarghat destroyed.

REDUCTION IN THE INDIAN ARMY.

74. Mr. P. L. Misra: (a) Has the attention of Government been drawn to the question put by Lieutenant-Colonel Croft in the House of Commons with regard to the reduction in the Indian Army and the following reply given thereto by the Secretary of State for India:

'No further reduction will take place beyond those already sanctioned.'

(b) Will Government be pleased to state if this is the last word on the reduction of Army in India?

(c) If the answer to (b) be in the negative, do Government propose to make further reductions, if so, to what extent?

Sir Godfrey Fell: (a) Yes.

(b) and (c). The Honourable Member is aware that the question of the Military requirements of India has been recently examined by a Committee under the presidency of His Excellency the Commander-in-Chief. The recommendations of that Committee are now under the consideration of a Sub-Committee of the Committee of Imperial Defence in England. Government are not in a position to make any pronouncement on the subject of reductions

at present. If the Honourable Member will study the replies given by the Secretary of State for India to various questions on this subject in the House of Commons, he will find that the Secretary of State has only given an undertaking that no reductions will be made in the strength mentioned in his reply to a question in the House of Commons on the 23rd February 1921 pending further examination of the question by a Sub-Committee of Imperial Defence.

MEMORIAL FROM THE SIND PENSIONERS' ASSOCIATION.

75. Mr. P. L. Misra: (a) Have the Government of India received a memorial from the Sind Pensioners' Association?

(b) If so, do Government propose to consider the grievances contained therein?

The Honourable Mr. W. M. Hailey: (a) Yes.

(b) I would refer the Honourable Member to the answer which I have given to Question No. 282 by Mr. Wali Mahomed Hussanally.

MEMORIAL FROM CLERKS IN TAHSIL OFFICES IN THE CENTRAL PROVINCES AND BERAR.

76. Mr. P. L. Misra: (a) Have the Government of India received a memorial from the clerks working in Tahsil offices in the Central Provinces and Berar?

(b) If so, will Government be pleased to state if they propose taking any action thereon?

Mr. J. Hullah: (a) Duplicates of memorials, the originals of which are understood to have been submitted through the prescribed channel, have been received by the Government of India.

(b) Not before the memorials are forwarded by the Local Government.

RECOMMENDATIONS OF THE MINISTERS AND DIRECTORS OF INDUSTRIES.

77. Mr. P. L. Misra: (a) Will Government be pleased to state if any action has been taken on the recommendations of the Ministers and Directors of Industries made at the Conference held in Simla in May last especially with reference to the following subjects:

- (i) State Scholarships to Indian students;
- (ii) Appointment of Indians as Trade Commissioners in New York and Hamburg;
- (iii) Establishment of Industrial Banks;
- (iv) Appointment of an Indian Assistant to the Trade Commissioner for East Africa;
- (v) Hydro-electric Survey?

(b) If no action has yet been taken will Government be pleased to state when they intend doing so?

The Honourable Mr. C. A. Innes: The conference of Departments of Industries referred to by the Honourable Member was informal, its main object

being to provide an opportunity for discussion between representatives of the Imperial and Provincial Departments of Industries on subjects bearing on the industrial development of the country with a view to the exchanging of ideas and information. In respect of a number of the subjects discussed no definite recommendations were made, as will be apparent from the proceedings which will shortly be published and a copy of which will be supplied to the Honourable Member.

Action has been taken by the Government of India in each case of a definite recommendation. In regard to the subjects specifically mentioned by the Honourable Member the reply is as follows :—

(i), (iii) and (v).

No action by the Government of India was recommended.

(ii) and (iv).

The question of appointing an Indian Assistant to the Trade Commissioner in East Africa was held over until the necessary supplementary grant had made by the Assembly. The question been will now be taken up. There is no present intention of appointing Indians as Trade Commissioners in New York and Hamburg, but the question of appointing Trade Commissioners in foreign countries will be considered by the Government of India.

PAPER PULP INDUSTRY IN INDIA.

78. **Mr. P. L. Misra :** (a) Has the attention of Government been drawn to an address given by Mr. W. Raitt, Cellulose expert to the Government of India, before the Royal Society of Arts in May last on the paper-pulp industry in India?

(b) If so, do Government propose to take any action on the suggestions made therein?

(c) If so, when and to what extent?

Mr. J. Hullah : (a) Yes.

(b) and (c). The Government of India have for several years devoted attention to the investigation of the suitability for pulp of the different raw products available in the forests and it is due to the efforts of the officers of the Forest Research Institute, Dehra Dun, that bamboo pulp making has been commenced in India and Burma. A special section of the Institute, under a whole-time officer, Mr. Raitt himself, has recently been formed to deal with these investigations, both in the laboratory and the field, and it is hoped that the experimental pulp and paper making plant, which has recently been obtained, will shortly be in working order.

APPOINTMENTS IN THE ACCOUNTANT-GENERAL'S OFFICE, MADRAS.

79. **Mr. M. K. Reddi Garu :** (a) Will the Government be pleased to state :

(i) if it is a fact that a number of new appointments have been created in the Accountant-General's Office, Madras,

(ii) if it is a fact that these posts have been almost filled up during the course of this year?

(b) How are the appointments made in the Accountant General's Office, Madras, (i) by nomination, or (ii) by competitive examinations, or (iii) by promotions from the lower grades?

(c) Will the Government be pleased to lay on the table a statement showing the number of appointments made this year in this office showing (i) how many Iyangers, (ii) how many Iyers, (iii) how many non-Brahmins, including Christians and Muhammadans were appointed?

The Honourable Mr. W. M. Hailey : (a) The answer to both parts is in the affirmative.

(b) and (c). Appointments to the clerical service in the Accountant General's office are ordinarily made by competitive examination. Every third vacancy is usually filled by selection from the following sources—

(i) typists,

(ii) men of special attainments likely to become useful accountants, and

(iii) from classes insufficiently represented in the office.

Appointment to the Subordinate Accounts Service is ordinarily made by promotion from among clerks who have passed the Subordinate Accounts Service examination.

The number of clerical appointments recently made, inclusive of 50 appointments sanctioned temporarily in May 1920 and February 1921, is eighty-one. Of these 3 were recruited temporarily in August 1919, 24 in May 1920, and 23 in February 1921, and the remaining 31 were recruited in August 1921 on receipt of orders of the Government of India sanctioning permanent addition to the staff. The recruitment made this year was in order of success in competitive examination.

The men recruited in May 1920 and February 1921 include :

28 Ayyars.

9 Ayyangars.

1 Rao.

8 Non-Brahmins.

2 Indian Christians.

1 Anglo-Indian.

1 Muhammadan.

Of the 31 recruited in August 1921.

18 are Ayyars.

5 „ Ayyangars.

2 „ Raos.

2 „ Non-Brahmins.

2 „ Anglo-Indians.

2 „ Indian Christians.

INDIAN ARMY CONTRACTORS AND CANTEN BOARD.

80. **Mr. J. Chaudhuri:** (a) Has the attention of the Government of India been drawn to the reports and comments that appeared in the Press in connection with the proposal of the Army Headquarters to replace in some Army Districts the present Indian Army Contractors by a Canteen Board on the line of the Navy and Army Canteen Board in England?

(b) Is the Government aware that the suggested proposal has already created a feeling of great dissatisfaction not only amongst Army Contractors but also amongst many Indian merchants who supply the army?

(c) Is it a fact that practically the majority of the Commanding Officers and Army Commanders are opposed to the suggested transfer?

(d) Will the Government be pleased to state what percentage of the Army Commanders, General Officers Commanding Brigades, and Commanding Officers, are in favour of the transfer, and what percentage opposed to it?

Sir Godfrey Fell: (a) Yes.

(b) Naturally this decision has caused dissatisfaction among some of the Army contractors who are directly affected.

(c) No.

(d) In view of the reply given to part (c), this question does not arise.

INDIAN ARMY CANTEN BOARD.

81. **Mr. J. Chaudhuri:** (a) Is it a fact that the proposed scheme of Indian Army Canteen Board is to be financed by the Government?

(b) Will these Canteen Boards be Government concerns or will they be run by private persons or firms under the patronage of Government?

(c) Has the attention of the Government been drawn to the results of the Navy and Army Canteen Board administration and the consequent loss to the British Government?

Sir Godfrey Fell: (a, No.

(b) The Army Canteen Board (India) will be organized on the same lines as have been adopted in the United Kingdom and will include men of wide commercial experience. Its operations will be financed by the Imperial

Bank of India, on a guarantee from the Government of India. Government have no reason to fear that the operations of the Board will result in loss, or that they will be called upon to make good any part of the sum guaranteed. On the contrary, it is anticipated that the Canteen Board will be financially self-supporting and will earn substantial profits which will be utilized for the benefit of the soldier as has been the case in England. It will entail no charge on public funds in peace time. The direction of policy will be vested in the hands of His Excellency the Commander-in-Chief.

(c) The Government of India are not aware that the British Government suffered any loss over the Navy and Army Canteen Board. The Expeditionary Force Canteens, to which the Navy and Army Canteen Board is the successor, made, it is understood, very large profits during the war.

ROUTE FROM MUZAFFARPORE TO SITAMARHI.

82. **Babu Baidyanath Prasad Sinha:** (a) Is the Government aware that in order to reach Sitamarhi which is a sub-Division of Muzaffarpore, from the Muzaffarpore Headquarters, one has to pass through Samastipore and Darbhanga, and spend about eight hours in the journey, though the distance is only 36 miles by District Board road?

(b) Does the Government propose to remove this inconvenience by opening a direct railway communication from Muzaffarpore to Sitamarhi at an early date?

Colonel W. D. Waghorn: (a) The reply is in the affirmative.

(b) While sympathising in the inconvenience mentioned, Government regret that, in view of the existing financial conditions, they are not at present in a position to consider the question of constructing a direct railway connection between Muzaffarpore and Sitamarhi.

CONSTRUCTION OF A BRIDGE AT MOKAMEH GHAT.

83. **Babu Baidyanath Prasad Sinha:** (a) Is it a fact that the construction of a bridge at Mokameh Ghat over the river Ganges is under contemplation?

(b) If the answer be in the affirmative, do the Government propose to consider the desirability of providing easy access to Patna, the Provincial Capital, from North Bihar by the construction of a Railway bridge somewhere between Patna and Hajipore, instead of constructing the bridge at Mokameh Ghat?

Colonel W. D. Waghorn: (a) The reply is in the affirmative. The matter is, however, in abeyance at present owing to the difficulty of finance and the prevailing high rates for material.

(b) The question of an alternative site somewhere near Patna, for a bridge over the Ganges, has already been considered, and while it is admitted

that a bridge giving easy access to the Provincial capital would be an administrative convenience, Government are of opinion that a bridge at Mokameh is the more pressing necessity in the general interests of trade and of the public.

INCREASE IN RATES AND FARES ON DIFFERENT RAILWAYS.

84. **Mr. N. C. Sircar** : Will the Government lay on the table papers showing the rate of increase in rates and fares on the different Railways; the rate of increase in working expenses on different Railways, and the rate of increase of gross income on the different Railways?

Colonel W. D. Waghorn : With reference to the first part of the question, the Honourable Member is referred to part (c) of the answer given to Mr. Narayandas Girdhardas' Question No. 345 on 20th September 1921 on the same subject.

As regards the latter portion of his question, the Honourable Member is referred to pages 70 to 76 of Vol. II. of the Administration Report on the Railways in India for 1919-20 which contains the information asked for.

RISE IN RAILWAY RATES AND FARES.

85. **Mr. N. C. Sircar** : Are the Government aware that there is a general dissatisfaction amongst all classes of people owing to the rise in Railway rates and fares and do the Government propose to reduce them to their old level in the near future?

Colonel W. D. Waghorn : In regard to increases in passenger fares the Honourable Member is referred to the reply given to Mr. Mahmood Schamnad Sahab Bahadur on 21st September 1921 on the same subject.

As regards increases in railway goods rates the Honourable Member is referred to the reply given to Mr. Bhupatiraju Venkatapattiraju on 10th idem on the same subject.

Government regret they can see no prospect of reducing railway rates and fares to their old level.

STAFF SELECTION BOARD'S EXAMINATION.

86. **Mr. N. C. Sircar** : (a) Will the Government be pleased to state :

- (i) How many Indian graduates sat for the Staff Selection Board's examination to qualify them for employment in the Upper Division of the Government of India Offices?
- (ii) How many of them could not qualify for such appointments?
- (iii) How many of them have been declared fit for the Lower Division only?
- (iv) How many of them have accepted appointments in the Lower Division?

(v) Is it a fact that candidates for Upper Division were asked the following question during the *viva voce* examination?

"Are you willing to accept an appointment in the Lower Division if no appointment in the Upper Division can be offered?"

(vi) Is it a fact that these candidates were informed that :

"Acceptance of a Lower Division post would give them no claim to appointment in the Upper Division, though they would not be absolutely debarred from such appointment, until they attain the age of 35"?

(vii) If so, what was exactly meant by the last part of the sentence?

(b) Do the Government propose to reconsider the cases of these graduates and appoint them in the Upper Division of their respective offices as soon as possible?

The Honourable Sir William Vincent : (a)

(i) 781.

(ii) 640.

(iii) 32.

(iv) 25.

(v) Yes.

(vi) Yes, substituting the word promotion for appointment and the age 30 instead of 35 in the 3rd and 4th lines respectively of the question.

(vii) The meaning is perfectly clear and for further explanation, if necessary, the Honourable Member is referred to paragraph 26 of the Home Department Resolution No. 2343 of the 30th August 1920, of which I will give the Honourable Member a copy if he wishes.

(b) The Government would be unable to meet the suggestion without creating a number of unnecessary clerkships in the Upper Division, to which, perhaps, the Honourable Member would be the first to object during the present financial stringency. Moreover, there were graduates already serving in the Lower Division of the Government of India Secretariat who have passed the Board's examination for promotion and their claims are superior to those of the new entrants.

COUNCIL SECRETARIES.

87. **Mr. Sambanda Mudaliar** : Will Government be pleased to state whether they propose to appoint or have any intention of appointing Council Secretaries under Section 43-A. of the Government of India Act?

The Honourable Sir William Vincent : The Honourable Member is referred to the reply given by me to a similar question asked by Dr. H. S. Gour on the 5th September 1921.

HOUSE ALLOWANCE FOR HIGH COURT JUDGES OF MADRAS.

88. **Mr. Samband Mudaliar** : Will Government be pleased to state if it is a fact that the Government of Madras have submitted proposals to this Government for grant of Rs. 500 for the Honourable Judges of the High Court of Madras as house allowance? If so, whether the said proposal was sanctioned?

The Honourable Sir William Vincent : The Government of Madras forwarded proposals of the Madras High Court to this effect, and they are being referred to the Secretary of State, in whom the power is invested by section 104 (1) of the Government of India Act of fixing the allowances of High Court Judges.

ELECTION OF THE DEPUTY PRESIDENT.

Mr. President : I have received the assent of His Excellency the Governor General to the election of Sir Jamssetjee Jejeebhoy to the office of Deputy President of the Assembly.

Mr. Deputy President, you have now accepted the office to which you have been elected; and I welcome you as you enter upon its duties. I am sure that the Assembly will give you the same support and co-operation which it has been my great privilege to enjoy. Let me assure you that personally, I look forward with pleasure to collaboration with you. The Assembly knows that the high traditions which it has already established and of which it is justly proud, will be safe in your hands.

Sir Jamssetjee Jejeebhoy : Mr. President, I thank you for the words of welcome that you have been good enough to address me, and as I mentioned when returning thanks on the day of my election, while I esteem it a privilege to enjoy the confidence of my Honourable colleagues I realise the heavy responsibility that this privilege and the onerous duties of the Deputy President carry with them. I take comfort, however, in the idea that in the performance of my duty, I can always count upon the cordial co-operation and support of my Honourable colleagues in this Assembly. I feel, Sir, I can not conclude my remarks without referring to one subject. It would be hypocritical on my part to say that I feel anything but satisfaction at my election, but I will make bold to address a few words to my Honourable friend, Dr. Gour. To him, Sir, I would like to extend my right hand of good fellowship. To a man of his capacity, calibre, and great intellectual and legal attainments, surely the avenue to further success in public life is not closed for ever by this event. Why, Sir, there is hardly any one in this House but feels that in the fulness of time, the Honourable Member from the Central Provinces will be called upon to grace the front Government bench, whose policy at present he very often so ably criticises and sometimes no less ably supports. With these few remarks I beg to resume my seat, confident that the appeal for support and co-operation which I have made to the Honourable Members in general and my Honourable friend in particular will not be made in vain. I know that he will be as ready to support me in the position to which fate has called me as I should have been ready to support him if the positions had been reversed.

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Remember that on the success of this great adventure depends the future of Swaraj to which we, Hindus, Mussulmans, Christians and Parsees wish to attain under the aegis of the great British Empire.

Sir, I thank you and the Honourable Members once again.

Dr. H. S. Gour : Sir, I rose to congratulate my friend, the newly elected Deputy President, but he has anticipated me. Though late, I do not swerve one whit in my enthusiasm to congratulate him upon his newly conferred honour of Deputy President, and he may rest assured that he will receive the unstinted support from all parts of this House in the discharge of his duties. He may also be sure that he will receive not only the co-operation of the Members of this House, but continuous support and encouragement in the due discharge of his office.

Sir, after the dust and din of strife when the battle is lost and won, no one feels more than I do that my friend is pre-eminently qualified to discharge the duties of the office to which he has been elected, and if he has any lingering doubts in his mind (*A voice* : No), even if he had, I assure him that they must now from this moment disappear, and we shall look upon him as our Deputy President and look up to him for advice and guidance in the discharge of our duties.

RESOLUTION *RE*: NON-RECOGNITION, BY THE GENERAL MEDICAL COUNCIL OF MEDICAL DIPLOMAS OF INDIAN UNIVERSITIES.

Rao Bahadar C. S. Subrahmanayam : Sir, the Resolution standing in my name runs as follows :

*This Assembly recommends to the Governor General in Council :

- (a) that with reference to the letter of the 9th March 1921, from the General Council of Medical Education and Registration of the United Kingdom to the Secretary of State for India on the subject of the recognition of medical diplomas of the Indian Universities, the various Local Governments be advised to make more satisfactory arrangements for giving practical training in midwifery to students undergoing instruction for medical degrees and diplomas in their Provinces ;
- (b) that in the event of the General Medical Council carrying out their threat to withhold recognition to the medical degrees and diplomas of the Indian Universities, the Secretary of State for India be moved to stop recruiting in England for the Indian Medical Service and order recruitment exclusively from India, or at any rate, to prescribe the possession of a medical degree or a diploma of any Indian University hitherto recognized by the General Medical Council, as an alternative qualification for admission to the competitive examination for entrance into the Indian Medical Service.

This Resolution, Sir, is one of great importance, not only to the large number of students that seek to enter the medical profession, but also to the entire population of this country.

I would just ask Honourable Members to glance at the Resolution which I am moving and they will see that the question which is involved is, as I said, of considerable importance.

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Now, in 1896, the General Medical Council in England considered that the teaching of and training in midwifery in the institutions in the United Kingdom was not brought up to that standard of efficiency which they considered necessary, and it was in 1896 that the eminent medical men which compose that body, considered that their own institutions, which were authorised to train and issue certificates to medical men, who, by virtue of those certificates became recognised by the General Medical Council, were not as efficient as they wished them to be. Those medical men then got to work and called the attention of medical institutions in the United Kingdom to that inefficiency and called upon them to improve their courses of study and training in midwifery.

Now, that is the first point, at any rate, to start on in this discussion, and I would ask my Honourable friends to remember the events in their sequence in considering these questions because it is very necessary that the dates and sequence of these events should be kept in mind in order to take an impartial view of the matter.

Now from 1896 we pass on to 1905, or roughly, to a period of 10 years. These 10 years were, I think, given to those institutions to improve their curriculum and to bring about the necessary changes in their methods of teaching and to bring their appliances and equipment, etc., up to date. In 1905 and 1906, the improvements that were made, or were not made, were taken stock of, that is to say, that the conditions under which those institutions worked at the time were gone into and considered. When they considered the situation, they found that it was unsatisfactory and did not come up to the standard that had been urged. I will deal in general terms with the question for the simple reason that this Assembly is not composed of medical men, competent to consider the details of the instruction nor of the different views which medical men have taken in regard to this matter. We have already considered the general aspect of the question, the trend of the discussion and the trend of the criticism together with the conclusion and final decision which has been arrived at. Now in 1905 and 1906 in prescribing the course of training in midwifery, the British Medical Council laid down certain instructions which I will not take you over. Only one point has now become the point at issue and that is in regard to the conditions which it was found difficult to fulfil, and those are the conditions on which the whole of the discussion of this question turns. The condition I refer to is this :

'Every student should be required to present a certificate bearing that he has conducted 20 cases of labour under official medical supervision subject to the following conditions' and so on.

Now that condition was notified to all the institutions in the United Kingdom licensed to issue diplomas, by virtue of which the holders of those diplomas were entitled to registration by the General Medical Council. Now, mark you, during this epoch, this condition was not communicated to the institutions in India which were even then entitled to be recognised by the British Medical Council. In regard to this condition of conducting 20 labour cases, it was recognised and there was a general consensus of opinion that it would

not be possible to provide each student in each of the institutions with 20 labour cases, which meant to say that a sufficiently large number of patients must be found who would be willing to be treated by these students. The difficulty is a primary one, and while it would not be difficult with a large sum of money to equip an institution with appliances, etc., it would be very difficult to find those 20 cases, and that is the crux of the whole matter.

In regard to the decision to which I have referred, it was a decision come to at a meeting of the Medical Council where 31 members were in attendance, and out of those 31 members, 16 plumped straight for the condition, 11 were against it and 4 were neutral, and Honourable Members will know what it means when members taking part in a discussion remain neutral, it means that they are for no change. So it will be seen that the condition laid down in regard to the students conducting 20 labour cases is not a condition which received the unanimous assent of the meeting—it was really an even number, and that condition which had been enforced by the Council did not find very much support, and a nong those who did not support it were eminent medical men in their profession.

Mr. Morris, one of the gentlemen who took part in that matter, said it would throw difficulties in the way of London students owing to the lack of opportunities they would experience in obtaining the midwifery cases. Sir Charles Ball said, it would be impossible for every student to get cases. He could not therefore see how the recommendation could be carried out. Sir Thomas Fraser of Edinburgh thought the number of cases was fixed much too high. The same purpose would be served by 8 or 10 cases. Dr. Saundby said, it is not fair to pass a Resolution of this sort with the knowledge that a great many teaching bodies could not carry out its provisions.

Doctor Little considered that the Council should only expect what was reasonable and what could be done at medical schools. Dr. Walker declared that as a teacher he did not believe that it was necessary for each student to have twenty cases. If he had resided in a maternity hospital for one month, he would know a great deal more about midwifery at the end of the time than if he had conducted 100 cases on his own responsibility.

Now, these are some of the opinions of eminent men in 1906-07. The discussion went on and there was a good deal of adverse comment both as to its intrinsic value and also as to the practicability of enforcing that condition in the professional circles. Well, we will leave it there. Then we find after another decade, a little later, in 1919, this question was raised and a circular issued to all the licensed institutions in the United Kingdom. I will shortly read the letter to the Secretary of State in regard to these institutions in India. A series of questions were addressed to the Universities in India—a set of interrogatories and they sent up their replies. Now, of the Universities in India, it can at once be said that Calcutta, Bombay and Madras fairly come up to the standard required by the General Medical Council. For, the Assembly must remember that the medical institutions of our Universities were started, improved and brought up to their present state of efficiency, not by Indian but by European doctors, who had received their training in England and who were part and parcel of this Service—the Indian Medical Service—and who are eminent in their line and who have commanded from time to time respect in scientific circles not only in India but elsewhere. Any attack upon

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the efficiency of these institutions would be practically an attack upon the efficiency of the Indian Medical Service who were the persons who controlled and managed these institutions. And, therefore, all at once, now, after so many years, to wake up in 1920 and say that the Universities in India are not sufficiently up-to-date in the standard they require and the teaching and training they provide for medical students requires a somewhat closer examination because it is not an unfair position for us to take that there is something underlying this criticism beyond the mere allegation of lack of efficiency. Well, it is admitted by all those who have written or spoken on the subject that Madras takes the first place, that in providing the requisite number of labour cases and also in its efficiency and up-to-date arrangements in the hospitals and in the college. Well, I say that with diffidence as I come from Madras, but it is a fact that I think has received the unanimous support of all who know. Calcutta and Bombay are equally good. There is all that is necessary there to bring up the institutions in Calcutta and Bombay to the requisite standard, while the Allahabad and the Punjab standard is on a slightly different footing. The provision of labour cases is a matter which depends upon the willingness of the women of the Province. While Madras has less restrictions of gosha, Calcutta and Bombay are not quite so free as Madras. The Punjab and Allahabad are I suppose very much restricted. The system of gosha is worse and restricted in greater measure in these two Provinces. That may account for the paucity of the number of labour cases.

Well, the circular letter referred to in the Resolution and now under discussion that was addressed in regard to the Indian institutions is worth reading. At this stage it would be appropriate for me to read the letter—the text of the letter addressed to the Indian Universities:

'9th March 1921. The executive committee (i.e., of the General Medical Council) is not satisfied that the Indian diplomas under existing conditions furnish a sufficient guarantee of the possession of the requisite knowledge and skill for the efficient practice of midwifery within the meaning of section..... and so on.' 'Unless evidence is received by the executive committee before February 22nd that their requisite arrangements and requirements with regard to midwifery have been brought into satisfactory accordance with the Council's Resolution with reference to professional education, the recognition hitherto accorded to their respective diplomas will forthwith thereafter terminate.'

The letter to the British Universities and institutions, I shall now read:

'A communication be sent to the Ministry of Health (probably the authority that has control of medical institutions such as, I suppose, the Education Department here or the Secretary of State there) begging that steps may be taken for the utilisation of poor law institutions for clinical instruction...' And then 'The attention of Universities is again called to the recommendations of 1906 in the hope that when the present difficulties in training are alleviated, they may be able to carry out their recommendations in their entirety and that the present conditions of training which in many cases cannot be approved may be rendered sufficient and such as the Council will be able to regard as satisfactory.'

I hope Honourable Members have followed me when I read the letter to the Indian Universities and this letter. The difference in tone adopted by the General Medical Council in regard to the letters addressed to the Indian Universities, and the British institutions, not all of them Universities, is marked, and is in a sense inappropriate, and I may add insulting to this country. This letter is in the form of an ultimatum. When the British institutions in the United Kingdom are approached with the hope

that in the present difficult conditions means may be found to put their house in order, we are told that if we do not do it within a certain period, we shall be turned out. The question is whether this country should put up with a demand like this. Are we so helpless in the matter of medical knowledge that we should put up with such a demand? I consider that every self-respecting Member of this Assembly, who represents the country, and who has the self-respect and the good of the people of the country at heart, will say decidedly, no. I can well understand that if the training in the Indian Universities, at any rate in the three presidency Universities, lacked in efficiency, and was not under proper management, and a body of experts came and told us that we were not doing things in a proper way in this scientific matter and that we ought not to do things in a perfunctory manner, then I should have bowed my head and said: 'I accept your advice; I stand corrected.' But when every authority who has spoken about these Universities has said that the teaching is efficient and the provision of appliances and equipment is as good as that provided in the United Kingdom, then to hurl this ukase at our face, I think, is a little improper. I am well aware that the British General Medical Council consists of eminent men and ordinarily and generally they are actuated in their recommendations by the sole desire of advancing and improving the standard of qualifications required from men who go out with their imprimatur. That I recognise, and I also recognise that under ordinary circumstances they are not likely to give a wrong verdict. But I cannot understand and I have not been able to gather any very good reasons for their taking this attitude in regard to us when at the same time, in the same month, their attitude, their way of expressing their views towards the institutions in the United Kingdom was quite different. In regard to the institutions in the United Kingdom, you find that excepting the Universities of Cambridge and Oxford, the other institutions which are licensing bodies in England, Scotland and Ireland, fall far below the standard enforced and required in the Indian Universities. I do not want to take the Assembly through the detailed figures relating to each of the institutions in the United Kingdom. I make that general statement and I stand by it, and if any Honourable Member, who is going to question my statement, is able to furnish facts which would destroy my position, I would gladly accept it. But I do not think it possible. I make that statement, and you make it as true and correct.

Now, with regard to labour cases, there also some difficulty arises. The dislike to be treated by males is not a feature peculiar to this country. Even in the United Kingdom doctors deplore the unwillingness of women to be treated by male doctors. There may be some difference in degree, but the fact is there as it is here. When the notification of 1920, that is, the one prior to this ultimatum, containing the interrogatories was sent out to India, a circular was addressed to the Indian Universities calling for replies to a number of questions. The Calcutta University considered this matter and at once altered its regulations and arranged to make the necessary improvements in its teaching and training arrangements for midwifery and they wrote to the General Medical Council what they had done. The terms in which their reply was couched, as it is usual always in Indian Universities, was marked with considerable humility and was in an apologetic tone for existing and non-existing defects in their system. One sentence which they used in that letter runs as follows:

'The Authorities of this University fully realize the importance of practical training in the subject of Midwifery, but we would with all respect point out to the President of the

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General Medical Council that while every endeavour is made to improve the practical training of our students in this important subject, and while we feel convinced that in many ways their practical demonstrations and opportunity of clinical study are better in the Eden Hospital than in many centres at Home, it must be remembered that the women of these Eastern Countries—that is their error—have from time immemorial been averse to examination and attendance by male doctors except under exceptional circumstances.

But I find that this last position, averse to examination and attendance by male doctors except under exceptional circumstances, is a besetting sin of the women of the United Kingdom as well. It is not a sin of which our sisters in this country alone are guilty. But this last apologetic clause was taken possession of by the Medical Council and they have founded an argument on it against us. Well, the position is certainly this. Twenty labour cases are the conditions imposed. The majority of institutions in the United Kingdom cannot come up to that standard. Three Universities in this country can come up to that standard. The Universities of Allahabad and the Punjab will endeavour their best to come up to that standard. While these are the acknowledged, undoubted facts, is it fair for the General Medical Council to send us this ultimatum?

There is something beneath this. That is from the year 1913—I am passing on to another aspect of the matter—when the Public Services Commission sat and when the question of recruitment of Indians in larger numbers to the Medical Services was considered, an opinion was advanced that the training in India which the Indian medical students received was not quite up to the required standard; but it was not an emphatic position taken up, but it was the first note that was struck. Then while they put it forward in general terms, the teaching of midwifery was not the prominent thing that was mentioned. At the same time, the other question which has always remained with us yet unsolved, the question of simultaneous examination for some of the higher services, a question which I do not know when it will be solved to our satisfaction,—that question also came up for discussion. When that was put forward, naturally there was a great deal of opposition from the British element in the services. The objections to that system are based upon certain grounds which are common not only to the medical services, but also to all the higher services. One of them was that Indians who enter these appointments which have been held by the British till now ought to so metamorphose themselves as to be indistinguishable in all, I presume, in all those artificial and outward symbols, from the European; that is there should be such an assimilation between the Indian element and the European that it should not be very easy to distinguish one from the other. That position has been taken up for a good many years. The validity of that requirement is, I consider, open to great question. Where is the necessity for men serving in India, dealing with Indians, to acquire that outside veneer, if I may say so? You cannot change the nature of a man? You might change his accoutrements, but you cannot change his colour, and where is the necessity for it? It might have been at one time considered necessary, but the opinion among Indians and the better opinion among Europeans, I consider, does not support that requirement. You may, as a matter of taste, as a matter of pleasure, change your ways. But is it necessary where natural talent, assiduity, and industry are the requisites for the services, is this outside change necessary? That was one objection that was put forward then.

Mr. President: Order, order. I have already granted the Honourable Member an extension of time. I hope he will see his way to bring his argument to a close.

Rao Bahadur C. S. Subrahmanayam: Another point that was put forward then was that they get a training in reliability, truthfulness, sense of duty and other things. It went on till the Medical Services Committee sat in this country. Then the question was taken up and in general terms it was stated that there was not sufficient clinical material in this country. But Lieutenant-Colonel Smith in the Punjab pointed out that there was any amount of clinical material in this country, enough and to spare. Lieutenant-Colonel Rodgers' objection was that the families of Europeans would be put to great difficulties if they could not get European medical aid. That is an argument which has been dealt with, and the Indian Medical Service cannot be so recruited as to enable every European in every centre, in every town in this country, to have an European to attend to his requirements.

Now, the point before the Assembly is this. Is this requirement of the General Medical Council one which we ought to allow to go unchallenged and ought we not to call upon the Government to take steps to call upon the Medical Council to withdraw it, or to take us along with the British institutions at Home? If the British institutions at Home who do not come up to the standard are deprived of the privilege of issuing licenses, after that is done, I should not be sorry, I should not object if our institutions here are deprived of the privilege.

One word more and I shall conclude. This subject is a medical subject and there is no Indian who is a medical man, who in this Assembly can take up the subject, and put forward the case of the Medical Service. This Resolution which I have moved is a Resolution which under ordinary circumstances should have been moved by Sir P. S. Sivaswamy Aiyer who had been approached by all the medical men and by those interested in this question to put this subject before the Assembly. But the question of ballot is a case of fortune favouring the few. I put forward this Resolution in terms identical with that of Sir Sivaswamy Aiyer, and I see Dr. Nand Lal had also a similar Resolution. Fortune, it so happened, favoured me in the ballot. While I am ready to accept the proverb relating to the favouring of fortune I do not include my learned friend, Dr. Nand Lal, in that category. Luckily for me he could not move it yesterday, and to-day I have placed before you a skeleton of the case, and I hope the strength of the case which I have urged will enable this Assembly to accept the Resolution. I hope, in the course of the debate, Sir Sivaswamy Aiyer will have an opportunity of giving us his well-considered views on the matter.

Mr. President: I have received notice of three amendments and in this case they all raise issues which are closely connected, with one another and I propose to read to the Assembly the Resolution as it would be, if amended, by all three. In ordinary cases I do not allow two or three amendments to be taken up simultaneously, but in this case they all run together.

The first is in the name of Rai Sahib Lakshmi Narayan Lal:

‘That to clause (a) after the word ‘Provinces’ the following be added: ‘and bring the same to the standard of the Universities in the United Kingdom where they are not already so.’

[The President.]

The second amendment standing in the name of Dr. Nand Lal is :

'To add after the word 'Provinces' the following words 'and that the Secretary of State for India be asked to influence the British Medical Council to reconsider their decision that unless effective steps were taken to meet the wishes of the British Medical Council by February 1922, the Medical degrees of the Indian Universities will cease to be accepted for registration purposes.'

I think in order to make the Resolution read more easily it would perhaps be advisable for the Honourable Member to move that as a new clause—clause (b).

Thereafter Dr. Gour proposes to amend clause (b) as it stands in the Resolution, that is, to omit the words 'that in' at the beginning of clause (b) down to the word 'Universities' in line 3 and to substitute for those words 'that in the event of the General Medical Council refusing to allow a period of three years to enable the Indian students to equip themselves to meet these requirements, the Secretary of State be moved' and so on as in the words standing in the present Resolution.

Rai Sahib Lakshmi Narayan Lal : Sir, the amendment which stands in my name is as follows :

'That to clause (a) after the word 'Provinces' the following be added : 'and bring the same to the standard of the Universities in the United Kingdom where they are not already so.'

Sir, the General Council of Medical Education and Registration in the United Kingdom have recently passed a Resolution that unless Indian Universities improve the teaching of midwifery before March 1922, their medical diplomas will cease to be recognised in the United Kingdom and that the Indian medical graduates shall not be allowed to appear for the Indian Medical Service examination or to qualify themselves for fellowship or membership of the Royal College of Surgeons and Physicians unless and until they pass an examination from any medical institution of the United Kingdom. So in order to pass this examination the Indian Medical graduates shall have to stay for some six years in Great Britain for studying practically the same course which they have probably already completed in the Indian Universities inasmuch as the teaching of midwifery in some of the medical institutions of the Indian University are already virtually of the same standard as in the case of the medical institutions of the Universities of the United Kingdom. This study of six years will therefore clearly mean a waste of time, money and energy and taking the age limit and poverty of the country into consideration, the aforesaid Resolution of the General Council has evidently the effect of depriving the poor Indians of even the few fruits that have been provided for them by the Government of India Act, thereby embarrassing the success of the Reforms. The said Resolution of the General Council is entirely inequitable and the Government of India should take every step to counteract the same. At the same time it is useful and necessary to improve the teaching of midwifery in the medical institutions of the Indian Universities and to bring the same to the standard of the Universities in the United Kingdom where they are not already so, as soon as possible. I therefore commend this amendment to the consideration of this House. The amendment does not anyhow modify the utility of the original Resolution but rather makes the same more suitable to the circumstances which have necessitated the original Resolution and I trust the Honourable Mover will accept my amendment,

Dr. Nand Lal : Sir, it may be submitted at once that I am not prepared to inflict a very long speech because I have to play second fiddle. Unfortunately my Resolution was not reached yesterday and the points, which ought to have been brought to the notice of this Assembly, have already been brought to their notice, and, therefore, I do not propose to repeat them. However, I shall make reference to those points and those circumstances which have not been alluded to. Now to begin with my speech. I may submit that I propose the amendment, now before the House for some reasons the Resolution has not been read out, though the Honourable Mover suggested that we may read it for ourselves. However, I shall take that duty upon myself and I shall read it for him. The first portion is 'that with reference to the letter of the 9th March'

Mr. President : I must remind the Honourable Member that he has only a quarter of an hour to himself.

Dr. Nand Lal : To my mind the wording of the Resolution is not very intelligible. Therefore I am forced to propose the amendment which has been alluded to by the Honourable the President. It may be said to the credit of our Government of India that some time back they realised that the sanitation of India could be better looked after and carried out by Indians. With a view to give practical shape to this noble resolve on their part, they determined that Indians should be given greater share in that department. I mean to say the Sanitary Department.

Lieut.-Colonel H. A. J. Gidney : I rise on a point of order. Are we discussing the Sanitary Department ?

Dr. Nand Lal : When this was resolved by the Indian Government, it anyhow reached the ears of the Medical Association in England. They could not take it as palatable, because they thought that this service most probably will be monopolised by the Indians. Consequently, they, as I am told, made a representation that the scheme, which was proposed by the Government of India, may not be appreciated. Anyhow the Secretary of State did not accept and did not countenance the views and contentions which were put forward in their representation. As you know, there are two eminent Associations in England, I mean to say (1) Medical Association and (2) the British Medical Council, or you may call it the General Medical Council. Since the Medical Association feared that their object might be frustrated, naturally some of them approached and influenced the members of the General Medical Council, and the General Medical Council was prepared to sympathise with them. Therefore, they practically, as I think and am obliged to say, wanted to retort and wanted to try that Indians may not be given so much share in the sanitary department as it was proposed for them. Allow me to submit that this, as I am told, seems to be one of the causes that led to the General Medical Council issuing a letter. The date of the letter has already been given by the Honourable Mover. That letter was issued to the Indian Universities which were affiliated to the Universities in England. That letter is dated perhaps 9th March 1921. The answers were submitted through the Government of India, and the final reply which was sent to India has been read out to this Honourable Assembly. The substance of which in brief is that Indian Universities should take steps to see that the level of efficiency may be maintained at once, that is by the 22nd February 1921! So short a period was allotted for that. I am not prepared to say what the real motive was, but ostensibly the motive of the General

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Medical Council, I say this subject to correction, seems to be that we Indians may be deprived of the share which had been proposed for us. Now our difficulties, as you know, are that the Indians, in some cases, are bound by customs. Both Hindus and Muhammadans, fortunately or unfortunately, very faithfully adhere to their customs, and we also some times respect them (customs). It is impossible to believe that any Muhammadan or any respectable Hindu would like that these labour cases may be conducted by male doctors. Time may come, after the lapse of some years, when we may think very lightly of these customs, but for the present, as the circumstances exist, specially in the Punjab, we do not feel inclined to break those customs. At this juncture I have to submit that the proposal set forth by the General Medical Council will be appreciated, and that proposition has been couched very ably by the Honourable Mover in clause (a) of his Resolution. Certainly we shall make a request to the Government of India that the Local Governments may be asked that suitable measures may be adopted, and effective steps may be taken, so that the wishes and the desires which have been conveyed to us by the General Medical Council may be appreciated practically. But as the period and the time, which is allotted to us for bringing ourselves up to that efficiency, is very short, my submission is this, that the Government of India may address the Secretary of State in the terms which have been proposed by my humble self and couched in my amendment. Naturally the question arises, was there any expediency or necessity for the General Medical Council to come down upon us so hurriedly? I may submit at once, not at all. We have been enjoying the privilege of registration for about the last 30 years. The members of the General Medical Council are eminent doctors who have been to India and have acquired great experience, and I can say without exaggeration that some of them are equipped with the knowledge that we Indians have got certain peculiar customs which we are not prepared to give up at once. Knowing this, they have sent this threatening,—I may be excused for saying threatening,—letter. Further I may be excused for saying that we Indians take it (letter) as an ultimatum. These are our difficulties, which difficulties will stand as a good plea for us that we may be given greater time. Therefore, it is established that there was no expediency, no pressing need, for the General Medical Council to trouble us so much and give us this very hard hit.

Now taking the merits of the suggestion which is couched in the letter of the General Medical Council, did we ever cry that the Indian Medical Service men, I mean to say those who passed the Indian Medical Service competitive examination, had no knowledge of tropical diseases? Did we say, like that on any occasion, seriously? We did not, because we know that certain diseases are only the children of certain climatic circumstances, as for instance eye diseases in India. We have got, in India, malaria, but it does not exist with that force in England. To English gentlemen, who passed the competitive examination in England and joined the Indian Medical Service in India, we never said, 'You are not capable, you are not fit, to handle these cases?' Similarly, our circumstances, our customs, our habits do not easily allow us to find so many in our labour cases in the Punjab. Why should they raise this point? Therefore, my point is this, that this contention which has been raised by the General Medical Council is a mistake. In reality, it may be actuated by noble intentions, but ostensibly we think that there is a political

element in it. As you know, Sir, certain countries and again certain colleges are specially meant for practical training in the domain of medicine, as for instance a very famous school in Ireland. There are some very good medical colleges in London, and so on and so on. If a medical student or graduate in medicine wishes to get himself trained practically in a specific land, he ought to go to that school. Therefore on this ground also the General Medical Council has got no case to press this suggestion on us, that we may try to achieve this efficiency or the required efficiency within a few months.

Sir, allow me to repeat on this ground too, the General Medical Council has got no case to press this suggestion, namely, that we should try to achieve this efficiency or required efficiency within a few months. The General Medical Council desires that we may build Rome in one day. It is impossible. Therefore, I repeat the same submission that a greater period ought to have been allowed to us. We do not say that we are not prepared to get ourselves trained. We Indians are able to do anything which is good. Suggest any examination, and we will appear in it and pass it, but give us time. Though our customs, our ancient habits, stand in our way, yet, so far as academic studies are concerned, so far as the passing of examinations is concerned, we are quite prepared to say 'All right, we shall appear and pass,' if there were no physical difficulty. Hence I feel bound to repeat my submission that the Government of India will be pleased to address the Secretary of State and ask him to write to the General Medical Council to reconsider their decision.

With these few remarks, I propose this amendment and I hope the whole Assembly will give its unanimous support to it. It is a very modest amendment. I am not in a threatening mood. I do not like that any threat may be given for the present, because my impression is this, that the General Medical Council is manned by doctors of great eminence and I think they are amenable to reason. This just cause of ours will appeal to these men and I am sure they will withdraw their proposal. And, consequently, I have put my amendment in a modest way. With these few remarks, I submit, that this amendment should be accepted unanimously.

Dr. H. S. Gour: Sir, the short question which has aroused this controversy may be thus stated. The General Medical Council is a statutory body created by an Act of Parliament. It has general supervision over medical education throughout the British Empire. One of the conditions for entry into the Indian Medical Service is that all candidates appearing for the examination of the Indian Medical Service should be registered by the British Medical Council as qualified practitioners in the United Kingdom. Now, this has been a qualification which has stood on the regulations of the Indian Medical Service for a very long time past. No objection was taken by the Medical Council to the registration of Indian Medical graduates in the United Kingdom, and this opened before them an avenue for entry into the Indian Medical Service. As Honourable Members are aware, within the last two or three years, an agitation has been set on foot that the Indian Medical Service has become the monopoly of Englishmen and that Indians in larger numbers should be admitted into that Service. The demand which the British Medical Council have made upon the Indian Universities in the peremptory terms which are contained in the first paragraph of their letter, to which the Honourable Mover of this Resolution has referred, curiously synchronises with this agitation on the part of Indians, and the agitation in this country by way of protest against the conduct and the tone of the British Medical Council is

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due to the fact that there is a suspicion in the minds of the people of this country that the British Medical Council is trying now to enforce an old order which remained in abeyance for the purpose of excluding Indian candidates from entry into the Indian Medical Service. This, Sir, is the gravamen of the accusation made by the people of this country, and it is for this House now to consider two questions. First, the demand which the British Medical Council have sprung upon this country, which is an ultimatum, that if the Universities in this country do not place themselves on a footing which they require, they will be disaffiliated from the commencement of February next. That is the first question, and the second question is a question of equal importance, whether the British Medical Council were entitled to give to the people of this country an ultimatum without any previous warning, communication or request addressed to the responsible authorities, such as the Government of India. The Honourable Member in charge of the Indian Medical Service will no doubt enlighten us if this ultimatum, which the British Medical Council have given to the Indian Universities, receives the concurrence of the Government of India and whether there was any correspondence on the subject; and I hope the Honourable Member in charge of this portfolio will enlighten this House as to what previous steps were taken by the British Medical Council to enforce their regulation from the date when it was first promulgated, somewhere in 1907, and why is it that this long dormant Resolution of the British Medical Council was suddenly put in force with a curt and none too courteous request that if within the short period of six or eight months the Indian Universities did not suitably equip themselves, their affiliation should be withdrawn with the necessary consequence that with the disaffiliation of the Indian Universities, will follow this disqualification of all Indian Medical graduates from their candidature for the Indian Medical Service. It has been said and said in the latter end of the reference, that a number of Indian medical practitioners go and practise in England without adequate qualifications in midwifery. Now, I ask the Honourable Member, who, I believe, will respond to this debate, to inform this House how many medical men of Indian nationality go and settle down in England to practise midwifery in that country.

And how far is this complaint contained and promulgated in the Resolution under reference by the British Medical Council borne out by the facts? Now, Sir, I discern a little contradiction in the Honourable Mover's Resolution. In the first paragraph he tells us that the Indian Universities must suitably equip themselves, and in the second paragraph he recommends to the Government of India that the Secretary of State should take the drastic step which this House would commend to the Government of India. Now, Sir, let me recapitulate the real facts of the case. The British Medical Council require that every person—and under the British Medical Act, all persons who qualify in Medicine must also qualify in Gynaecology, and the one test which the British Medical Council have laid down for their technical qualification in Gynaecology is that students must have attended 20 labour cases. The Honourable Mover tells us that except the great British Universities of Cambridge and Oxford, the other Universities in the United Kingdom do not conform to this Regulation.

Rao Bahadur C. S. Subrahmanayam: It is impossible for them to conform to it.

Dr. H. S. Gour: Well, if they do not conform. I presume it is because it is impossible to conform. The Honourable Mover has further told you that this Regulation was passed by the bare majority of one. I shall, for the purpose of my present argument, assume that whether it was passed by the majority of one or unanimously, it is a good and salutary regulation. Now, Sir, I ask the Honourable Member in charge of this Department to tell us whether the British Medical Council enforce this regulation with impartiality not only in respect of Indian students but also in respect of the alumni of those British Universities to which reference has been made by the Honourable Member and which have not conformed thereto. Is it a fact that with the exception of the Universities of Cambridge and Oxford, medical graduates of the other Universities in the United Kingdom are refused registration by reason of the fact that they have not attended 20 labour cases. If that is so, I think we have no grievance. If that is not so, our grievance is accentuated, and we feel that the British Medical Council have placed this country in a position of exceptional disability which is only consistent with the suspicion widely prevalent in this country that the British Medical Council are trying to stop the entry of the Indians into the Indian Medical Service by closing the door—the only door through which they can get admission into the examination hall.

Another question and a very important question, with which I am not familiar and on which before we vote we await the reply of the Honourable Member, is this: If the Regulation was passed in 1907, how is it that from 1907 down to 1919—that is, for a period of 12 years—it was not put in force; and what immediate circumstances have induced the British Medical Council to put it into force with the peremptoriness of which the Resolution is the best example. Now, Sir, these are the questions which agitate the public mind and these are the questions to which a reply is necessary. Now I will deal, Sir, with my own amendment. The Honourable Mover has not denied the fact—and it is undeniable—that no one can be made familiar with midwifery unless he has attended a few labour cases. As to what should be the number of labour cases is a matter upon which we laymen are not competent judges. We must therefore assume that the British Medical Council were perfectly justified in fixing the minimum of 20 labour cases as the *sine qua non* of a practical knowledge of Gynaecology. Now, Sir, if this is what they demand, namely, practical acquaintance with 20 labour cases, the next question that arises is—Are we prepared, are we in a position to place our medical colleges in this country upon a suitable footing within the short period which the British Medical Council allow. These are the two questions which affect the principle. We then pass on to the extremely curt, discourteous and peremptory tone adopted by the British Medical Council. I do not ignore the fact that it is a statutory body, but a statutory body is not privileged to insult the people of India, and I therefore submit that this House should communicate through the Government of India its indignation, its protest, its strong resentment at the tone which the British Medical Council have adopted towards the seats of learning in this country, and through them towards the people of this country. Whatever may be the merits of the case, the British Medical Council could not, and I submit should not, have used the language which occurs at the end of the paragraph I. 'If you do not qualify yourselves within the period which we fix, your affiliation shall terminate.' That is the language used, and that I submit is language which we the people of this country must certainly protest against. Now, Sir, having said this, I have, I think, prepared myself for the moving of my own amendment. The

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Honourable Members will see that what I desire is this. It is, I think, too late protest against the qualification which the British Medical Council have thought fit to impose upon the Medical students, namely, attendance on 20 labour cases. Speaking as a layman, and with all the humility and diffidence due to the fact that I do not know what is necessary to a medical student for obtaining practical acquaintance with this subject, I think 20 labour cases, is none too many to make a medical student practically acquainted with Gynaecology. At the same time it seems to me that his efficiency must to a large extent depend not so much upon the number as upon the nature of labour cases he attends. If they are 20 normal cases, or even 20 abnormal cases, I would still hesitate to say that the medical student is fully acquainted with his business. If 20 normal cases have been visited by him, probably his acquaintance will be very superficial and he will not be able to deal with abnormal cases. But this is a question into which we need not go. We must assume that the British Medical Council were justified in prescribing to their Universities a certain standard for the qualification of medical students. Now we pass on to the next question, that if this qualification is necessary, how long will it take the Indian Universities to equip themselves. In that correspondence which the British Medical Council have sent out to this country, and which is available to Honourable Members, the British Medical Council say that we told you sometime ago but you have not done it.

But it is forgotten that this regulation which they had issued was practically ignored for so many years and that the Indian Universities were never given to understand that it would be regarded as the irreducible *sine qua non* for placing one's name on the medical register in England. Consequently, the fact that for a long time this regulation has been in existence does not count. What does count is this, that when you send this ultimatum and say, 'Prepare yourselves within ten months; otherwise you will be disaffiliated,' is this period sufficient to enable us to open midwifery classes in connection with all the Indian Universities? This is a question upon which the Honourable Member in charge of this portfolio will be better able to speak. But speaking for myself, as a layman with no practical acquaintance with the question, I think ten months is much too short. The Government of India must require money; money must be voted by the Provincial Councils or by the Legislative Assembly, and after that buildings have to be constructed; staff has to be employed and labour cases have to be collected. I do not agree with my friend, the Honourable Mover of this Resolution, that this is a counsel of perfection, that we cannot get together 20 cases for each student. The recent inauguration of the Maternity and Infant Welfare League has placed in our possession an organisation which will give us the requisite number of cases if an effort is made in that direction. Speaking of my own Province, since the inauguration of this League in the city of Nagpur, between 20 and 30 labour cases are available every day; and if that is the case in a town with a population of a lakh and a half, I do not think we need despond in the case of cities like Allahabad and Lucknow and Lahore which have a much larger population. My friend speaks of the gosha system; the gosha system no doubt accounts for the shortage of these cases in Lahore and Allahabad. But the poorer classes in both the United Provinces and the Punjab do not observe gosha and the medical students should have no difficulty in finding the requisite number of cases. The question, therefore, is one of time and I have in my amendment

said that if the British Medical Council give us three years' time we shall be in a position to equip ourselves and bring our Indian Universities in line with the requirements of the British Medical Council. This, Sir, is my amendment, and subject to anything that might be said by the Honourable Member in charge, I commend it for the acceptance of this House. (A Member—We have no copy of your amendment.) My friend says, he has not got a copy of it. You, Sir, will presently read the amendment, and, therefore, I shall not waste the time of the House by reading it myself.

Mr. President: Amendment moved, to omit all the words from 'that' down to the word 'Universities' in line 3 of Section (b) of the Resolution, and to substitute the words 'that in the event of the General Medical Council refusing to allow a period of three years to enable the Indian Universities to equip themselves to meet its requirements' in their place.

Sir P. S. Sivaswamy Aiyer: Sir, as one responsible for the drafting of the original Resolution, I feel it my duty to offer some remarks in support of this Resolution. I shall also take advantage of this opportunity to offer a few remarks upon the amendments which have been since moved. My Honourable friend, the Mover of this Resolution, Mr. Subrahmanayam, has described this Resolution of the Executive Committee of the General Medical Council as an ultimatum. I doubt whether that is a correct description of that Resolution. In one sense it is so, because it threatens action; but on the other hand the word 'ultimatum' suggests to one's mind some previous intimation. No previous intimation was given either to the Universities in India, or, I believe, even to the Government of India. I should like to know from the Honourable Member in charge of the Medical portfolio when he rises to speak, whether the Government of India have received any intimation of the intended action of the Medical Council before June 1921. But, perhaps, Sir, this ultimatum is justified by those laws of civilised warfare which are sanctioned by modern international law. According to the rules and usages of modern international law no previous notice is necessary and you may shell the enemy's country and that may be the first sign of your declaration of war. Now, I shall proceed to state shortly what will be the effect of this Resolution of the General Medical Council. The first result will be that if our medical diplomas are not recognised, the holders of these diplomas will be ineligible to sit for the Indian Medical Service entrance examinations. That would be the first and most serious result. The next result will be that it will prevent the holders of Indian medical diplomas from prosecuting higher post-graduate studies in the United Kingdom; and thirdly it will prevent them from practising in the United Kingdom. I do not know how far the loss of the last privilege will be regarded as a serious one, but it is certainly at least a sentimental grievance. Now, Sir, I will endeavour to lift this discussion from the political atmosphere in which it has become enveloped during the speeches of the last few speakers. Our complaints against this Resolution of the General Medical Council are three-fold. In the first place, we say that the notice that has been given is unreasonably short. In the second place, we contend that the Resolution of the Executive Committee of the British Medical Council fails to take note of Indian conditions, and that while it is impracticable even in the United Kingdom, it is still more so in India; and our third complaint against this Resolution is that the manner in which they try to enforce the principle which they have adopted in the Resolution of 1907 is altogether invidious. Now, Sir, the first intimation of any inquiry into the insufficiency of the education in midwifery imparted in the medical colleges in India was in the year 1920. I may shortly refer to the previous

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history of this question. Before the year 1896 the requirement was three months' practice in a lying-in hospital and the *conduct* of 12 cases of which three at least must have been under the direct supervision of a registered practitioner. This was before 1896.

In June 1896 the General Medical Council passed a Resolution with regard to the latter alternative, that is the conduct of 12 cases, and what they did was to require that a candidate should be *present* at not less than 20 cases, of which 5 at least should have been *conducted* by the candidate under the direct supervision of some registered practitioner. 10 years afterwards or rather in the year 1907, the rule was again altered, and the requirements then laid down were that the candidate should produce a certificate of having *conducted* 20 cases of labour under official medical control. The language of this Resolution indicates a distinction between the words 'presence or personal attendance' on the one hand and the word 'conduct' on the other.

Now taking the regulations of the Universities in the United Kingdom, how far they conform to this Resolution of the Medical Council has been referred to by the Honourable Mover of this Resolution, and I will only refer to one case, *i.e.*, the University of Sheffield. The requirement there is *attendance* at 20 cases, of which 5 must have been *conducted* under direct supervision. In the Universities of Edinburgh and Aberdeen, the requirement is attendance for three months in a lying-in hospital and *personal conduct* of 12 or more cases. In Calcutta, the rule is attendance at 20 labour cases, of which 6 must have been personally conducted. The rule in Bombay is the same, and in the Madras the rule is conduct of at least 12 cases, but students proceeding to England are required to conduct 20 cases.

With regard to Madras, I regret that through some deplorable and stupid oversight on the part of the Principal of the Medical College, the case of Madras has been given away. The Madras Maternity Hospital is, if I may venture to say so without being guilty of parochial patriotism, the finest in the east. Thanks to the medical officers who had been in charge of the Maternity Hospital, thanks to Sir Brauford and Major-General Giffard, the Madras Maternity Hospital may well challenge comparison with the finest hospitals in the United Kingdom. As regards the number of cases in Madras, I will give the figures. The average total number of labour cases in all the hospitals in the Madras city is 4,718 of which 1,415 are abnormal and 3,303 are normal. Excluding the Victoria Caste and Gosha Hospital, the total annual average for all the hospitals in the Madras city is 3,990 of which 2,446 cases are confined in the Maternity Hospital alone. The total average number of students in the medical college in the 4th year class including M. B. and L. M. S. students, military students and lady apothecary students is 60. Notwithstanding the fact that the Medical Council required an answer to the question, how many labour cases are available for students, the Principal of the Medical College by some over-sight, an unfortunate over-sight, did not answer this question and give them the information they required. Of course, I am aware, that the Universities of Allahabad and Punjab cannot furnish the required number of cases for the training of students. Now this large number of cases that are available in Madras affords ample material for the satisfactory training of students, and the material that is available even in the Universities of Calcutta and Bombay must be pronounced satisfactory when compared with the material that is available in the English Hospitals and Colleges.

My Honourable friend, the Mover of this Resolution, referred to the Report of the Committee appointed by the Royal Society of Medicine to inquire into the state of obstetrical education in the United Kingdom. The Report of this Committee as well as other expert opinions show that the requirements of the General Medical Council are impracticable, even in the United Kingdom owing to insufficiency of beds and want of competent practical teaching. I may, with your permission, Sir, refer to one or two extracts from the report of the Committee appointed by the Royal Society of Medicine. The whole Report is exceedingly interesting reading and very useful in connection with this subject. Before I sit down, I should like to make a present of this Note prepared by Dr. Kedarnath Das, C.I.E., the distinguished Professor of Obstetrics in the Carmichael College at Calcutta to the Honourable Member-in-charge of the Medical Portfolio, if he has not already been furnished with one. The General Medical Council will do well to read, mark and digest this note. In one place the Report says:

'In four hospitals only (out of 12), midwifery wards are established for the instruction of medical students. In the case of *hospitals with no midwifery ward*, the training of students in the actual conduct of labour, normal or abnormal, is *practically non-existent*. In order to attend the 20 cases required by the regulations, the student is attached to the maternity district of his hospital. As a rule, however, the students have never seen women in labour before going on the district to attend them. Every hospital has a regulation that the student is to be accompanied to the first case or the first two cases by the R. O. O., but this regulation cannot in all instances be carried out and the student not infrequently goes to his first case alone. It is assumed that he needs no assistance after the first two cases, in conducting normal labour, but he is under instructions to report at once to the R. O. O. any abnormal conditions which he may discover. His ability to detect abnormal conditions is however very small from lack of training. The student continues to attend his district cases during the first 7-10 days of puerperium. It must be recollected that he has received no practical instruction whatever in the management of infants; as a rule his work is done without any systematic supervision during the puerperium.

In some hospitals the number of cases available in the district is insufficient to allow 20 for each student; a certain number of students from these hospitals are sent to the *lying-in hospitals* where they can be 'signed up' for 20 cases in 14 days (City of London), 21 days (York Road) or 14 days (Queen Charlotte's).

The character of the training given in the *lying-in hospitals* is as follows: These institutions in London are primarily concerned with the training of midwives; consequently they must reserve for the training of their midwives an adequate number of deliveries per annum. Only the surplus is available for the training of medical students and graduates. From these conditions it results that very few deliveries in these hospitals are actually conducted by medical students, at the most 4 or 5 each; they are, however, allowed to be present at all, which in the case of Queen Charlotte's Hospital, may be as many as 80 a month, but they are present as spectators only. The great majority of their 20 cases are 'attended' in this way. There is no provision for the instruction of medical students in normal labour at the lying-in hospitals, practically all normal labours being supervised by the resident midwives. A certain amount of instruction in abnormal labour and in the puerperium is given them by the visiting physician. Students see a certain number of forceps deliveries and any other major obstetric operations that may take place during their attendance.

In the case of the hospitals having a midwifery ward for students, the conditions are as follows: The number of beds varies from 8 at University College hospitals to 24 in the Royal Free Hospital; the number of cases admitted per annum varies from 180 to 600; the number of cases actually admitted per student trained varies from 3 to 12. The number of cases actually delivered by medical students in the wards is limited. The period of attendance in the midwifery ward is four weeks and the student is not permitted to begin attending cases in the district until he has conducted a certain number of deliveries in the ward. After this he attends his district cases alone.

Then again, the '*Lancet*' in speaking of this report writes as follows:

'No one who has read the report of the Committee of the section of obstetrics and Gynaecology of the Royal Society of Medicine can fail to agree with their conclusions that

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the present methods of teaching are very defective. The student learning clinical midwifery is completely out of touch with the senior teachers. This is certainly true of those hospitals, the great majority in London, which have no midwifery ward and in those which have, it is true to a very large extent. It is generally impossible for the senior members of the staff to be present at any normal labours and it is no exaggeration to say, that in most hospitals they are not there even when a case of abnormal labour is conducted and the most the student can expect to see is the performance of Caesarean section, a class of cases he will seldom meet with and an operation he will probably never attempt. The result of this is that while in medicine and surgery the student has the great advantage of receiving most of his clinical teaching from the visiting physicians and surgeons, in midwifery, just as important a subject, the teaching is mainly in the hands of junior residents or registrars. This being the case, it is little wonder that the reputation of the London School of Obstetric Medicine is but a poor one and that research in the subject is practically non-existent. Not only is the teaching of clinical midwifery very deficient but the small number of beds available for lying-in cases is almost scandalous. In these days the medical student should no longer be dependent upon attendance in the extern maternity department for his experience in midwifery practice.

In a second editorial on the 13th December 1919, the '*Lancet*' drew attention to the fact :

'That the number of beds available for lying-in cases in the London Hospitals attached to medical schools is very insufficient, there being only 97 of a total of 5,250 beds in these twelve hospitals set aside for the purpose, and of these 69 only are available for the teaching of medical students.'

Sir, that being the state of things in the London Hospitals and colleges themselves and it being also the opinion of distinguished medical experts even in England that the requirements of clinical teaching in regard to midwifery have been over-estimated by the General Medical Council, are we not justified in stating that the requirement which they have communicated to us, and in regard to the fulfilment of which they hold out a threat, bears much too hard upon the Universities in India, especially upon the Northern India Universities like those of the Punjab and United Provinces.

With regard to the Calcutta and London Universities, the note to which I have referred furnishes a complete answer.

Now having regard to the state of teaching of midwifery in the London Hospitals and Universities, in the year 1920, 13 years after the Resolution of 1907 was passed, I should like Honourable Members to look at the way in which the General Medical Council treated the English Universities and the way in which they treated the Indian Universities. Whenever it comes to the question of the Indian Universities they hold forth in a manner which can only be described as an imperious attitude, but when they come to deal with the English Universities they indulge in gentle entreaty.

Now my friend, Mr. Subrahmanayam, has drawn your attention to the language. The Council resolved that :

'A communication be addressed to the Ministry of Health *begging* that steps may be taken for the utilisation of poor law institutions for clinical instruction and that such instruction be placed in the hands of experts. They go on to say that the attention of recognised teaching institutions should be again called to the recommendations of the Council issued to them in 1906, *in the hope that when the present difficulties in training are alleviated they may be able to carry out the recommendations in their entirety and that the present conditions of training which in many cases cannot be approved, may be rendered sufficient and such as the Council will be able to regard as satisfactory.*'

Look at the contrast in the language, bullying and imperious in one case and cooing like that of a dove in the other.

Now, Sir, we hope that a strong representation will be made to the Secretary of State, I have no doubt that the Government of India have done their best in the matter and I am sure the Assembly will look forward with interest to the statement expected from the Honourable Mr. Shafi as to the action already taken by the Government of India in that direction. We hope that the Council will come down from their exalted pedestal of lofty and impracticable standards to a realisation of concrete facts and conditions. Now what is our answer to this Resolution? It is two-fold. I am not one of those who would refuse to worship God because a particular gentleman whom they do not like bids them do so. Now the standard which these gentlemen have laid down is certainly a laudable one and I think it is very desirable that students should go through a course of midwifery so as to be fully trained and qualified for being launched into the world as qualified practitioners. I do not therefore quarrel with the standard they lay down as an ideal, but if they insist upon conformity to that standard in practice irrespective of conditions, then one of two results must follow. Either the practitioner must agree to adopt the very highly respectable and orthodox British habit of signing up cases for attendance or we must forego recognition. Unfortunately my countrymen are not so charitably disposed as myself, and those who listened to the discussion that has taken place will have noticed that my brethren have a very unfortunate habit of putting things together and drawing their own conclusions.

They refer to the fact that since the year 1913 a very vigorous attempt has been made by the members of the Indian Medical Service to resist the influx of Indian medical practitioners into the medical service. The members of the Indian Medical Service have been astute to discover defects in the medical teaching of our colleges, the teaching staff of which has been supplied by members of their own service. They refer to the fact that the Medical Services Committee, on which not one Indian was allowed a seat, condemned the teaching of medicine in the Indian colleges. They believe that some notoriously narrow-minded retired members of the Indian Medical Service have got the ear of the General Medical Council. Far be it from me to impute any political or improper principles to the eminent and worthy gentlemen who form the General Medical Council of the United Kingdom, but what I would most earnestly say to them is 'be careful how you move in this matter or you will lay yourselves open to all those suspicions which are now lurking in the minds of my countrymen, if not actually expressed by them, and more especially you will be laying yourselves open to the charge of Pharisaism, if you do not remove the beam from your own eyes, and without making a vigorous attempt to enforce your rules in the English Hospitals and Colleges, you seek to insist upon a rigorous fulfilment of the letter of the Resolution which you passed in 1907.'

I think, Sir, it would be extremely unfortunate if their conduct lent itself to any such suspicions and it is because of my esteem for these gentlemen I feel jealous about their reputation. I am anxious that they should be above the possibility of any such imputation that I would appeal to them to move gently in the matter. At a time when there is so much unrest in this country, it would be nothing short of an Imperial calamity if, by any conduct of theirs, the

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General Medical Council attempted to do anything which would give rise to a further agitation, and agitation of a bitter character.

With regard to the language of the Resolution, Sir, it was drafted by me and my Honourable friend, Rai Sahib Lukshmi Narayan Lal's amendment is one which will certainly fit in very well. It was not my intention when drafting the Resolution to suggest that all our Indian Universities were open to this charge of defective education. It is only in the case of those Universities whose standard does not now come up to the prescribed standard that I suggested this. The Resolution is in two parts. I think we ought to make every attempt to improve our standard of medical education and therefore I think his amendment will be perfectly consistent with the Resolution. In regard to Dr. Nand Lal's amendment, I did contemplate that the Government of India would do their best to influence the Secretary of State . . .

Mr. President: I think the Honourable Member is assuming that he is the Mover of this Resolution. He has already considerably exceeded his time.

Sir P. S. Sivaswamy Aiyer: Just one or two more words, Sir; with regard to Dr. Gour's amendment, he wants to fix a period of 3 years. I would ask the House not to commit themselves to any definite period. It may be 3, 4 or even 5 years and I hope the House will not accept it.

Lieut.-Colonel H. A. J. Gidney: Sir, being the only medical man in this Honourable Assembly I feel that I am in the fortunate position of being able to deal with the Resolution which is now before Honourable Members, and I crave indulgence from you, Sir, if I exceed the 15 minute limit. This Resolution should be voted on and considered in two separate parts.

12-30 P.M. The first part, which we can read on the paper before us, is an admission of the inadequacy of the maternity training in the Universities in India, and a request to the various Local Governments to give more satisfactory training. That is the part of the Resolution with which I am entirely in agreement. Now, Sir, I want this Honourable House to consider this Resolution, to discuss it in a clear, calm and dispassionate manner, devoid of any political considerations and ulterior motives so far as the General Medical Council is concerned, and to utilise their ideals entirely in the medical interests of India. From the various speeches which we have heard to-day, it is apparent that not only is there an impression or a suspicion but a distinct belief is current that the General Medical Council is doing something and that something one can see is to gag Indians from getting into the Indian Medical Service and from registering in the United Kingdom. Now, Sir, that is a belief which I think should at the outset be corrected, because it is likely to blind this House to its best interests and, if persisted in, is, I am sure, likely to do incalculable harm not only to India, to the medical institutions in India, and their students, but to the whole of India.

Sir, it is unnecessary for me to deal, as has been done by the Honourable Mover, with the *raison d'être* of this Resolution. Suffice it to say that for years past the General Medical Council has had difficulty as to the training in these institutions and they certainly realised the inadequacy of the training that was given not only in India but in the United Kingdom and the dominions and tried to find out what the training in midwifery then was. I will not weary this House with that matter. The Honourable Mover laid great weight on it and showed what the important part of the circular letter was. But before

I deal with it, I must be allowed a little digression. Various remarks have been made about the General Medical Council, and the British Medical Council, the General Medical Association and the British Medical Association. But there are two distinct bodies in England. That is the General Medical Council and the British Medical Association. The General Medical Council is a body constituted under Act of Parliament, whose main object is to maintain a standard both with regard to education and professional status for students seeking admission and for practitioners seeking registration in the United Kingdom. This court, is accepted throughout the whole of the British dominions and up to now has been accepted by India. Now, the various students and practitioners from India going to England have often found this a handicap, in so far as the training in midwifery is concerned and this was the subject of considerable correspondence between the Deans of the various Universities and hospitals and the various principals of the colleges and Universities in India. The result was embodied as recently as 1919 in the General Medical Council's circular letter to all hospitals asking for certain information. The only important thing in this letter is question 3 asking how many labour cases are obtained. Now, Sir, exception has been taken in this House, and rightly so, to the difference in tone between the letters respectively to the Universities in India and the United Kingdom. I consider that whereas the one has been couched in rather curt terms, the other is couched in more courteous terms. But, Sir, that is merely a matter of one's wounded feelings as regards the tone of the letter. That does not necessarily control the necessity of the issue of the letter. Now, Sir, this letter was issued in reply to various letters received from various Universities. I shall not weary this House as to what these replies were except to state in definite terms that except in Madras, not one University from the whole of India came up to the standard demanded by the General Medical Council and that standard was the conduction of 20 labour cases. Now, Sir, the General Medical Council has no desire to, it has never assumed, any mandatory powers nor does it take up a mandatory attitude regarding the maternity requirements in hospitals. It lets us look after our own students; it only wants protection for the women and children in the United Kingdom in so far that maternity cases shall be conducted by medical men with the requisite experience in maternity cases. These replies, Sir, revealed certain facts, for instance, Allahabad says that each student gets less than 2 maternity cases per year and yet Allahabad is yearly throwing out its graduates—with the experience of two maternity cases per year!

I am very glad and thankful to Sir Sivaswamy Aiyer for supplying the figures for Madras. They are not given in their letter to the General Medical Council. It shows that Madras, amongst others, is suitably qualified or has made an attempt to be suitably qualified. Bombay has not come up to the standard because it works out to 7 cases per student the University of Calcutta gives 10 cases and you find that of this the Eden Hospital provides 6 and the Belgatchia College gives only 4 cases. Now, we come to the Punjab. And in the Punjab we have an instance of 50 students and 23 labour cases, which works out to the appalling rate of less than half a labour case per student when he qualifies. Now, I put it to this Honourable House here, is a university justified in throwing out graduates to practise in surgery, midwifery, etc., with an experience of less than half a labour case. I want the Mover of this amendment who hails from the Punjab—Dr. Nand Lal—or any Member from the

[Lieut.-Colonel H. A. J. Gidney.]

Punjab—I ask you to conceive the position in which you would be placing your women folk—it may be your mother or your daughter—who has to call upon one of these medical graduates to attend a case of midwifery or surgery—and yet consider, that is the man, as the General Medical Council has pointed out, that has to practise midwifery in the United Kingdom. In other words, it amounts to this that the General Medical Council will not allow you to register in the United Kingdom because your medical experience is very small. And again this is the very man, Sir, who, if the second part of the Resolution is carried, would have to be called in to attend to the labour cases of the wives of officials and Members of Government.

Mr. W. M. Hussanally : How many maternity cases do they get?

Lieut.-Colonel H. A. J. Gidney : I feel sure, Sir, that these facts reveal a condition which is so appalling, so disgraceful and scandalous, that it reflects the very greatest discredit on the Local Governments and the Government of India. I say this Government should hang their heads in shame. You may feel inclined to say—as one of the Members said just now—that it reflects on the Indian Medical Service. Sir, I hold no brief for the Indian Medical Service, a service to which I have the honour to belong. But I do say that it is not the fault of the officers in charge. They have done their best against odds, against national prejudice. But every day expenses on lying in hospitals are being cut down by Government, irrespective of the crying needs of the country. There is the recent case of the Eden hospital.

Then, Sir, I want this House to remember that this has an important bearing on the infant welfare and maternity work, that has been started by Her Excellency Lady Chelmsford and that has been so nobly carried on by our present Vicerene.

There is a direct bearing between these matters. It brings out the fact that this requires drastic action on our part and that the Government of India and the Local Governments must be made aware that it is time they fall into line and that the Universities suffer for this reason. Sir, I ask the Honourable House not to be blind to the issues at stake here and not to think too much of the sentiment that is attached to the tone of this letter. On the contrary, Sir, I think that this House, the whole of India, is under a debt of gratitude to the General Medical Council for having brought to light the appalling condition of training in midwifery in India. Sir, we are here asking this House to reject or rather so to vote as to tell the General Medical Council that it is no business of theirs to demand from us a training suited for their requirements. Now, Sir, every institution, every University, has a right to reject or admit candidates into it. Even a citizen has the right when inviting guests to his house to demand a certain code of etiquette and if they do not come up to it, he is entitled to keep them out. Now, Sir, among the previous speakers I have noticed legal men. I wonder if these barristers would allow or would object to one of their teaching institutions in England, the Inner Temple or the Inns of Court or the Middle Temple, circularising all legal schools in India and demanding from Indian legal men trained in India a certain qualification when they come to England. It is exactly what the General Medical Council is demanding from us.

Having shown this House the appalling condition in which midwifery is taught in our various Universities, I now turn to the second part of this Resolution, which, I think, is mainly retaliatory, and in the nature of a distinct

threat to the General Medical Council. Sir, I have no brief for the Government of India. I have said I have no brief for the Indian Medical Service. But I have a brief for my conscience. I have a brief for India. India is my country just the same as it is yours. I have a brief for what is right and what is needed for the medical needs of India. Sir, if I were to see even the vestige of an attempt on the part of the Government of India to thwart the aspirations of Indians for getting into the Indian Medical Service, believe me, I would expose it and denounce it, and I will support this Resolution wholeheartedly. Various speakers here have said that the underlying current here is a desire on the part of the British Medical Council to keep Indians out of the Indian Medical Service. I have a statement here to show Honourable Members who make that assertion that they were evidently unaware of how many Indians are in the Indian Medical Service to-day as compared with 1912, a year before the Public Services Commission sat. In 1911-12, by examination there were 7 to 12 per cent. Indians in the Indian Medical Service. In the years 1918 and 1919, by examination there were 30 to 40 per cent. Indians in the Indian Medical Service. From 1915-21, that is about 9 or 10 years after the sitting of the Public Services Commission, by nomination there have been 80 Indians to 60 Europeans, and by examination during the years 1919, 1920 and 1921, 2 Indians to every European have entered the Indian Medical Service. If these figures do not refute the aspersions that have been made and support me in saying that no such desire was underlying the British Medical Council, in the issue of this circular, I would like to know what better facts can prove it. Here is a statement—no one can deny it—here are irrefutable facts not only to show that what the previous speakers said in accusing the British Medical Council of something ulterior, something underhand, is wrong, but it appears to me to prove the very opposite, that not only the Indian Medical Service but the Government of India are desirous of giving entrance to Indians to the Indian Medical Service in a larger and increasing proportion.

Now, Sir, to take the second part of this Resolution, one could easily divide it into two parts. The first is an ultimatum to the British Medical Council and the second is a request for the prescription of certain Degrees in India to be accepted for the Indian Medical Service. Sir, no one here can deny the fact that the Indian Medical Service has given to India practically as much as, if not more than, any other service in the whole of India. It is a body of men who for over a century have devoted their lives to the cause of India. Amongst that body of men stand out the names, with which I have no doubt, every one here is familiar, of Sir Joseph Frayer, Sir David Prain, Sir Leonard Rogers, Sir Ronald Ross, Sir Havelock Charles, Sir Gerald Bomford, Sir Pardey Lukis, Colonel Keegan, Colonel K. McLeod, Colonel Henry Smith and various others, who stand out to-day as shining lights in the domain of original research work in science. It is a body of men who form the backbone of the Indian Medical Service. They have tried to maintain the high traditions of the Service. And what does this Resolution ask us to do? To stop recruitment in England, a country which has given us so many men, and to order recruitment entirely from India. Now, Sir, I do not wish to belittle or decry my Indian colleagues. For, have we not to-day with us men who stand in the foremost ranks of science in the domain of original research work? To mention only a few names, Sir, we have Sir Kailas Chandra Bose, Sir Nil Ratan Sircar, Dr. Kedar Nath Dass, Dr. Chuni Lal Bose, Sir Temuljee Nariman, Dr. Bahadurjee, Colonel Chandra, I.M.S., Colonel M. L. Dutt, I.M.S., Dr. M. N. Choksey,

[Mr. Shafi.]

The first intimation of the decision which we received from the Secretary of State was contained in a telegram dated the 6th May last received by us on the 9th May. It runs as follows :

'It has been announced by the General Medical Council that it is intended that Indian medical qualifications should cease to be accepted as registrable in the United Kingdom unless they are satisfied by February 1922 that midwifery training in Indian Universities has reached the standard required by the Council. It is presumed that the matter is receiving attention from Universities and Local Governments. I shall be glad to learn what steps are being taken to remedy deficiencies in midwifery training and to see how far and within what period it is expected that the requirements of the Council will be satisfied. It is most desirable to prevent the exclusion of Indian degrees from registration in the United Kingdom. The contingency will have a serious bearing in connection with the recruitment of officers for the Indian Medical Service. Papers follow by mail.'

You will notice that in this telegram intimating to us the decision of the General Medical Council the Secretary of State recognised the seriousness of the consequences involved. Before referring to the reply sent to that telegram, it is necessary to mention the action which we took at once in this country. We telegraphed the contents of the Secretary of State's telegram to the Local Governments and requested them to begin to collect information regarding this matter at once. Subsequently on the 3rd June last we sent a telegram to the Secretary of State in which we agreed that it was most desirable to prevent exclusion of Indian degrees from registration in the United Kingdom. We stated that we were collecting authoritative information on this question of medical education together with the views of Local Governments and proposals for improvement, where improvement may be necessary. But we were unable to understand why recognition which was for a long time granted to Universities in India should at this stage be withdrawn in this wholesale manner, seeing that there has been no deterioration but rather improvement in facilities available and that it was understood that facilities even in Great Britain had only recently undergone improvement. We desired also to protest strongly against the short notice given for withdrawal of recognition and trusted that the Secretary of State would make representation to the Council on the lines indicated above and pointed out the undesirable political consequences which may follow from the threatened action. Well, Sir, in reply to this telegram we received a wire from the Secretary of State dated the 4th August last, received here in India on the 7th of that month, in which the Secretary of State assured us that he fully realised our concern regarding the decision of the General Council to suspend recognition of medical degrees granted by Indian Universities. He went on to say that the matter had been discussed with the President, meaning the President of the British Medical Council, who fully appreciated the gravity of the situation from a national standpoint but stated that the Council must insist upon the midwifery practice embodied in the Resolution. The Secretary of State further mentioned that he was suggesting to the General Medical Council that a period of delay should be granted to each University in order to comply with the essential conditions and that experienced gynaecologists should be deputed by us to explain conditions to the medical schools and report as early as possible :

- (1) if the Universities are willing to comply,
- (2) if recognition can be provisionally accorded at once, and
- (3) if recognition should be delayed for a stated period.

This was what he recommended to the Medical Council and he promised to communicate a reply by cable. We have not yet received that final reply. On the 11th August we acknowledged this telegram from the Secretary of State and at the same time stated that we desired to impress upon him, that strong agitation had been aroused in India by the decision of the General Medical Council. Numerous meetings had been held. Two notices of Resolution in the Legislative Assembly on this subject had been received and we further impressed upon him that postponement of operation of Council's decision was most essential and that if intimation could be given to us that the Council were prepared substantially to prolong the period of grace this would serve at least as a temporary palliative and would for the moment allay rising agitation. On receipt of papers from the Secretary of State by mail, we issued a circular letter to all the Local Governments on the 22nd June last in which we invited attention to the decision of the General Medical Council and asked for report in connection with several of the matters mentioned in that letter, information about which was essential in order to make our final submission to the Secretary of State with reference to this decision. I feel sure that this House will be satisfied that the Government of India as well as the Secretary of State have already taken all necessary *ad interim* action in order to represent Indian views and to prevent what will undoubtedly be a disastrous result should this decision of the Medical Council be adhered to.

Coming now to the merits of the case, the regulations which are at present in force, as this House has already been informed, were framed in the year 1907. Now, it is undeniable that practical training in midwifery does not in India come up to the standard laid down in those regulations, and the anxiety of the General Medical Council to see the standard of midwifery training raised to the requisite standard both in England and out here is perfectly reasonable and proper. I have no doubt that during the world war, the arrangements for practical training in midwifery, and probably arrangements for practical training in other respects too, were to a very large extent disturbed, and that the real reason for the General Medical Council taking the action which they did in 1920 not only in respect of midwifery training in India but also of the position in England, may have been due to this. Now that the war was over, they wanted to see, they were anxious to see, practical training raised to the requisite standard. That even in England in the year 1920 the position was highly unsatisfactory is perfectly clear from an article which appeared in the 'Lancet' of the 3rd July 1920. In that article it was shown that the position throughout the teaching institutions in England was not satisfactory, the number of beds in hospitals allocated for teaching purposes was insufficient, and the practical instruction of students in midwifery methods before they were permitted to conduct external cases of their own was also not sufficiently insisted upon. The House will thus see that the position of affairs was unsatisfactory even in England. It was undoubtedly more unsatisfactory out here. The reasons for the conditions here in India being comparatively more unsatisfactory than those obtaining in England have already been mentioned by some of my Honourable friends.

Sir P. S. Sivaswamy Aiyer : Not with us.

The Honourable Mr. Shafi : I am glad to hear that the conditions were not inferior in Madras.

Mr. J. Chandhuri: Not even in Calcutta.

The Honourable Mr. Shafi: The social customs amongst Indians undoubtedly have a very important bearing upon this condition of affairs; and I feel sure that in arriving at their final decision, after they have received our representations, the General Medical Council will bear that fact in mind. I feel sure, further, that the General Medical Council will also bear in mind the effect of such a decision as has been threatened on Indian public opinion from a political point of view. Well, Sir, as I said, the condition of affairs even in England was unsatisfactory, and you have already been informed that letters were issued even to English Universities expressing the hope that the Universities would bring their practical training in midwifery up to the required standard. The House may rest assured that the Government of India will not sleep over this matter. It may rest assured that after we have received replies from all the Local Governments to our circular letter, we shall make due representations to the Secretary of State and request him to place our views before the General Medical Council.

Sir, these are the facts: and in view of these facts, I have no hesitation in accepting part (a) of the Resolution moved by my Honourable friend. The Government of India have also no hesitation in accepting the amendment moved by Rai Bahadur Lakshmi Narayan Lal. With regard to the amendment moved by the Honourable Dr. Gour, I think it would be wise on the part of this House to accept the advice that was given by my Honourable friend, Sir Sivaswamy Aiyer. I think it would be impolitic on our part to lay down any definite time-limit just as the General Medical Council have done at the other end of the chain. The amendment moved by my Honourable friend Dr. Nand Lal, is also one which the Government of India are prepared to accept.

It remains for me now to deal with part (b) of the original Resolution moved by my Honourable friend, Mr. Subrahmanayam. It seems to me that it would be in the highest degree impolitic and unwise on the part of this House to adopt that part of the Resolution. The Government of India are hopeful, that as a result of the representations which they hereafter intend to make, the General Medical Council may be induced to reconsider their decision, and at any rate to extend the time-limit, which I entirely agree is absolutely inadequate. That being so, it would be unwise on our part now to say at this moment what will be the ultimate action which the Government of India will take or ought to take in case of refusal on the part of the General Medical Council to reconsider their decision. If ever that time arrives, then it will be perfectly open to this House to discuss the line of action which the Government of India should adopt, and to make any recommendations that this House may then choose, and I have no doubt that in that event, if ever that stage is reached, the Government of India will pay due consideration to the wishes and feelings of this House. (Hear, hear.) To prejudge the matter at this stage would be extremely unwise: and, therefore, I appeal to my Honourable friend to withdraw that part of the Resolution.

Mr. President: I do not know whether the Honourable Member wishes to make an answer to the appeal made by Government just now, because if so, then I may put the amendments which he and the Government are prepared to accept, and leave, if necessary, the discussion of the second part of the Resolution to be taken after adjournment.

The first question I have to put is:

'That the words 'and bring the same to the standard of the Universities in the United Kingdom, where they are not already so' be added to clause (a).'

The motion was adopted.

Mr. President: The further question is:

'That a new clause (b) be inserted 'and that the Secretary of State for India may be asked to influence the British Medical Council to reconsider their decision that unless effective steps are taken to meet the wishes of the British Medical Council by February 1922, the medical degrees of the Indian Universities will cease to be accepted for registration purposes.'

The question I have to put is that that amendment be made.

The motion was adopted.

Mr. President: Is it the desire of the House to continue the debate upon the issue raised by the second part of the Resolution, part (b)?

(Cries of 'No, no,' 'withdraw.')

Dr. H. S. Gour: As the author of this amendment, I wish to state that after what has fallen from the Honourable Mr. Shafi, I should like to withdraw my amendment, and I appeal to the Honourable Mover of clause (2) of his principal Resolution to do the same.

Rao Bahadur C. S. Subrahmanayam: I should like, Sir, to make a few remarks before I state my position in regard to the second clause.

Mr. President: If the Honourable Member wishes to exercise his right of reply, I am afraid I must leave the debate open. If he is going to ask for leave to withdraw, then the matter of withdrawal is left to the Assembly. If the Assembly refuses leave to withdraw, then the debate must go on; if the Assembly gives leave to withdraw, then that shows that the Assembly wishes the debate to terminate.

Mr. B. S. Kamat: Sir, before this matter is decided by the Honourable the Mover or by the House, there is one point of considerable importance which it is necessary for me to bring to the notice of Government in connection with influencing the General British Medical Council. It seems to be assumed that supposing the representations made on behalf of this country are not favourably considered by the British Medical Council, the only alternative for them would be to refuse to recognise the degrees of the Indian Universities. Now, that assumption is not correct. There is a second alternative,—a second solution of this difficulty, namely, if there are not sufficient facilities in Indian Medical Colleges to treat a sufficient number of labour cases, I say pending facilities being made available in this country, facilities could be given in England to Indian graduates to go there for completing the requisite number of labour cases. I may refer in this connection to a recommendation by the Public Services Commission when they reviewed the training and educational attainments of the Indian Medical Service. With your permission, I should just like to detain the House for one minute by bringing to its notice the recommendations of the Public Services Commission. They say:

'In view of this, the opportunity should also be taken to secure that all candidates have had a hospital training, have been through a practical course of midwifery, and have had experience of treating the diseases of women and children.'

[Mr. B. S. Kanungo]

This point was raised because the training in these subjects was considered by this commission to be incomplete and inadequate. Later on in the same paragraph they say:

'If it is found necessary to give Indians this training in the United Kingdom, sufficient facilities should be provided there for them.' (Vide page 249, paragraph 9 of their Report.)

That is the point I wish to bring to the notice of this House. My contention is that if an Indian Medical graduate, after completing a course of five or six years in an Indian Medical College, finds it necessary to study say, 12 more labour cases in addition to what he has done here, which he can do in England in the course of three months in any lying-in hospital, in the United Kingdom, he should not be deterred by the British Medical Council, for the sake of three months' training in a Maternity Ward and lose the whole of his 5 or 6 years' education in this country. While the Government of India make a representation therefore in this respect to the British Medical Council, I venture to suggest, they should lay emphasis on this fact, *viz.*, pending India's coming into line so far as facilities are concerned for labour cases, opportunity should be afforded to graduates going from this country to the United Kingdom to complete the requisite number of labour cases in three months in any lying-in hospital there. That, I point out, Sir, is the point the Government of India should consider, in terms of the recommendation of the Royal Commission on the Public Services.

The Honourable Mr. Shafi: I forgot to mention one thing, and with your permission, Sir, I shall do so now. It is this. The Government of India will communicate the gist of the debate this morning to the Secretary of State and will subsequently send him a copy of the full proceedings.

At this stage the Assembly adjourned for Lunch.

The Assembly re-assembled after Lunch. The Honourable the President was in the Chair.

Rai J. N. Majumdar Bahadur: Sir, although I do not think I can add much to the knowledge of this Assembly in this rather technical matter, I think it proper to mention one fact which has been omitted by all the previous speakers, and that fact is that in the United Kingdom the students of the Universities there do not get a sufficient number of dead bodies to operate upon and that in spite of the fact there is no difficulty in their being registered.

In our Colleges and Universities, thanks to our poverty, we have a sufficient number of dead bodies to operate upon. So I say, that in spite of the defective practical education in surgery and anatomy, there is no difficulty felt in the United Kingdom in having the graduates of those Universities registered. In our case, I admit, that in some Medical Colleges the training in midwifery may not be as good as it is found to be in the United Kingdom, but all the same they get very sound education, and practitioners in Calcutta and other places, we find, are not inferior, so far as the practice of midwifery is concerned, to any person whether he is an Indian Medical Service man or not.

This decision of the General Medical Council in the United Kingdom has created deep discontent all over the country, and it is considered as a political move—rightly or wrongly—that may not be the motive but it is interpreted in

that way—that this is a move to exclude Indians from the Indian Medical Service. And this impression, I think, should be removed or it will have a very bad political effect. I am glad to find that the Government of India is trying its best in order to remove this impression and in order to make the Council of Medical Education change their decision. Another circumstance has added to the difficulty of Indian students. It is the establishment of hospitals for women under the charge of medical women. All these hospitals, Dufferin Hospitals everywhere, are under the charge of trained medical ladies, and most of the labour cases are generally attended to in all these hospitals, and the increase in the number of these hospitals I think will take away many labour cases from ordinary Medical College Hospitals. That adds to the difficulty of the situation. In Calcutta, for instance, there is a Dufferin Hospital, and I know for a fact that many labour cases go to the Dufferin instead of to the Mayo Hospital, or to the Medical College Hospital. So if more labour cases are required, I think these ladies hospitals should be placed under the charge of men. There is no doubt some reluctance on the part of the higher classes of the people from sending their women in labour cases to Hospitals, but that objection I think is gradually disappearing, and the time I think is not far distant when it will not be found at all difficult to improve the training in midwifery, if there is any defect in that respect in Indian Colleges and Universities. With these remarks I suggest that we should do our best to have the General Council of Medical Education to change their decision.

Rao Bahadur Bakshi Sohan Lall: Sir, after the introduction of popular constitutional government in India I do not understand the plausibility of the claim of the General Council of Medical Education in England to dictate terms to the Secretary of State for India in Council on the subject of the Indian Medical Service. It is for the Indian Government and for Indian Universities to look best after their own affairs, and if their standard of medical education and training in Medical Colleges, or of their University examinations, is not sufficiently high to qualify Indian students in India for the Indian Medical Service, their attention ought to be directed to raise the standard and provide all the necessary apparatus and implements, if any, which may be wanting. But the recruitment for the Indian Medical Service must be left in the hands of the Indian Government and not in the hands of the General Council of Medical Education; and the Indian Government rather than the General Council of Medical Education in England should arrange an Indian Medical Service competitive examination to be held annually in India to which not only medical graduates of Indian Universities but also of English Universities may be admitted and the best passes by order of merit on the results of the competitive examination may be accepted for the Indian Medical Service. The recruitment for the Indian Medical Service on the result of any examination held in England is clearly most disadvantageous for the Indian students and most advantageous for the English students. The position ought to be reversed. Why should Indian students be required to spend for their journey to England, and for their education there in order to qualify themselves for service in India. Any English students, if they so wish, could compete for the Indian Medical Service examination to be held in India and would be welcomed to India. But Indian students should not be compelled to compete in England for the Indian Medical Service examination.

So far as the question of midwifery experience is concerned, I may respectfully submit that having regard to Indian conditions, until lady doctors

[Rao Bahadur Bakshi Sohan Lall.]

are admitted into the Indian Medical Service the problem will not be solved satisfactorily. I may ask the Honourable Colonel Gidney and other members of the Indian Medical Service, how many cases of midwifery or labour they have dealt with in Indian hospitals and Indian house-holds—not only male, but female students ought to be given medical training in India to qualify them for the Indian Medical Service. With these words I support the Resolution.

Mr. J. Chaudhuri: Sir, I wish to address only a few words to this House because of the very great importance of this Resolution. Much has been said about it, and I do not wish to say anything more on its merits, but I would contradict some of the statements made by my Honourable friend, Colonel Gidney. I must say on behalf of Calcutta, that the Calcutta Medical College is one of the biggest colleges not only in India but in the whole of the British Empire. So far as its Maternity Ward is concerned, which is called the Eden Hospital, there are on an average 1,100 lying-in cases in this ward annually, and the students of the Medical College get ample opportunity and facilities for attending at least 75 per cent. of those maternity cases. Not only that, but there is another big hospital in Calcutta known as the Campbell Hospital. That is also a big hospital and a medical school is attached to it. The students of the Medical College now are allowed facilities for attending midwifery cases in that hospital also. The Calcutta University has adopted regulations in conformity with the recommendations of the Medical Council; they even anticipated them in that respect, and every student who passes out of the Medical College has to attend 20 midwifery cases and not merely to attend but take part in the cases and practically conduct the delivery in six cases and give assistance in six others. The equipment of the Eden Hospital is quite up to date; but if we have not got experts attached to that college that is no fault of our own; the professors are recruited usually from the Indian Medical Service, and the midwifery ward is in charge of members of the Indian Medical Service. They cannot claim to be as great experts as there are to be found in London or Rotunda. Our Government can very well get experts and increase the efficiency of the college. I do not wish to dilate upon it, but only wish to say this, that ample opportunities are given to students of medical colleges nowadays to qualify themselves in midwifery and also in diseases of women and children. There is of course room for improvement and the Calcutta medical students are not certainly worse off in that respect than their brethren in London and Edinburgh.

With regard to the proposals of the Medical Council, having regard to the assurances given by the Honourable Mr. Shafi, I do not wish to say anything more; I think the interests of the medical students in this country will be quite safe in the hands of our Education Minister and of the Government of India. I will only say this, that the problem of problems of the present day is to get sufficient employment for the educated young men. If the avenues of employment are not closed, but fresh avenues are opened out, fresh careers thrown open for our educated young men, all that we hear of unrest, discontent, dissatisfaction and political unrest in India will be a thing of the past. So I deplore, I will not say the jealousy, but the tendency on the part specially of the Indian Medical Service in their own self-interest, to curtail the opportunities of medical students, from this country, who are at least as well-qualified as English medical students, to go out to England and qualify

themselves for the Indian Medical Service by open competitive examination. With regard to what Colonel Gidney said, about the inferior medical training of our medical students, I must say this in defence of our young men of the medical profession, that at the outbreak of the war hundreds of graduates of the Calcutta Medical College offered themselves for service abroad and they have rendered singular services to the State and acquitted themselves very creditably. My justification or qualification for saying something with regard to this subject is that I am in intimate touch with the medical profession.

Colonel Gidney has very uncharitably chaffed lawyers for advocating the claims of the medical profession in India. I may tell him, however, that many members of my family and many of my friends have served during the war all through, in danger zones at risk of their lives and at great sacrifice; one very near to me left off a paying practice and served for three years in the submarine zone in the Mediterranean and the Atlantic on a hospital ship; he lost his practice and shattered his health when he reverted to the profession after the war was over. So, although I am a lawyer yet I take a great deal of interest in education and the welfare of the youths of this country; and that is my apology for supporting this Resolution. I would also tell my friend, Colonel Gidney, that I have been in England and lived in Oxford, Edinburgh and London and with medical students; I know in what way they satisfy the condition that they should attend 20 maternity cases. As regards the out-door labour cases that they are supposed to attend, the system is this. Those cases are registered in the hospital and information is sent to the medical students who live in lodgings; when they receive information that labour has begun there they go some times and not very unfrequently, it so happens, I know this as a matter of fact, that when the students go there the child is already born and they only sign their name in the card or register and that counts as one of the 20 cases. Of course that is a reason why the Medical Commissions appointed in England and the English medical journals have made no secret of the fact that the training of the English medical students in London and Edinburgh is also very unsatisfactory. We are all anxious that the qualifications of medical men should be of the right kind. We should try, now that the medical departments and medical subjects have been transferred to the Provincial Governments, to secure greater efficiency in this direction. I am sure that our Ministers will do their best to increase the efficiency of the medical colleges and of the teaching staff. In conclusion I would ask my friend, the Honourable Mover of this resolution, having regard to the assurances given by the Honourable Mr. Shafi, to withdraw the latter part of his Resolution.

Lieut.-Colonel H. A. J. Gidney: I rise on a point of order, Sir. Mr. Chaudhuri has singled me out for certain remarks to which I feel it incumbent on me to reply. I never said that Calcutta was one of the Universities that stood so much in need of reform; Calcutta is my old college and I am proud of it. Mr. Chaudhuri has now told us certain facts which I believe I am in order in replying to. I have before me an official letter from the Registrar of the Calcutta University which states that 75 per cent or 1,100 labour cases go to medical students per year for instructional purposes which works out to 6 cases per student. I am not going to defend the manner in which medical students in England sign up their labour cases. Possibly he was thinking of the way budding Barristers eat their dinners in their Inns.

Rao Bahadur C. S. Subrahmanayam: Sir, I feel bound to say a few remarks because I do not like that this debate should go down in the proceedings with errors of fact and of figure. My Honourable friend, Dr. Gour, for oratorical effect occasionally advances propositions with which we may not agree.

It is one thing to advance propositions and it is another thing to make statements of fact. He said that in Nagpur there are 30 or 40 labour cases daily available for students. That number would work out to nearly 11,000 cases in a year, which is somewhat preposterous. There is no city in the world which offers 11,000 labour cases as far as I can see.

Then, my Honourable friend, Dr. Gour, said with great self-complacency, Oh, in Nagpur we get any number of cases for our students, and therefore the institution in Nagpur is about the fittest in India. The fact is that the condition relating to conducting 20 labour cases does not seem to have been properly understood. The condition demands that each individual student should conduct 20 labour cases under medical supervision. That is a condition which every one feels somewhat difficult to satisfy. The majority of the institutions in the United Kingdom have found it difficult to satisfy that condition. 20 labour cases ordinarily may mean several things. Well, when I undertook to move this Resolution, I felt very great diffidence because this is a subject with which I am not familiar, and therefore it was with very great diffidence that I undertook the task. When I undertook the task, I wanted to be quite sure of my facts and therefore it was I armed myself with full facts and guarded my statements when I moved the Resolution. I also took care not to introduce any political or racial questions which are very convenient to introduce in discussing such questions, and I am not responsible for any political colour which has been introduced into this debate. So far as my Honourable friend, Dr. Gour, is concerned,

Then, there is another point, Sir. When we agree with the British Medical Council that endeavour should be made to improve the teaching in midwifery, we say at the same time that no impossible or unattainable standard should be set before us. That is the sum and substance of my Resolution. The fact that we want to improve ourselves does not mean that we are in a wretched condition, and I never can accept the position that we should not accept advice to improve our position. If there are friends who point out defects in our system, we ought to welcome their advice, and it is not fair that we should criticise them in return.

Now, in regard to the criticism of my Honourable friend, Colonel Gidney, it was far from my intention to say anything which would go to minimise the valuable services which the Indian Medical Service men have rendered to this country. The whole of my speech was based upon the position that we have been trained, our country has been served, our institutions have been managed and our students have been taught by Indian Medical Service officers, and to say now after so many years' training that our Universities are defective to such an extent that what has been considered during the last 30 or 40 years to be good, should all at once be put down as being utterly useless or make us unfit to enter the portals of these services is hardly satisfactory.

That in itself shows that I did not mean to say anything against the Indian Medical Service. The British Medical Council are perfectly within

their rights to lay down conditions for admission to their body. They will issue their licenses and diplomas only to persons who conform to their terms and my Honourable friend, Bakshi Sohan Lal, is labouring under a mistake; they did not say, you should not go to the Indian Medical Service; they simply said, 'we cannot license you unless you satisfy our requirements' just in the same manner as we might say in regard to those who seek to enter our own Universities. The result of the action of the Medical Council no doubt would be to preclude Indian graduates from entering the Indian Medical Service. There are fine distinctions to be drawn in all these matters and we have to be careful in stating them.

As regards the remarks which fell from my Honourable friend, Colonel Gidney, I will leave them alone. The lines on which I led my case are the lines the Government of India have already taken action on, and it must be of great gratification to this Assembly that the lines the Government of India adopted in addressing the Secretary of State are just the lines on which we have been pleading this question. Therefore the statement which has been made by the Honourable Member in charge and the request that has been made by a good many more of my friends here will be sufficient to justify my withdrawing the last part of it.

As the question has been sufficiently discussed I will not pursue the matter any further, and I therefore ask for leave to withdraw clause (b) of my Resolution.

Clause (b)* was, by leave of the Assembly, withdrawn.

Clause (a) of the Resolution, as amended, was adopted.

RESOLUTION RE PERMANENT CAPITAL OF INDIA.

Dr. H. S. Gour: Sir, in moving the Resolution† that stands in my name, I wish to remind this House that a similar Resolution moved in

3-10 P.M. the late Imperial Legislative Council last year was received by the Honourable the Home Member with the following words. The Honourable the Home Member said:

'We are shortly going to have a Council which will be admittedly more representative of the wishes of the people and which will be more powerful.'

That discussion which took place in the month of February 1920, was disposed of by the then Government on the short ground that the Government of India was a subordinate Government and had loyally to carry out the instructions and orders of their superior, the Secretary of State, that it was

* (b) That in the event of the General Medical Council carrying out their threat to withhold recognition to the medical degrees and diplomas of the Indian Universities, the Secretary of State for India be moved to stop recruiting in England for the Indian Medical Service and order recruitment exclusively from India, or at any rate, to prescribe the possession of a medical degree or a diploma of any Indian University hitherto recognized by the General Medical Council, as an alternative qualification for admission to the competitive examination for entrance into the Indian Medical Service.

† This Assembly recommends to the Governor General in Council to be so pleased as to appoint a Committee to inquire into the possibility of establishing a permanent capital of India in a place possessing a salubrious and temperate climate throughout the year.

[Dr. H. S. Gour.]

not open to the Government of India to re-open a question so settled. In order to give you the *ipsissimae verbae* of the Honourable the Home Member, I beg to quote the following sentence from his speech :

'It is not for the Government of India which is a subordinate Government to alter a policy which has received the weighty sanction of His Majesty and of His Majesty's Government.'

Now, these two sentences put together mean this: 'So far as this Government is concerned our hands are tied. So far, therefore, as this question is concerned, the Government must use its standing majority to defeat it, but, hereafter, upon the ashes of the present Council, will rise a new body possessed of a new and more vigorous constitution and armed with greater authority and that body may reverse the decision arrived at by the Secretary of State.' Honourable Members will remember that they are Members of that august body. And it is to that body that I address my appeal this afternoon. They must not dismiss the question as a settled fact. They must look at the question from the standpoint of reason and see whether the capital which exists or the series of capitals which exist for the Government of India are such upon which they would be justified in spending their money.

In this connection I cannot quote to you better words than the words of the Honourable Sir William Vincent himself, who, with a tinge of regret in having to accord his support to a decision passed by a superior authority, admitted in the following words the desirability of having a capital in a central place if a more salubrious climate could be assured and there was public opinion and the place was easily accessible by railway. Lest I should be misunderstood, let me again give to you his own words. 'If any place' he said 'suitable in climate, fairly accessible, and central, with some historical associations and good railway communications could be found, then the advantage of locating the Government of India in such a place would be very great.' Honourable Members will here notice that three conditions are laid down for an ideal capital. One is that it must be central. The second is that its climate must be salubrious. And the third is that it must be amenable to public opinion. And fourthly, it must possess some historical associations.

Now, applying this test to the present capitals of Delhi and Simla, what do we find? As the Honourable Mr. Crun, who then spoke for the European interests in this House, or rather in the Imperial Council, pointed out, and anybody who has passed a cursory glance over the map of India will have no difficulty in finding that Delhi, instead of being the most central place, is perhaps the most distant from the largest business centres of the Indian Empire.

Secondly, as regards its salubrity, I do not think even the warmest apologists of Government will commend it on that score. Honourable Members who were present at Delhi at the last session will remember with vivid though somewhat painful interest the dust storms through which they used to make progression to their place of business,—and that in the month of January and February. I have been to that place in the month of June, and I can assure the Honourable Members that that place can only be described in language of ~~inferiority~~ of the third degree. Such is Delhi. Surely, Sir, nobody can accuse Delhi of possessing a salubrious climate. In winter, in the month of November

and December, it is too cold for comfortable habitation. (Laughter.) Honourable Members laugh aloud doubtfully. They will have a foretaste of it in the next Delhi Session, I hope.

Now, as regards the third point, *viz.*, its being accessible to public opinion, well, I need not remind this House that so far as public opinion is concerned, Delhi is as little a centre of enlightened public opinion as, let us say, Patagonia. What public opinion does Delhi possess?

Last of all, we come to the historical associations. This was the fact placed in the forefront in that secret despatch which inaugurated the new capital. Writing to the then Secretary of State, it was said in this despatch of the Government of India that 'Delhi is still a name to conjure with. To the Muhammadans it would be a source of unbounded gratification to see the ancient capital of the Moguls restored to the proud position as the seat of the Empire.' To the Hindus, it was said: 'It is intimately associated in the minds of the Hindus with sacred legends which go back even beyond the dawn of history.' These are the historical associations with which the name of Delhi was commended to the Secretary of State. But what are the facts? My Muhammadan fellow Members of this House will bear me out when I say that the name of Delhi is associated with fallen, decrepit, and dead Empires, and that the Muhammadans regard that not as an augury of good omen but as one where Empires have gone to pieces. And so far as Hindus are concerned, the despatch itself refers to the legends of an ante-diluvian age.

I do not think for a moment that the imagination of any Hindu will be fired by the mention of the name of Delhi. I therefore present to the Honourable Members the real facts of which they are the eye witnesses side by side with the written fable of which this secret document is a living memento. I submit, Sir, that the real reasons why the Government of India fled from Calcutta to the dry and arid plains of Delhi are not the reasons which are inscribed upon the secret documents. It is unnecessary to rehearse the past, but what I wish to make, and I make with every confidence, is that the reasons given by the Government of India to induce the Secretary of State to sanction the removal of the capital from Calcutta to Delhi would not bear a moment's scrutiny. In this reply, the Secretary of State, Lord Crewe, even suspected the centrality of Delhi. I quote once more the exact words of the Secretary of State. He says, 'Such a suggestion is not entirely novel since it has often been added whether the inconvenience caused by annual migration to the hills could not be avoided by finding a new official capital at some place in which Europeans could reside healthfully and work efficiently throughout the whole year.' These are the words of the Secretary of State and I stand here to convince the Honourable Members that such a place exists in the most central part of India, easily accessible from its remotest corners, and answers the rigid test which the Honourable the Home Member presented to the late Imperial Council. Now, Sir, Honourable Members will thus see that this question about the permanent capital of India cannot be dismissed as *resjudicata* or a settled fact. We, the Members of the Legislative Assembly, to whom was relegated the final decision on this matter by the late Imperial Council are in duty bound to examine this question with all the facts and circumstances available to us, and these facts and circumstances I venture to lay before you this afternoon.

[Dr. H. S. Gour.]

I desire in the first place that the capital of India must be located in a place which is central from all places as far as possible. Honourable Members will ask, is this a counsel of perfection or is there such a place easily accessible from all places and from all parts of India. Now, if the Honourable Members will examine the map of India, they will find (laughter). I am very glad to find that the Honourable Members have already made that examination. It saves me a few precious minutes and I shall ask the Honourable Members now to cast their mental glance over that Indian triangle and draw an imaginary line from each corner of that triangle. They will find that it will converge upon a place which is the most central plateau of India (*A voice*.—Central Provinces). One of my friends ejaculates Central Provinces fitly so called because it is the most central part of India. Then Sir, in this vast plateau we have a salubrious climate at an average elevation of 3,000 feet above the level of the sea, a vast expanse of jungle country at present owned by Government which would not require any outlay in the acquisition of land. The soil is hard but rich. The timber is there and it is in the proximity of some of the finest coal mines of Central India. Now, Sir, I am not enamoured of this place. My friends have naturally been prejudiced to a very large extent by reason of the fact that I am myself a Member for the Central Provinces. But I can assure the Honourable Members in all seriousness and in all sincerity that this plateau existed where it is to-day before I became a Member and it is not my misfortune but the Government's fault that they have not discovered it up to date. Now, Sir, this is a plateau which exactly answers all the three conditions which the Honourable the Home Member laid down for an ideal capital. It is central, it is salubrious and there is public opinion there as much as there is in Delhi or in Simla, where we obtain our news of what passes in this Assembly from the cables received from Bombay and Calcutta. If we have any public opinion here and if we have any public opinion in Delhi, let me reiterate to the Honourable Members, the same public opinion exists there. But to be more serious, public opinion has to be cultivated and that I submit is no drawback in a place where people go and foregather and build and reside permanently and public opinion will crop up there in course of time.

Mr. N. M. Samarth : In the jungles?

Dr. H. S. Gour : Let not Honourable Members run away with the supposition that it is a jungle as the Honourable Mr. Samarth once more interrupts. What was Simla before the Government of India came here and what was Bombay but a marsh before it was inhabited by the enterprise of the people. Public opinion does not grow like trees from the soil. Public opinion can be cultivated by man, and I am sanguine enough to believe that if the capital of India is established in this place, which is a superb place in point of climate and locality, public opinion will grow in an incredibly short time. Then, Sir, we pass from the stern realities of facts to the wonderland of sentiment. We want some historical association. What historical association is there in a place which is the capital of the Government of India for seven months in the year. What historical association can Simla boast of. I suppose the Sipi Fair. That is the only historical association that this place can boast of. What historical association, I submit, then exists in a place which is the capital for the major part of the year and we are told by an

Honourable Member from behind that you should establish another Sipi Fair in this glorious plateau of the Central Provinces.

Now, Sir, as I have said, I am not enamoured of one place. I have explored all the possible places in India which might be suitably investigated by a small committee which I ask this House to appoint for the purpose of finding out a suitable place whereupon we may establish a permanent capital of India. I have already dealt with the first capital. I have in my hand a description of such fine places as Deolali and Nasik. I hope my Bombay friends will take note of it—Hazaribagh, which my friends from Bihar will no doubt favour—Ranchi, Palamau, Singhbhum, Manbhum, and four other places which will not be mentioned for the present. Now, Sir, I say that if once a small committee is appointed for the purpose of going into this question, it will certainly, I submit, solve the question once for all, and this responsible body, to whom the question was consigned by the last Council, will be in a position to debate and decide finally upon the question which has been cropping up year after year. That reminds Honourable Members that the press and the public outside are waiting eagerly for the decision of this House on this momentous issue. (Laughter.) I am somewhat surprised that my friends seem to think that this is a suggestion which is based on no serious consideration. What is the position, Sir, of the Government of India at the present day? In the despatch which established Delhi as the capital of India it was said, with all the solemnity which a Government despatch is capable of, that Delhi would be the place where the Government of India would reside for 7 months in the year. If the Government of India reside in Delhi for 7 months in the year, then I submit the question about the permanent capital of India will recede into the background. But do they reside for seven months in the year at Delhi? They reside for 7 months in the year only at this place, Simla. They are only in Delhi for five months. And I think the Honourable Home Member will remember that Lord Chelmsford, the predecessor of the present Viceroy, has committed himself to the convention which makes the Viceroy visit the premier city of Bengal once a year, and where he passes some weeks about Christmas time every year, and this has become an established practice of the Viceroy of India. The result therefore is that the Government of India have no fixed home. It is a nomadic government moving from place to place, with no place which it can absolutely call its own. Is this, I ask the Honourable Home Member, a position which the Government of India can tolerate? If, instead of this, once more the whole question is adjudicated and decided in a manner which will reflect public opinion, and, I think, will contribute to the convenience not only of the permanent officials of the Government of India but also of the Members of this House and of the Council of State, I submit the question will be one which will satisfy all concerned.

I hope the Honourable Members of this House will not dismiss my suggestion. There is a subconscious adjudication which I see written large upon their faces that this is a question which we must relegate into the limbo of a remote and possible future.

I have pointed out, Sir, that the question of the establishment of a permanent capital of India can no longer be delayed. My friend, Sir Frank Carter, who hails as a representative of the commercial community of Bengal, will, I hope, second me when I say that the first duty of a Government

[Khan Bahadur Chaudhuri Wajid Hussain.]

many problems, is likely to-day to scorch to death the half-starved body of Indian finance. Ordinarily I should have welcomed the Resolution of Dr. Gour, because I feel swelling in my bosom the desire for a change of capital. I believe that if the question was re-opened and could be re-opened, there are two places in the Province to which I have the honour to belong, which would have a very fair chance of being selected as the capital of India. One of them is Dehra Dun, which is neither too hot in the hot weather, nor too cold in the cold weather.

There is another place which I can only mention with hesitating lips because some friends from my Province might think that praise of one place necessarily meant disparagement of another. That place is the most central city in what really is the most central Province in the most central country of the Indian Empire. It is historical, it has got railway communications, and in one respect it is by far the best place in India to be the capital, not only of India, but of the future Indo-British Commonwealth. I mean Lucknow. There is no place in India where the various communities, Hindus, Mussulmans and others, have got on so well, through good times and through bad times. There is no city in India where the political and social atmosphere is healthier than it is in the city of Lucknow. For that reason alone, if for no other, it is fit to be the capital of the future Indo-British Commonwealth.

But, Sir, this is not the time when I should be building castles in Lucknow or Dr. Gour should be building Spanish castles in the jungles of the Central Provinces. There are far more serious problems than the problem of a change of capital, and we cannot treat them lightly. We are faced at the present moment with the imperious needs of external defence, to which every need should be subordinated in the interests of our lives, property and honour. There is the problem of internal peace, there is the problem of economic distress which is causing so much suffering to our humbler brethren in this country; and there is the problem of political reconstruction. In the face of all these problems, to think of the change of capital which would involve a heavy inroad on the Imperial exchequer, is to play the part of Nero who fiddled when Rome was on fire. Sir, I am greatly disappointed that Dr. Gour has only supported his Resolution by several appeals to sentiment and has given no cogent reasons for the change of capital at a time when we are in financial embarrassment. The first appeal he made was to the powers of this House. He said it was a more august body. Indeed it is. But it is also as sensible a body as its predecessor.

Then he made an appeal to those who had spent two months in Delhi. For my part I am not sorry for it. I quite enjoyed my two months in Delhi. He said that Delhi is very dry and so forth, but it is a case of 'pot calling kettle black.' For surely, Delhi is not so hot as Jubbulpore and the other place in the Central Provinces—I forget the name.

Then, Sir, Dr. Gour says that Delhi is not a centre of intellectual life. It need not be so when men like Dr. Gour can create intellectual life in Delhi.

Then he has made an appeal to Muhammadan sentiment and says that Delhi is a place where empires have risen and fallen. Empires have no doubt fallen but they have fallen after thousands of years.

Lastly, it is suggested that a Committee should be appointed; I do not see the advantage of appointing a Committee when the question can be discussed here. But the Doctor was so conscious of the weakness of his own case, that he used the butt end of Dr. Johnson's pistol and made the favourite suggestion of appointing a Committee which is often made when other suggestions are likely to misfire.

I hope, Sir, that this House will deal with the question in a dispassionate manner and give calm consideration to the suggestions advanced.

Colonel Sir S. D'A. Crookshank: Sir, I venture to intervene in this debate at this early stage in order that I may give the Honourable Members of this House some practical aspects of the Resolution apart from theoretical and political considerations. I always find my ubiquitous friend, Dr. Gour, who jumps with lightning rapidity and great ability from cases of midwifery to sites of capitals, very interesting, earnest and downright. But I much regret to say that in this particular instance, if I may do so without in any way offending him and appearing to be discourteous, that I do not find his arguments at all convincing.

He is exactly 10 years too late, and in raking up and reviving this hardy annual of the Delhi capital he is, as the last Honourable Member, tritely remarked, taking on the unprofitable task of 'flogging a dead horse.' I was firmly under the impression, having a great deal to do with the construction of the said capital, that the selection of Delhi was—to use a well-known French expression—*chose jugée*, that is to say, an accepted fact, and it does not seem to me that it is much use at this last stage to go on discussing possible sites here, there and everywhere throughout the length and breadth of India. The subject was freely ventilated in 1920 when the Honourable Mr. Patel's amendment to my respected leader's Resolution, for the appointment of a Committee to select a suitable site, was defeated by, I think, 52 to 6 votes.

Well, Sir, the position at Delhi is that up to and including this year we have spent 619 lakhs on the new capital. We have also spent 111 lakhs on the temporary capital, that is to say, old Delhi. Then, again, if you wish to introduce Simla into the argument, we have there Government properties and investments representing an outlay roughly of 425 lakhs thus totalling to something like 12 crores of rupees which is a figure not far short of the whole estimated cost of the New Capital.

Now, Sir, if we go to this salubrious spot in the Central Provinces which is so strongly advocated by my learned friend, Dr. Gour, and which will be I am sure equally strongly backed by the Honourable gentleman who sits just behind me—I regret to have to stand in front of him—if we go back to a letter he wrote to us in April of this year,—we shall have to start absolutely anew in the jungle country which he so graphically describes. Sir, since we started on the construction of the New Capital at Delhi, as the result of war and the conditions after the war, the cost of building materials and of rates and prices generally has risen probably between 30 and 300 per cent. so that, taking that estimate of 12 to 13 crores which I gave you as the probable cost of New Delhi, if we commence afresh on this new and central spot, we shall be incurring a liability at that rate of about 30 crores of rupees. Incidentally, I think I heard Dr. Gour say that Delhi was an indifferent place for obtaining labour for constructional purposes. There, I must, with all due

[Colonel Sir S. D'A. Crookshank.]

respect, differ from him very strongly, because one of the reasons—I dare say it is a remote one—why Delhi was selected, and I happen to have been consulted personally in the matter in the year 1911 when the discussion came forward, was that the locality is particularly well off not only for labour which we get from the Punjab, from Bikaner, Alwar, the United Provinces, and all around, but also for materials. I do not know the particular spot the Honourable Mover of this Resolution has in mind for his capital, perhaps somewhere on the Satpura range of hills, but I imagine, whatever labour was required there would have to be imported at very great cost indeed. Furthermore those parts are not particularly well placed for the supply of materials, anyway nothing like as well as Delhi is, where we have no less than eight lines of railway converging into Delhi, whereas in the Central Provinces there are probably only the main lines of the Great Indian Peninsula and possibly the Bombay, Baroda. Sir, as to this Committee, which the Honourable Mover of this Resolution proposes to appoint, I must invite the attention of this House to the fact that a Committee of that nature, to be of any use whatever, must be a very representative Committee and must also travel all over the country to personally inspect the various sites which have been suggested, that is to say, Dehra Dun, Ranchi, Ootacamund, Lucknow, perhaps, Allahabad.

Mr. E. L. Price: Jessore!

Mr. R. A. Spence: Nasik.

Colonel Sir S. D'A. Crookshank: Shillong, Pachmarhi, and I don't know that the Committee would not have to go to Burma. In this matter I feel myself in rather an awkward predicament in that I am in the position of a house—(not this House)—which is divided within itself, which, according to our Scriptures, must surely fall. On the one hand, I have the very tempting offer of my Honourable friend, Dr. Gour, to serve on this Committee myself and thereby get a free tour throughout India and I hope also Burma and Assam, but on the other hand, I have to face the hard facts and the figures of expenditure which I have already detailed and also to bear in mind the very heavy charges and great delays which would be incurred if any change were made at this late stage of the development of the situation. So that on the whole I think the Honourable gentlemen of this House will realise that we had better take what we have got and follow the good advice which was given in the Honourable Mr. Kabraji's Resolution last Session to the effect that we should do everything in our power to find more money year by year in order to expedite the completion of the Delhi capital.

Now, Sir, I noticed that Dr. Gour said that this was very little to show for the five crores which I stated on a previous occasion had been the expenditure up to date. I quite agree with him. If it had not been for the war, and its effects, we should have done a great deal more, in fact, we should be in possession of the New Capital by now. But the fact remains that all that actually meets the eye does not represent the expenditure on the capital. By far the greater part of the expenditure on a big city of this nature is of course in the underground, in the foundations, the drains, mains, pipes, and engineering services generally and all the work which does not ordinarily arrest attention and meet the eye.

Sir, although as a Member of this House I naturally take an interest—an intelligent interest, I hope—in the political situation, as an Engineer, I have no concern whatever with politics, and if in the latter capacity I may be permitted to offer my advice, for what it is worth, to this Honourable House, I would prefer the advice which I would give to a friend if I were to be riding with him, and that is to the effect: 'Don't swop horses while you are crossing a stream,' which applied to this debate would be: 'Don't swop capitals while you are building an Empire.'

Lient.-Colonel H. A. J. Gidney: Sir, it was not my intention to enter into this debate when I came here, but after I have heard my Honourable friend Dr. Gour who, I may say, had already consulted me on this Resolution of his and obtained my consent to serve on this Committee, and remembering the attitude that was taken by this House when I presented my Resolution for the enhancement of civil pensions, I felt that I must take part in this debate. I am inclined to compare the reception that Dr. Gour's Resolution has received to-day with that which my Resolution has received. My Resolution was received with an intense degree of sympathy; Dr. Gour's Resolution, I notice, to-day has been received with great jocularly. Sir, I think it was truly said that many people become intoxicated with the exuberance of their own verbosity. Dr. Gour has been talking to-day, and had I known the arguments that he was going to put forward except that one, a very important one, of expenditure, I certainly would not have given my consent to being on this Committee. Dr. Gour is proposing here to ask this House to change what is going to be our capital,—it is not our capital yet, except that it is partly so—to one in the Central Provinces. He is going to change the capital to a jungle, and he asks us in all seriousness to stop the continuation of the works at Delhi and to start new ones there. He has made a very fond appeal to his friend on his right for commercial support, but he was firmly refused this. Sir, when one comes to analyse Dr. Gour's Resolution, there is more in it than should merit laughter from this House. Let us take the present capital of Delhi. It has cost us a little more than 5 crores, and when one looks into the archives of the past, one realises that the change of the capital from Calcutta to Delhi was, I think I am right in saying, nothing else but a sop to satisfy the sentiments of the Muhammadans, especially at a time that synchronised with the partition of Eastern Bengal. Well, Sir, when we come to analyse the expenditure which the new capital has cost us to-day, when we come to add to that fact that we have two capitals, when we also realise the expenditure that it costs to move from Simla to Delhi and from Delhi to Simla, when we also realise that India will in time, when the devolution of power becomes greater from the European to the Indian, be mainly administered by Indians, when we come to realise that goal or rather visualise that time, we will realise then that the Indian Members of this House will naturally desire a place as their capital in which they will not have to spend seven months in the year in a cool climate but would prefer a permanent capital in an equable climate. Moreover one has to realise that the total expenditure that would be incurred by the Government here would more than pay for the erection of a new capital. Now, I have no desire to say that this plateau which Dr. Gour commends so much to our sympathy and encouragement is the one and only place in India which is suitable for a capital. But if we are going to look at the future, if we are going to stop this waste in time, this waste in labour, I consider that Dr. Gour's Resolution has a lot to commend itself; and

[Lieut.-Colonel H. A. J. Gidney.]

even if we do not decide to change the capital of Delhi, yet we must not forget the fact that at the rate we are at present proceeding in Delhi, the estimated cost will I feel sure exceed 15 crores. Can we afford this enormous outlay in these days of financial stringency and economy? The Government of India brought forward the same argument when they disagreed with my Civil Pension Resolution. I think that there is a great deal in Dr. Gour's Resolution which demands serious consideration.

Mr. R. A. Spence : I move that the question be now put so that we may go on with the work of the House.

Bhai Man Singh : Sir, I am sorry that even an eminent advocate like Dr. Gour has failed to make out any case against the historical city of Delhi. One funny argument brought forward by Dr. Gour was that so many empires have been ruined at Delhi. But I must remind him that in every great city wherever empires have risen, wherever capitals have been, their ruin must come at that place. It is just like saying 'My father died in this house, my grandfather died in this house, and my grandmother died in this house; and therefore I should not live in it' and I think there could be nothing more in the argument that Dr. Gour brought forward against Delhi.

To say that 'Delhi has got no public opinion,' nothing could be far from being right. Delhi has got a public opinion which is the legitimate child of its ancient civilisation. Delhi has been the capital of the Moghuls, of the Pathans and still further on of very great Hindu Empires. Well, I put it to any Honourable Member of this House to say whether a city which has been the capital of so many Empires gets its own civilisation or not, whether the seat of an Empire does affect the civilisation of that place or not. I think the answer is very clear. Now we are asked to go to the jungles of Central India or as in Punjabee one would say 'Jungal wichh mangal bana diya.'

To try to build palaces in the woods of Central India may appeal to the imagination of our Honourable friend, Dr. Gour, but I personally do not understand that we can build anything like the remnants of an old civilisation in the new City of Nagpur or to whatever other place our choice may fall.

The great objection that one should first of all have to the change of capital is the enormous sum already sunk at Delhi and the question is what to do with that. It is not only the enormous capital sunk in building so many palatial buildings. We have got the roads and so many other things. My friend, Dr. Gour, should not forget how many merchants, shop keepers and other tradesmen have removed to that place (Delhi) and how much the trade will suffer if a change be now made. I might be excused when I ask my Honourable friend, Sir Sydney Crookshank, if he could hit upon any device by means of his great engineering skill to remove all those buildings intact to the Central Provinces or if my Honourable friend, Colonel Waghorn, could frame some huge new railway wagons to transport all those things to the Central Provinces. Then there is also what is called adjusting oneself to a place. When I come to a new house, I always feel strange and I take some time to adjust myself to that place. This is not the case with individuals only. It is still more true in the case of empires. We and the whole country have now adjusted ourselves to a certain capital, the Government have adjusted themselves to a certain place and it is not a child's play to remove to quite a new place now. The

Government have adjusted themselves to Simla and Delhi. You cannot say 'Let us change all that and go over to another place' because a certain place appeals to some one's imagination. Well, if I may be allowed to make a little mention about personal things, I found my little quarters at the Summer Hill a little less commodious for myself and Sardar Gulab Singh specially when I knew that some guests were coming to stay with me. But when I heard that a certain quarter would be available to me on the Cart Road, I had already gone to the Summer Hill quarter, I had placed my luggage there and I had accommodated myself and so I felt very reluctant to go to the Cart Road quarter. It may look like a trifling thing, but when an empire has adjusted itself to a certain place, would it be possible to remove the capital for such slight reasons as given by Dr. Gour? It is very easy to talk and say that if we remain at Delhi we will have to come up to Simla, but I personally have not been able to understand what is there against Simla except one thing, that it is costly. To this point I will come after a minute. I would frankly admit that I am fond of Simla. I would say that the beautiful Chadwick khud near 'Summer Hill' is very charming. Still further we have got the charming Chadwick Falls. But that is not the point. The jungles of Nagpur or other beautiful places of Central India also appeal to my imagination, but that is not the question. I would like to go to Dehra Dun. It has a beautiful valley. But that is not the point. The question is, have we been able to make out a case against Simla? It is no use appealing to sentiment that we should not work on the heights of Simla. I do not find anything wrong in working here. The only thing is that having capitals in two places, means so much expenditure of money every year in moving from one place to another. But at the same time look to the enormous cost that we will have to incur in changing our capital to any other place from Delhi. I would feel obliged if the Honourable Finance Member will enlighten the House on the annual cost we have to incur in coming over to and going back from Simla. That would, I think, clear the point very easily; and if the capitalised value of that cost is not much, at least not abnormally high as compared with the cost of our building a new capital at another place, I think there is absolutely no reason for recommending a change of the capital. With these few remarks, Sir, I beg to oppose the motion.

The Honourable Sir William Vincent : Sir, the question of the change of capital has been discussed times without number both in this Assembly and in its predecessor, the Legislative Council; and as reference has been made to one debate in 1920 when an Honourable Colleague of mine moved for the appointment of a committee to inquire into this matter, I should like to refer to what I said on that occasion. There is some danger; I think, of my views being misrepresented.

What I said then was: 'The fact is that the ideal capital would be one with a temperate climate, and in a place where Government would be in constant contact with leading men of affairs in the different branches of life.' I think none will fail to support that statement. I did not however suggest then that we should change our headquarters at the present moment. Nor can the Honourable Mover really suggest this. As Mr. Sastri very well said at that time, we are not writing here on a clean slate. We have to accept the facts as they are. I may add that I notice that at that time Mr. Khaparde, who is now adorning another place, proposed, like the Honourable Mover here, that the capital should be moved to Pachmarhi. I should like to cite

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Mr. Sastri's remark on that proposal. It seems to me rather relevant if severe. He said 'Pachmarhi, which is in the Central Provinces, does not even deserve notice.'

But what we have to consider now, I think, is not what was said in the previous Council, but what has been decided by this Assembly,—what this Assembly has decided in the most emphatic manner repeatedly. Now on the 14th March last Mr. Seshagiri Ayyar moved that the provision of a sum of Rs. 5,64,000 for building the Chamber in which we are now assembled should be omitted from the grant for Civil Works, and on that Resolution—I think Honourable Members will remember—a discussion arose as to the suitability of Delhi as a capital headquarters. That motion was negatived, after a division, by a majority of 67 to 21. By that vote this Assembly, as we understood, committed itself to accepting Delhi as the capital. Well the question came up again two days later on the 16th March when Mr. Pyari Lal Misra—I think he also comes from the Central Provinces—moved that the demand under the head of capital outlay on New Delhi should be reduced by Rs. 1,25,000, that motion was negatived; and I confess I heard the Honourable Colonel Gidney to-day supporting the proposal for the appointment of a committee with surprise. He must in my opinion have changed his mind very considerably since the 16th March. I will read out to the Assembly what he said and they will be able to judge for themselves. Colonel Gidney now wishes to appoint a Committee to examine this question propounded by Dr. Gour. I think he must have done this out of a feeling of friendship for the Honourable Mover, for what he said on 16th March was:

'Sir, I shall not weary this House by entering into the merits or demerits of Delhi as the capital city of India. This we must relegate to the archives of the past.'

And he went on to say in the end:

'In dissociating myself from this demand for a retrenchment, I support very heartily the previous speakers that we should expedite the work, and if the House is in favour of it, we should raise a distinct and separate loan specially to build the New Capital.'

I cannot think that Colonel Gidney would have proposed the spending of this large sum of money if he had at that time thought that it was necessary to appoint a Committee to inquire what place would be a suitable site for a capital.

However, I may be entirely wrong in my reading of his speech. I said I would leave it to the judgment of the Assembly and I am content to do so. Well, Sir, after that motion, Mr. Sarfaraz Hussain moved that the capital outlay should be reduced. That motion, again, was negatived and the full amount provided. Again, later on, Mr. J. Kabraji moved that in the interests of economy and general convenience alike the execution of the programme of New Delhi Works may be expedited and the necessary funds provided or raised so that the Secretariat and Legislative buildings and connected works, including residences, may be completed as early as practicable. That Resolution was adopted and I should like to quote from Mr. Neogy's speech in the discussion because it is of the utmost importance. He said:

'Sir, I should very much like to know as to whether we have got a settled and definite policy in regard to the Delhi project.'

And, then, at the end, he said:

'I hope, Sir, that our discussion to-day will enable us to formulate a definite policy in regard to this matter.'

I thought that he meant, and I believe he did mean, that we were then going to settle once for all what the views of this Assembly were on the question of accepting Delhi as the capital. I do not know whether that was his intention or not. I see him facing me but he does not give me any indication of his views. Even this Session, on the 22nd of September, we have had a supplementary grant of 33 lakhs asked for towards Capital Outlay on Delhi and examination shows that it includes various sums for Government House and Secretariat buildings. There was no opposition from Dr. Gour, to that grant. What is the Government to conclude from all this? Had we no justification for taking the view, that this Assembly approved the expenditure on Delhi? And, to think that, the Assembly would not be so foolish as to approve this expenditure unless they meant to retain Delhi as the capital. If the Assembly then thought of deserting Delhi in favour of some salubrious spot in the Central Provinces, would it not have been more reasonable to refuse all these grants to which I have referred? Indeed had any of these Budget demands or discussions to which I have referred arisen out of the discussion of an ordinary Resolution, why the Honourable Member would have been out of order in bringing forward the present Resolution at all. I however admitted myself on previous occasions that, in my own opinion, a purely personal one, Delhi is not an ideal capital (Hear, hear), but that is not really the point before us.

My Honourable Colleague here, Mr. Shafi, thinks it is. I merely put my view as to Delhi as a personal one and not the opinion of the Government; on the main question, however, as to whether it is possible for the Government of India to abandon that capital, there can really be one opinion among all sensible men and the attitude of Government is clear. Whatever be the merits or demerits of Delhi I think that Dr. Gour was exaggerating a little when he spoke of the climate there in November and December as intolerable. I think he said it was enough to kill everybody. Well, a great many of us—exclusive of some hundred thousand people down there—do survive every year, in spite of these accusations.

There are two objections to Delhi at present that I must admit. But one will I hope shortly disappear—at least in part, and that is that the Government of India do not stay in Delhi a sufficient time; I noticed that this criticism attracted some attention in this Chamber. I have tried to explain the reason before, but I will do so once again. The reason for this short period of our stay in Delhi is that we are at present in temporary buildings, a large number of our men have to be either in inadequate temporary houses or else under canvas. A very large number live under canvas, and it really is impossible in these circumstances to prolong our stay at Delhi materially. But it has always been the hope of the Government of India that when the new capital is complete it will be possible to reside in Delhi for a considerably longer period than at present. That I believe will meet a great many of the objections to that place from the point of view of this Assembly.

In the next place, the cost of the move has also been referred to. Indeed I heard one suggestion that the capitalised cost of the move from Delhi to Simla would be more than the cost of building Delhi. Now the cost of moving from Delhi to Simla—I have not the figures here but I know as I had occasion to look them up quite recently—is very small. It is nothing at all

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compared to what the cost of moving to Calcutta was. I am afraid of making a statement at random but I can definitely assure this Assembly that the cost is quite small. The dislocation of business for some little time is undoubtedly a defect. That was the second defect which I pointed out. This is one more consideration which has really been dealt with fully by Sir Sydney Crookshank, but I should like to reiterate and emphasise what he said in regard to the expenditure. The exact expenditure up to date, I believe, cannot be given at this moment, but by the 31st March 1922 about 6 crores and 26 lakhs will have been spent on New Delhi. Unless this Assembly proposes to waste that amount, it is idle to talk now of appointing a Committee to make the inquiry which the Honourable Mover wants. Such a Committee would take a very long time to complete its inquiries, and in the meantime the new city of Delhi would be completed. Think of the additional burden which would have to be borne, if a new capital were chosen, with the cost of re-erecting a capital there at a vastly increased cost both in labour and material.

I think really that in all these circumstances I can safely leave the present motion of the Honourable Mover to the vote of this Honourable Assembly.

Mr. Zahir-ud-Din Ahmed : I support this Resolution whole-heartedly, and at the same time I wish to say that Calcutta has got a most salubrious and temperate climate. Need I say that I come from Bengal. The position of the Government of India is like that of the Wandering Jew. This state of affairs cannot last for ever; even these people have now got a home in Palestine. Let us follow their example at least and find a permanent capital for all the year round. Sir, I may say that while I was coming to Simla the train got into a tunnel and I got a fright whether I would ever come out of the hole or go deeper and deeper into it. Thank God that I came out safe. I am certain other friends of mine also got such frights which no doubt nearly caused them heart failures. We want to secure ourselves from such dangers. Self-preservation is the rule of nature and on that consideration I support the Resolution.

Mr. K. G. Bagde : I move, Sir, that the question be now put.

The motion was adopted.

Mr. President : Does the Honourable Member rise to reply?

Dr. H. S. Gour : Yes, Sir, there are a few points.....

Mr. President : The Honourable Member should have risen to reply sooner, if he wanted to reply.

The Resolution was negatived.

RESOLUTION RE: RESERVED RAILWAY COMPARTMENTS FOR DIFFERENT COMMUNITIES.

Mr. W. M. Hussanally : Sir, I propose that :

This Assembly recommends to the Governor General in Council to advise all Railway Administrations in India to abolish the system of reserving Railway compartments for different communities (except ladies) unless they are fully paid for.

At the last Delhi Session I asked the following question :

'Do Government propose to order that there should be no compartments reserved for any class of Indian railways except those intended for ladies.....'

Mr. J. N. Mukherjee : I rise to a point of order, Sir. I find that the next Resolution stands in my name. Do I understand that the Chair has postponed my Resolution?

Mr. President : I called the Honourable Member's name and I watched him. I did not observe him rise and therefore, passing over the next Resolution which stood in the name of the Honourable Member from Madras who is absent to-day, I called the Honourable Member from Karachi.

Mr. J. N. Mukherjee : I did not hear, Sir; nobody at least in my neighbourhood heard, I think, my name mentioned.

Mr. President : Order, order. If I allow the Honourable Member to move his Resolution, it will be by way of grace and not by way of right. I am not in charge of the Honourable Member's Resolution; he is. I called his name; if he did not hear it, I am prepared to allow him now to move his Resolution; but I may point out that I shall not extend this grace to any other Member of the House in future. If the Honourable Member is not sufficiently interested in his own Resolution to listen to the calling of his own name after the despatch of the business immediately preceding his, then I do not think I can extend that right.

RESOLUTION RE: THE POSTAL SYSTEM IN INDIA.

Mr. J. N. Mukherjee : Sir, I thank you for the indulgence. The Resolution* which I have the honour to place before the House is to my mind a very harmless one; but though harmless it attempts to achieve a very useful purpose, namely, to extend the usefulness of a department of Government which from every possible point of view has been of great service to the country and to the Indian community at large, and is from all accounts one of the most well-managed departments of the Government.

Its civilising influence has also been great. But, in spite of all good points in its favour, one cannot imagine that efforts should not be made to expand the usefulness of the Postal Department in India in various directions in which similar institutions in other civilised countries—especially in Europe and America,—have been carrying on their useful operations. In contemplating the rather long list of demands for Committees which this Assembly has made during the short months of its present career, for the purpose of investigating into various matters connected with the administration of the country, one cannot but feel somewhat chilled at the idea of making a fresh demand, and it is this feeling which has stood in the way of my asking for something which will go to add to the rather heavy list of committees which the Government have before them already.

* The Assembly recommends to the Governor General in Council that he may be pleased to consider the advisability of appointing a Committee of official and non-official Members to inquire generally into the postal system in India and report as to the best means of improving its utility and efficiency as regards service both in urban as well as rural areas, so as to bring it into line, as far as practicable, with the systems in operation in European countries, specially in Switzerland in respect of Postal Cheque Accounts, delivery of newspapers and collection of subscriptions on account thereof, payment of rates and taxes through post offices, and similar other matters, at any rate in large towns and commercial centres.

[Mr. J. N. Mukherjee.]

My Resolution, modest and harmless as it is, leaves the choice of procedure to the Executive Government of the Country. They may, if they like, appoint a Committee for the purpose of investigating into the subject-matter of my Resolution, or they may collect information departmentally, just as it may be convenient to them. But there is pre-eminently one thing which it is the aim of my Resolution to accomplish, and it is, that there should be a good deal of further progress in the Postal Department of Government. We, as members of this Assembly, are here to remind Government of the necessity of progress, as we are bound to insist upon it if we are to discharge our duties. Sir, to my mind, the growth of this department of Government seems to have been arrested for some time past, unless we take the recent increase in the rates of postage as a sign of growth. I fear, however, many of you will be inclined to repudiate such an idea.

The history of the gradual expansion of the postal system in this country, is, to some extent, one of initial official opposition to any new-fangled idea, in the first instance, followed by the adoption of the idea itself in the end. It was long after the appointment of the first Postal Commission in 1850 that the value-payable or the Cash-on-delivery system was introduced in the Post offices in 1877, and, in 1878, the Post office undertook the insurance of letters and parcels. The money order work of the country used to be carried on by Government Treasuries previous to 1880, and the procedure was rather cumbersome. In that year (1880) it was handed over to the Post office with the result that in a few months the number of money orders issued and paid, quadrupled. The extent to which money order business has increased may be gauged from the fact that the value of inland money orders in 1881 was forty-five millions, and in 1917-18, it had increased to over six hundred and seventeen millions of rupees.

In 1870, Government Savings Banks were first established in India in connection with District Treasuries, and, in 1882, permission was given to open Savings Bank Accounts at Post Offices, but the management and control of the funds still remained with the Treasuries. In 1885, all Savings Banks at Treasuries were closed, and the business was transferred entirely to the Post Office. The growth of business in this department of the Post Office may be realised from the fact that in 1882-83 there were 39,101 depositors with a balance of Rs. 27,96,930, whereas in 1913-14, there were 16,38,725 depositors with a balance of Rs. 23,16,75,467.

In 1883, combined Post and Telegraph Offices were introduced, and it is no exaggeration to say these are solely accountable for the extension of telegraph facilities to the smaller markets and rural tracts of India.

In 1884, the sale of British Postal orders and the telegraphic money order system were introduced, and in the same year Postal Life Insurance was also inaugurated—a measure at first confined to the servants of the department, but was afterwards extended to all Government Servants. The extension of the money order system to the payment of land-revenue was first tried in that year (1884) in the Benares division of the North-Western Provinces and proved an immediate success. The system was a great advantage to small proprietors who lived at a distance from the Government collecting stations. In 1886, the system was extended to the whole of the North-Western Provinces except Kumaon, and a beginning was also made in ten

districts of Bengal. The action of the Post Office was fully justified by results, and revenue money orders were quickly introduced into the Punjab, Central Provinces and Madras. Rent money orders were first tried in the North-Western Provinces in March 1886, and experiment was also made in Bengal in October 1886, and the system was extended to the Central Provinces in 1891. In 1890, at the request of the military authorities, the Post Office undertook the payment of military pensioners in the Punjab.

Such has been the history of the growth of the Postal Department. Now to go back to the history of the opposition that was offered at various stages of its growth.

The proposal to establish Post Office Savings Banks on the lines of those which existed in England met with great opposition—specially from the Comptroller-General. The same arguments were brought forward which the opponents of the Post Office Savings Bank Bill in England used, when Mr. Gladstone managed to get this wise and beneficial measure through both the Houses of Parliament in 1861. Similarly, when in 1878, Mr. Monteith, Director General of the Post Office proposed to Government to take over the money order business from the Government Treasuries, his proposal was strongly opposed by the Comptroller-General, but in the end it was accepted by Government, and was sanctioned by the Secretary of State in November 1879, and on the first of January 1880, the Post Office took over the whole management of issue and payment of money orders. These are instances of opposition overcome, which I cite with a view to minimise any possible opposition to the suggestions contained in my Resolution.

It may be contended that the conditions in India can bear no comparison to those in European countries, and that because certain things have been carried out successfully in a certain manner in Switzerland, it is no reason that the same results can be achieved in India by adopting similar methods. In reply to such possible objections, I may state that for the idea of paying money orders at the houses of payees, India is indebted to Germany; and for the idea of Postal Savings Bank,—to England. If the system in operation in advanced European countries were to be tabooed simply on the ground of dissimilarity of conditions prevailing in those countries and India, Savings Banks and payment of money orders through Post Offices would have been perhaps unknown to this country even up to this time.

I have traced the growth of the working of the Post Office down to the year 1890 and 1891, but I regret to have to note that there has been a dearth of any special progress worthy of the name since that year (1891). To my mind, it is high time that the gods of the Postal Department should shake off their stupor and make rapid strides in the direction of further progress, and bring the achievements of their department into line with those of advanced European Countries and of America. What I mean may be made clear by referring to a concrete instance. In connection with the working of the postal system in Switzerland, a quotation from a letter of a business-man may be placed before the House: He says:

‘The other day I received a doctor’s bill. In the bottom corner was a number—that of the doctor’s postal cheque account. Next time I passed a post office, I stepped in, filled in a form, paid the exact amount of the bill and received a receipt. The thing was done.

‘The Post office places the money to the doctor’s account and sends him a voucher to this effect. He has nothing further to do except to strike the entry off his book, and if he is busy, he may let the vouchers accumulate until he can attend to them. There can be no

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disputes about the payments, even if I fail to keep the postal receipt, for it is officially recorded by the State, and proof can be obtained at any time within five years.

'If I hold a postal cheque account, the matter is simpler still. I have a postal cheque book; I fill in a cheque, hand it to the post office (I can post it if I please) and the sum is transferred from my account to his, he being notified as before.

'If I were a commercial man I could pay a dozen or more accounts, through the Post Office on one cheque, writing the list on the back, and it is not necessary that all the payees should have postal cheque accounts. If they have no accounts to which the money can be transferred, the postman will pay the sum in cash at the address indicated, and obtain the receipt.

'In the first instance—that of transferring from one account to another—no charge whatever is made. For other payments there is a small tax, though less than on postal orders which are also in use. In the case of both order and cheque, the sender is allowed to write a message in a space provided for the purpose on the voucher section, without extra charge.

'Foreigners are allowed to hold postal cheque accounts; but this seems practically unknown in England.

'One pays one's taxes in Switzerland through the post office, a form for the purpose being enclosed with the notice stating the last date on which it may be received. In fact, forms are sent out with all kinds of requests for money; all you have to do is to fill in your name and address and hand the form and cash to the Post Office.'

To return to our own system. Leaving out of account those facilities in the postal department which are obtainable in Switzerland and other European Countries, can we honestly say that we have done all we could and should do in respect to the postal arrangements in our villages, and in areas outside towns and cities? Is it not a fact that delivery of letters, etc., in our villages are made only once a week? Is it not a fact that our villagers have to travel long distances to the sub-post-office to receive payments of money orders and to transact similar other postal business? Is it not time that inquiry should be made into these matters with a view to put an end to our rather antiquated village postal system? Can we not take advantage of our village chowkidars to improve our system or devise some other means of remedying our defects? All that my Resolution asks for is, that a thorough inquiry should be made into these matters, and improvements should be introduced worthy of the administration of our country; with a view to bring the working of our postal system into line with the improvements that have been achieved in advanced European Countries. I will end as I began by saying that my Resolution is a very modest and harmless one, and there can be no possible objection to its acceptance. I have every hope the House will adopt it without a dissentient note.

Mr. Zahir-ud-din Ahmed : Sir, I rise to oppose this Resolution tooth and nail, on the ground that the purpose of the committee as proposed in the Resolution can be served in some other easier way without any expense whatsoever. I have got no less than 40 years of experience of all the Departments under the Government. No Department, to my best knowledge, is giving so much satisfaction to the general public as the Postal Department in India. Unlike other departments, the superior officers in this department never try to shield their subordinates, if they find any transgression of duties on the part of their staff. Whenever they find satisfactory cases of complaints, they immediately take steps to remedy them the grievance, and also to punish the delinquents. This is the secret that this Department is working so well. Sir, I will take the lowest paid staff among the postal employees,—I mean the postal peons who draw a salary of Rs. 10 to Rs. 15 per month. These men deliver money orders for thousands and thousands of rupees every month, and

not one picon in a thousand is found to embezzle the money put into their charge.

Supposing these money orders were delivered through the Policemen. What would have been the result? Would the payees have got the full amounts as they get them through the Postal Peons?

I was for over 30 years in the district of 24 Pergannas where I had scores of Englishmen and Scotchmen as my friends. They one and all told me that the Postal system in India was superior to either that of England or Scotland. In both England and Scotland, they are to go to the Post Offices on the receipt of notices to receive the money orders. When they come, they are questioned from which places they expect their money orders and also the amounts they are to receive. If they fail to reply correctly, the money orders are not delivered to them. Is this the kind of improvement that the Honourable Member of this Resolution wishes to effect?

What I find my Honourable friend is trying to do is to oil the most oiled part of the machinery. The Commission, if appointed, will only be a needless expenditure of money and that of energy too. If the Honourable Member has a good scheme in view, let him put it before the Director General of Post Offices in India, who is a member of this Assembly, and I am certain that this high official will give the matter a just and sympathetic consideration, and if the plan is financially feasible, there is not the slightest doubt that it will be accepted and will be carried out. If my Honourable friend wishes me to find out for him the office of the Director General of Post Offices or the seat of this official in this Assembly, I am at his disposal. In this way the object can be served without any waste of money and labour too. With these few words, I ask the Honourable Member to withdraw this Resolution so that some other important matter can be gone into.

Mr. G. R. Clarke : Sir, I regret that I have written a book on the Post Office, because, the Honourable Member seems to have quoted most of his arguments on the Resolution out of it. Before dealing with this, question, I think it would be as well for the House to know what the system of giving rural facilities in the Post Office is. As you know, Sir, India is divided into postal circles, under which we have got Superintendents' Divisions and again sub-divisions. The Divisions are in charge of Superintendents, the sub-divisions are in charge of Inspectors. Well, our sub-offices are mostly in towns outside the headquarter towns and our Branch offices are in more important villages. Most of the Sub-offices and Branch offices in rural districts have village postmen attached, and it is our aim that every village in the country should be within the beat of a village postman. The village postman's beat is divided into two kinds, the fixed beat and the unfixed beat. The fixed beat is composed of villages which he must visit when he goes his rounds. In this are the more important villages which have letter boxes, and where there is always correspondence for delivery. The unfixed beat consists of villages which he visits only when he has correspondence actually for delivery. The village postman is really the pioneer of the Post Office. He is a travelling post office. He delivers postal articles and he collects them for despatch, and those of you who have any knowledge of the village postal system in India, must be perfectly aware of this fact. There is no portion of the postal system which is more carefully watched by our Superintendents and Inspectors than this village postmen's beat system. Statistics are very carefully

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kept, and if any village in the country shows any sign of postal development or postal necessity, we at once open a Post Office, and we call these offices experimental post offices. In the old days they were opened under a guarantee from the residents, but we have now abolished this, and they are opened on our own responsibility under a grant which is known as the Grant for Experimental post offices. An experimental post office is usually opened in the first instance for six months. If it shows signs of development or of justifying its existence, it is made permanent, and that again becomes the nucleus of village postmen and other post offices in their turn, and it is in that way that the net work of post offices is spread throughout the country. Really I do not think that there could be a more ideal system. Theoretically it is a good system, and in practice it has worked extraordinarily well. I think the Department has justified its work and, at the present moment, we have over 14,000 branch offices in the country, and of these, nearly 13,000 are in charge of what we call extra departmental agents, that is, people who are not whole-time servants of the Post Office, but who get a certain amount of money for running the Post Office in a village.

They are generally shopkeepers, or pound keepers or schoolmasters, or any local residents who have sufficient education and intelligence to run a very small post office. When a branch office shows signs of doing postal business on a larger scale, it becomes a sub-office and draws into its net again a certain number of branch offices, and so the whole system advances and spreads out over the country. I think at the present time there is hardly any village in the country which is not within reach of a village postman. It may be once a week. In some of these hill villages the postmen can get there only once a week, but we cannot employ postmen for a place which does not carry on a certain amount of correspondence. We cannot send postmen out into the villages with only one or two letters. We have to wait until they collect a certain amount of correspondence, and then we send them on their rounds. If correspondence increases we increase the number of postmen and so on. In this development of rural post offices we have to remember the fact that the small pioneer offices in the country are all run at a loss. Out of 14,000 and odd post offices, we have at present over 4,000 which are carried on at a loss. These new post offices will always be a burden on the revenue, but this fact cannot be an excuse for not opening them, because pioneer offices must necessarily be maintained at a loss. I think we do our very best in this way, but the development of these offices largely depends upon the amount of the experimental grant which is voted by this Assembly. For this current year I asked for 1½ lakhs of rupees, but for financial reasons it was cut down to Rs. 50,000. Therefore our rural development is only going to be one-third of what the Department thinks absolutely necessary. That is not the fault of the post office. The opinion about the development of post offices seems to differ in this Assembly, as quite recently a question was asked as to whether the Government would consider the advisability of replacing the small branch offices by sub-offices. There are 14,000 branch offices in the country and more. If we take the cost of a sub-office it costs on an average Rs. 60 over and above that of a branch office, and the total additional cost would come to about 80 lakhs to convert these branch offices into sub-offices.

Such a measure would completely stop all the development of post offices in this country. I think that these remarks dispose of the question of

development of post offices in rural tracts, and I cannot see how a committee is going to assist in the matter.

I now turn to the other part of the Resolution dealing with urban areas. Well, in the last few years I think everybody knows that, as regards the conveyance of mails in our cities in India, we have almost entirely changed over to motor services at a very great expense. In fact, the Honourable the Finance Member considers that we have been too liberal in this respect. All our big cities now have got motor services for the conveyance of our mails. If mails are conveyed in motor cars they are carried to the different offices in a very much shorter time and the postmen are sent out on their beats much more quickly. To give the House some idea of the facilities that are offered in some of the large cities in India, in Calcutta we have got 61 town sub-offices, 932 post men, 442 letter boxes and nine deliveries a day.

In Bombay, we have got 64 sub-offices, 1,100 postmen, 345 letter boxes and from 3 to 8 deliveries a day according to the locality in the town. In Madras, we have got 38 sub-offices, 345 post men and 6 deliveries. In towns like Rangoon, Lahore and so on, we have got corresponding arrangements, and I am quite willing to give the Honourable Member a statement of all large towns in India giving the details of what the post office service is in each town. I think it will satisfy him that in the urban areas in India the post office is doing as much as it possibly can, and in fact I think, in some of the larger towns, that we are giving rather more deliveries than are absolutely necessary. The Honourable Member seems to think that the development of the post office stopped in 1891, but if he will only read the ordinary statistics of the post office which are published in the annual reports he will see that since 1891 almost every portion of post office work has more than doubled. Everything has progressed. We have not, I admit, introduced any new services into the post office in addition to what we call non-postal services, but I do not think it is right that we should do so. Our business is really in the first instance to deliver letters and postal articles. As I shall show presently, in addition to this, the really essential business of the post office, a great many other services have now been piled on the post office, and I think it will be a great mistake to increase these non-postal services.

Now mention has been made of the question of postal cheques. Postal cheques are used, as the Honourable Member very rightly points out, largely in Switzerland. They are used in many continental towns, but the whole system of postal cheques is this. I will tell you the system in Switzerland. Any member of the public can deposit in a post office 100,000 francs. That is the utmost he can deposit. In smaller offices he cannot deposit so much. When he deposits any sum of money he has got to deposit a guarantee of 100 francs. That used to be the figure. I am not sure what it is at present. He is then given a cheque book payable to bearer, a bank book and also an identity card. Now he can go to almost any post office in Switzerland and cash a cheque payable to bearer, if he produces his account book and his identity card he can draw money up to certain defined limits in different post offices. Now this system which we are asked to apply to India is used in Switzerland for a very particular purpose. Switzerland is a country which almost lives on tourists. When a tourist goes to Switzerland, he goes visiting small places where there are no banks. He wanders about the Alps and goes to many small villages. Naturally people do not

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want to carry about with them a large sum of money. Now this system of postal cheques is adopted by the Swiss, the Germans, and is also prevalent in northern Italy. Tourists deposit their money in the big post offices and go about with a postal cheque book, drawing money in these various small places which they visit. But this system is not applicable to India. I am perfectly certain that if we introduced it nobody would use it. To start with in India, whatever tourists we have visit large places like Delhi, Agra and Lucknow, where there are ample banking facilities. They would not use postal cheques. And are the poor people in the country going to deposit large sums of money with a large guarantee in a particular head office for the pleasure of drawing money in other post offices in the country. Besides, this system is one that has to be used with very great care. You want an intelligent staff to deal with it, and I think everybody in this House will recognise that in the smaller post offices in India we have not got a staff of that quality, which can deal with this class of work.

And moreover the system of postal cheques is not really required nor necessary in this country. Again we come to this point that the Honourable Member has raised in his Resolution, namely, the collection of newspaper subscriptions by the Post Office. Now, on the Continent, especially in Switzerland, there is an arrangement by which the editor of a newspaper can settle with the Post Office to deliver a certain number of newspapers to addressees by simply handing in a list of the addressees and also handing in the requisite number of copies into the local post office as the paper is published. The Post Office undertakes to do the rest to deliver those newspapers and it also undertakes to collect subscriptions.

It is rather a complicated system, and I do not think we have reached that development in India especially in the smaller Indian post offices where we could properly deal with these newspaper subscriptions. We might deal with it, but it would certainly necessitate a rather large accounting staff and would cause a good deal of expense. Now this system of 'abonnement' as they call it on the continent is not done for nothing. The Post Office charges fairly high rates. They charged some years ago 50 per cent. in Germany of the annual subscription to the newspapers for doing this work. The rate has since been reduced, but the charge made by continental post offices for doing this work is considerable—and these countries have not got what we have in India, namely, special rates for registered newspapers. We have a rate for registered newspapers which I think is as cheap as anywhere in the world,—a quarter of an anna for a newspaper weighing 8 tolas and half an anna for a newspaper weighing 20 tolas, and the special system referred to is hardly necessary when we have this cheap rate. Besides in all the big newspaper offices—and I think the representatives of newspapers will agree—the Post Office does an enormous amount of work. We have a special sorting office attached practically to every big newspaper office, and in this sorting office we do the whole of the sorting and distribution of the newspaper for despatch all over the country. I do not think it is necessary for us to do any more. The usual way of collecting subscriptions is to send the first copy of the newspaper for the term of the subscription by v.p.p., and then the paper is delivered for whatever period the subscriber requires. As for the collection of rates and taxes through the Post Office, I must strongly oppose any such suggestion as this. The Post Office, as I said before, was originally intended for the conveyance and delivery

of postal articles. We have now got a very heavy parcel post service added to us. We pay millions of money orders. We collect tradesmen's bills by millions. We also pay pensions in the Punjab. We deal with war loans. We sell quinine, and we have a very large Savings Bank, which takes a great deal of work and time. I am very much averse from adding to the burdens which are thrown on the Post Office. We have been asked to sell railway tickets. We are now asked to have a system of Postal Cheques, to act as newspaper agents, and to collect rates and taxes. We are beginning to lose sight of the fact that the essential reason for the existence of the Post Office is the delivery of letters and light postal articles, and I am certain that it would be a very wrong principle to add any more burdens to those which are already imposed on this Department. On behalf of Government, Sir, I must therefore oppose the Honourable Member's Resolution. Committees are expensive—and I think we have had experience of the recent Telegraph and Postal Committees that they lead to very expensive results. I think I am not wrong in saying that the results of the late Postal and Telegraph Committees involved something like an increase of two crores of rupees on the Budget. And any Committee that is going to try and improve rural delivery according to some of the suggestions I have heard is going to throw an enormous extra cost on the Post Office. As regards most of these proposals that have been made, they have all been considered years ago. They have been considered by my predecessors, they have been considered by myself, and they have been rejected. At the last Postal Congress held at Madrid, at which I was a delegate last year, I discussed this whole matter of newspaper subscriptions with the British delegates and with the delegates from the British Empire and they were all opposed to it. Neither in England nor in any of the great Dominions nor in the United States will they touch this matter of newspaper subscriptions through the Post Office, and rightly so. They say that it is no business of theirs and that Post Offices ought not to undertake this work.

I trust, therefore, Sir, that, from the few remarks I have made, that the Honourable Member will withdraw his Resolution. A Committee is really intended to deal with some widespread grievance or to propose some great reform. I am convinced that in the Post Office at present there is no great grievance. The administration is doing its best to give all possible facilities to the country. As for any great reform, I do not see how we can get it from a wandering Committee. People who suffer are quite ready and willing to make their complaints known to the Directorate, and they do so. Villagers who want a Post Office in their village are not a bit backward in asking for it, and, as far as we can, and as far as our funds permit, we meet all these demands. We cannot meet them all because we have not always got the funds. I admit that we are behind hand, that there are many ways in which we might improve rural facilities, but it is really a question of money. If we are given the funds, we are ready to do it, and, if the Assembly want extended facilities they have got to pay for them.

I therefore trust, Sir, as I said before, that on hearing these remarks about the Post Office, the Honourable Member will withdraw his Resolution.

Mr. W. M. Hussanally: I move that the question be now put.

Mr. J. N. Mukherjee: [On rising to speak Mr. J. N. Mukherjee was interrupted by some remarks made by Mr. J. Chaudhuri.]

Mr. President: I must really point out to the other Honourable Member from Bengal that he should not interrupt speeches by conversation.

Mr. J. N. Mukherjee: Sir, I think the point of my Resolution has been entirely misunderstood. I did not suggest that a Committee should be appointed at once, and what I have said has made it clear that a departmental inquiry will be quite enough for my purposes. My sole object was to draw attention to the working of the Post Office, and, if anybody is prepared to say that the final stage in development has been reached in the Postal Department, I would certainly disagree with him.

The Director-General of the Post Office has said that there is room for improvement in various ways, but an improvement is a question of finance. I do not deny that, and I have already said that the Postal Department is one of the best managed departments of Government. I have extolled its functions, I have referred to its civilising influences and I have not said anything which in any manner would go to militate against the views which are entertained by the Honourable Member at the head of the Postal Department. I think my purpose will have been served if he pays attention to the matters referred to in my Resolution. Matters which have been decided by him need not be reconsidered by him over again. He may be averse to the consideration of other matters, indicated in my Resolution, but others may do it. As a matter of fact all I say is that the Government should consider the advisability of appointing a Committee; a departmental treatment of the subject may do, if Government think no Committee ought to be appointed—I myself feel that there have been so many applications for Committees that we need not add to that long list—a departmental inquiry would satisfy me. This is not therefore a Resolution which can be possibly withdrawn by me or ought to be opposed by the Government. It can only be opposed upon a misunderstanding of the whole point of the Resolution. My learned friend to my left who opposed my Resolution missed the point of my Resolution. He went on to say 'what is the use of this Resolution when there has been expansion of business in the department,' and things of that sort. I don't deny that there has been expansion. I also admit that the work of the Department has enormously increased in course of time. But what I suggest is that Government should consider whether the work could not be carried on on new and hitherto untried lines, and especially whether in commercial centres and in the big cities and towns the systems which are prevalent in European countries should not be introduced in India, as I have already said. In Switzerland, there are not only tourists who avail themselves of the postal cheque system, but others as well, and doctors and others, as I have said, collect their bills through this system. Of course, you get information about foreign systems in newspapers and things of that kind. That does not take away from the importance of the matter in question. I don't say—adopt the foreign system at once. What I said was that one should consider the points raised. I submit again, Sir, that my Resolution is a perfectly harmless one and that there is nothing in it to lead me to withdraw it. In cases of this kind, unless Government are prepared to say that their mind is quite made up so as not to lend itself to any improvement in any new direction whatsoever, opposition is not possible. Therefore with these words, I command my Resolution to the acceptance of this House.

The Resolution was: negatived.

RESOLUTION *RE* RESERVED RAILWAY COMPARTMENTS FOR DIFFERENT COMMUNITIES.

Mr. W. M. Hussanally: Sir, I propose that:

'This Assembly recommends to the Governor General in Council to advise all Railway administrations in India to abolish the system of reserving Railway compartments for different communities (except ladies) unless they are fully paid for.'

At the last Delhi Session I asked the following question:

'Do Government propose to order that there should be no compartments reserved for any class on Indian Railways except those intended for ladies?'

To this the Honourable the Railway Member replied:

'Government do not at present propose to make the order suggested as on the information before them they have no reason to believe that the practice is opposed by any large number of Indian passengers.'

I therefore thought it proper to bring forward a Resolution in this Honourable House with a view first to having an expression of the opinion of this Assembly on the subject, and secondly, with a view to having the reservation removed. As all Honourable gentlemen are probably aware, nearly all the great railways in India set apart compartments in railway carriages in all classes for the exclusive benefit of Europeans and Anglo-Indians while travelling, to which Indians may not be admitted. This reserved accommodation is provided upon almost all trains, and whether there are any European or Anglo-Indian passengers actually travelling or not. The result is that frequently, and more often than not, these compartments go vacant, or if at all occupied, only by one or two solitary individuals. Again, it is not an infrequent occurrence to see these compartments being occupied not by Europeans or Anglo-Indians, but even by some Christians who are Indians to all intents and purposes, by birth or domicile, such as the Goanese. By what parity of reasoning they claim to be Europeans or Anglo-Indians is not clear to me. Hindus and Muhammadans are of course excluded from these compartments, unless of course some of them dress in European fashion and pass as such. In this Assembly there have been several complaints of over-crowding in railway trains in almost all parts of India, and it is an almost every-day occurrence to see Indians, males and females with children, scrambling for seats in almost every class of carriage and the carriages carrying passengers far in excess of their carrying capacity to the discomfort of all. The various railway administrations have not been able to remedy this serious defect for want of rolling stock; and yet these reserved compartments are run with little regard to the convenience or comfort of Indian passengers, and I put it to you, gentlemen, to decide whether such action on the part of the authorities is justified. The Railway Board has justified the action of the railway authorities on the ground that Indian opinion against such reservation is not very considerable. In other words, that Indians wish that Europeans and Anglo-Indians and Goans should travel apart from them in more comfort and ease than themselves. It is for you, gentlemen, therefore, to decide if it is really so. So far as I am aware there have been some cases in Indian High Courts in which the power of the railway administration to reserve carriages for a particular community has been questioned. The earliest case that I am aware of was in the year 1913 in Sind, in which a gentleman claimed damages from the Secretary of State for having been forcibly turned out of a second class carriage which was reserved for Europeans. Unfortunately, however, it

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it was decided in that case that the jurisdiction of the civil court was ousted by section 41 of the Railways Act, 1890, from trying such a suit and that the only remedy the plaintiff had was to move the Governor General in Council to appoint a Commission under section 26 for the trial of the matter. In another case, which was a criminal case, in Allahabad last year accused was tried and sentenced under section 109 of the Act for having wilfully entered a carriage so reserved. The whole law, however, was discussed in the Bombay High Court in the case of *V. G. Jablekar vs. Great Indian Peninsula Railway* reported at p. 809 of the Bombay Law Reporter, Volume 23. In that case, in the result though it was decided that the reservation was giving a preference or advantage yet the further question if it was undue or unreasonable preference was purposely left open by the learned Judges. That being the trend of legal decision I leave it to the House to decide whether such reservation is or is not an undue preference or advantage given to Europeans—including even Germans—and Anglo-Indians which must also necessarily include what are called statutory Indians and Goans, and whether we Indians desire such a reservation as will probably be argued by the President of the Railway Board, and also whether such reservation has not caused a considerable amount of heart-burning, inconvenience and discomfort to Indians which should be forthwith removed, more especially now that equality amongst Europeans and Indians is admitted and we are equal partners in the Empire.

Colonel W. D. Waghorn: Sir, I think if I may be allowed to offer a few remarks to this House in regard to the attitude which Government adopt with regard to this Resolution, I shall be able to save their time. The Honourable Member has raised a question with regard to the reservation of compartments, but he did not specify what class of compartments. I am not aware of any reservation in the upper classes, that is the first and second class compartments. It is possible that some lines do reserve compartments in the intermediate class for Europeans and Anglo-Indians, and as regards the third class, I am aware that that reservation is pretty general.

The question of abolishing the reservation of third class compartments for Europeans and Anglo-Indians has, we know, been frequently represented in the Press and by letters to the Railway Board.

Questions have been asked on previous occasions in this Assembly, and a Resolution similar to that now before the Assembly was proposed to be brought at the last Delhi Session but was barred by time.

In regard to this matter, I should like to point out to Honourable Members what is the view of Government in regard to this matter. In the first place, I may mention that though on many Railways this reservation of accommodation for third class European and Anglo-Indian passengers has existed for many years, it was universally adopted as a result of a Conference held in Lucknow to consider certain railway questions in 1903.

At this Conference, at which a large number of Indian gentlemen were invited to be present, it was resolved that every train should be provided with a separate third class compartment for Europeans, partitioned by planks and not by iron bars, and that European third class passengers should be restricted to the use of this compartment.

It is true that this demand was made 18 years ago which is a long time, but prejudices and dislikes do not necessarily disappear; and Government have felt hitherto that while recognising the desirability of eliminating all racial distinctions, the continuance of this reservation was on the whole desirable in order to avoid the possibility of the unpleasantness and ill-feeling which may readily be created by some trifling incident and which may possibly lead to much greater friction than is likely to arise under the existing arrangements. It will be noted that there is no idea of any racial discrimination.

So far as Railways themselves are concerned, I can only say that there is no object in retaining the reservation of these compartments beyond avoiding the possible contingency of petty disturbances and quarrels which may arise if no reservation were allowed.

I will now put before this Assembly, for their careful consideration, one or two points in connection with this matter, which may help them in arriving at the most suitable solution of this somewhat delicate question.

There is little doubt that there is a general impression that this reservation has been introduced as a matter of racial preference in favour of Europeans and Anglo-Indians. This, I can assure the Assembly, is not the case, or at any rate it is not being maintained with that object at present. It is simply a matter of policy, which, as I have already said, was accepted and passed at a Conference largely attended by Indians in 1903.

If we abolish the reservation it is true that the spare seating accommodation in the third class compartment will be available for the remainder of the third class Indian passengers. This, both from the point of view of the Railways and of the passengers themselves, will be some advantage. I do not, however, think that the provision of an additional 8 or 10 seats in a given train is of sufficient consequence to justify our introducing any possible source of future trouble or disturbance; I feel sure that much of the correspondence which we see in the newspapers and the questions which are raised in regard to this matter, have their origin in the impression that this reservation is due in some way to a desire to maintain some racial distinction. It is not perhaps sufficiently realised that these compartments are reserved for the convenience of the third class passengers as a body and with a view to avoiding any chance of unpleasantness nor is it recognised that the additional seating accommodation that would be made available is comparatively trifling. It will, I think, be as well to consider what possibilities are likely to arise if the reservation of these compartments is abolished. The third class European or Anglo-Indian passenger will seat himself in a compartment, an Indian family will wish to get in, but in many cases seeing the European already in occupation they will rather try to avoid him. Similarly, with Indians already in a compartment they will very probably object to the European or Anglo-Indian passenger entering their compartment though there may be seating accommodation. In the one case the benefit of the additional seating accommodation disappears, and in the latter case there is every possibility of a disturbance or trouble arising.

I am, therefore, not at all sure as to the soundness of this proposal as regards the best interests of the country, and I would, therefore, ask this Assembly to consider the question from a broad point of view. There is little doubt that in time to come the necessity for this reservation will cease to exist.

[Colonel W. D. Waghorn.]

The question is whether the present is a most suitable moment for doing away with it entirely.

A possible solution, which I will put before this Assembly for their consideration, is that the reservation be eliminated gradually, that is to say, that the reservation of a third class compartment for Europeans and Anglo-Indians should be done away with on all slow trains and only retained for the present on mail or fast passenger trains. If the Honourable Member is prepared to accept this modification of his Resolution I shall be glad to consult Railways accordingly with a view to the introduction of this measure, and with this undertaking he will perhaps be prepared to withdraw his Resolution.

Mr. W. M. Hussanally : Sir, I may perhaps be permitted to make a few remarks in reply to the speech of my Honourable friend, Colonel Waghorn. I might say that second class carriages and even first class are set apart on almost all lines.

In regard to the other point made by Colonel Waghorn, I think I shall be perfectly satisfied for the present if the reservation of the third class and intermediate compartments is done away with, and further, if the reservation of second class and first class compartments on such lines as do reserve them is considered later. My chief point in this connection is, that I have very often seen families travelling including a large number of children all scrambling for seats while several other compartments travel almost empty, and in the present state where additional trains cannot be run or additional carriages cannot be put on on account of the excess of passengers, I think it will be a great boon to the travelling public, and more especially to those travelling third class or intermediate, if my proposal is carried; and those compartments that are reserved, in some cases are large enough to hold as many ladies and children and even males as the compartments reserved for Indian passengers do.

With these few remarks, Sir, I am prepared to withdraw my Resolution.

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

The Assembly then adjourned till 10-30 A.M., on Thursday, the 29th September, 1921.

LEGISLATIVE ASSEMBLY.

Thursday, 29th September, 1921.

The Assembly met in the Assembly Chamber at Half Past Ten of the Clock. The Honourable the President was in the Chair.

QUESTIONS AND ANSWERS.

*LOCAL ALLOWANCE TO CLERKS OF GENERAL POST OFFICE, SIMLA.

644. **Mr. Jamnadas Dwarkadas :** Will the Government be pleased to state :

- Is it not a fact that the Postmaster-General, Punjab, has passed order, fixing a universal scale of Rs. 20 per mensem as local allowance to all clerks of General Post Office, Simla?
- Is it not a fact that this order will reduce substantially the local allowance already drawn by these poor clerks?
- Is it not also a fact that these clerks had submitted a memorial asking for increase in the said allowance which has now been reduced rather than increased?
- If answer to parts (a), (b) and (c) is in the affirmative, will the Government give reasons for the reduction also stating whether it was proposed to reconsider their decision and maintain the existing scale if not further increase it. If not, why not?

Sir S. D'A. Crookshank : (a) and (b). The orders were passed by Government and not by the Postmaster-General. There has been no reduction in the case of clerks on pay below Rs. 50, while the local allowance in the case of those on Rs. 50 and above is reduced by Rs. 5.

(c) Government have received a telegram to this effect.

(d) Prior to the 1st September 1921, postal clerks in Simla on pay below Rs. 50 drew a local allowance of Rs. 20, while those on pay of Rs. 50 and above drew Rs. 25. As a result of the recent increase in pay, by the introduction of a time-scale of Rs. 40—130, local allowance at a uniform rate of Rs. 20 has been sanctioned for them with effect from the 1st September 1921. The Honourable Member's attention is invited to paragraph 26 of Chapter II of the Report of the Postal Committee of 1920. It will be seen that the Committee were of opinion that with the revision of pay proposed by them there was no occasion whatever to increase the amount of existing local allowances while the retention of two different rates was not considered desirable now that all the men are on a single time-scale.

UNSTARRED QUESTIONS AND ANSWERS.

TRANSFER OF SUPERINTENDENTS OF POST OFFICES AND FIRST CLASS POST MASTERS.

89. **Babu Baidyanath Prasad Sinha :** (a) Is it a fact that Postmasters-General transfer Superintendents and 1st class Postmasters in their circle without the previous sanction of the Director-General but that they are not authorised to order such transfers?

(b) Do the Government propose to issue orders that no transfer of such officers, in any case, is made by the Postmaster-General and in cases of administrative emergency previous sanction of the Director-General is applied for and obtained by telegram?

Colonel Sir S. D'A. Crookshank : (a) Assistant Postmaster-General has authority to transfer any of his subordinates within his circle (Rule 484 of the Post Office Manual Vol. II).

(b) No such orders are considered necessary.

PROBATIONARY SUPERINTENDENTS AND POSTMASTERS.

90. **Babu Baidyanath Prasad Sinha :** (a) Will the Government of India state the principle under which the appointment of Probationary Superintendent and Probationary Postmaster is made in the Post Office and mention the qualifications and the educational standard that are required for such appointments?

(b) Will the Government lay on the table a list showing names and particulars of all the Probationary Superintendents and Probationary Postmasters at present?

Colonel Sir S. D'A. Crookshank : (a) The appointments are made on the nomination of the Postmaster-General. Probationary Postmasterships are being abolished in accordance with the recommendations of the Postal Committee, 1920. The educational standard required for appointment as a Superintendent is a university degree or its equivalent; social standing and physical fitness are also necessary qualifications.

(b) A statement is laid on the table.

POST OFFICE.

Probationary Postmasters and Probationary Superintendent.

PROBATIONARY POSTMASTERS IN SEPTEMBER 1921.		PROBATIONARY SUPERINTENDENTS IN SEPTEMBER 1921.	
Names and Circles to which attached.	Particulars.	Names and Circles to which attached.	Particulars.
BENGAL AND ASSAM.		BENGAL AND ASSAM.	
Srischandra Basu ...	A graduate—son of a departmental officer.	1. A. B. M. Bedar Bakth. 2. Dharendra N. Mitter.	A graduate. Do.
BIHAR AND ORISSA.		BIHAR AND ORISSA.	
Sadar Ali Khan ...	A graduate	1. Nripendra Nath Banerji. 2. T. P. Scott O'Connor.	A graduate—son of a departmental Officer. Received a King's cadetship for Sandhurst.
		BOMBAY.	
		1. H. H. Hebbord ...	Specially promoted from a clerical appointment in recognition of Field Service.
		2. F. Ribeiro ...	An M. A.

PROBATIONARY POSTMASTERS IN SEPTEMBER 1921.		PROBATIONARY SUPERINTENDENTS IN SEPTEMBER 1921.	
Names and Circles to which attached.	Particulars.	Names and Circles to which attached.	Particulars.
MADRAS.		BURMA.	
G. G. E. Combes ...	Specially promoted from a clerical appointment in recognition of Field Service.	1. L. H. D. Walker ...	A qualified candidate—formerly a telegraphist—son of a departmental officer.
C. G. C. Walker ...	Son of a departmental officer.		
PUNJAB AND NORTH-WEST FRONTIER.		CENTRAL CIRCLE.	
M. J. A. Wood ...	Son of a departmental officer.	1. Mohd. Saidullah 2. Rai Sahib Dhanpat Rai (temporary).	A graduate. Do.
Indians ... 2		MADRAS.	
Non-Indians ... 3		1. R. O. Steele (temporarily attached to Burma). 2. E. T. Dias ... 3. T. Ramiah (temporary).	Specially promoted from a clerical appointment. A graduate. An M. A.
		PUNJAB AND NORTH-WEST FRONTIER.	
		1. Bishen Dass ...	An M. A.—son of a departmental officer.
		2. Gian Deb ...	A graduate—son of a departmental officer.
		UNITED PROVINCES.	
		1. S. M. Sabir Hussain 2. H. C. Eccleston, M.B.E.	A graduate. Specially promoted from a clerical appointment in recognition of Field Service.
		RAILWAY MAIL SERVICE.	
		1. Amiruddin Ahmed 2. Harbanslal Jerath	A graduate. A graduate—son of a departmental officer.
		Indians ... 11	
		Non-Indians ... 7	

APPOINTMENT AND PROMOTION OF SUPERINTENDENTS OF POST OFFICES.

91. **Babu Baidyanath Prasad Sinha :** (a) Is it a fact that although the Director-General of Post Offices is to control the appointment and promotion of Superintendents, yet he very seldom comes in contact with such officers?

(b) Will the Government mention the details of the tours of the Director-General during the last four months, and the number of the Divisional offices that he visited during his tours?

(c) It is a fact that the Director-General does not generally visit the Superintendent's offices during the course of his tours? If so, why not?

Colonel Sir S. D'A. Crookshank : (a) Superintendents are under the immediate control of the Postmaster-General of the Circle to which they are

attached, but the Director-General nevertheless year in and year out comes into contact with a large number of Superintendents.

(b) A statement is laid on the table.

(c) The Postmaster-General being the chief Postal Officer in the Circle visits and inspects the Superintendents' offices as often as he can and submits his reports and recommendations to the Director-General. It would be impossible for the Director-General to do this work himself as he is concerned mainly with the larger questions of policy and administration. Government do not consider that any advantage would be gained by requiring him to devote part of his time to routine inspections as suggested by the Honourable Member.

Statement showing the details of the Director-General's tour during the last four months.

Names of places visited.	Dates.	Purpose of visit.	REMARKS.
1. Cawnpore...	11th July 1921 ...	Inspection of the Cawnpore head post office with reference to the new extension to the building in which the office is located.	
2. Allahabad...	13th July 1921 ...	Inspection of the Allahabad head post office with reference to the many serious complaints received against the working of that office.	
3. Calcutta ...	16th July 1921 to 25th July 1921.	Although Simla is the headquarters of the Director-General, his main office is in Calcutta, and he has to visit that place and stay there at times as occasions arise, for settlement of complicated questions after personal discussion with his subordinate officers.	
4. Madras ...	29th and 30th July	Inspection of Postmaster-General's office and personal discussion with him of important questions relating to Postal Administration in that Circle.	
5. Calcutta ...	3rd to 13th August	Return to main office.	
6. Bombay ...	16th and 17th August	Same as in item 4.	

PUSA AGRICULTURAL INSTITUTE.

92. **Babu Baidyanath Prasad Sinha:** Will the Government be pleased to state

- What amount of money has been spent up to date on the Pusa Agricultural Institute, since its establishment?
- How many students have been admitted in the Institute every year, and how many of them have come out successful up to date?
- What practical steps have been taken by the authorities of the Institute to popularise the improved method of Agriculture among the people?

Mr. J. Hullah: The information is being obtained and will be supplied to the Honourable Member.

TRANSFER OF MANAGEMENT OF THE TIRHUT STATE RAILWAY.

93. **Babu Baidyanath Prasad Sinha:** (a) Will the Government be pleased to state the terms on which the Tirhut State Railway Section was handed over to the Bengal North-Western Railway for management?

(b) When does the term of lease expire?

Colonel W. D. Waghorn: (a & b) The Honourable Member is referred to the information published on pages 162 to 164 of the History of Indian Railways constructed and in progress corrected up to 31st March 1920.

MANAGEMENT OF THE BENGAL NORTH-WESTERN RAILWAY.

94. **Babu Baidyanath Prasad Sinha:** Is the Government aware that considerable dissatisfaction exists among the travelling public with regard to the management of the Bengal North-Western Railway on the following points:

- Difficulty in obtaining wagons.
- Habitual over-crowding of third class passengers in the trains and the practice of conveying third class passengers in goods wagons during occasions of festivals and fairs?
- Absence of, or inadequate supply of drinking water at the stations?
- Dirty conditions of carriages, and absence of fans in first and second class carriages?
- Slow running of trains and unnecessary stoppages at road side stations?
- Incivility of Railway employees towards Indian passengers, especially at Junction Stations?

Colonel W. D. Waghorn: The Government of India are aware that a Resolution on the alleged unsatisfactory working of the Bengal and North Western Railway was carried unanimously by the non-official members of the Bihar and Orissa Legislative Council on the 22nd July 1921. Enquiries have been made and where considered necessary the various matters will be taken up with the Railway Administration:—

- Until recently, the position as regards wagon supply was difficult. This was due in a great measure to the fact that a large proportion of the available supply was absorbed in the coal traffic. The coal position however is easier, and the wagon position generally has much improved. The position was also accentuated owing to congestion on the Bombay, Barod, and Central India Railway and the strike on the Oudh and Rohilkhand Railway. 300 wagons have since been added to the stock and it is expected that the supply will, in future, meet the demand.
- Overcrowding is due to passengers being unwilling to wait for following trains. Special trains are invariably run when necessary and goods vehicles are only used when the passenger stock is taxed beyond its capacity. I can assure the Honourable Member that everything possible is being done to improve matters, but he will realise that this is necessarily a question of time and funds.
- The Honourable Member is referred to the answer given during this session to question No. 487 asked by Rai Bahadur Luchhmi Prasad Sinha on the same subject.
- Government are not aware that the condition of the carriages on the Bengal and North Western Railway compares unfavourably.

with those on other railways in India. Fans are provided in some of the 1st class compartments and provision of further fans in the remaining 1st class compartments is being arranged. As regards the provision of fans in 2nd class compartments the Honourable Member is referred to the reply given to question No. 562 asked by Rai Bahadur Pandit Sankata Prasada Bajpai during this Session.

- (e) The matter is under reference with the Railway Administration.
(f) The railway staff have special instructions to treat passengers with courtesy and give them all possible help.

In this connection the Honourable Member is referred to the answer given during this session to question No. 123 asked by Haji Wajihuddin on a similar subject.

RAILWAY PASSENGER SUPERINTENDENTS.

95. **Babu Paidyanath Prasad Sinha:** Is it a fact that in spite of the Resolution passed by the Legislative Assembly, in its last Session recommending the appointment of Passenger Superintendents, on all Railways to look after the comforts of the passengers, no such appointments have been made by the Bengal North-Western Railway?

Colonel W. D. Waghorn: Government are aware that up to about the middle of last month no Passenger Superintendents had been appointed on the Bengal and North-Western Railway, but they have ascertained that the Agent has recommended to his Board of Directors the appointment of fully qualified men, selected from the existing Traffic Staff, to be stationed at certain of the more important junctions as Passenger Superintendents.

AMENDMENTS OF THE RELIGIOUS ENDOWMENTS ACT.

96. **Mr. Sambanda Mudaliar:** Will Government be pleased to state whether they have any intention of amending the Religious Endowments Act?

The Honourable Sir William Vincent: No. The attention of the Honourable Member is invited to the facts that the subject of religious and charitable endowments is a provincial transferred subject, and the Religious Endowments Act, 1863, is not one of the Acts specified in the schedule attached to the Local Legislatures (Previous Sanction) Rules.

MUNITIONS FRAUD CASE.

97. **Mr. Sambanda Mudaliar:** Will the Government be pleased to state:

- (a) If the Advocate General of Bengal was consulted prior to the launching of complaint in the Munition Fraud Case which has been withdrawn?
(b) The amount of expenses incurred in the said case up to the date of withdrawal?

The Honourable Mr. C. A. Innes: The answer to (a) is in the affirmative.

With regard to (b), I would refer the Honourable Member to the answer I gave to similar questions on the 20th September 1921.

COMPETITIVE EXAMINATION IN INDIA FOR INDIAN CIVIL SERVICE.

98. **Mr. Sambanda Mudaliar:** Will Government be pleased to state whether they propose to hold competitive examination in India for selection of officers for the Indian Civil Service, and if so, when?

The Honourable Sir William Vincent: The Honourable Member's attention is invited to the reply given to Mr. P. L. Misra's Question on the same subject on the 20th September 1921.

CONSTRUCTION OF A RAILWAY BETWEEN POLLACHY AND MADATHU KULAM.

99. **Mr. Sambanda Mudaliar:** Will Government be pleased to state if they have sanctioned the construction of a Railway between Pollachy and Madathu Kulam in Coimbatore District, Madras Presidency?

Colonel W. D. Waghorn: The reply is in the negative.

I would invite the Honourable Member's attention to the reply given to him in this Assembly on the 17th March last, regarding the Dindigul-Palghat Railway of which the Pollachi-Madathu-Kulam line forms a part.

MEMBERS OF THE LEGISLATIVE ASSEMBLY AND THEIR TRAVELLING ALLOWANCE.

100. **Mr. Sambanda Mudaliar:** Will Government be pleased to state whether effect was given to the Resolution moved by Rai Bahadur J. N. Majumdar in the last session of this Assembly recommending that Members of the Assembly should have equal status and recognition in regard to travelling allowance, etc., to that enjoyed by Members of the Council of State?

The Honourable Sir William Vincent: The daily allowances admissible to Members of the Council of State and the Legislative Assembly have been equalized. The question of the removal of the distinction now existing between the concessions admissible to Members of the two Chambers for railway journeys is under consideration. For the reasons indicated in the speeches of Mr. O'Donnell and myself at the meeting of the Legislative Assembly held on the 2nd March 1921, the Government of India were unable to accept the recommendation regarding the title of "Honourable."

THE PRESENT MONEY MARKET AND BUSINESS CONCERNS.

101. **Rai N. N. Chaudhuri Bahadur:** (a) Are the Government aware of the fact that many of the commercial, industrial and manufacturing undertakings lately started in India are in great financial difficulties, in some cases threatening their very existence owing to the present tightness of the money-market?

(b) Do the Government know that such concerns started by Indians do not generally receive any financial help from those exchange and other banks, which are controlled by Europeans, in spite of their having assets to cover any loan or credit required?

(c) Was the attention of the Government drawn to a paper entitled "A state-bank for India" read by Mr. J. C. Mitra of Calcutta before the All-India Industrial Conference held in that city in December 1918?

(d) If the answer be in the affirmative, will the Government be pleased to state if they took due notice of the proposals formulated in that paper, while organising the Imperial Bank of India and if so, what step, if any, they took or propose to take to give effect to the suggestions contained in that paper?

(e) If the answer be in the negative, do the Government now propose to consider the possibility of giving effect to such proposals through the Imperial Bank of India?

The Honourable Mr. W. M. Hailey: (a) The Government are aware that many of the undertakings started in India during the company promoting boom of 1919 have not fulfilled the expectations entertained at the time of their

flotation. I do not however agree with the Honourable Member's observation regarding the present tightness of the money market. I should myself be inclined to say that money conditions generally are at present decidedly easy, so far as concerns borrowers whose credit is good.

(b) The Government have no information which would lead them to suppose that the banks exercise any racial discrimination in the matter. So far as I am aware, in dealing with applications for loans the banks have regard mainly to the credit of the applicant.

(c) The answer is in the negative. I may note that the paper was read in 1917 not in 1918 as stated.

(d) Does not arise.

(e) The scheme contained in the paper is mainly based on a proposal for financing a state bank by the issue of paper money without backing. Government would be entirely averse from any such proposal.

FOREIGN AND POLITICAL DEPARTMENT PRESS.

102. **Mr. K. Ahmed :** (a) Will the Government be pleased to state if it is a fact that the scale of pay in all the Government of India Presses except the Foreign and Political Department Press was revised last year?

(b) When was the present scale of pay in the Foreign and Political Department Press introduced?

(c) Has the Government received any memorials from the employees of the Foreign and Political Department Press for a revision of scale? If so, how many up to the present time and since when?

(d) Do the Foreign and Political Department Press and the Private Secretary to the Viceroy's Press perform the same nature of duties? If so, do the Government propose to give the same scale of pay in both the Presses?

(e) If the answer to (a) be in the affirmative will the Government be pleased to state if they intend to revise the scale of the Foreign and Political Department Press also? If so, when?

(f) Is it a fact that the Foreign and Political Department Press employees were not allowed Family Travelling Allowance during the last Delhi move? If not, why not?

The Honourable Mr. C. A. Innes : (a) Yes.

(b) 1st April 1890 except in the case of 3 minor appointments the pay of which was revised about 1891. Since 1918 the men have been receiving temporary war allowances to compensate them for the high cost of living.

(c) Yes. Six memorials have been received since May 1908.

(d) No; the work done in the Private Secretary to the Viceroy's Press is of an exceptionally confidential nature, and the employees of that Press have therefore to be accorded special consideration.

(e) The question of the revision of the scale of pay in the Foreign and Political Department Press is under consideration and orders will be issued as soon as possible.

(f) Yes. Family travelling allowance is not granted to the staff of the Private Secretary to the Viceroy's or any other Press.

ASSAM-BENGAL RAILWAY STRIKE AND TEA GARDEN COOLIES AT CHANDPORE.

103. **Munshi Abdul Rahman :** (a) Is it a fact that the Honourable Sir Thomas Holland and the Honourable Sir William Vincent, Executive Members of the India Government and the Honourable Sir Henry Wheeler, an Executive Member of the Bengal Government, went to Chandpore after the Assam-Bengal Railway Strike to enquire into the real cause of the strike

of the Assam-Bengal Railway employees and the Assam Tea-Garden coolies? If so, will the Government be pleased to lay on the table the results of their enquiries?

(b) Has the attention of the India Government been drawn to the statement of the Honourable Mr. J. H. Kerr, a Member of the Bengal Executive Council, on Tuesday, the 6th September 1921, in connection with the Assam-Bengal Railway Strike in the Bengal Council Meeting to the effect that out of 8,000 men who went on strike last May 3,500 have returned to work up to date, approximately 3,400 new men have been appointed and there are still 1,100 vacancies on the pre-strike establishment to be filled?

(c) Do the Government propose to take any step for the early settlement of the Assam-Bengal Railway Strike? What step have they taken up to now to settle the strike and to what effect?

(d) Will the Government be pleased to state whether there is any truth in the rumour that the Assam-Bengal Railway authorities privately promised to pay a sum amounting to one lakh to some so-called Muhammadan Leaders of Chittagong and they in turn signed a confidential agreement to break the strike at a very early date?

Colonel W. D. Waghorn : (a) The Honourable Sir William Vincent and the Honourable Sir Thomas Holland did not visit Chandpur. The Honourable Sir Henry Wheeler did visit Chandpur to enquire into the conditions obtaining there and his report has been published *in extenso* in the Press.

(b) The Government have seen the statement referred to. They have also received later reports from the Agent, Assam Bengal Railway. All those men who expressed their willingness to return to duty have been taken back. Those who have not yet returned to duty and for whom places can be found will be taken on. The establishments of all branches of the railway service are however practically full.

(c) The strike is now over. While it lasted every effort was made by the railway administration to induce the strikers to return.

(d) There is no truth in the rumour.

CONCESSIONS FOR A FEW CLERKS AND ASSISTANTS OF THE IMPERIAL SECRETARIAT.

104. **Rai Bahadur J. L. Bhargava :** Do the Government propose to consider the desirability of making some concession in the case of such Assistants and Clerks employed in the Government of India Secretariat as will not be able to reach the maximum pay even after putting in 30 years' service, by giving them a few increments in advance of the due dates?

The Honourable Sir William Vincent : The Honourable Member is referred to my reply in this Assembly on the 22nd September 1921 to part (c) of Lala Girdharilal Agarwala's Question on the same subject.

THE INDIAN INCOME-TAX BILL.

The Honourable Mr. W. M. Hailey : Sir, I beg to move :

That the following eight Members of the Legislative Assembly be nominated to serve on the Joint Committee to consider and report on the Bill to consolidate and amend the law relating to Income-tax and Super-tax, namely :

Mr. Manmohandas Ramji, Mr. N. C. Sircar, Mr. Narayandas Girdhardas, Munshi Iswar Saran, Mr. P. P. Ginwala, Dr. H. S. Gour, Mr. Sim and myself.

The motion was adopted.

The Honourable Sir William Vincent: Sir, I move:

'That the Legislative Assembly do agree to the further amendments made by the Council of State in the Bill to facilitate the enforcement in British India of Maintenance Orders made in other parts of His Majesty's Dominions and Protectorates and *vice versa*, as passed by the Legislative Assembly.'

The Bill has been before the Assembly on more occasions than one and the only modification which the Council of State have made in it is a drafting amendment which was proposed by Government. The definition of the term 'reciprocating territory' in clause 2 of the Bill was found to be inappropriate and after the word 'Dominions,' the words 'outside British India' have been added. It is a purely formal amendment and, I think, an improvement in the Bill. I trust that this Assembly will accept it.

The motion was adopted.

THE CODE OF CIVIL PROCEDURE (AMENDMENT) BILL.

Dr. H. S. Gour: Sir, I have the honour to move for leave to introduce:

'A Bill further to amend the Code of Civil Procedure, 1908.'

From the short Statement of Objects and Reasons appended to the Bill, Honourable Members will see that the object I have in view in amending the two rules 32 and 33 of Order XXI in the Code of Civil Procedure is to bring the Indian law into line with the English law. As Honourable Members will see, by the Matrimonial Causes Act of 1884 (Sections 2 to 4) the imprisonment of women in execution of a decree obtained against them for the restitution of conjugal rights has been abolished. In India in the early sixties women could be bodily handed over to the husband. Later on the Legislature came in and substituted imprisonment in lieu of manual delivery.

In the existing Code of Civil Procedure, the matter is left to the discretion of the Court. Now Honourable Members will realise that the wife may have very good reasons which she may not like to disclose to the Court; and the Court may then send her to jail for disobedience of the decree for restitution of conjugal rights. I submit that the time has now come when we should place our law on the same footing as it is in England and with these remarks I crave leave of the House to introduce this Bill.

The motion was adopted.

Dr. H. S. Gour: Sir, I introduce the Bill.

*RESOLUTION RE: INDIAN AUTONOMY—contd.

Mr. Jamnadas Dwarkadas: Sir, I rise to move the amendment which stands in my name on the agenda paper. It runs thus:

'This Assembly recommends to the Governor General in Council that he be pleased to appoint a Committee consisting of officials and non-officials including Members of the Indian Legislature to consider the best way of bringing about provincial autonomy in all the Governors' provinces and of introducing responsibility in the Central Government and to make recommendations.'

'This Assembly recommends to the Governor General in Council that he may be pleased to move the Secretary of State for India in Council for taking necessary steps for ensuring:

- (1) the transfer, from the beginning of the next term of the Legislative Councils, of all provincial subjects to the administration of the Governor acting with ministers;
- (2) the transfer, from the beginning of the next term of the Legislative Assembly from among the central subjects of all subjects except Army, Navy, Foreign and Political Departments to the administration of the Governor General acting with ministers, provision being made for such constitutional changes as may be necessary in that behalf, on the lines of the provision for administration of transferred subjects of the Local Governments; and
- (3) conferment from the beginning of the fourth term of the Legislative Assembly, of full Dominion Self-Government in India.'

Sir, there is before the House the Resolution moved by my Honourable friend, Mr. Majumdar, and the amendment to that Resolution moved by my Honourable friend, Mr. Agnihotri.

If I rise to move this amendment, it is not for the purpose of opposing the principle that underlies the Resolution of my Honourable friend, Mr. Majumdar, but only to suggest a different method of bringing about the end that his Resolution has in view.

My amendment divides itself into two parts. The vital part of the amendment recognises the fact that the time has come when consideration should be given to the question of bringing about full provincial autonomy in the Governors' provinces and of introducing responsibility in the Central Government. The second part, which is not a vital part of the Resolution, aims at the suggestion of a method for the purpose of securing that end. So far as that part of the amendment is concerned, many methods have been suggested and are likely to be suggested, and I am sure the House will accept the method that appeals to it as the best. I do not personally accept the method suggested by the Honourable the Mover of this Resolution for this reason. The Honourable the Mover of this Resolution fixes a time limit for the securing of Dominion status for India. He also suggests a time limit for the securing of certain steps by way of progress towards responsible Government. Now, personally, I am not prepared to accept a time limit, because I am one of those who hope that this country will reach Dominion status, considering the rapid pace at which we are making progress, much earlier than the time limit contemplated by the Honourable the Mover. At the same time, it is hardly fair even to the Government to tie its hands down to a particular period. It is not possible, I believe, at this stage to say how long we shall take in securing for this country full Dominion status. On that ground I cannot accept the Resolution of the Honourable the Mover.

There is another method also, of which the author was my Honourable friend, Mr. Seshagiri Ayyar, and that is the method of accepting at once dyarchy in the Central Government, a system of Government that obtains in the provinces at the present moment. Now, I do not think we should be prepared to accept that method arbitrarily without giving a chance to a Committee to investigate the matter thoroughly and decide as to whether it is at all necessary to repeat the experiment of the provinces in the Central Government. I shall remind the House of what took place in the Committee room of the House of Commons when Mr. Curtis was being examined by Mr. Montagu. The Secretary of State, Mr. Montagu, asked Mr. Curtis, 'is it not possible that you may have to dispense with dyarchy in the Central Government and that responsibility may come in the Central Government without the intermediate stage of dyarchy.' Mr. Curtis replied, 'it is possible, but not highly probable.' The House will therefore recognise that even when the Reform Bill was being discussed in the Joint Committee, in the mind of the Secretary of State there was lurking assuredly the idea that it would be possible to introduce responsibility in the Central Government without resort to dyarchy.

Having disposed of these two methods, suggested by the Honourable the Mover and my esteemed friend, Mr. Seshagiri Ayyar, I now come to the vital part of my amendment, namely, the recognition of this fact that the time has now come for a consideration of the question of introducing responsibility in the

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Central Government and of giving full provincial autonomy to the provinces. Now, Sir, it is hardly necessary for me to repeat here that this demand for the introduction of responsibility in the Central Government has not come up suddenly, and that this demand existed ever when the reform scheme was being discussed, and it is hardly necessary for me to remind the House and the Government of India that when the evidence was being taken by the Joint Committee, almost all the deputations, the Moderate deputation, the National Home Rule League deputation, the Congress deputation, and almost all the other deputations, were at one in making this demand that responsibility should be introduced in the Central Government. It is also hardly necessary for me to remind the House that the Moderates urged this demand with as great zeal and enthusiasm as the so-called Extremists did, and it would not be out of place here to inform the House that one of our own colleagues, my esteemed friend, Mr. Samarth, who belonged to the Moderate deputation, said in answer to a question, I believe, by Mr. Montagu, that it was the unanimous will of the country that responsibility should be introduced in the Central Government; and asked as to what the result would be if responsibility were not introduced, Mr. Samarth frankly said that it would be followed by an agitation in the whole country which would stagger the imagination of the Government. I want to emphasize this fact once more that this demand for responsibility in the Central Government has not sprung up suddenly; that it was a demand made, if I may say so, by the whole country at the time when the Reform scheme was being discussed. The two main objections that were then taken to the introduction of responsibility were these, that in the first place, in the absence of a wide electorate in the country, it was not possible to introduce responsibility and to dispense with the responsibility of the Members of the Executive Council to Parliament, and, secondly, that India was not yet a nation in the sense in which other nations were nations, that there were many castes and creeds, many communities and many interests in India, and, therefore, in view of the responsibility of the Government of India to Parliament, it was not possible for the Joint Committee to suggest that responsibility should be introduced in the Central Government.

I shall deal with these two objections. As for the question of a wide electorate, I believe it hardly lies in the mouth of any one nation to say to another that 'we refuse responsibility in your Government because you have not got an electorate wide enough.' I venture to believe that when the Reform Bill was introduced in the House of Commons in 1832, the electorate was not wide enough; and if the argument had been applied then by the Members of Parliament, then probably the Reform Act of 1832 would not have come into existence. But apart from that consideration, I venture to submit, that considering the progress that we have made in this country and considering the fact that the political consciousness of this country has grown and is growing most wonderfully, I venture to submit that it would be possible to work out an electorate which would be wide enough. The second objection, that India is not yet a nation, hardly deserves an answer. Sir, it is futile to say that India is not a nation and has not a national ideal. On the contrary, I believe that the events that have taken place in this country point clearly to the fact that India is not only a nation, that not only has there grown in India a national ideal, but ambitions have arisen in this country as a consequence of the growth of the national ideal which, if not met in the proper spirit and at the

proper time, I am afraid the danger is that the ideal of India might grow too national and perhaps it may be then too late to bring India to accept the right ideal which would be conducive to the welfare both of Great Britain and India.

Sir, at the time when the Reforms Scheme was being discussed, in the mind of the Government of India and in the minds of even some Members of Parliament, there was a lurking suspicion that the experiment, which was, I admit, a unique experiment, might not prove successful. There was, if I may say so, want of sufficient confidence in the people of this country, in their ability to manage efficiently a system of representative government. Is there any ground for any such apprehension now? What does Lord Chelmsford, our late Viceroy, say? He says that the sense of reason and balance that have been displayed by the Members of the Indian Legislature and the Members of the Provincial Councils have been to him a marvel and a revelation. What does our own President, if I may, Sir, refer to your opinion, himself say? In the letter that found publication in the 'Observer' by the happy mistake of a friend.....

Mr. President: Order, order. The Honourable Member has said that it is a happy mistake; I lay stress on the word 'mistake,' and the Honourable Member will treat it as a mistake.

Mr. Jamnadas Dwarkadas: I accept the verdict of the President and admit that it was a mistake, from my point of view, happy. By the mistake of a friend who committed an indiscretion.....

Mr. President: The Honourable Member has not understood the meaning of my intervention. The private opinion of the Chair should not be brought into a debate. As far as this House is concerned, the Chair has no opinions.

Mr. Jamnadas Dwarkadas: I bow to your ruling, and I will not refer to the opinion that you were good enough to express. However, having quoted the opinion of Lord Chelmsford, I now come to this point. I may be permitted, Sir, to cite the opinion of my friend, the Honourable the Home Member, who, I am told, at the dinner that was given to Mr. Muddiman, himself admitted that the Council of State and the Legislative Assembly had acquitted themselves in a most excellent manner. Sir, ever since the Assembly was adjourned at Delhi, we have been hearing of opinions expressed by responsible English statesmen that the Assembly and the Council of State and the Provincial Legislatures have done remarkably well. Sir, I may also point out that His Excellency the Viceroy the other day said that the present constitution was nothing more than a compromise, and that there were in this constitution anomalies and difficulties which we are bound to get over in course of time. Mr. Montagu himself, in an interview to a press representative, said:

'I can say without hesitation, there is a remarkable and most distinct advance in the position of Indians. There is no use disguising the fact that transitional periods are a very awkward thing, full of anomalies and full of difficulties, and I am giving the views of my two colleagues.'

He was referring to the Right Honourable Mr. Sastri and the Maharao of Cutch.

When I say that we cannot help recognising these difficulties, finding in them every reason for accentuating the hope for an early termination of the transitional stage and the acquisition by India of full dominion status.

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Sir, the Secretary of State himself, who is joint author of the Reforms Scheme, admits that the transitional stage should be gone through very quickly and that full dominion status should be given to India.

Then, again, Sir, you will remember and this House will remember, that when the Congress League scheme of 1916 was presented to Mr. Montagu and Lord Chelmsford, it was rejected on the ground that an irremovable executive was incompatible with an elected majority. If that scheme was rejected on that ground, is it justifiable that that very anomaly should exist in the present constitution? At the Delhi Session the Honourable the Home Member rightly pointed out that this House had powers wider than were contemplated by the authors of the Reforms Scheme.

I entirely agree with him, but is it not a greater reason that if this House has wide powers of controlling the administration, is it not a greater reason for introducing responsibility into this House? If I may say so, I think that the position of the Government Members here in this Assembly is more difficult than the position of Cabinet Ministers in Parliament. When a Minister of the Cabinet brings in a Bill or a motion, he is sure of the ultimate backing of the House, and if he fails to secure that, he has in most cases to go out of power; but when a Member of this Government comes to this House with a Bill or a resolution, I am not exaggerating when I say that all the time he is trembling in his shoes as to whether he will get the support of the House or not. I submit, Sir, that this state of affairs should not be allowed to continue even in regard to Government Members, and nothing is more desirable than that they should also have a sense of responsibility to this House. If I may be permitted to do so, Sir, I should like to pay a warm tribute to the keen sense of responsibility that the Members of the Government have shown to Members of this House in spite of the fact that by the Act they are not required to do so. It is needless for me to say that the Indian Members are sure to feel that sense, but I would emphasise the fact that even the English Members of Government have shown a sense of responsibility which is remarkable and which, I am sure, will be an example to be emulated by their successors, even, by their Indian successors.

Sir, I hope you will forgive me if I exceed the time limit but I promise to curtail my remarks.

Mr. President: The Honourable Member has already exceeded his time.

Mr. Jamnadas Dwarkadas: I shall endeavour to bring my remarks to a close in a very few minutes now.

Sir, so far as responsibility in the Central Government itself is concerned, I do think that I have established a case for it. So far as full provincial autonomy is concerned, I do not think that we are in a position to say whether dyarchy has succeeded in the Provincial Governments, but we have the opinion of a responsible Minister of the United Provinces, my friend, Mr. Chintamani, who says that in the United Provinces the system has succeeded because dyarchy has been on paper and that the Governor of the Central Provinces has taken Ministers as well as Members into equal confidence; that, therefore, accounts for the success of the system in the United Provinces.

Sir, that very success encourages us to believe that if full provincial autonomy was established in other provinces, there would not be the slightest

ground for fear that responsible Ministers would not recognise alone with their responsibility to their constituents, also their responsibility to Parliament. I submit therefore that I have made out a case for considering the question of introducing responsibility in the Central Government and of establishing full provincial autonomy in the provinces. I also venture to submit that all these methods require that the whole subject should be considered by a committee and should not be decided arbitrarily. I hope therefore that the Government will accept this amendment and that Honourable Members of this House will accord their support to it.

Mr. President: Before I put the amendment I had better remind the House of the exact position in which we stand. I need not put the Resolution as it is well known to Members of the Assembly.

There was moved by Mr. Agnihotri just before the adjournment on the last occasion, the following amendment, to substitute for the original Resolution the words :

‘With a view to very early conferment of full Dominion Self-government in this country, this Assembly recommends to the Governor General in Council, to appoint a Joint Committee of both the Houses of the Indian Legislature to frame proposals for :

- (a) The transference of all provincial subjects to the administration of the Governor acting with Ministers responsible to the Provincial Legislature ;
- (b) The transference from among the Central subjects of all subjects except Army, Navy, Political and Foreign Departments to the administration of the Governor General acting with Ministers responsible to the Indian Legislature ; or conferment of increased powers and control on the Indian Legislature over all the departments of the Central Government.’

since which an amendment has been moved :

‘This Assembly recommends to the Governor General in Council that he be pleased to appoint a Committee consisting of officials and non-officials including Members of the Indian Legislature to consider the best way of bringing about Provincial Autonomy in all the Governors’ provinces and of introducing responsibility in the Central Government and to make recommendations.’

The amendment moved by the Honourable Member from Bombay I propose to take as an amendment of the original amendment moved by Mr. Agnihotri.

Mr. E. L. Price: Sir, it was with great regret that I found that Mr. Majumdar secured a place for his Resolution, and I was very glad of the adjournment of the debate the other day because it gave me time to think over the matter; and I have come to the conclusion that I am opposed to the Resolution itself and to all and sundry amendments thereof. The reason is that I am a moderate man and I do not care for revolutions more than once a year. Now, Sir, I would lay great stress on the fact that this year we have already had in India a great political revolution, and I would like just to indicate the lines on which, I think, that revolution has taken place. Mr. Majumdar has endeavoured to shed the worthy reputation he earned last Session as a humourist, but I would much prefer that he would endeavour to retain it. He quoted to us Chandra Gupta. Now, Sir, the rule of Chandra Gupta was a personal one. He was an orthodox Hindu and therefore Brahminism flourished. Mr. Majumdar also quoted Asoka. Now Asoka was a Buddhist, and because he was a Buddhist, Brahminism no longer flourished. In both cases the element, the determining element, was that of strong personal rule. If we go on to the time of the great Moghuls, is there any change? Isn't it true of the great

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Moghul 'whom he would, he slew, whom he would, he kept alive.' Because Akbar was tolerant, the administration was tolerant; because Aurangzeb was intolerant, the administration was intolerant—the strong personal element of rule still prevailed, and when on the ruins of the Moghul Empire, and I might almost say '*faute de mieux*' the British raj took over, the strong personal element still prevailed and has prevailed up to within the last 12 months. Akbar rode 220 miles in 48 hours to save from *suttee* a Hindu princess, and that is a fact which will never be forgotten to his credit. Job Charnock rescued with his strong right arm that Hindu lady from the funeral pyre whom he afterwards made his wife.

You see how personal will overrides everything else, whether that of an Emperor or simply of an administrator? In 1826, Lord Bentinck forbade *suttee* by law. Can anybody claim that Lord Bentinck, when he forced that law on the country, had the support of the country or even of his own councillors? It is on record how much many of his councillors were against the measure, for they thought that it was contrary to the wishes of the people. But personal rule in superiority to all laws and rules such as I have mentioned still obtained. Later, these very reforms under which we sit here—does this House realise how greatly the personal element prevailed in forming them, the personal element in a strong Secretary of State and a strong Viceroy, Lord Chelmsford? I have not done with the strong personal element in the rule of India yet. In September 1920, when the Government of India in the Imperial Legislative Council had an automatic majority, the same automatic majority that passed the Rowlatt Act still remained and passed the law that the gold sovereign was worth Rs. 10. This in defiance of the fact that the market has always been far above that and even up to double. Another instance. According to what I understand is an accepted fact, the Ali Brothers in certain speeches had broken the law. The question was whether they should be prosecuted for it. Lord Reading, the Viceroy, decided that if they apologised for that offence, they should not be prosecuted. It is the same principle of this personal rule. Again, take Sir Thomas Holland's unfortunate affair. What was the offence? Not so much, I think, acting in a strong personal way as acting on the mistaken assumption that his personal decision was the decision of the Government of India. That would seem to show that still the Government of India holds itself above the law. Sir, the element of personal rule bound by no constitutional legal limits is still very strong in this country, and the whole attempt of the Reforms is to change it. I lay the greatest stress on the revolutionary change which is involved to change from personal rule to constitutional rule. Do Members ever realise that the very corruption we discussed in this House is really nothing but an element of the old idea of the personal right of the man in authority to do as he pleases? It is almost impossible to put power in the hands of certain persons without their conceiving they have the right to use it as they will, even though not always in accordance with the highest virtue. Now, in a pamphlet I find on my desk from Mr. Seshagiri Ayyar, a gentleman, a Member of this House, with whom I have personal friendship and for whom I have high respect, I find he lays great stress on the idea of this Assembly being competent to do this and that. But, Sir, I must put it that the basis of these Reforms is far broader than this Assembly. The basis of these Reforms must be the country itself and the constituencies which send Members here. Are these constituencies ripe for the elimination of the personal and the

substitution of the constitutional yet. I do not find it is so, Sir. In all the constituencies, to a more or less degree, I find the craving for something like the dictum of a quasi-God or a hero and a willingness to accept dictation from such a person in a most extraordinary manner, which, believe me, is absolutely impossible in a really constitutional democratic state. If I believe in the Reforms, if I have done my best to help them along and to persuade everybody within my orbit that they are worth trying, it is with this idea that as we advance and take each position, we must consolidate it and not dissipate our chances of final success by too rash a forward movement. As a matter of fact, we have gone a certain distance. The revolutionary changes are constitutionally so great that even when Government comes to us for Rs. 2 lakhs to bring a certain Committee to India, the money is denied and the Committee cannot come. That could not have happened last September. Now, as a matter of fact, having advanced so far in a brief six months, I still say that no one can say that we are able to advance a great deal further on this line. It will take time to try and to prove, and it is possible—I am not saying it is likely, but I do say it is possible—that it may turn out that after all, the advance in this direction of a constitution based on democracy which depends not only on the abilities of the Members of this House but on the political capacity of the constituencies from which they come, will be found premature. It is possible that we may even have to retrace our steps and make another start in another direction. For the peace of the country and for the safety of the country I caution moderation. It is not merely a matter I find of a number of men in this Assembly being very anxious for further political reforms. At the same time there is combined with it an apparent desire to weaken the Executive. One or the other at a time. The combination of the two, I suggest, is most dangerous. Let me give some instances. In 1689, we had our last revolution in England, practically bloodless. James II went out and William III came in. The two previous Kings, Charles II and James II had been the pensioners of France, and France had taken the opportunity to encircle England with an iron ring that pertended her defeat. William III took another course and smashed that ring, and we have met France ever since as equals. But why was this revolution so smooth and bloodless? The new administration, the new court, displaced none of the old executive. Affairs went on in England as before. The only exception was, I think, certain non-juror bishops. When the Czar was dethroned and Kerensky came to power, there are some people who suppose that if only his Government had remained in power, all would have gone well. I do not think so, because as Kerensky came into power, he destroyed the old executive. In the French Revolution, in the same way, the revolutionist Robespierre destroyed the old executive. When Napoleon became the first Consul, his first anxiety was to restore it, and he accepted back and gave office again to every man who would accept the new regime; and with Napoleon's restoration of the executive, the country again rose from ruins to being the first in Europe.

What was greater than the revolution in Germany? When the Kaiser and his son and his Court fled into Holland, the country was left without a head. It looked as if the whole administration would break down. Further, their armies were still in the field, defeated and in retreat and compelled to sue for terms on what conditions they might. The new Republican Government that took over, however, maintained the old executive and in spite of the

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disasters that overwhelmed Germany and all her troubles and the severe economic conditions that now prevail against her, the country has maintained itself in comparative peace and quiet. So, Sir, while I object to further constitutional change at this moment not for my own sake but for India's, still more do I deprecate those efforts of further revolutionary political measures at the very time that a great number of persons in this House are anxious to weaken the present executive. I oppose the Resolution, I oppose all the amendments, I oppose the whole thing lock, stock and barrel.

Sardar B. A. Dalal : Sir, at the outset let me assure my Honourable Muhammadan, Hindu and other brethren in this Assembly and outside that I have not the slightest intention of offending their feelings, nor that I am in no way less anxious to secure us Responsible Government. Let me further assure all of you that I am not expecting any favours from Government for myself, but what leads me to believe and I confidently trust that good many Honourable Members here and outside will go with me in a great way that our friend, Mr. Majumdar's Resolution is premature, and hence I rise with due deference to him and to his supporters to oppose this Resolution on following grounds :

Firstly, because that we have not been given sufficient trial in the Reform New Scheme. We all know that Rome was not built in a day, in the same way we must trust in Government, have patience and perseverance to secure our real and long desired aim, *viz.*, Responsible Government.

Secondly, because we have been given many additional powers in the Reform Scheme, and not only that but in both our Councils and in all Provincial Councils the non-official Members have an overwhelming majority, so that when *real time* comes, we can very well urge and press Government to give us Responsible Government. Good many Members of this House and outside will no doubt ask me has not yet that time come? To which I boldly say, No. We do not wish to imperil the welfare and security of the country by undertaking Swaraj before we are in a position to carry it on with success and confidence, more especially when unrest is prevalent and we can see with our eyes open that there is no real, internal and genuine unity at heart in many, many diverse communities of India, and I am very much afraid that there will be no genuine permanent unity for a long time yet. Look at the present Moplah horrible and most abominable deeds in Malabar. Many Muhammadans have ruined Hindu temples, converted Hindus into Moslem religion by force, looted their properties and, last but not the least, being not satisfied with so many atrocious deeds they ventured to commit rapes on young Hindu girls of high repute and esteem. Do you ever think that Hindus will ever forget these intolerable and undesirable grievances when their time comes. Look at the magnificent and generous hearts of British that they behaved themselves quite gentlemanly and never polluted and demolished Mosques, etc., although Turks fought against British with full might and power.

Thirdly, we have not yet proved ourselves competent enough to manage District Boards and Municipalities successfully and therefore our British Government have been reluctantly forced to suspend some Municipalities. What does this go to prove.

Fourthly, our British Government have been graciously pleased to confer very high and most responsible posts on Indians in good many departments of

Government and will no doubt give further many responsible and high posts to Indians of ability and good birth whenever further vacancies occur in future. Kindly wait and see how they successfully carry out their responsibilities. I have no intention whatsoever to cast any slur on their abilities and I am confident that they will discharge their duties to the entire satisfaction of Government and people as well.

Fifthly, it is only education, development of Industries and Agriculture that will no doubt lead us in future to reach our long and ardently desired aim, *viz.*, Swaraj. I must say Government have done as much as they possibly could in these subjects as far as their financial circumstances allowed, but at least to my mind it was and is the fault of Indian parents that they did not and at present too do not care much for sound and higher education. Looking to the entire population of India I make bold to say that they have acquired very little education which is merely a drop in an ocean and have done very little in Industries.

Sixthly, I am informed and, I believe, I am rightly informed that Indian Civil and Medical examinations are to be held in India. We shall have Supreme Council, Forest and Agricultural colleges, Telegraph and Imperial Police Institutions,—and Territorial Force on a very large scale are to be established in India. We have got repeal of Repressive Legislation. What more do you want for the present?

Mr. K. Ahmed : On a point of order, Sir. Is the Honourable Member speaking for the Resolution or any amendment?

Mr. President : That is not a point of order.

Sardar B. A. Dalal : Seventhly, is it not a fact that all the Indian independent Maharajas and Chiefs sincerely wish for the continuance of our just, peaceful, religious and moral preserving British Government? I firmly believe one and all can not deny this fact. Had there been no paramount power in India, I am very much afraid, there would have been no peace and prosperity as hitherto exist, but on the contrary there would have been anarchy in whole of India as was previously the case under Mogul and Hindu rulers which can be easily proved from old historical books. By the grace of God, such is not the case now, and peace and prosperity are prevalent in greater part of India and there is a proverb prevalent amongst Indians that lion and lamb can drink water in one tank in British reign. Now, then, in that case, will it be proper and quite just for us to ask for Responsible Government when we are not yet ready for it? We all very well know a proverb 'Deserve and desire.' I am of firm belief that this proverb can only be achieved by acquiring sound and sufficient education and extending industries in which we are still very very backward. What is the reason of this backwardness? The reason is that we the Indians are not at all enterprising and have no patience and perseverance and strong will power to carry out their enterprise successfully, and if one, unfortunately, endangers himself to take the risk, he is not only laughed out but many a time discouraged by his brethren and relations. Amongst the British such a man would receive praise and encouragement. We the Indians are very much benefited by the advent of British in India, so much so, that we have now railways in greater part of India, canals, telegraph and telephone services not only in one city but from Bombay to Poona, from Delhi to Lahore, etc., all sorts of postal facilities, electricity, wireless telegraph across the oceans, waterworks, very short, most

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expensive, vast improvements in communications in most difficult country, wonderful roads taken across mountains and even through mountains tunnels which were I believe not even a dream in ancient times to our Hindu and Muhammadan rulers. I would respectfully ask Honourable Members in this Assembly and people outside to read the book called ' Blessings of British Rule in India ' by Maulvi Idris Ahmed, B. A. I respectfully ask our benign British Government to get this book translated in all the vernacular languages of the districts and distribute them freely. I, on my part, am quite prepared to get it translated in Gujarati language at my cost, if I am allowed to do so by Government and the author.

Let me again assure all of you in this Assembly and people outside that it must not be inferred from my objection and from my plea for caution that I am not keen to attain responsible Government but I most confidently tell you that I am as keen as you all are here, but I must make bold to say that it is premature as we are not yet ready. We must wait and keep patience and do our level best to attain our long and ardently desired goal by being ourselves worthy to achieve our responsible duties with credit and success in near future.

With these few remarks I wish to take my seat.

Rao Bahadur C. S. Subrahmanayan : Sir, the subject under discussion is of a very wide and far-reaching character. Well, I was accused on a former occasion by my friend, Munshi Iswar Saran, that I was possessed with the devil or the malady of caution. True, I am possessed with that devil, but with all due respect to my friend I must say that his speech delivered in the most regular episcopal manner, which befits him so well in his speech as well as in his appearance, has not yet driven or exercised that devil out of me. Equally my friend, Dr. Gour, tries to pound me, slash me, with his uniformly emphatic and heavily weighted speeches. I feel that I am not the only one to be under his hammer. Probably every one in this Assembly has a share in it, and, as the weight is equally divided, I feel the greatest consolation that I have got so many others to share with me the tribulations which he inflicts. Therefore, barring these two learned friends, for whom I have the highest respect, the question arises whether constitution-making is not a very pleasant occupation. I consider it is an invigorating occupation which stimulates the brain and which stimulates, when opportunity arises, the tongue. Constitution-making was a pastime indulged in by a great many people, qualified or not, before the Reforms were announced and, when the Reforms were announced, there were a good many people who came out with criticisms. And the most remarkable feature of this constitution-making is that our school-going elders—they are not youngsters—have taken a great pleasure in it and have demonstrated the practical inutility of these Reforms, by absenting themselves from and abandoning the schools in which they were. So constitution-making has been the occupation of all, whether qualified or not. Well, for a short period, during the last seven or eight months, there has been a lull ; we have not heard much of constitution-making. Now, we start again. Well, is it right that you start this game of constitution-making ? Well, among certain gentlemen, there is a feeling that the Assembly is not quite good enough company for them. There is such a lurking feeling in the mind of Mr. Seshagiri Ayyar who is here in this Assembly by the grace of the

Government of Madras who with good sense have recommended him as a Member of this Assembly. He at one time held a very strong opinion that this Assembly should be dissolved. Well, the dissolution of the Assembly is a matter provided for by Statute. Why Mr. Seshagiri Ayyar should have been so hasty in calling for a dissolution of this Assembly and starting on a new constitution he has not yet explained to us. He presented to the Assembly three different bases of constitution. Well, that reminds me of the story of an eminent counsel who was presented by his client with three different lines of defence, all based upon the common ground of an *alibi*, and he was given the choice of taking one of the three. Well, it was in that same spirit that the three different bases were offered for our discussion. One of them was the instant resignation of those unfortunate Indian Members of the Executive Council. Why an exception should have been made in the case of the Honourable the Home Member and of the Honourable the Finance Member, he could not say. It would be a jolly good thing if the Home Member could resign and seek election after all that is attributed to him in connection with the Punjab and other provinces, and also if the Finance Member, with the burdens of taxation which he has imposed, could face the music in Bombay and Calcutta. I refer to these things because once we start constitution-making, well, we do not know where we shall land ourselves. We have got a statutory constitution at present. Is it not good to evolve out of it something better, something to our liking, or are we to start without a call to tinker with it.

There is one other aspect which is a more serious one.

Have we a mandate from the country to ask or call for any change ? Now, our position in this Assembly is rather peculiar. We are often told that Members of this Assembly represent none but themselves. That is the slogan. They all say, the country does not approve of the Reforms and, therefore, those who have entered this Assembly do not represent the country. That is the most clamorous and most vociferous view put forward. Well, so far as we here are concerned, we have received no mandate from the provinces. So far as the change regarding the Provincial Councils is concerned, will it not be wise to wait till they themselves make a pronouncement on the experiments they are making ? No Council has as yet put forward any demands for a change. But supposing we suggest changes, is it not necessary that those changes should be approved by those Councils ? Some Councils, at any rate the Council of my province, seem to be satisfied now with what they have got ; they do not seem to be dissatisfied with the conditions under which they are now working ; at any rate there is no expression of opinion from that Council that the system under which they are now working is unsatisfactory ; and I have not heard of any complaints from other provinces. Now, there is one other difficulty about the venture on which we are called upon to enter. We appoint a Committee. Speaking for myself no Committee will satisfy me unless it is a Committee of the whole House. A dozen men chosen from this Assembly and from another place and sitting and drafting a new constitution for us will certainly not meet with my approval ; because I think the constitution should be one that I have promulgated and I have helped to achieve. Therefore, I should think, whatever be the upshot of this discussion, it is a matter in which the Assembly ought to take some of these points into consideration. Has there been a demand in regard to this matter ? Well, I have just now seen a written memorandum addressed, I suppose, to all

[Rao Bahadur C. S. Subrahmanayam.]

Members of this Assembly. One of the points taken in it is this : that in no country outside India do Members of the Civil Service attain Cabinet rank. Here, again, there is a great fallacy which all political students, or those who claim to be political students commit. You cannot pick out one solitary fact from any other constitution and then ask that a totally different constitution should be engrafted here. It must be a symmetrical whole. If there is some political student or some political philosopher who could give us a symmetrical whole and place it before us and ask us to consider it, it will be worth while spending time on it. But if each one who claims to be a political student—and at the present day every one in this country seems to be a political student—presents us with theories, we must say, no. It seems to me, a person who has reached certain conclusions hurls those conclusions at all and sundry. In this state of affairs, we cannot understand the wisdom of picking out a point here and a point there and presenting it to us as a feature to be adopted in the proposed constitution.

Well, Sir, my difficulty is not merely a temperamental one ; it arises out of the very serious disturbance which it causes in our outlook and in our methods of work. Another argument that has been used and will be used very strongly is that we must placate somebody outside. Now, who are the persons outside whom we should in all seriousness and earnestness try to placate ? At present the prevalent feeling, judged by speeches and writings in newspapers, is 'you shall have nothing to do with the Government ; nothing to do with anything, anybody or any system which has the remotest connection with the present Government.' That is we should not touch this Government or its offshoots even with a pair of tongs. That is the feeling that is proclaimed. Then we are told that there are some people outside who are sitting on the fence. Is that a presentation to be offered to us that we should go out of our way to those time-servers and to those people who are sitting on the fence ? Is it a decent call upon our intelligence, upon our integrity and upon our public spirit to ask us to do certain things, not for those who ask, not for those who ask us in some form or other, but to do certain things for those who will not ask and who do everything to undermine our position, and at the same time who will sit on the fence ? That seems to me an undignified position to take, either for this Assembly or anywhere else. It is talk like this which, I suppose, gives room for all sorts and conditions of criticism. Well, I am glad I spoke first, because my friends who follow will have an opportunity of demolishing me. If I had spoken last they would not have had an opportunity. I join with the others that we want more and more and more ; but I also think that it is better that we get to work in matters of this sort with a great deal of thought. I do not by that mean to say that there is no ambition in this House ; there is plenty of it, but it should be the sort of work which ought to be done as a preliminary, to be settled beforehand before launching out on a discussion in this Assembly. If my learned friend, Dr. Gour, and my respected and really learned friend, Mr. Majumdar, could get together and draft a constitution and give us the details, the shape of what they want, something definite in fact, we could then sit together and give our opinion. A large order like this, that we want changes, that some one whom we do not know, some here and some there chosen at random to draft something, is very vague ; and I submit, Sir, that is a thing with which I cannot agree ; I do not want to surrender my judgment at this stage to the opinions or the

conclusions of a body about whom I do not know, and I should know where I am. I say this with great respect to the wisdom and humour of my learned friend, Mr. Majumdar ; because his great sense of humour ought to have told him that he is placing this Assembly in a very difficult position, putting one section against another, one Member against another, and dividing us and enjoying in his grim humorous way the scene that he has created in this Assembly.

I must say that my Honourable friend, Mr. Majumdar, is unconscious of the fact that he has raised a ghost by his proposition, and it proves that he cannot be without a sense of humour by bringing forward his Resolution before this Assembly.

Dr. H. S. Gour : Sir, in rising to support this Resolution and in moving my own amendment thereto, I congratulate myself that I have lived to this day to be able to raise my voice for the liberation of my motherland, and in doing so, I shall not weary the House by any reference to first principles or go back to the historic or epic lore of this country, but ask Honourable Members to consider the facts—not any unusual statements made by the Secretary of State to interviewers or to members of the Press,—but statements made from his place in Parliament, and to consider the message sent on the eve of the enactment of the Government of India Bill by the Mother of Parliaments to the infant institution which it intended to create in this country. When this Reform Bill was the subject of discussion in the House of Commons, Honourable Members will find that the Secretary of State in commending it to the House used these deliberate expressions. He said, 'I cannot reiterate too often that the basis of this whole policy is of a transitional nature. You want to get on to something else at the earliest possible moment.' Then, Sir, when this Bill was finally passed by the House of Commons, the message which the accredited spokesman of that august body sent out to this country is contained in the following pregnant words. Speaking on behalf of the House of Commons the Secretary of State said:—'We can say, as I should like to say, with the authority of the House, to the peoples of India : 'The future and the date upon which you realise the future goal of Self-government are with you. You are being given great responsibility to-day, and opportunities of consultation and influence on other matters in which for the present we keep responsibility. You will find in Parliament every desire to help and complete the task which this Bill attempts, if you devote yourself to use with wisdom, with self-restraint, with respect for minorities, the great opportunities with which Parliament are entrusting you.' This is the message which concluded the labours of the House of Commons on the Indian Reform Act, and I ask you, Sir, if the condition laid down by Parliament in their message to India has not been more than amply fulfilled.

I venture to think that it is now an accepted fact that the balance and responsibility which has been acknowledged by two Officers, by the Honourable Leader of this House, and, last but not least, by the President of this Assembly, are testimonials which cannot be lightly ignored, and I assure Honourable Members of this House that the time is now ripe for a further advance, not in the language of this House, not in the language of an official of the Cabinet, but in the deliberate language of the collective opinion of the House which constitutes the Imperial Parliament.

I think, Sir, it is too late now to talk about personal rule, a strong Executive, and things of that character which might have been relevant

[Dr. H. S. Gour.]

before the solemn declaration of His Majesty's Government in 1917. I feel, Sir, that my friend, Mr. Price, has unearthed an old oration of his which preceded the inauguration of the Reforms which constitute the Magna Charta of India. I submit, Sir, that it is too late in the day to talk about the necessity of personal rule or the charm and strength of an Executive. We are obliged to find a democratic form of Government for this country, and let me remind Honourable Members that only a few months ago when our representatives sat in the Imperial Conference, they were described not as the representatives of a dependency but as the representatives of the Dominion of India. India finds a place as an independent unit of the British Commonwealth in the League of Nations, and when the British Cabinet holds out to other nations that India has an accepted place as an independent unit round the table of the Imperial Conference, can she deny to her that independence in her domestic relations with the Supreme Government? I submit that these are questions which cannot be lightly passed over as they have been by previous speakers, particularly by my esteemed and learned friend, Mr. Subrahmanayam, who addressed his remarks to me before I had actually opened my mouth. Now, Sir, it has been said by my Honourable friend, Mr. Subrahmanayam, that there is really no popular demand for the advancement of our claim. I am sure that my Honourable friend will agree with me that except perhaps in the doubtful case of the reforms of 1832, no popular feeling, at any time anywhere else in the long history of this world, has ever given pace to a constitutional reform.

If my friend will read the illuminating pages of that great historian and constitutional lawyer, Viscount Bryce, he will find the following pregnant sentence as summing up the constitutional history of the world. In his first volume on 'Modern Democracies' at pages 35 and 46, we have the following sentence which you will find elaborated throughout that Chapter. 'Nowhere have the masses shown a keen or abiding desire for political power.' Sir, it is a notorious fact that the masses nowhere have led revolutions or evolutions, which have always been the outcome of the agitation led by the educated middle classes. Can my friend deny that the intelligentsia, the educated middle classes of this country, are not clamouring for reforms? Can my friend deny that throughout the length and breadth of this country organised political associations are with one breath calling for urgent and immediate reforms? Can my friend deny that irrespective of political differences, irrespective of differences in principles and policy, if there is one point upon which they all agree, it is upon this, that India must now obtain the full autonomous status of a Dominion? My learned friend, Mr. Price, exclaims 'No.' If he had just emerged from a political cave, I should not have been surprised at that interjection. But having come from the busy town of Karachi, he presumably reads the daily Press. If so, I feel not only surprised but astounded at his ejaculation. Now, Sir, one of the Members of this House said: 'What do you want? You have not got a well-defined and well-considered plan of reforms upon which the Government of India could act.' Well, Sir, so far as the time at my disposal will permit me, I shall try to supply that defect. Let me then point out.....

The Honourable the President: Let me warn the Honourable Member that he has already reached his time limit.

Dr. H. S. Gour: Let me point out to this House that so far as the provinces are concerned, it is now a recognised fact that the duality of administration has led to an enormous expenditure which has made the whole administration too heavy. In Bengal, for instance, where we had before the reforms only two Executive Councillors, we have now four Executive Councillors and three Ministers, altogether seven officials. It is a notorious fact borne out by an appeal that would be made to you to-morrow that Bengal finances are on the verge of bankruptcy, and I may inform the House what is true of Bengal is equally true of the other provinces of this country. I submit, Sir, that with all the advantages that this tentative proposal of provincial autonomy may have brought to the provinces the provinces are now labouring under a heavy weight of increased expenditure and with no possibility of additional taxation. The Honourable Mover of this Resolution said that we could introduce complete provincial autonomy by enacting rules under the existing law. Well, in this connection, I beg to point out to the Honourable Mover that even though all the subjects of the provinces were transferred to the charge of Ministers, it would not amount to provincial autonomy, because, as the Honourable Mover will see, under Section 45 of the Government of India Act, the Provincial Governments would still be under the general control and superintendence of the Government of India. Similarly, my friend, Mr. Seshagiri Ayyar, suggests that the three Indian Members of Council should resign, get re-elected and re-appointed to their present offices, and then the millennium would be reached. In his note which I find deposited on my table, the same idea has been elaborated at greater length. Let me examine this fascinating suggestion. If the three Members come back to this House after their re-election—let us assume that they are re-appointed to their present portfolios—what will be the result? Their pay will not be on the estimates. They will be still subject to the Government of India Act, Section 33 of which lays down that the Governor General in Council shall have the superintendence, direction and control of the civil and military government of India subject to the provisions of this Act and the rules thereunder. Their position, I submit, would be an extremely invidious one. In their self-political immolation they would have resigned their offices and come back to join a Government the responsibility of which is to the Secretary of State and not to this House. Further, Honourable Members will see that if these Members obey you, then they may conceivably be disobeying the orders of the Governor General in Council collectively, made for the purpose of carrying out the orders which are necessary under Section 33 to fulfil their statutory duties. The position, I submit, is an impossible one, and I am only surprised that it came from so responsible a speaker in this House as Mr. Seshagiri Ayyar.

I further submit, Sir, that the real situation can only be improved by amending the Government of India Act. Because, assume for the sake of argument that the Government of India were voluntarily to surrender its power to this Assembly. What becomes of the Secretary of State and his existing Council? Honourable Members will see that under Section 2 of the Government of India Act, the Secretary of State is possessed of the same power of direction, superintendence, and control over the Government of India as the Government of India possesses over all Provincial Governments. And therefore even if the intermediate and subordinate Government of India was to sacrifice its powers and delegate them to this Assembly, no great advance will be made unless the Secretary of State's powers are circumscribed and defined.

[Dr. H. S. Gour.]

These are the limitations under which we labour at the present moment and the reform, that I suggest, and which I hope the Honourable Mover will accept, is the only logical sequence of his Resolution in that we want a complete revision of the Government of India Act with a view to convert all provinces into federal States subject to the local Councils on which must be conferred all and complete provincial autonomous powers. What we want is that Section 33 which gives plenary powers of superintendence to the Government of India and Section 2 which gives certain powers to the Secretary of State be amended, so that the Government of India must consist or may consist of the same sort of Government as we have in Australia, Canada and in the South African Dominions. We further want, Sir, that so far as the Secretary of State is concerned, his Council must go and the Secretary of State for India must possess the same power and bear the same responsibility as any Colonial Secretary. These are in short the reforms that we seek and my Honourable and learned friend tells me I can only give a broad outline of the proposal and cannot work it out into details within the short ten minutes at my disposal. Now, Sir, one word more

Mr. President : The Honourable Member is aware that he has already exceeded the time limit and I must ask him to resume his seat.

Mr. Abul Kasem : Sir, there is an old English proverb that 'Speech is silver, Silence gold.' It would have been wiser or, at any rate, safer for me to adopt that proverb, but a sense of duty and a sense of responsibility compels me to choose the less precious metal. At the very outset I want to tell the House, Sir, that I only support the principle on which the Resolution of my learned friend, Rai Bahadur Jadunath Majumdar, is based. I appreciate and admire his zeal, his enthusiasm and energy in the cause of the country and I might add that I share it in full. I am as anxious to get Self-government for this country as anybody else and the sooner I get it the better. But unfortunately methods differ and mine and his proceed on two different lines. Sir, a quarter of a century ago when I came into the arena of political life, it was considered dangerous and it required some courage, some strength of mind and some stamina to criticise Government officials or administrative measures or administrative policies. Things have vastly changed since then. To-day I feel that Government is a dead horse, whip it, however much you like, and it requires a good deal of courage and a good deal of strength of mind and not a little stamina to speak out one's own mind against what are known as popular ideas or may I call them popular heresies. I will take the advice given to the Government by my Honourable and learned friend, Rai Bahadur Jadunath Majumdar, I will take courage in both hands and speak out my own conviction, let the consequence be what it may. I have said that I want Self-government as much as anybody else and I want it as early as possible and I repeat it by saying that the change of constitution is a very easy matter. We can pass a Resolution in this House recommending it to the Secretary of State for India, and he can do it by an Act of Parliament passed at a single sitting at Westminster. But the other side of the question is the proletariat, the democracy to whom the power is to be transferred, whether it is fit to undertake that responsibility. Everybody wants power, everybody wants independence, but we should not forget that powers and rights carry with them their concomitant responsibility and duties. Are we prepared to discharge our

responsibility and perform our duties? I certainly heard with great interest and amusement the repeated encomiums paid on this House by no less personages than the Viceroys of India, Leaders of this House and the Presidents of the Councils. When I heard speaker after speaker referring to those courteous comments made by high officials and authorities, it reminded me of the story of the English school boy. His master once told him that he was a duffer. The boy retorted by saying 'Sir, you call me a duffer. My father says, I am clever. My mother says, I am clever. My sister says, that I am clever and above all I consider myself to be clever and you are wrong in saying that I am a duffer.' We all think, that we are very good people. The President says, that we have discharged our duties very well. We ourselves think, that we have discharged our responsibilities, but the question is—Does the country appreciate it and respond to the compliments paid to us? That is the real test. It is the master who is the best judge of a boy's mental capacity and not his father or his mother or his sister and I believe the country at large is the best judge of the work of this Legislative Council and not the President, or the Leader of the House or the Viceroy. Sir, I do not want any measure to belittle these compliments paid to us. But I cannot help reminding the House that during the present Session we have had five non-official days to carry on non-official business and I regret to say that I felt a little disappointment when I found that on each day we could not proceed beyond one or two Resolutions and expressions of pious opinions and pious sympathy, whereas in matters of modern administration and administrative questions we chatter like the monkeys of Jakko. That is not a very business-like way of conducting proceedings and does not show much capacity for substantial work. It is no use shutting our eyes to our own defects. Now, Sir, to revert to my proposal and my method of getting Self-government. I appeal to this House and I appeal to my countrymen who are not within the range of my voice that the real means of obtaining Self-government is to educate the democracy and to prepare it for responsibility and educate it sufficiently to discharge that responsibility and, as to the second stage, quoted by my Honourable and learned friend, to make it learn to respect the feelings, the sentiments and the interests of the minority, while the majority does not want to carry things at the point of the bayonet. Has that time come? Let us try and make that time come as early as we can. Let us make the proletariat active, energetic, and educate them. We had great hopes of the Government of India Act, when it passed through its various stages in the Houses of Parliament, but, unfortunately, as soon as it came into operation, a certain wave of enthusiasm in this country and certain incidents interrupted the work we had before us, the work of preparing the proletariat for their responsibilities, of educating the proletariat in the discharge of their duties and the value and meaning of the franchise. I ask every Member of this House to put his hand on his heart and say, though he has been elected by his constituency, whether that constituency was trained or educated or knew what were the principles on which we were going to act in this Assembly. These elections have been held in a hole-and-corner fashion, and as long as the electorates have not learnt to exercise the franchise properly, so long it will be neither sane nor wise to trust the whole power in the hands of the proletariat. I do not for a moment mean to say that my countrymen, as such, are not fit to administer the country or to take over the responsibility of the administration. No nation in the world can charge the countrymen of Sir Salar Jung, Sir T. Madhava Rao, Sir Shesadri Aiyer, Romesh Chauder Dutt,

[Mr. Abul Kasem.]

Behari Lal Gupta, Kazi Shahabuddin and last, but not least, Lord Sinha of Raipur, with being unfit to administer the affairs of their own country. The Resolution does not want to transfer the administration from the white man to the black, but the real issue is the transfer of the administration, directly and immediately, to the proletariat, and the question we have to judge on its merits is whether the proletariat is prepared to accept the responsibility. History, and history alone, should be our guide in this matter. And what are the lessons of history? There are three countries which are in my mind at the present moment, England, France and Russia. Let us look and see what has been the development of representative institutions and of democratic systems of Government in England since 1832, to which reference has been made. It has been peaceful, gradual and progressive. Look at France. There was the overthrow of one Government, an autocratic Government and the proletariat took charge of it, but they had to go back to the system of absolute autocracy to save themselves from that democracy. Lastly, the example of Russia is before us and we should profit by it. I have been a critic and I may add a hostile critic of the administration for more than 27 years. I know that it is anything but satisfactory. I know its defects and I know its shortcomings, and I would wish them to be remedied, and I think this House has some power at least to remedy them. But, at the same time, we should not shut our eyes to our own defects, and, in our attempts to save ourselves from the bureaucracy which at present rules us, we should not commit the greater error of 'falling from the frying pan into the fire.'

Sir, I have taken a good deal of time in showing that we ought to prepare ourselves for this. By this I do not mean it to be understood that I do not share the feelings of my friends on the other side, and, if I have not said all about our desire to get Self-government and the rights we claim under it, it is simply because it has been said more eloquently, more ably, and with greater force by my Honourable friends. I only want to direct the attention of the House to the other side of the picture, and I hope I will not be misunderstood either by this House or outside. I can assure my countrymen here and elsewhere, that as soon as the proletariat and the democracy is made fit, is properly educated and is strong enough to bear the burdens of this Empire, nothing can keep them out, and I will conclude by repeating the memorable words uttered on a memorable occasion by Mrs.—I beg her pardon—Srimati Sarojini Naidu that 'God will not and man cannot keep you out of Self-government if you are fit to take it.' I would add, 'God will not and man cannot give you Self-government if you are not fit to take it.'

With these few words I wish to say, that as a practical man, I would prefer the amendment moved by Mr. Jamnadas Dwarkadas to the original Resolution as put forward by Mr. Majumdar.

Sir Jamsetjee Jejeebhoy: If I rise, Sir, it is with a view to dissociate myself and my community from the views expressed by Mr. Dalal. While agreeing with him wholeheartedly in all he has said about the benefits of British rule, I must dissociate myself from the opposition he has shown to the appointment of a Committee as suggested by my Honourable neighbour (Mr. Jamnadas Dwarkadas). I do not wish any Member of the Assembly to go away from here with an impression that we, Parsis, are not beholden to the Hindus and Mussalmans for the protection they have afforded us for the last

1,300 years in their land. It is true, Sir, that until the advent of the British we had not made our mark in the history of this country, but I will ask you to remember that the general standards, as judged by the present day standards of education, material prosperity and industrial development, were not worth any notice. I venture to submit, Sir, that, if the Parsis did advance in various walks of life under the British rule, it would be ungrateful on our part if we put stumbling blocks in the way of the advancement of the children of the soil. It is, in my opinion, our clear duty to advance the cause of India on the progressive path of Dominion Self-government under the British Crown.

With these few words, Sir, I will support the amendment of Mr. Jamnadas Dwarkadas, which he has moved with the soundness and sobriety which usually characterise his utterances.

Rai D. C. Barua Bahadur: Sir, in my humble opinion, Mr. Jamnadas Dwarkadas' amendment should hold good. Let us be judged by an independent Committee, whether we are fit for diarchy in the Central Government or whether we are fit for a full instalment of Self-government in all its branches. This Committee may find that the present reforms are inadequate and should be supplemented by more powers given to the people through their representatives. Till then we should wait and see. We should not be afraid of being judged by a Committee. Rather should we be glad of it. Now, therefore, the House may be pleased to see its way to ask the Governor General in Council to appoint such a Committee.

Sir, I am hopeful that such a Committee will report most favourably as our work in these Councils has given nothing but satisfaction to the people and Government alike. Therefore, I submit that this amendment should be accepted. 'Deserve and desire' should be our motto.

The Honourable Sir William Vincent: Sir, I think it would be well if, in the first place, the Assembly were quite clear as to what the various proposals before them to-day are. The effect of the original Resolution would be to give complete provincial autonomy in 1924, to constitute a system of diarchy in the Government of India at the same time, and to give complete responsibility in the Government of India in 1930 or, according to another motion by Mr. Seshagiri Ayyar, in 1927. There are many amendments to this proposal, the chief, outside the proposals for a Committee, being to give provincial autonomy at once and, similarly, to inaugurate a system of diarchy in the Government of India immediately, giving in fact complete control over the Government, save in one or two subjects. I notice that one amendment, that of Dr. Gour, proposes even to transfer the control of the Army immediately to the Assembly. This is a point worthy of particular consideration. The Resolution therefore really invites the Government to propose a radical and very great change in the Government of India Act, when that Act has not been completely in force for a period of nine months. I believe I should be right in saying that some sections have not been in force for six months. But I am not quite certain of that point. It is a tempting proposition obviously to Members of this Assembly, and it is natural that they should desire to increase their direct influence over the Government of India. Further, I must admit that they have done much to justify the demand. I have never been backward in acknowledging the assistance that Government has received from this Assembly. I have always realised it, and, I think, I may also say on the other

[Sir William Vincent.]

band that the Government have gone as far as possible to meet the Assembly in all legitimate demands. The position of the Government of India in regard to this amendment is, however, one of great difficulty. I want to cite to the Assembly, first of all, what the policy of His Majesty's Government laid down on the 20th of August 1917 was. I cite from the speech of the Secretary of State :

'The policy of His Majesty's Government with which the Government of India are in complete accord, is that of increasing association of Indians in every branch of the administration and the gradual development of self-governing institutions with a view to the progressive realisation of responsible government.'

Later, the Secretary of State went on to say :

'I would add that progress in this policy can only be achieved by successive stages. The British Government and the Government of India, on whom the responsibility lies for the welfare and advancement of the Indian peoples, must be the judges of the time and measure of each advance, and they must be guided by the co-operation received from those upon whom new opportunities of service will thus be conferred.'

In the Government of India Act, again, the position is clearly laid down in the provision :

'That at the expiration of ten years after the passing of the Government of India Act, the Secretary of State, with the concurrence of both Houses of Parliament, shall submit for the approval of His Majesty the names of persons to act as a Commission who are to inquire into the working of the system of government, the growth of education and the development of representative institutions, and to report as to whether and to what extent it is desirable to establish the principle of responsible government.'

The Joint Committee Report again is quite clear on the point :

'The Committee are of opinion that statutory commission should not be appointed until the expiration of ten years, and that no changes of substance in the constitution, whether in the franchise or the lists of reserved and transferred subjects or otherwise should be made in the interval.'

I cite these passages to explain what the position of the Government of India is in this matter. I do not say for a moment that these decisions are like the law of the Medes and the Persians, or that they cannot be altered; nor do I personally believe that the present transitional scheme of this Government can last as long as is expected. I think we in the Government of India appreciate that as much as any one; indeed the Secretary of State dealing with this matter himself said :

'If there is a remarkable and unforeseen development in Indian conditions in the short space of ten years—because ten years is a very short time—my Honourable friend is quite wrong. The Act does not tie the hands of Parliament and there can always be a commission in the interval.'

And in a more recent speech still, to which I think Mr. Dwarkadas referred, the Secretary of State again emphasised the difficulties of the transitional period and his desire to accelerate the progress of reforms. So that there is no indication of any want of sympathy on the part of the Secretary of State with the demand for progressive realisation of the hopes of many Members of this Assembly. But what I want to put to this Assembly as practical men is, whether they think that, with our very short experience of reforms in this country, His Majesty's Government are likely to accept or even to consider seriously proposals for their extension in the immediate future. Is Parliament likely to undertake legislation, setting aside the results of all the previous and careful inquiries made, after the very short period in which these reforms have been tested? I think that there really can be, for any practical man in this Assembly, for any reasonable person, only one answer to

that question. Further, I put it to this Assembly that it is not consistent with the duty of the Government of India to accept proposals which are not consonant with the directions of the Secretary of State and not consonant with the decision of Parliament. I do not want any one to think for one moment from what I have said that the Government of India fail in their appreciation of the work done by this Assembly or by Ministers and by Provincial Councils. I am quite prepared to confirm anything that I have said on previous occasions, about this Assembly, although on principle I rather deprecate reference to speeches made on private occasions in the manner adopted to-day. I think that a man ought to be allowed to express his opinions privately, without being quoted in a public assembly in this manner. But appreciating as we all do the work done by this Assembly, their attitude *vis à vis* the Government, and their great sense of responsibility, if I may say so, can it be affirmed that this system has been adequately tested in nine months? In an ordinary business proposition, would any one accept that as a sufficient test? Or are we, quite frankly, here in a position to say that from a fixed date in the near future it would be safe to confer complete autonomy on India? Can we say this with safety, remembering the difficulties and the many and great interests concerned in this matter? I want the Assembly to consider this question, not as a question of sentiment, or as a question of political feeling; I want them to consider it calmly and dispassionately. Would it not be more reasonable to admit that we have not sufficient experience of the capacity of this Assembly or the Councils, and what is more important still, of the electorates? Can any one here affirm that the electorates of this country are sufficiently educated and experienced to appreciate even the responsibility now conferred on them? Let us examine the facts frankly. Now, the purpose of the reforms in this country is not to transfer power to an assembly of this kind, unless it is really representative of the people. That is not the meaning of responsible government, as I understand it.

And from this aspect let us consider what occurred at the last election. Was not the proportion of voters that went to the poll distressingly small? Are Honourable Members of this House aware of the fact that out of approximately 250 millions of people residing in British India, in the area affected by the Reforms, there are only one million registered voters for this Assembly? Are they also aware that out of those 1 million voters about 182,000 only recorded their votes in the last election? Is not that an indication that the electorate of this country has failed fully to realise its responsibilities or the great value and power of the franchise given to it? I put these facts forward for the consideration of the Assembly. Is it not indeed true that the whole of the reform constitution—Assembly and the electorate alike—are at a very early stage of life, and that though the Assembly has made astonishing progress they have not yet come to anything like maturity? Is not that a fair statement of the case? I doubt myself, even, whether the Members of the Central Legislature have so fully utilised or appreciated their powers, although they are rapidly doing so as we on the Government benches have every reason to know. The changes made were so great, so unexampled in their magnitude, I may say that I feel confident His Majesty's Government might fairly say to this Assembly or the people of this country 'Let us at least know something more of the effect of the Reforms already given before you ask us to make further changes in the Government.'

Can any Honourable Member say that we have sufficient experience now in this Assembly to predicate definitely that within a very few years this Assembly will be capable of exercising complete autonomy? What are the main

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tests of a right to Self-government? I should say that they are, firstly, a spirit of citizenship and nationality and, secondly, a power to defend the country. Now, there is a growing spirit of nationality in this country, created and fostered very largely, I believe, by the British Government, and its great unifying influence. It is permeating the educated community, but no man can say or, as Mr. Abul Kasem said, no man can say with his hand on his heart that it has permeated the masses or rural areas.

Consider for a moment in this connection the Moplah outbreak—I do not wish to make too much of the outbreak, but certain facts are very noteworthy. Is it an Indian Republic that the rebels seek to constitute? not at all: it is a Muhammadan Republic with the Khilafat flag as its banner: Is not this significant and are there not other divisions of a very serious character between different races in this land? I know that it has been suggested that we adopt the motto of divide and rule. I emphatically repudiate that suggestion. We are trying, and shall continue to try, to develop in this country a spirit of nationality to make India capable of governing itself as an integral part of the British Dominions, but we cannot neglect patent facts.

My Honourable friend, Mr. Seshagiri Ayyar—I am sorry he is not here to-day—cited to the Assembly two instances of Asiatic countries which are self-governing—Persia and China, I think. But I would ask Honourable Members, could any instances be more unfortunate? What is the state of affairs in China at the present moment? the north divided against the south, and no orderly government of any kind in existence. The Government is practically a despotism of different military Governors. Let us turn for a moment to Persia and examine the position there. The country is in a state of grave disorder with a Government only living on hopes of borrowing money from foreign Powers. A fair comparison might be made with Russia where conditions are in many respects similar to those in India. Like India, it is a country with a vast and ignorant rural population. Well a revolution was promoted there by the educated classes. And here may I pause to say that in my opinion Dr. Gour was quite right in his statement regarding such movements, and that in fact there is no historical instance of a successful movement of the character which I know of that has not been started by the educated classes with the support of a large proletariat behind them—that is a common place of history. To continue the comparison of Russia with India, in both countries we have an uneducated rural proletariat and an educated intelligentsia represented largely by the Bourgeoise, in Russia and also to a certain extent by the urban population.

Well what has been the result of precipitate hurry to secure a change of Government in Russia? I ask Honourable Members to think for one moment. Has it not been chaos, murder, ruin and famine? And this is in a country in which the conditions, to my mind at any rate, are very analogous to the conditions here.

The other great test of a claim to dominion self government, in my opinion, is the military strength of a country, that is, its power to defend its frontiers from invasion by foreign countries, to maintain internal tranquillity and to resist various disintegrating forces within its own borders, and here I will ask Honourable Members in this Assembly a question. Is any Honourable Member here prepared to say that by 1926 or 1927 or by 1930 this

country will have an Indian Army officered by Indians which will be capable of defending the frontiers, capable of protecting India from external aggression and capable of preventing internal disorder? I want the Assembly to consider this because it is a most important factor in deciding the question before us. If I had been a non-official member of this Assembly, the one consideration that I would have constantly pressed upon the Government would have been the development of an Indian Army officered by Indians, because on that really rests very largely the future political progress of this country. Again, can it be truly said by any one that the support of the British Government, the unifying influence of the British administration, will not be necessary in this country for many years to come for the protection of minorities? That again is a question which I suggest each and every member of this Assembly should put to himself and answer honestly. In all these circumstances, is it not really better for India at this juncture, when the reforms are so new, when so little is known of their operation, that Indians should develop the powers they have got, should use them to the full, should educate the electorate as to the value of those powers and teach what the franchise means, and what their responsibilities are before demanding a further advance? Is there not also a great deal of truth in the statement which was made by an authority who I know is a great friend of the Mover of one of the amendments that 'The most stable constitutions grow and are not made.' Has not that been the lesson of history and is it not justified by practical experience in the past?

And now I wish to dwell on another point and that is, the particular time at which this Resolution has been brought. May I put it to Honourable Members that they might ask themselves whether the present juncture is, from a practical point of view, not a singularly inopportune moment to bring forward a demand of this nature? Remember that we have at this moment the non-co-operation movement permeating the country. We have the Khilafat movement, some of the extremist leaders of which, I do not hesitate to say, are openly provoking the masses to acts of disloyalty and violence. Are not these matters which are calculated to give great anxiety to the Government of India and grave apprehensions in the public mind and in the mind of His Majesty's Government?

Is this a moment at which any Government would be willing to undertake momentous changes of the kind now proposed? What was the effect of this non-co-operation movement on the electorate at the last election, if I may revert to that subject for a moment? Was it not to keep away large numbers of people from the poll? What would have been the effect if all the non-co-operators entitled to the franchise had attended the polls? Would all of the Members now here have been present? Or should we have had a somewhat different class of Members in some cases? What guarantee have we, that at the next election, the non-co-operators will not see the folly of their move last time and put into this Assembly a large number of men, not possessed of the same sense of responsibility, or the same restraint or the same desire to help Government in its difficulties as is apparent in the present Assembly? That, again, is a possibility which this Assembly and Government have to consider. I do not want to over-emphasise these points, but they are all, I submit, which must, naturally cause apprehension to any sane man in this country, and certainly must cause the gravest concern to His Majesty's Government, especially when the proposal is to

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hand over to the complete control of the Assembly such departments as the Army, and other central subjects which are of the greatest Imperial Importance.

Sir, during the course of the debate I have heard certain suggestions made in connection with this question which I cannot pass unnoticed. It has been said that India will be a second Ireland, that the country will not remain within the British Empire, and that this Assembly will refuse supplies if the demands are not accepted. Sir, I do not think really that those who have used these arguments can have expected Government to be influenced by them. I am quite sure that this Assembly would not seek to influence Government by any such argument, and I do not propose to treat them seriously. I would only offer one word of caution on one point and say, that those who talk lightly of the secession of India from the British Empire little know the perils to which such a course would expose this country.

I now turn to the specific proposals to introduce diarchy in the Government of India. What are the facts? This scheme of Government is a new experiment. Its effects are entirely unknown. We have no evidence even of its operation in the Provinces. There has not been time even to see how it is working there. Surely, in these circumstances, it would be unwise to embark on a political experiment of that character in the Government of India. Indeed, I do not think that my Honourable friend, Mr. Jannadas Dwarkadas himself, who moved the last amendment approved of this, judging from the nature of his speech. Many thoughtful persons are indeed sceptical of the whole principle and believe that it is at any rate entirely inappropriate to the Central Government. I notice also that my Honourable friend Mr. Seshagiri Aiyar who proposes this coupled with it originally a demand for the immediate dissolution of this Assembly. Finding that this was entirely unacceptable, he gave it up because he knew that Members of the Assembly would never vote for anything which would involve their seeking re-election at present for no possible reason.

Another proposal made by Mr. Seshagiri Aiyar, was that the Members of the Government of India should voluntarily assume a responsibility to the Assembly. That is an impracticable suggestion, not consistent with their duty to His Majesty's Government.

Finally, the only other argument that I have heard adduced in favour of this Resolution was that it would conciliate the extremists and bring them over to the side of Government. I should like to cite a pronouncement of Mr. Gandhi on this point. This is what he said recently :

'The present Government is a Kingdom of Satan and do we not claim that we seek to substitute the Kingdom of Satan by the Kingdom of God?'

That does not look to me as if we were likely to secure co-operation from that quarter by diarchy in the Government of India. Again, do the Honourable Members suppose that Mr. Mohammed Ali and Mr. Shaikat Ali, judging from their recent utterances of an Indian Republic, Jihad and so forth, are likely to be won over by changes of this kind? I put it to the Assembly, that such an argument is absolutely worthless. Though I criticise it for different reasons than those of my Honourable friend Mr. Subrahmanyam. Further, as I have said before, we have no information as to the results of diarchy

at present and the only arguments that have been adduced before us here are based on *a priori* grounds. It is said that we ought to have made these changes before, and therefore we ought to make them now. How is the Government of India to support a principle of that kind in the face of the declared policy of His Majesty's Government? Why we have had no opportunity even of consulting Local Governments on this question of diarchy or how it works before we are asked to embark at once on a system of diarchy in the Government of India.

I now turn to the proposals in regard to Provinces,—the complete transfer of power to Ministers.—Sir, have we any experience of their capacity? Can any one say with certainty that it would be safe to transfer such subjects as law and order, land-revenue, and police to the local Councils in such troublous times as the present? Would we not thereby run the risk of sacrificing law and order the very first essential of political progress? It is true some Provinces are more advanced than others. But I want the Assembly to consider whether such a course might not cause the gravest apprehensions to many, and particularly to minorities in this country at present. It is the minorities we have to think of. It is these minorities that the British Government in this country has always struggled to deal fairly with. Again, I ask the Assembly to consider the question quite critically and quite dispassionately and to develop the exercise of the existing powers before making further demands on Government grant. And here may I remind this Assembly of the powers it already possesses, and of what results have already been achieved? I take my own Department. The Press Act is about to be repealed. Repressive Legislation is to be amended or repealed. The question of privilege of European British subjects in criminal trials is to be subjected to scrutiny. The Assembly has got legislative powers of a very wide character, so much so that my Honourable friend opposite told me that whenever I proposed a Bill, I trembled in my shoes, though that is an exaggeration. I am not in the habit of trembling in my shoes when I introduce a Bill. If the Assembly do not pass it, well, it is their business and not mine, and I am not at all sure we shall get much better legislation than we have already got on many subjects.—In addition to that the Assembly has very great power over the finances, and this power is now retained by the Assembly to a great extent by passing or refusing to pass what is approximately an annual Finance Bill introduced by my Honourable Colleague every year; this is in addition to the control over budget demands. May I point out that he who holds the purse strings really controls the administration. In addition, to all this, there is the power of interpellation and of moving Resolutions. In fact, I believe that speaking generally very much more power has been conferred on this Assembly than the framers of constitutional reforms contemplated, or than many Members here realise. In such circumstances, is it reasonable that the Assembly should at this juncture press for further immediate progress on the Government? I do not however want Members to think that, because I take this line, we are in any way hostile to the political progress of this country. I believe indeed that in the proceedings of this Assembly we have given abundant proof to the contrary. In fact I challenge any Member of this Assembly to say that we have been unresponsive to any movement on their part. What we, however, are anxious about, is to prevent premature decisions on precipitate changes of the character now proposed, which in our judgment would, in fact, really impede the

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Headmaster would certainly not argue the point with the boy, he would only look for his cane. Supposing I were the boy what I would have done is I would have covered both my ears very tightly with a pagri for their very safety. I would have considered myself very fortunate if these two organs of my head were left in their proper places by the Headmaster whom I had approached.

My Honourable friend said Hindus, Muhammadans and others are one in asking for this 'Swaraj.' I must say the Hindus and Muhammadans are not yet one people. There is no use mincing matters and ignoring facts. The upper branches in some cases may have intermingled, but the two trunks have remained as separate as ever. I will narrate here a case from which you will see, Sir, that even the upper few are not united. I am a resident of Manickganj, a sub-division of the Dacca district. In the local board election only a couple of months ago, we, Mussalmans, voted solidly for the Hindus and six of them were elected by the majority of the Mussalman votes, as in that sub-division two-thirds of the population is Mussalman. The Government appointed two Mussalmans and one Hindu by nomination. Of the nine Members thus composing the local board, seven were Hindus and two Mussalmans, and these nine men had to elect four of their number to the District Board. We Mussalmans begged the Hindu Members to vote for at least one Mussalman. They pointblank refused and elected four of their own number only. Last month, before I came here, I said to my Hindu friends at Dacca that 'you use our shoulders to get on the wall and kick us out of the vicinity of the wall as soon as you are there instead of lending us a hand to reach the top of it.' How long can a man trust another when trust means betrayal? If I am a rebel, my rebellion is against the selfish mentality of our friend.

Sir, the Honourable Mover of the Resolution will no doubt retort that the slave mentality in me produced this 'dog in the manger' policy. I can assure him and the House it is not that. We must know how to walk properly before we try to run. We must learn swimming in shallow water and then venture out into deeper and deeper, as we go on learning. There is no use drowning ourselves. We have got a big feed which I think we have not been able to digest and to take another feed at once will not only bring on indigestion but may injure the health altogether. Another thing is this. No community can live for the good of another community alone. There must be give-and-take; there ought to be mutual graceful concessions. I have met none of these in this Assembly. As for myself, I am not prepared to take anybody on my shoulders until I am certain that the man will not be breaking my ribs by kicking my sides at the same time that he will be purging on my back.

My Honourable friend will accuse me of vulgarity and, in reply, I must say a cane is not enough for the thick hide of a donkey or a camel but a thick *lathi*.

With these few words, I oppose the Resolution.

Sir Frank Carter : Sir, it is with considerable reluctance that I intervene in this discussion; but at the risk of being misunderstood I desire to say

something of what I feel after hearing the speeches of some Honourable Members. I do not wish to refer to the particular paragraphs of the Resolution, I will only speak generally. What I feel, Sir, is that this is only our second Session under the new Government of India Act, and what we are asking the Secretary of State to do is to scrap this Act and proceed at once with the framing of a revised constitution for this country. The Honourable Mover of this Resolution, Mr. Majumdar, so often enlivens this House with flashes of humour that I must say, Sir, with all due deference to him, I cannot bring myself to believe that he is really in earnest in putting this Resolution forward. But, if he is really in earnest, then I do feel that he is treating far too lightly a matter which is of the very greatest importance to the future of this great country. After the pronouncement of August 20, 1917, which we all of us almost know by heart, I think it took over two years of hard work to put this Government of India Act through and, after that, it took a year to complete the necessary arrangements for getting this constitution fairly started. Barely nine months have elapsed since we started the Legislative Assembly's Session at Delhi, and I feel, Sir, that we are now only getting into our stride on the road which is going to lead us, we hope, by progressive stages to the realisation of responsible government. Surely my friend the Rai Bahadur cannot think that nine months' experience of this new constitution is sufficient to justify us in going before Parliament and demanding more concessions. I will admit at once that both Chambers of the Indian Legislature, the Council of State and the Legislative Assembly, have, so far as we can see, been successes. I am also told that most of the Provincial Councils have been comparatively successful. But what I would ask Honourable Members is this. Why has this success attended the Indian Legislatures and the local Councils? Is not this success due to the direction and guidance of the Executive Members of those different Councils? I am confident that every Member of this House will frankly admit how much we all owe to the Honourable Members on the front Bench. And I am told that in the local Councils the Ministers also vie with one another in making their Councils a success. I suppose Members of the Governors' Councils and of the Executive Councils have got so used to criticism of all descriptions that they are no longer surprised at anything, and I take it the last thing they expect is an appreciation of services most ungrudgingly rendered. But surely they are entitled to a little more consideration than the proposer of this Resolution gives them. To suggest that the services of Members of Governors' Councils and of the majority of the Members of His Excellency the Viceroy's Executive Council should be dispensed with *ek dum*, or I think it is really at the end of three years' experience of the reforms, to suggest I say a radical change of this description seems to me, Sir, to be not only ungrateful, but also to show a want of responsibility or statesmanship on the part of my Honourable friend.

Then, as regards the suggestion that full Dominion self-government should be conferred on this country some eight years hence, I cannot but feel that my friend is too optimistic. I fully recognise that the day will come when we shall see India enjoying responsible government as an integral part of the British Empire.

But, Sir, that time is not yet. This House will, however, realise that European Members are working and will continue to work as hard as any

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other Member of this Assembly to achieve responsible government at the earliest possible Moment. I would suggest, Sir, that we await the report of the Statutory Commission provided for by the Act of 1919 before we proceed to dictate to Parliament to what extent it is desirable to establish responsible government.

Mir Asad Ali, Khan Bahadur : Sir, the amendment which has been moved by my friend, Mr. Jamnadas, is a very reasonable one. The Mover merely wishes to appoint a Committee, consisting of officials and non-officials including Members of the Indian Legislature, to consider the best way of bringing about provincial autonomy in all Governor's Provinces and of introducing responsibility in the Central Government; and to make recommendations. The function of the Committee is a very important one; it concerns not a particular community, but all the communities residing in India. So the Committee should be a representative body consisting of all the Members of the important minorities to safeguard their interests. The object of the amendment can only be achieved by the personnel of the Committee. Sir, in appointing the Committee, I hope the Governor General in Council will have due regard, in carrying out the aims and objects of the amendment successfully, and to safeguard the interests of minorities. With these observations I support the amendment.

Mr. President : If Honourable Members wish to continue the discussion on the Resolution and the issues raised by the various amendments, we had better adjourn now.

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

The Assembly re-assembled after Lunch at Half Past Two of the Clock. The Honourable the President was in the Chair.

MESSAGE FROM THE COUNCIL OF STATE.

Mr. President : I have received a message from the Council of State which the Secretary will now read.

Secretary of the Assembly : Sir, the message received from the Secretary of the Council of State runs as follows:

'I am directed to inform you that, in accordance with rule 36 (3) of the Indian Legislative Rules, the amendments made by the Legislative Assembly in the Bill further to amend the Land Acquisition Act, 1894, were taken into consideration at its meeting to-day, the 29th September, 1921, and that the Council agreed to the amendments.'

RESOLUTION RE: INDIAN AUTONOMY.

Maulvi Amjad Ali : Sir, I desire to rise and say a few words in regard to the Resolution which is before this Honourable House, because as the representative of the Muhammadan constituency of Assam, I consider that I should be committing a sin if I failed to rise and voice the sentiments of the Muhammadan population of the constituency which I have the honour to represent, so far as this Resolution goes.

Sir, this Resolution as drafted by my Honourable friend, Mr. Majumdar, may be a pleasant one so far as his own angle of vision is concerned, but I as a Muhammadan, coming from Assam, look upon it, from a Mussalman point of view, as one calculated to do a great deal of harm and, if passed, will lead the Mussalman community of India to the brink of precipice because, in my opinion, it is wholly against their interests in this country.

Sir, I entered the arena of public life as far back as 1901, and my bitterest experience has been that the desire to have *Swaraj* in this country would simply be ruinous to the Muhammadans not only in Assam, but I may say, in the whole of India. There was a time after the advent of the English in this country, the Muhammadan religious leaders were against imparting English education to Mussalman youths out of religious prejudice, with the result that the Muhammadans lagged far behind their Hindu brethren in point of education. This was the first blow to the Moslem English education.

However, Sir, English education found a place worth the name amongst the Muhammadans only recently, say, about 12 or 13 years ago and Muhammadan students began to pour into the colleges and high schools, in this country, and in my own district, Muhammadan students numbered about a half of the total number of students in the schools and colleges; and the Government of Assam was pleased to open a first grade college in the District of Sylhet and I feel heart of heart that I cannot help saying without pain that non-co-operation for *Swaraj* has caused irretrievable damage especially to the Mussalmans, as their wards in large number, have boycotted all educational institutions and given up their studies. This is the second deathblow to my community, being the result of non-co-operation for *Swaraj*.

I may inform this Assembly, Sir, that I was one of those, appointed by the Local Government in the month of June to assist Mr. Lloyd, I.C.S., in going about my District to explain to the people,—Hindus as well as Musalmans,—how they were being led to ruin by the propaganda of non-co-operation. That movement was so violent in its character, that it was falsely reported throughout the Province of Assam that, at the instance of the Government, British soldiers had killed outright about 150 of the Teagarden coolies at Chandpur Railway Station...

Mr. Muhammad Yamin Khan : Sir, may I rise to a point of order? May I inquire from the Honourable Member what connection his remarks have with the Resolution that is before the House? We are not discussing non-co-operation, Sir, and....

Mr. President : Order, order, I was just waiting to see how the Honourable Member proposed to bring his remarks in order.

Maulvi Amjad Ali : Well, Sir, I was going to say that the result of that false report was that for days the poor people did not even get the bare necessities of life owing to complete *Harthal*, and in addition, that *Harthal* was followed by a strike on the Assam Bengal Railway, and the result was extremely disastrous to the public convenience. This is the result of non-co-operation.

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Now, Sir, the Resolution before the House is one which, if accepted,—and if the amendments thereto are also accepted,—will never safeguard the interests of the Muhammadan community.

I suggest, Sir, that autonomy will be ruinous so far as the interests of the Muhammadan community are concerned for want of proper representation. In every department of life, in every department of administration, I submit, the Muhammadans are very badly handicapped. Nowhere will their interests be properly represented and safeguarded. This Resolution, Sir, is a Resolution, so to say, about *Swaraj* and I must say the very name of *Swaraj* is frightful to the Muhammadans.

Mr. Jamnadas Dwarkadas: On a point of order, Sir, if I may say so, *Swaraj* is the definite goal accepted.

Mr. President: Order, order. That is not a point of order. The Honourable Member ought to know that.

Maulvi Amjad Ali: This Resolution, Sir, asks for nothing short of *Swaraj* and the very name of *Swaraj* is frightful to the Muhammadan community of India. There can be no dispute or question about it. It may be said by some of my Muhammadan friends here that Messrs. Muhammad Ali, Shaukat Ali and other Muhammadan gentlemen are speaking about *Swaraj*. I must say that they are all nothing but fraud, and it is they who have been leading the uneducated Mussalman masses to ruin. To prevent that ruin, there are Mussalmans, including myself, who have been doing their best to dispel all ideas of non-co-operation in the name of *Swaraj*. Sir, as I have already submitted, I look upon this Resolution with the Muhammadan angle of vision, and I appeal to this Assembly, especially to my Muhammadan brethren not to lend any support to this Resolution or to this amendment. As for myself, I do not support it. I set my face against this Resolution and against this amendment. We want to be left as we are now. When the Mussalmans are properly educated, of course, the question of autonomy, the question of *Swaraj* and all other questions would be ripe for discussion. But this is not the proper stage at which we can pray for or long for anything like *Swaraj* which is detrimental to the cause of Muhammadan interests.

Mr. S. C. Shahani: Sir, I rise to support the amendment of my Honourable friend, Mr. Jamnadas Dwarkadas, and my reasons for supporting it are these. Firstly, if we adopt the amendment that has been proposed we shall not be causing disappointment in the country. It has been said that at this moment the question need not have been raised. I quite agree. Perhaps this is not an opportune moment. There is the *Khilafat* agitation outside. There is the non co-operation movement outside, and we have got really to know for certain if the tension that has been caused by these two movements will be reduced by the kindly offices of the leaders who are responsible for these two agitations. That is of course an important consideration, and I have incorporated it on that account in my own amendment. My Honourable friend, Mr. Majumdar, suggested that perfect autonomy might be given to the Provinces in the year 1924, and he further suggested that the beginnings of responsible government might be made in the case of the

Central Government in the year 1924. He also suggested that full Dominion status should be given to India in the year 1930. I in my own amendment suggest 1923. Really I look upon the year 1923 as an important year. That, according to me, is the year in which the work done by the Central Government, as also by the Provincial Governments, might very rightly be reviewed; and when we have secured a sure basis for our generalisations, then we shall have only minor details to work out. But the question has been mooted just now, and after it has been mooted, and after we have listened to speeches such as Mr. Price's, I think we might reasonably consider the advisability of adopting the amendment that has been proposed by my Honourable friend, Mr. Jamnadas Dwarkadas. I think he has done a very wise thing. He has noted the conditions that prevail at the present time and has suggested a compromise. Let not the Assembly commit itself to any particular view but let it appoint a Committee. I would most earnestly request my friends and brethren in this Assembly not to discard the amendment that has been proposed by my Honourable friend, Mr. Jamnadas Dwarkadas. You would be creating a very wrong impression on the people outside if you reject the amendment. My Honourable friend, Mr. Seshagiri Aiyar, was perfectly right when he said that many would be sitting on the fence and watching what this Assembly does on this question of our progress to responsible government. It is easy to pour ridicule on such a statement as this. But those who do pour ridicule on such a statement should think twice over before finally rejecting the amendment. It is very necessary to take heed at this moment. No doubt the Government need not be afraid of any second Ireland in India. People are not armed, like the people in Ireland and the Government is very strong. Still, I think, the attitude of reckless indifference is on the whole not advisable for Government to assume. Considerable trouble might arise. It will not be in the interests either of Government or of the people to let people understand that the Government is not minded to consider sympathetically the view of further political progress that has been put forward. People have come to be conscious. It may be semi-consciousness on their part, but there it is. This semi-consciousness or semi-sensibility in people, has to be respected, and whenever this has not been respected, I, as a student of history, must say that it has led to disastrous consequences. Mr. Price has ventured to tell us that the Executive, whatever its character, must remain intact, that the English Revolution was calculated not to weaken the then existing Executive. In his idea of the Executive, he must include King as a part of the executive machinery, and if he is a good student of history he must realise that in the year 1688 when the bloodless revolution was accomplished, the King was deprived of the position that he occupied before 1688. He became more a social head of England from then than a political head. (Mr. Price: No, no.) We read history differently. According to me it goes without saying that the ministerial responsibility was firmly established about then. The Cabinet system was established in the days of William III. William III: was undoubtedly a very wise and diplomatic man. If he would enter London, he would insist upon English forces preceding the Dutch.

In a very imperceptible manner, in the days of William III was brought about a most radical change. It is in the year 1688 that the hereditary line of succession was interrupted. Coming to the French Revolution of 1789, I differ from Mr. Price in the reading of the character of this revolution too. It was a social revolution and not a political one, and it came to be political

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simply because the King threw his influence and authority on the side of the noblemen who were tyrannising over the common people. Some of you may nod your heads, and say, 'No.' I can confidently assert that your reading and your interpretation of the French history does not tally with mine. But that by-the-by. Let us now consider whether any attempts have been made by the Assembly as Mr. Price has alleged, to weaken the Government. It is said that Lord Lytton's Committee's coming to India, which was a settled fact, has been upset by the Assembly, quite true. Perhaps the Secretary of State did not count on the possible opposition of the Assembly, but such are the evils of diarchy, and if diarchy is a necessary evil in the transitional stage, then the possibility of such an opposition from the Assembly should have been contemplated. If a reference had been made to the Assembly in the first instance, I have no doubt that no disappointment would have resulted. Let me, however, remark that the action of the Assembly is perfectly justified. We have reasons to believe that the Advisory Committees that have from time to time been appointed in England have not done much good. I am of course open to correction here. I have come into contact with several students returned from England, and I know that according to them these Committees have not in the past served their purposes, so that such a large outlay on the visit of a Committee, such as the one that was proposed, did not appear to me justifiable. I should have been very glad if other instances had been given of the manner in which the Members of the Assembly have sought to weaken the Executive. The Honourable the Home Member has borne testimony to the fact that the Assembly has always aided in the passing of necessary laws and he feels disposed on behalf of Government to acknowledge the manner in which the Assembly has done its work. My Honourable friend, Mr. Abul Kasem, has poured considerable ridicule over the manner in which the Assembly has been doing its work, but according to me he has not indulged in humour, but horseplay. He has said that some of the more important Resolutions have been thrown to the monkeys on the Jakko Hill and that the Members of the Assembly have not to say themselves that they have been doing good work. He has in this connection recited the story of a school boy who was told by his schoolmaster that he was a duffer and the boy retorted that his mother, his sister, nay, he himself believed that he was not a duffer. True. But here it is not the Members of this Assembly who have come forward and said that they have done their work rightly, but men in responsible positions like the Honourable Sir William Vincent, Lord Chelmsford and our own President. It is said that we ought not to quote the opinion of our President expressed on private occasions, but it should not make any difference whether an opinion is expressed publicly or privately. Private and public expressions of opinion should not differ. Surely, the President is the one man who notices best the character of the work that is done in the Assembly, and if by any chance the opinion that he entertains has come to be expressed, I really do not see why it is in any way improper on our part to refer to it. Those that are responsible and those that have had opportunities of noticing the work that has been done by the Assembly have come forward to say that the Assembly has done well. My friend, Mr. Price, came forward to say that the constituents were showing a craving for a quasi god or hero and were being dictated to. If the dictation does last we may certainly halt and ponder and say, 'Well, if the dictation does endure, then our progressive march to responsible government must be delayed.' I agree so far with Mr. Price. Sir William Vincent too was

perfectly right in emphasising the danger from this attitude of the constituencies. So far so good. But when Mr. Price comes forward and says that personal element in Government is essential and that without it you could not.....

Mr. E. L. Price: On a point of personal explanation, Sir, I did not say that the personal element was essential. I said the whole effort of the Reforms was to get rid of the personal element.

Mr. S. C. Shahani: Very well, Sir. Then I and Mr. Price here agree, and say that the personal element is to disappear, that the Parliament of England has thought it right that it should, and that in the reforms which they have given us they have deliberately gone in for a policy which will ensure in the long run responsible government to India. The question is, whether that should happen in ten years or less. Sir William Vincent has rightly pointed out that the Parliament and the Joint Committee of Lords and Commons have expressed it as their opinion that ordinarily ten years should be considered as the limit. They say 'Try the experiment for ten years and seek further progression afterwards.' But Sir William has himself said that the transitional stage is fraught with difficulties such as my Honourable friend, Mr. Price, alluded to when he instanced the refusal of the grant requested by Government for Lord Lytton's Committee. Several other difficulties would arise in the transitional stage. If difficulties have arisen and will arise in the country, if there are many in the country gravitating to extremism, it is considered by many, by me for instance and several others, that it will be a wise thing at this stage to at least appoint a Joint Committee of the two Houses which must take a long time, may be about two years, to send in its report if the report is to be a well considered report. You have got to bear in mind the attitude in the matter of reforms of the people outside and to consent to a compromise. I always like to consult and, as far as possible, to follow Sir Sivaswamy Aiyar. I discussed the matter with him the other day, and I suppose he would pardon me when I come forward to state that his own view is that the matter might not have been brought up for discussion, but if it has been, some such measure as the appointment of a committee would not be unreasonable, precisely on this ground that the Committee will take some time to formulate its recommendations, and that within that time we shall be in a position to see exactly whether or not we should do what is being suggested in the matter of reforms. Before I sit down I should like to refer to one thing and that is, that the Honourable Sir William Vincent said that the interests of the different elements in India must be protected. I agree. I am not unmindful of that fact. So many Muhammadan Members here have got up to say that minorities have to be protected. Possibly these gentlemen are not representing the feeling of the people correctly. Possibly the feeling outside is different. Muhammadans and Hindus are coming nearer together.

Still I do not for a moment disguise the fact that considerable differences between Hindus and Muhammadans do exist. Supposing *Swaraj* is given us to-day, we shall not be, I am afraid, able, on account of the differences between us, to carry on the government on our own responsibility at once. But have we not got here to remember that all along in the matter of reforms we proceed on the assumption that we all are to continue as Members of the British Empire, and that Englishmen are to be with us; and, if they are to be with us, they will certainly continue to play their important unifying rôle, as they have been

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hitherto doing, in the polity of India. And whence this apprehension that minorities will not be protected if responsible government is given to India? We have just now had some of the Government work transferred to Ministers. It is being said that the Governors in most Provinces take the Ministers into their confidence, and that there prevails not di-archy but mono-archy. If the necessity of coalescing and doing things rightly is adequately realized, it may become quite feasible to run responsible government in India on lines that would be satisfactory to the Government, to the people and to the Empire. It was said in the discussion to-day that the British Government had never attempted to divide and rule. I do not say that it does divide. I think the British Government have yet got to be careful in what they say and do. The other day my Honourable friend, Sir William Vincent, when he referred to the Moplah risings, said that the Moplahs were a poor, illiterate class, that they were fanatical, that they believed that, if they exerted themselves to the utmost in the cause of their religion, they would be translated to Heaven, and that on that account we had got to realise that their action was more attributable to the Khilafat agitators or some such thing as that. I think if such an impression reached the Moplahs, they would be only emboldened in their career of brutality

The Honourable Sir William Vincent: May I inquire if the Honourable Member denies the truth of the statement which I made.

Mr. S. C. Shahani: I do not deny the truth of that statement, but I say that two elements are responsible for what has happened, the brutal nature of the Moplahs on the one hand, and the agitation on the other. To belittle the action of the brutal element in the Moplahs will, I say, have a tendency to divide the Hindus and Muhammadans there. As a matter of fact, we should be careful to distribute the blame rightly.

Before sitting down, I should also like to refer to one other matter. We have been taunted with the fact that fewer constituents went to the poll at the last election, only 182,000 out of a million voters in a population of 250 millions. I want to point out the reason why people did not turn up at the polling stations. The people say that the reforms which have been given us are inadequate, and my friends in this Assembly do remember that this is the reason why fewer people went to the poll. They said that the constitutional reforms that were given to us were not adequate, and therefore it is that they did not vote. The Extremists say, 'These reforms are not real reforms at all; no opportunity is being given to us to put our affairs right.' It is to be remembered that they are leading the masses, and the masses are under the impression that the constitutional reforms are not really calculated to give responsible government to the people. It is on that account that the voters did not turn up to vote.

With these remarks I beg to support the amendment that has been so wisely brought forward by Mr. Jamnadas Dwarkadas, and on two grounds, firstly, because this amendment fixes no time during which responsible government should be given to India, and, secondly, because if this amendment is accepted by the House and by Government—and I make an earnest appeal to

Government also to accept this amendment—disappointment will not be caused in the country.

For these two reasons I beg to support the amendment.

Mr. S. K. Barodawalla: Sir, there is no doubt that this question which we are discussing is one of the most important questions that have come before this Assembly in the course of the present Session. Looking to the important issues involved, and because it is a question of vital importance, I beg leave to say that it is necessary to proceed with very great caution. Having given due consideration to the Resolution and to the amendments proposed, and if the House adopts any proposal, I have come to the conclusion, and I hope the House will share my views, that the House will do well in adopting the amendment for a Committee moved by my Honourable friend, Mr. Jamnadas Dwarkadas.

Sir, everyone of us here recognises the need for further advance. But, Sir, looking to the important questions and several issues involved and as it has been suggested, *viz.*, provincial autonomy and responsibility in the Central Government, the two avenues of advancement which, if carried out, will fundamentally alter the character of the constitution, I am entitled, therefore, to ask the House are we as responsible men justified in tying down the hands of my countrymen and all concerned to an arbitrary method about which we had not much time to deliberate. The natural course I think would be to provide facilities for calm and careful deliberation, followed by the suggestion of a method which will be acceptable to all. If this House at all adopts any measure such as the proposal or the amendment, I would, Sir, in that case, as I said, support the amendment moved by my Honourable friend, Mr. Jamnadas Dwarkadas.

Mr. H. Clayton: Sir, I rise to speak with some diffidence, in the first place, because I come from a Province in which no reforms have as yet been introduced, and, in the second place, because for the last 18th months I have been at home in England on leave. Therefore, except for the three weeks' experience that I have had in this Honourable Assembly, I have not been able to see the working of these reforms at close quarters and, consequently, my only claim to the attention of this Honourable House is as that unfortunate student of political institutions on whom Mr. Subrahmanayam poured such scorn just now. Sir, on a subject like this there are bound to be considerable divergencies of opinion, but there is one point on which the House is in full unanimity, and that is, that our final objective is the realisation by India of self-government. The issue before us to-day is therefore one of means and not of ends. On the one hand, we have the Government of India Act which aims mainly, if I may say so, at stability during the period of transition. On the other side, there are the Honourable Mover and his friends who rely on the inherent merits of democracy and self-government to ensure success. Now, the Government of India Act has been explained to the House in the course of the debate. It grants, shall we say, a partial measure of responsible or representative government with a restricted electorate, and provides for a series of periods of probation at the end of each of which reconsideration can occur. But, Sir, I would like to point out to the House that a constitution is not a statue which comes out complete from the sculptor's studio and remains thereafter unchanged for ever as a memorial of the artist's art. It has the power of

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developing an independent life of its own, of developing special tendencies which I may add are often extremely surprising to its authors.

Now, Sir, we may take it that Parliament was perfectly well aware that constitutions have this power of development, and we may also take it, therefore, that the ten years' probation was not intended to be a period of marking time, but rather a period of gradual development of democratic institutions in this country. So, that when at the end of ten years, two of which have already passed, the final gap to be bridged would be much smaller than now appears. Now, Sir, I would like, as a student of political institutions, to point out a few steps which have been reached in these two years. In the first place, the persons associated with Governors in the Provinces are predominantly Indian, the Legislatures, central and provincial, are predominantly elected; the Legislatures have full power over legislation; they have large powers of finance, and it appears to me that, at the present time or within a very reasonable period from the change of constitution, there is no subject, central or provincial, reserved or transferred, in regard to which public opinion as represented by the members of the Legislature cannot bring great and very effective influence to bear upon the Government. Well, Sir, that may not be *Swaraj*, but it certainly is not foreign domination and it certainly is not bureaucracy. It seems to me that it is a very distinct advance towards responsible government. I suppose, Sir, that there are many in this House who are fathers of families, and I take it that they must know how impossible it is to judge of the future development of any infant by its appearance shortly after its birth. Well, Sir, the wrinkled baby of 1919 appears to me to be developing into a fine healthy child, and it seems to me extremely probable that by the time he reaches the year of ten he may possess some very prominent democratic characteristics. What is the procedure which during the course of this debate we have been asked to adopt as to the treatment of this baby? Dr. Gour tells us to have it killed off at once and to get a new one. The amendment before the House proposes that, instead of its being allowed to grow up in the natural way, we should give it a Committee of dry nurses who are to sit on it for a period of three years. I put it to you, can any baby possibly survive that? My advice to the House is give the baby a chance. It is doing very well; all you have to do is to leave it alone and see what it will develop into. Now, Sir, let us pay attention for a moment to what are the powers reserved to the Central Government. I put it to the House that the only case in which the Government, whether Central or Provincial, are in a position really to exercise what may be called autocratic powers, is in matters affecting the actual stability of the State. This is a most important matter, because all history shows that the besetting sin of democracies is weakness, whereas strength in a democracy is more necessary than elsewhere. In all times and in all countries there have been forces of disorder at work; and when I say that forces of disorder are at work in India, it is casting no slur upon it; India is a great nation and that being so she suffers from the same diseases as other nations. It is the object of these forces of disorder so to upset the existing state of society, that they may bring some advantage or possible supreme power to themselves. Now, history again shows that it is in times of political transition that the opportunity comes for forces of disorder. Professor Shahani has tried to decry the political instances given by my Honourable friend, Mr. Price, especially in the case of France. But, Sir, I would ask him to carry his inquiries into French history

a little later. Let him take them down to the year 1870, and down to the present time. May I ask him why it is that France, the most democratic nation perhaps in Europe, finds the best guarantees for her republican constitution in a constitution which was made by monarchists for a monarchy and an administrative machinery which was invented by an autocrat for the preservation of autocracy? Then, again, Sir, I can give further instances, in addition to those given by Mr. Price. In this connection I would like to refer to South America. Dr. Gour has begun reading Lord Bryce's *Modern Democracies*; but he has ended with the introduction; I suggest that when he has leisure he should carry his reading a little further and read what Lord Bryce has to say about South America. There he will find that when Spain left the continent new constitutions were started, new republican constitutions of the latest type, by the intelligentsia of the country, but there was no basis upon which those democracies could be established, and therefore South America has endured eighty years of military despotism out of which it is now only beginning to emerge. Sir, all the examples that can be given from history show that stability and security are the very corner-stone upon which alone autonomous government can be established. Now, Sir, when I say stability, I hold that stability consists of three things: first, you require statesmen, statesmen capable of undertaking the direction of government and protecting the country against the forces of internal and external disorder. In the second place, you want an informed electorate which will return statesmen of that character to power. In the third place, you want an effective administrative machine. Well, Sir, it is stated by the supporters of this Resolution that India has the strength required. I do not propose to make any criticism of the abilities of this Assembly, or of the Provincial Councils or the Ministers. No doubt, Sir, India has always possessed statesmen and nobody has ever denied it. We possess an administrative machine of great efficiency. Yes. But there have been several Resolutions put down both in this House and in the Council of State which are definitely aimed at weakening that machine. Thirdly, there is the electorate. I suppose it may be said that if the electorate has returned this Assembly and the Provincial Councils, it is capable of returning a Government which could administer the country. But, Sir, one swallow does not make a summer, and one election at which only a portion of the people have voted cannot possibly be regarded as full proof. Democracies are not always successful, and there is no magic about the particular word democracy which is going to make it successful if the proper conditions for its success are absent. I do not propose myself to use any words of my own to show what are the qualifications which are necessary. I propose to quote to the House the words of a distinguished American philosopher; Mr. George Santayana is a Spaniard who has spent many years in America and has filled high positions at American Universities. The House may be quite sure that he is completely free from any connection with England or from any bureaucratic tendency. This is what he says:

The practice of English liberty pre-supposes two things, that all concerned are fundamentally unanimous and that each has a plastic nature which he is willing to modify. If fundamental unanimity is lacking and all are not making in the same general direction, there can be no honest co-operation, no satisfying compromise.

To put things to the vote, and to accept unreservedly the decision of the majority, are points essential to the English system, but they would be absurd if fundamental agreement were not pre-supposed. Every decision that the majority could conceivably arrive at must

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leave it still possible for the minority to live and prosper, even if not in the way they wished. Where this is not secured, a decision by vote would be as alien a fatality to any minority as the decree of a foreign tyrant, and at every election the right of rebellion would come into play. In a hearty and sound democracy, all questions at issue must be minor matters; fundamentals must have been silently agreed upon and taken for granted when the democracy arose.

It will be noted here that Mr. Santayana speaks of English liberty; he uses the expression of set purpose as contrasted with absolute or natural liberty of which he writes:

'The spirit in which parties and peoples outside the pale of English liberty comfort one another is not motherly nor brotherly. Their valourousness consists in their indomitable egotism. The liberty which they want is absolute liberty, a desire which is quite primitive.'

He then goes on to say:

'The parties meet, however diplomatic their procedure, as buyers and sellers bargain in primitive markets. Each has a fixed programme or procedure, or, as he perhaps calls it, an ideal, and when he has got as much as he can get to-day, he will return to the charge to-morrow.'

and the result of that in any State is war.

Now the difference between two ideals on the one hand is the existence of fundamental unanimity and, on the other hand, the demand for absolute liberty which means that each man insists on getting exactly what he wants. I ask the House to consider which of these two ideals is the more prevalent in India to-day? These words of Mr. Santayana were written without a thought of India, and I think that if we apply what my Honourable friend Dr. Gour would call the 'acid test' we must know that this fundamental unanimity has not yet been attained in the electorate in the great mass of the people or even in this Assembly. The fact is, as already pointed out, that in a system of full self-government, the ultimate guarantee of stability rests upon the presence of this fundamental unanimity in the people, and if this be so, and if it be agreed, as I think all will agree, that this fundamental unanimity is at present lacking, surely it was the highest statesmanship that Parliament, while conferring a far-reaching measure of self-government and responsible government on India, reserved at the same time to the Governor General in Council and to the Governors of Provinces, power to maintain the stability and security of the country until such time as the electorate have developed the power to do it for themselves. Sir, I venture to think that this is a view which ought to appeal to all the interests of this great country of India: the great landowners, the industrialists, the merchants, the professional classes, the small proprietors, the tenants and even to the small artisans and the labourers, of whom my Honourable friend behind me (Mr. Joshi) is so great a supporter. All these classes have very much indeed to lose by insecurity, far more than they have to gain by the power to go to the poll.

I have noticed, Sir, in this House that it is the custom of some Honourable Members to clinch their arguments by some Latin legal maxim. I am no lawyer, Sir, but I would commend to the consideration of Honourable Members of this Assembly the words '*Salus Reipublicae suprema lex*' the security of the State is the first law.

Mr. B. S. Kamat: Sir, I venture to make a few observations regarding the speech which has been delivered by the Honourable the Home Member. At the outset, let me remark that the speech from him struck me in many respects as sympathetic, but, Sir, on many points, I must admit that his speech entirely

failed to convince me. If he was cogent on any arguments at all, he was cogent on throwing out the main proposition of my friend, Mr. Majumdar, that Government should not commit itself to the principle of a fixed limit in giving a further political advance in the Indian constitution. But where he failed, to my mind, was when he tried to make out that this question should not even be referred to a Committee, thus blocking any further investigation, or taking stock, as it were, or reviewing the position so far as our progress is concerned.

His arguments were, first of all, that Parliament would not be in a mood or would not be prepared to listen to us so early as this. I agree that he was on rather firm ground in saying this, but as he himself put it, the Government of India Act is not like the laws of the Persians and Medes, so that we should not ever refer this question to this Committee which my friend, Mr. Jamnadas Dwarkadas proposes to appoint in order to make reasonable recommendations, not for a wholesale revolution as my Honourable friend, Mr. Price, put it, but to remedy and repair a few flaws and defects in the constitution which we may have found. I do believe that Parliament would not be so short-sighted as to say 'Well, we are not going to listen to you for ten years certain.'

Sir, the Honourable the Home Member next referred to the fact that the reforms have not been sufficiently tested. I certainly agree with him that, in running the reforms machinery, we ought not to go too fast, but if there are difficulties in running at break-neck speed, on the other hand, I would point out to the Honourable Sir William Vincent that there are dangers in going too slow. While we have not to run the car of reforms at a terrific speed for the next ten years, on the other hand, you have not to put your foot and hand brakes full on, to keep it at a standstill. It is our duty to see which parts of the machine are defective; the start has been given to us no doubt by Parliament, but some parts of the machine are sure to be found to be defective even after the short period of nine months, and we must replace those defective parts. I for one, have no hesitation in saying that what is required in the machine of ours is a magnet in the Central Government rather than a dry cell battery. I agree that we have only nine months' experience; I am not prepared to dogmatise as to whether this Assembly has been a success or a failure merely on the strength of complimentary after-dinner speeches or any remarks in private letters of certain individuals in regard to the working of this Assembly. But apart from it, I really do consider that the time is ripe for us to take stock of our defects and deficiencies. That, at any rate, we must be prepared to do.

Then the Honourable the Home Member referred to the electorate. I agree that the electorate is not sufficiently educated in this country, but when the Joint Committee of Parliament gave us the Government of India Act, they were fully conscious of that fact, after all they knew what the electorate was like. And when the Honourable Sir William Vincent said that only 20 per cent. of the electorate recorded their votes on the last occasion, and though I am convinced that the working of the electorate on that occasion was far from normal, still the very fact that the remaining 80 per cent. of the electorate did not go to the poll showed that they were educated by somebody in the country. They refrained from going to the poll, for the simple reason that some political party educated them—or miseducated them and persuaded them not to go to the poll; the fact remains that 80 per cent of the electorate were not entirely sleeping at the time of the last election.

[Mr. B. S. Kamat.]

These are the grounds, Sir, on which I support Mr. Jamnadas Dwarkadas' amendment, and I think I have been able to show that there is a very good case made out why we should refer the whole question to a Committee, although we may not be entirely in favour of the main proposition.

Mr. Muhammad Yamin Khan : Sir, I oppose the Resolution as put by my Honourable friend, Rai Bahadur Jadu Nath Majumdar, and support the amendment put forward by my Honourable friend, Mr. Jamnadas Dwarkadas. But, in doing so, I wish to tell the House that I do not, in any way, want to associate myself with the remarks which my Honourable friend, Khan Bahadur Amjad Ali has made in this House. I do not, think, Sir, that Khan Bahadur Amjad Ali, was speaking on behalf of his constituency when he was making his speech here. I hope he was speaking on his own behalf, and not on behalf of Mussalmans as he claimed to do. I represent also a constituency of Muhammadans, and I know their feelings. I know, Sir, that they want *Swaraj* just the same as anybody else in this country. There might be some difference of opinion as to what will that *Swaraj* mean, and how it shall be worked. But there is no second opinion about getting *Swaraj* for India whether soon or late. Khan Bahadur Amjad Ali says that the Muhammadans will be great losers if *Swaraj* is given to India. I repudiate that idea altogether. His position is that, if I cannot get something for myself, I do not want my neighbour to get that also. That is a funny argument that Khan Bahadur Amjad Ali puts forward. My objects in opposing the Resolution are different. I am alive to what Khan Bahadur Amjad Ali has said. I know what Muhammadans are fearing and their fears may be justified to a certain extent. There might be something in what Khan Bahadur Zahir-ud-din put forward. There might be certain individuals belonging to a particular community who might be ignoring the rights of the minority, but we cannot put the blame altogether on the whole community on account of the action of certain individuals. Undoubtedly, the Resolution, as it is worded, has got some tendency to bring forth certain evils. As a matter of fact, the whole process of appointing Ministers is pregnant with evil, and while supporting my Honourable friend Dr. Gour, that there should be an amendment of the Government of India Act, I beg to make a few remarks on the position of Ministers. Undoubtedly, the House will agree with me that a Minister is a person elected by a sect. He is a sectarian representative. He is not the representative of India. Undoubtedly, as he is elected by a certain community he has to please that community in order to be returned next time. This is a very difficult proposition to settle in this House. And I know the reasons why the Muhammadan community asked for a separate electorate. I know that the Muhammadans in India have not yet reached that stage when they can ask for a joint electorate. Certainly not. I will be the last person to say to-day that there should be a joint electorate and not a separate electorate, but, at the same time, I say that this difficulty has been put before simply on account of this minority and the interests of minorities. Now, you blame Government for this and say: 'Look here: The Muhammadans are suffering because they are in a minority. They want a separate electorate' and then you say, 'No, nothing further should be given because we are in a minority.' This is not a sound suggestion on the part of Khan Bahadur Amjad Ali. What he ought to have proposed to this House was a certain solution of this difficulty. Of course, I know the difficulty of a man who is elected by a certain community. He is the

servant of two bodies. He is the servant of Government to whom he belongs and he is also the servant of and has to please the community which has returned him. If he can please these two bodies he has got nothing to do with any third body. He may be inclined to favour certain individuals who might have influence in securing a seat for him in the next election, but as I said before, this depends upon individual cases, and for this we cannot blame the whole community. A man may be wanting in character. There might be some cases in which a wrong person might have been chosen to fill up that high post. There might have been certain individuals in certain provinces who have been put up as Ministers whose life-long work was a sectarian one and not for the general uplift of India as a whole. But it is a difficulty for which there can be a safeguard and there can be a solution, and that solution can be freely discussed in a small body like a Committee. If a man comes up duly elected by one community and if he enjoys the confidence of every one who belongs to that House, then certainly that difficulty is got over, but under the present law the Governor has to choose out of the elected Members. The Members have got no voice. He might do some thing which may not be liked by other people, but to say that the Muhammadan community at large will be ruined simply because Home Rule is granted to India, there cannot be a more fallacious argument and absolute misrepresentation than that before this House. I do not believe entirely in diarchy, and for this purpose I oppose the second clause of the original Resolution. Part I of course is fixing up a certain time in regard to which there are many difficulties and I do not agree with that portion as well. I would have agreed to the third clause of the original Resolution if it had not fixed any time, but by fixing the time the Honourable Mover has created great difficulties. I quite agree before my friend, Maulvi Abul Kasem, when he presented certain difficulties before this House. I can quite see the difficulties which the Government and the Parliament will have. They will come forward and say, 'After nine months you are putting up a new scheme before us.' What has made you to bring this up when you had not seen sufficiently how the reforms work? But here we have got before us the whole country which is demanding *Swaraj* by the end of December in the words of Mr. Gandhi, but there is another section, Sir, which is keeping quiet. There is only one party which is speaking and that presumes that it is speaking on behalf of the whole country. That is the section of Mahatma Gandhi and another note has been sounded by Khan Bahadur Amjad Ali. These are two extreme points and I do not know how to reconcile them.

What I contend is that both these views are extremist views and are not views which are held by the thoughtful people of India. I hope, Sir, that all my Muhammadan friends here in this House will agree with me in repudiating the remarks of Khan Bahadur Amjad Ali when he says that Muhammadans do not want Home Rule. The only point now left, Sir, is what should be done in this House. Of course, I quite agree with the Honourable Sir William Vincent that very few people came to the polls. In other words he means to say that this House is not representative of the whole of India. But I do not agree with him there. There may be some persons who might have been returned on account of non-co-operation, but I want to assure the Honourable Sir William Vincent that there are Members in this House who, even though all the non-co-operators jointly had stood against them, would have beaten them. These Members enjoy the confidence of the whole country and of the constituencies which they are representing, and they can speak on behalf

[Mr. B. S. Kamat.]

And as I said, after all, to start with, we counted upon the fact that the electorate would be illiterate for some years to come. Therefore, this is no new factor, and for that reason we need not block the amendment that is before us.

Then, again, the Honourable the Home Member referred to diarchy and he thought that we were building conclusions *a priori*. Personally, I am not prepared to say whether diarchy is a success or a failure in the Provinces. That is just the point however for this Committee to find out, and if there is any reason at all for the formation of this Committee, it is this. It is the Committee which will find out whether diarchy has proved a success or a failure. I can point out what this Committee can do. It would be for this Committee, for instance, to go and obtain the first-hand evidence of the Ministers, ask them how they have worked the machine, whether the team between the Executive Councillors and the Ministers pulled well under the guidance of the Governor, and whether the Governor as a Ruler could run his omnibus well. That would be for this Committee to find out. Then, again, it would be for this Committee to find out whether the Ministers are handicapped in the matter of finances under present arrangement and in the matter of proposals for new taxation. There, I believe, Mr. Jamnadas Dwarkadas has made out a case why this matter ought to be referred to a Committee. Even supposing that the Government of India Act under section 45 does not provide for the transference of all the subjects to the Ministers, at any rate it does not preclude the Committee from making recommendations that barring only one reserved subject all the other subjects should be transferred consistently with the Act. That at any rate would be in consonance with the present sections of the Government of India Act. Therefore, although we may not get full provincial autonomy, we can at any rate make a further advance in transferring a few more subjects to the Ministers if this Committee recommends it, and if the Government of India find it acceptable. May I ask the Honourable the Home Member if the time has not come to take stock of the situation? What is the Home Member's argument on the other side? Is he going to stand still for ten years? Is it proper to wait till the next ten years under the present situation in the country? That is the only alternative that suggests itself to my mind. If for the next ten years the Government of India are not going to raise their finger, then may I ask why this Empire Delegation Commission is coming out here? That itself shows that the Government of India are prepared to reconsider this question at any rate touching some parts of the Government of India Act, and to re-model it, if not wholly, at any rate, in some parts, which require re-modelling and re-shaping. Then, again, what about the question of diarchy in the Central Government? If not diarchy, at least the next stage of responsible government whatever form it may take? As Mr. Jamnadas Dwarkadas told us, if there was a consensus of opinion throughout the country amongst all the parties on any particular item of political reform, it was about the point of regarding some measure of responsibility in the Central Government. If I am not guilty of indelicacy, I might even say that two of the present Indian Members of the Executive Council of the Government were in favour of some responsible government in the Government of India—I mean the Honourable Dr. Sapru and the Honourable Mr. Sarma. If, therefore, a certain measure of responsible government was acceptable to these Members, and to the country, I ask, is it not time that the Government should, without waiting for full ten years,

consider the matter which had earned the unanimous support of the whole country and even a portion of the Government of India, and touch the Government of India Act in those parts, at all events, which require a little bit of retouching? The Honourable the Home Member told us about the working of the Executive, how the present Executive of the Government of India feel in relation to the Legislature. I am not referring to the question of voluntary responsibility on their part. I make a frank admission that all the Members of the Government of India, since the inauguration of these reforms, have been no doubt behaving towards the Legislature as if, to all intents and purposes, they were responsible to us; they have always behaved as if our own interests were their own. But after all, what is the character of the responsibility? It is not a constitutional responsibility. That responsibility is guided, if I may say so, if we look beneath the surface, by the fact that there is a good deal of public opinion outside and that the pressure of public opinion is perhaps as irresistible as the pressure of the atmosphere upon our bodies. And, secondly, that responsibility is perhaps guided by the mere force of the weight of numbers—I mean the large elected majority in this House. When, for instance, a particular Bill is brought before this Council, Members of Government, although they may not be trembling in their shoes, certainly, I dare say, they must be feeling as if they are walking on peas—owing to this large elected majority here. The question now is, should this responsibility be only a moral, spontaneous, and willing responsibility on the part of the Executive, or should that responsibility be converted by a change in the Statute into a constitutional responsibility? That is the point we have to discuss, and we do really feel, I dare say the whole country feels, that instead of having a moral, spontaneous responsibility on the part of these Members of the Executive Government, we must have soon some measure of constitutional statutory responsibility. The Honourable the Home Member referred to non-co-operation outside. I agree that this is not an opportune moment. But this Committee which is proposed to be appointed is not going to introduce a particular change in the Government of India Act to-morrow or on the 1st of January. They will certainly take some time to deliberate and make their recommendations. The Government of India themselves will certainly take some time after that to go over them, and then, I believe, it will take time for Parliament and the English public at Home to consider whether such changes should be made. All this will certainly take some time, and all that while, I don't think that the present Moplah riots or the disturbances outside or the disloyalty which we see at present around us will remain in the country. Therefore, it is time to begin, although the present moment may not be opportune. The moment is inopportune in some respects, I admit, so far as English public opinion at Home is concerned. But let us make a move. Let us take stock of what we have done and what we have failed to do, and to find out whether the machinery is defective. If the recommendations of this Committee are too radical, if they are too revolutionary, if they are too premature, let us turn them down. Let the Government of India throw them aside. But if in some respects, for instance, in certain sections of the Government of India Act, I mean sections with reference to the Executive Councils, we can go one step further, by all means let the Government of India recommend to the Government at Home even before the ten years' time has arrived to make certain changes. Suppose, we want some change in the Government of India, where there are real defects, I believe it would be time to eradicate them and to go a step further.

[Mr. Muhammad Yamin Khan.]

of India. In the case of some Members who have been returned to this House, it should not be presumed that they would not have been returned if any non-co-operators had stood against them. In the same way, there is a representation here, we can speak and our position remains. There is a great section of the country which is led by Mahatma Gandhi and they are demanding *Swaraj* by the end of December. Of course, they have given three months more—before it was October, now it is by the end of December, that is by a different means. This House also wants Home Rule and *Swaraj*, but the method may be different. There is another section—there may be a few people like Khan Bahadur Amjad Ali who may not want it at all. What is the position of this House? Does this House reflect the views represented by Khan Bahadur Amjad Ali or the views of Mahatma Gandhi? Certainly not, we are not representing either of their views. We want that *Swaraj* should come; *Swaraj* will surely come and England has never denied *Swaraj* to India. They have promised *Swaraj* and it will come. The only question is time. When the time comes, *Swaraj* will come too. I agree so far with Maulvi Abul Kasem that we have to train our masses to understand their responsibilities and to know and return those persons who are quite capable and will be good administrators, and I know at present that there is not sufficient time to do that. I do not agree with the Resolution though I share all the aspirations of my Honourable friend, Mr. Majumdar. But we are still left in a difficulty. If we refuse even the amendment put forward, what will be our position in the country. Mahatma Gandhi and his followers will call us traitors; of course, they do so now, but they will call us traitors all the more. And there will be another body, I suppose very few, who will come and clap their hands like Khan Bahadur Amjad Ali. Being placed in this difficulty, I think the only solution to save our faces from the criticism from outside and also to achieve the object and aim for which the whole of India is waiting and has come forward to-day, is to accept the amendment put forward by my Honourable friend, Mr. Jamnadas Dwarkadas, and, therefore I wholeheartedly support it.

The Honourable Mr. W. M. Hailey: Sir, I shall address myself primarily to the amendment put forward by my Honourable friend, Mr. Jamnadas Dwarkadas. I readily admit that an amendment of this nature has certain attractions; it recognises the difficulties attendant on the evolution of diarchy in the Provinces; it recognises also certain difficulties inherent on the introduction of responsible government in the Central Government; it further avoids the attempt to fix an exact period of time within which India is to realise what I may describe as its secular ambition. So much attraction it has. But for me it has also distinct advantages. It must be realised, and the House can never escape from this position, that the decision does not lie with this House itself; it does not lie with the Governor General in Council, nor with the Secretary of State. The decision lies with Parliament; and Parliament has specifically asserted that it will make no considerable change in the constitution which it has granted to India until a Parliamentary Commission has itself examined into the question. Now, Sir, what would be the result of appointing such a Committee as Mr. Jamnadas Dwarkadas proposes? In the first place, its deliberations would in no sense be binding on Parliament, nor could we hope that Parliament would, when the time came, accept those deliberations as a sufficient substitute for the investigations which will be made

by its own Commission. That is one point. But there is a further point. If you will read his amendment, you will see that it inevitably pre-supposes agreement to the principle both of bringing about provincial autonomy in all the Governors' provinces and of introducing responsibility in the Central Government at some early date. It would be useless to appoint such a Committee unless we had accepted that principle. It is perfectly true that Mr. Jamnadas says in terms:—'Let the Committee investigate; let it go forth and see what can be done in the matter; let it take stock; let it mark the progress achieved; and then let it make its recommendations.' But, Sir, the very appointment of such a Committee pre-supposes that some early action is to be taken on its recommendations, certainly before the ten years which Parliament has laid down. Now, Sir, are we prepared, could we be prepared as a Government, to recommend to Parliament that we should forthwith accept the principle of the early introduction of complete autonomy in all Governors' Provinces and responsible government in the Central Government? I need not say that I am no enemy of constitution progress in this country; the House knows well that the reverse is the case; but let me give my view of some of the implications which the acceptance of this claim would convey. First as to provincial autonomy. Now, before you can satisfy Parliament that provincial autonomy can be safely granted at an early date, that is to say, complete provincial autonomy—and I use the same words as Mr. Jamnadas himself used—you will have to satisfy it that the grant of such autonomy would not impair the maintenance of proper arrangements for the defence of law and order. You have to be certain that you can satisfy a Parliamentary Committee that the provinces as now constituted would be prepared to make the necessary administrative arrangements for ordinary police, and perhaps for police battalions, to secure us against such further outrages as we once saw in the Punjab—I am not referring at all to April 1919—or those we have lately seen in Madras. Then you will have to satisfy Parliament that you can secure the finances of the country, and I would ask you to consider the grave implications contained in that assurance. Complete provincial autonomy would mean that the provinces must be financially autonomous also, and Parliament will have to satisfy itself that the provinces would be prepared to continue those contributions to central finance which are necessary for the carrying on of the great central services administered by the Central Government. Again, you will have to satisfy Parliament that autonomous provinces would secure the rights of minorities. That is no light question. These minorities are at present guarded by the fact that the provinces are in such matters still under the supervision and control of the Governor General in Council, acting under the orders of the Secretary of State. Are we certain that an autonomous Punjab with its large predominance of Muhammadans would preserve the existing electoral laws giving rights to Sikhs? Are we certain that Sind, with its large Muhammadan population could secure from the Hindu majority in the Bombay Presidency a proper representation of its own interests in the Provincial Council? Are we certain that the million and a half of Muhammadans in the Central Provinces could secure separate representation at the hands of an autonomous Central Provincial Council? You cannot lightly put aside questions of that nature. I shall no doubt be reminded that the Hindus and Muhammadans came at one time to a compact (the Lucknow compact) regarding representation in the Provincial Councils; but that was an all-India compact; and it would not stand against the determined opposition of the majority in any single province.

[Mr. H. M. Hailey.]

Then, again, Sir, under complete provincial autonomy, can you secure that there shall be no legislation which will infringe the rights of religious communities? Remember that at present under a system of imperfect autonomy, before legislation can be introduced into a Provincial Council which will affect the rights of religious communities, the previous sanction of the Governor General has to be obtained. Are we yet ready for complete provincial autonomy which might deprive religious communities of that safeguard? These are the questions which Parliament would certainly ask, and these are questions on which you will have to satisfy a British House of Commons.

Then, I come to the second point, relating to responsible government in the Central Government. What is the implication there? You will remember that in those deliberations, both in the House of Commons and in the House of Lords, which followed what has been called 'the Speaker's Ruling,' the Secretary of State and his Under Secretary speaking in his turn in the House of Lords accepted the convention, that where Ministers' subjects were concerned Parliament ought not to interfere. If you are going to have responsible government extended to the Central Government, then equally you must establish a convention that Parliament shall not interfere in any decision which has been arrived at by responsible Ministers in the Central Government. Ministers derive their authority, which by all constitutional theory must be a final authority, from the Legislatures which they serve; you could have no responsible government in the Central Government unless Parliament were willing to give up its authority over the central subjects affected. How far is that likely at present? How far is it reasonable in the present circumstances to ask Parliament to give up its control and its supervision over central subjects? Take one only, the Army. Do you suppose in the present circumstances that Parliament would for one instant agree to give up such general control as it now exercises over the provision for defence? The Indian Army is the army of India, paid for by India, and maintained only for the defence of India; but Parliament is still the final judge of the adequacy of its strength and the manner of its constitution. Are you seriously going to ask Parliament at the present moment to give up such control and supervision as it exercises over the Army of India in the interests of India herself and her defence? Would you at present expect Parliament to give you authority, for instance, to disperse entirely with the British troops in our Army? Let us be practical; you know that it is an impossible proposition to put before Parliament at present. Then, again, take the railways. Are you going to ask Parliament to give up any control or supervision whatever over a subject so important as that, a subject in which a vast amount of capital and British capital is interested? Are you going to ask Parliament to give up all control over the subject of communications, which are the very life-blood of India? Again, let us be practical; you know that at present this also is an impossible proposition. Take, again, revenue. Are you going to ask Parliament at present to give up its entire control and supervision over the subject of revenue; that is to say, are you going to ask that a Province saddled with a permanent settlement, should have uncontrolled power to break it up? That, again, I take it is an impossible position.

Now, Sir, what are the arguments that we are asked to advance to Parliament in order to persuade it to agree to an early change in the Indian

constitution? Take the arguments, which the supporters of this proposition have put forward. They have based their case first on the achievements of this Assembly. Sir William Vincent has more than once in the course of this debate paid tribute to those achievements; I myself should be the last to deprecate them. But how far does this take us? Nobody, Sir, least of all we who have a strong interest and a strong belief in the future of reforms, nobody doubted that India could produce men of great political intelligence, great powers of expression, and full sense of responsibility; nobody has doubted that for a second. India has produced them and they are here in this Assembly. But the Parliament itself will grant you that and grant it without reserve. But the question that Parliament will ask is, how do these men stand with their constituencies? What is the effective influence which they have over their constituencies? Are they certain, particularly in view of the small number of votes that have hitherto been recorded, that they can promise a continuity of the policy of moderation and co-operation for which they themselves stand? Can they tell us what will be the result of the next elections? Can they tell us that an ensuing Assembly will be characterised by the same sobriety of judgment and sense of responsibility as this Assembly? That is the question Parliament will ask you, and you yourselves know best if you are likely to be able to convince it by your reply.

Beyond that argument I have heard other suggestions. We have been told that if we do not immediately give way on this proposition, we might have to face a secession from the British Empire and that we may have to face an agitation equal to that of Ireland. (Cries of 'No, no.') Perhaps not; but the arguments were advanced. They were not advanced in the form of threats, but when you have two parties to an agreement, and in trying to persuade one party to give way you warn it of exceedingly undesirable consequences if it does not do so, these are very little short of a threat. I regret that anybody should stand here and suggest it as an argument that India may have to repeat the experience of Ireland. We all deplore what has happened there, and we do not wish to see a similar blot on the escutcheon of India; we do not want to see riots, revolution and midnight assassinations. But if the threat is undesirable, the argument is an exceedingly poor one. To suggest to the British Parliament that if they do not speedily alter our constitution, they may have to face over again the experience of Ireland, is indeed a very poor argument on the part of those who base their claim for a change in the constitution on the ground of their fitness for constitutional advance. And, Sir, what is the body which you are setting out to persuade? What is the constitution of the Parliament to which you will advance such very slender arguments? That Parliament, Sir, is a body which has not been accustomed to speedy constitutional changes. Generation after generation, century after century, it has won its way by slow pressure, first on the Crown and then on the Executive, consolidating little by little what it has won and depending for its strength rather on tradition and convention than on legislative enactments. It will judge your request in the light of its own history; it will judge of your present position by the position which it itself has won and now occupies. For it stands, Sir, not on any legislative enactment, but on the political common sense, on the spirit of political compromise, the hard-earned political wisdom of those who elected it. Can you yet say that you yourselves stand on so firm and sound a basis? And yet you are going to make representations to a body with these traditions

[Mr. W. M. Hailey.]

and occupying this position that after the experience of a few months, after the passing of a period of time so brief that it certainly does not equal the time taken over the preparation of this constitution, the whole of the constitution should be radically changed. Again, I ask, do you realise that it is to that body you are going to put forward such a proposition? (Cries of No, no.)

Well, Sir, these are the implications of this amendment, and if it has not these implications, then the Committee which Mr. Jamnadas Dwarkadas proposes to appoint would be a sheer waste of time and labour.

Is it seriously likely that you will persuade Parliament of the strength of the case for immediate action? I have tried to sketch to the House the kind of temper in which Parliament with its past traditions would be likely to approach this proposition. I will go further and put before you certain practical considerations and ask you to consider them as practical men. You have in Parliament a considerable party which I have heard described in this House as reactionary; take care that you do not play into their hands. They will say that an Assembly which after the experience of nine months can come to the conclusion that a radical change in its constitution is required, is an Assembly of such unconsidered judgment and so hasty a temperament, that Parliament should at once discount any claim it puts before it. Consider again that you have a Lancashire already resentful of what you have done in this House, and Lancashire, I think, has over 60 representatives in Parliament. Will you conciliate them, or will they not form an even more solid phalanx of opinion against you? I freely assert, that if you put forward a proposition of this nature you will, instead of advancing your cause, infallibly retard it. Your critics will ask you to remember the concessions which India has already gained. It was only a few years back—two or three I think—that you had a debate on a Resolution deprecating the preponderance of British officials in your Services. Who could raise such a debate to-day, when in every service we have agreed to proportion equal or nearly equal to half and half? The House has advocated that 25 per cent of commissions in the Indian Army should be given to Indians, and Government have supported your proposition. You have gained what I may describe as the fiscal convention, that is to say, if your Legislature and your Executive Government agree to any fiscal change, Parliament will not oppose it. I shall not refer to those domestic improvements such as the abolition of Repressive Laws, Press Laws and the like which you have gained; but you have attained one privilege to which Parliament itself in the long course of its history has always attached the greatest importance, and that is, the power of the Budget. In continuation of that power, you have also won in regard to one great branch of your taxation, namely, the income-tax, the right which you had claimed that it brought before you annually for re-enactment. These are your gains; and both your friends and your opponents in Parliament will ask you to explain the reason of this sudden haste on your part to secure a further change in the constitution? 'We,' they will say 'have given you an Act which provides that the whole system shall be examined at the end of ten years by a commission of ourselves and in that interval of time you have opportunities to make fresh conventions, and fresh traditions to your own advantage. It is an infallible rule in political history that where a representative assembly has once gained a concession, where it has once wrested anything from its enemy the Executive, it never lets go. You will have these opportunities

during the next nine years. Consolidate your position, take full advantage of the opportunities we have placed within your grasp, and at the end of that time we will see what further legislation is necessary.' That, I think, is the answer, and the only answer that you can receive. Sir, it has often been urged against Englishmen that they do not know when they are beaten. That is a fine trait, and one that has won in the end many a hard fight, that seemed to be turning against us; but it appears to me, and perhaps it will appear to Parliament also, that there are many men in this Assembly who do not know when they have won.

And now, Sir, I am afraid that I have trespassed on the time of this House; but my endeavour has been to state the problem, not as a theoretical and abstract question, (for everybody will agree that we have had enough of generalisations this Session), but as a practical one I have tried to view the question, not as in the light of our ambitions or our aspirations, but purely as we must put it before Parliament and purely as Parliament is likely to take it. I will conclude, if you will allow me, Sir, with a word of advice, offered respectfully, as any advice must be offered by one Member to others in this House. I would advise that we agree on this formula, that the Governor General and Council should inform the Secretary of State of the tenour of this debate, and also inform the Secretary of State of the opinions expressed in this Assembly such that there is reason to urge that the period of ten years should be reduced.

I would ask the House that they should agree on this solution. Members of this House need be under no misapprehension that their constituents will misunderstand their attitude. They have put their views before us and they will be transferred to Parliament. Many have advocated an early date—and in some cases a very early date—for a change in the Statute which defines our constitution. Surely now the only practical and reasonable end to this debate is, that we should convey to Parliament the opinions we have heard expressed in this House that it ought not to wait ten years before the Parliamentary Commission investigates the whole question of further amendments in the constitution which has been granted to India.

Mr. N. M. Samarth: Sir, I am thankful to the Home and Finance Members of Government for the assurance that they have given, while impressing upon this House the desirability of not making any proposal which it is not possible for Parliament to entertain at the present moment. Knowing as I do something of what happened in the Joint Parliamentary Committee, I think it my duty to tell Members of this House that, during the deliberations of that Committee, the principle of dyarchy, even in so far as the provinces were concerned, was in peril. It was not, therefore, to be expected that the Joint Parliamentary Committee would sanction or recommend its immediate adoption in the Central Government. But as one who belonged to a certain party of which I had the honour of being Honorary Secretary, I gave evidence in strong terms, which were referred to by Mr. Jamnadas Dwarkadas, as to the necessity and desirability of further liberalising the legislative and executive machinery of the Government of India beyond what was contained in the original proposals; and I had the satisfaction of seeing that the Joint Parliamentary Committee did recommend a further liberalisation of the machinery. For instance, it laid down that at least three Members of the Viceroy's

[Mr. N. M. Samarth.]

Executive Council shall be Indians. Mark the words 'at least three'. It further gave up the original idea of the Council of State being made a superseding and over-riding body over the Legislative Assembly and constituted it, as they say in their report, from the commencement as a true second Chamber. Thirdly, they gave us what was not contained in the original proposals, namely, power over the Budget subject to certain reservations and restrictions which are embodied in the Government of India Act. And, fourthly, they gave us what has been referred to by the Honourable Mr. Hailey and which I value most, fiscal freedom by means of the convention that whenever the Government of India and its Legislature agree, there shall be no interference by the Secretary of State, and therefore none by Parliament. In all these four respects, therefore, there was made a great advance over the original proposals contained in the Montagu-Chelmsford Reform Scheme, and all that was possible and practicable in the circumstances had been done. But there was one point upon which I was very keen and which I pressed earnestly, namely, the restoration of the original proposal in the Montagu-Chelmsford Scheme, to the effect that after the end of five years from the time the Reform Councils came into existence, it should be permissible to the Provincial Legislatures to pass a Resolution asking for more transferred subjects than have been already granted under the Reform Scheme, and that on such a Resolution being passed and conveyed either by the local Government or the Provincial Legislature to the Government of India, the Government of India should give effect to that Resolution. I pointed out that ten years was too long a period, and that having regard to the awakening of public consciousness in the country and the momentum that would be gathered during the coming years, if you kept this constitution without any amendment for ten years, there will be an agitation of a kind—I repeat the words which I used then, without, however, intending any threat—there will be an agitation which staggers the imagination. There were certain Members of the Joint Parliamentary Committee who thought that five years was too short a period in the lifetime of a nation, and that ten years was the period which was necessary in order that the Commission may come and inquire thereafter how far progress had advanced. I am glad that the Government of India agree that ten years is too long a period. At least the Honourable the Home Member said so. All I wish to impress upon this House and upon the Government of India is, that they should take care to represent to the Secretary of State not only the trend of this debate, but I also hope that they will consider the advisability of representing to the Secretary of State that at the end of section 84-A of the Government of India Act, which refers to the Statutory Commission coming after ten years, a proviso may be added to the effect that 'nothing herein contained (i.e., in that section) shall debar the Governor General in Council from making, with the concurrence of the Secretary of State, such modifications as they may deem desirable, at any time during the period aforesaid, in the powers and functions of Governors' Legislative Councils or of the two Chambers of the Indian Legislature with a view to promote the growth of responsible government in British India.' Unless an amendment like that is made, I, for one, reading the Statute as I do, do not see that the Governor General in Council have any power to make any addition to the transferred list in the provinces or make any advance in the furtherance of responsible government in this country. I trust that the Government of India will, having regard to the nature of this debate and the general consensus

of feeling in favour of making an advance as early as possible, represent to the Secretary of State the desirability of making the small amendment in that section. Any drastic amendments of the Act are out of the question. No responsible Member of Parliament, no Member of the Cabinet, will entertain the idea. But this small amendment which I have suggested is necessary in order to give power to the Governor General in Council, with the concurrence of the Secretary of State, to propel this machine further and lead us on to greater progress during the five years of the present Viceroy's tenure of office.

Mr. R. A. Spence : Sir, I rise to oppose the Resolution and all the amendments that have been put forward. We accept that the reforms are, as Dr. Gour called, the Magna Charta of India, but this is no reason for bringing forward this Resolution or the amendments. The Mover of the Resolution referred to the future rather than to history. My Honourable friends, Mr. Price and Mr. Clayton, have given most excellent answers from history, and I therefore refer to the matter merely to have the pleasureable task and chance of correcting the Principal of a College on a matter of historical knowledge. I have been corrected myself very often by my masters in the past, but I am surprised to see the Head of a College with a wrong knowledge of history. Professor Shabani said that the system of Cabinet Government came in with William III. It came in when we had a King who could not quite understand English, George I. The whole history, Sir, of England shows the gradual development of all Parliamentary institutions. That has been dealt with by the Honourable the Home Member and the Honourable the Finance Member, and I do not want to take up the time of the House in referring to it. The work already done, as so many speakers here have said, is good. But it requires training. The time and opportunity for training is required. Yesterday morning—I think it was yesterday morning—my friend Dr. Gour and my friend Dr. Nand Lal laid the greatest stress on the fact that it was absolutely shameful for the Home Government to say that we were at once to put our house in order in regard to our medical institutions. They said 'we want time to do it.' To-day they say 'we do not want time to do it. Let us do it at once.' Mr. Agnihotri, I think, said yesterday that if we were not given immediate swaraj, it was because people would say we possessed childish incapacity. I do not agree with him at all. When training for a boxing match a man gives his whole attention to making himself fit. He takes on the services of an experienced trainer and relies on the advice and knowledge of his trainer. He does not go in for his fight untrained if he wants to win. Is not this the position of Government? Is not the British Government acting the part of the wise trainer whose sole aim is the good and ultimate success of the person he is training? I say, Sir, that without making big changes as proposed by those speaking in favour of this Resolution and its amendments, we should train ourselves and fit ourselves for this Dominion Self-government which we all look for. We have got the power of the purse. It is already in our hands and, as has been pointed out, that necessitates Government acting in accordance with our wishes. Let India be content with the power she has until she has trained herself to exercise greater powers. Mr. Seshagiri Ayyar says that steps ought to be taken to this effect. I say the whole history of the British in India shows that steps have been taken towards this Self-government for India. Let us effect it by steps and not go in for long distance jumping. If we do that we may fall.

[Mr. R. A. Spence.]

Munshi Iswar Saran, I think, said that true wisdom lies in adapting machinery to the progress of the country. I say 'certainly.' That is why I ask you to continue with the present system for a while. I think that if true wisdom lies in adapting machinery to the progress of the country as Munshi Iswar Saran said, that is very good reason why we should stay in the present position. Some Members have said that the reason why the electorate did not come and vote was because they had not got all they wanted. Have you ever heard of a boy or man who was expecting a tip and a fairly solid tip refusing it because he got a smaller tip than he expected, chucking it away because it was smaller? I think that man or boy was very foolish if he did it. I know I would not. I think Munshi Iswar Saran referred to our wanting to remain in the Commonwealth. What would have been the state of affairs if complete Swaraj had been in force before this year and if instead of the present Members, the Ali Brothers and Mr. C. R. Das and their followers had composed the Assembly. The election, it must be remembered, took place in accordance with the terms of the existing Act, which so many now want to get rid of. Well, Sir, in view of the speeches that have been made by Mr. Clayton, the Home Member and the Finance Member, I am afraid I am only wasting the time if I go on speaking and I am very annoyed about this waste of time. I think if we did go up to Parliament, as the Finance Member said, with this desire of ours, they would say: 'What have you done?' In your second Session which has only lasted a few days, on account of your having to adjourn for ten days for the Muhammadan holidays, you have wasted two hours of valuable time on the question whether you should move your Government from Delhi to a jungle. I regret that so much time has been wasted and it is time for me to sit down.

The Honourable Sir William Vincent: Sir, we have debated this question at considerable length, and I am very unwilling that the Assembly should incur the criticism made by the last speaker (Mr. Spence). I have therefore, in consultation with my Colleague here, framed a formula which might meet the Assembly and at the same time not be inconsistent with our duty *vis-à-vis* His Majesty's Government. If this formula is acceptable, I think the Mover of the Resolution might consider whether it is necessary to press the Resolution further. The substance of the formula is that 'the Government of India will communicate to the Secretary of State for India the view of this Assembly that the progress made by India on the path of constitutional reform warrants a re-examination and a revision of the present constitution at an earlier date than 1929,' that is earlier than the time prescribed by Statute. This is merely a suggestion thrown out in order to finish what really promises to be an almost endless debate....

Mr. N. M. Samarth: May I suggest that the words 'on the path of responsible government' be substituted for the words 'on the path of constitutional reform'?

The Honourable Sir William Vincent: Certainly.

Mr. President: Does the Home Member move that as an amendment?

Mr. Jamnadas Dwarkadas: May I ask the Home Member if he is prepared to substitute the words 'at an early date' instead of 'at an earlier date than 1929'?

The Honourable Sir William Vincent: I am only trying to convey what I understand to be the sense of the Assembly. I am not quite sure what the sense of the Assembly is, but I think the words 'earlier than the time prescribed by the Statute' represent the general feeling.

Mr. Jamnadas Dwarkadas: Will you put in the words 'much earlier date,' Sir? (Cries of 'No, no'.)

Rai J. N. Majumdar Bahadur: Sir, I am willing to accept the suggestion that has just now been conveyed by the Honourable the Finance Member and the Home Member, and I withdraw my Resolution. At the same time, I wish to make some remarks with regard to what has been said by the Honourable the Home Member and the Finance Member. The Honourable the Home Member has asked me whether this is an opportune moment to bring in such a Resolution. I say that this is the most opportune moment to bring in such a Resolution in order to save the Government from the difficulties which are facing it outside the House.....

Mr. W. M. Hussanally: On a point of order, Sir. The Honourable Member has withdrawn his Resolution. Is he now entitled to make a speech?

Mr. President: I do not think we need indulge in any hair-splitting over that.

Rai J. N. Majumdar Bahadur: My object in bringing this Resolution was to show the Government a way out of the difficulty it has brought upon itself by not granting the demands of the country in the matter of responsible government in the year 1919.

Our friends on the celestial heights of Simla should not be altogether indifferent to what is passing in the country just at present. We know it a hundred times better than our Honourable friends, in spite of their C. I. D. and their official reports, can profess to know. We know that the country is on the verge of revolution, and if something is not done in time, the National Congress will pass what is called the Civil Disobedience Resolution and the whole country will be plunged into anarchy. It is in order to save the country from this disaster that I have been actuated to move this Resolution to bring about responsible government by constitutional means earlier than was promised. Now, Sir, my friend, the Honourable the Home Member, has referred to Russia, to China and some other countries. But my Honourable friend also knows that the revolution in Russia is not due to the granting of reforms, but to their having been long overdue. If Tsar Nicholas had granted the reforms earlier, Russia would never have come to this pass. The same thing applies to China. But my Honourable friend might have cast his eyes further East towards the Land of the Rising Sun, which was in 1864 granted a constitution and which in these few years has raised itself to be one of the most civilised and powerful nations on the surface of the earth. Japan, which not so long ago used to be called barbarous, has in the course of a few years risen to the highest position which any nation may aspire to in the comity of nations by reason of leaving every thing to the will of the people. And my object in moving this Resolution was to induce the Government to base their rule upon the wishes of the people and not upon the sweet-will of the bureaucracy. Sir, I know how very difficult, how painful it is to part with power, but at the

[Rai J. N. Mujumdar Bahadur.]

same time when you have promised to part with power it should be parted with as easily and with as little compunction as possible, before things become worse than at present.

My friend, Mr. Price, has referred to what he called the personal element in Government. I do not understand what he meant by it. Does he mean personal government? Now if the personal element in the Government is to be kept, what is the use of passing all these reforms?...

Mr. E. L. Price : I never said it should be.

Rai J. N. Majumdar Bahadur : Then why refer to the personal element at all? I am glad my friend says that the personal element is not to be kept, and if representative institutions can be given to the people ten years hence, I do not see what difficulty there can be in giving them within the next 2, 3, 4 or 5 years. It has been said that the constituencies have not voted nor come to the polling station. But why was it that the people did not come? It was because they thought the reforms inadequate and unsatisfactory that they did not go to the polling stations. And you know that the Moderate Party even were not quite satisfied with what has been given, and it is therefore that the demand has come even before ten years are over for further reforms in the constitution of the Government. My friends seem to forget that if the people have been thought fit to be granted responsible government in one department, why should they be thought unfit for responsible government in other departments. This is an anomaly which no one can explain except as an excuse to delay the reforms as long as possible. If the problem of the Army, if the political problem, can be solved ten years hence, I think they can just as well be solved in two years. In these things there is no time-limit.

Again, our friends have asked us how can we move Parliament so soon? My answer to that is, that it is because the Parliament has not given us what we wanted that it should be moved again. If they had given us all that we wanted, we should not have moved them now, and that we are moving Parliament is in itself a compliment to the British Government in that we have not lost faith in it and have not gone outside this House, that we appeal to Parliament and through it the British Government, is because we simply rely upon what is called soul-force or non-physical force in order to bring about responsible government in this country. We have not joined the party who want to destroy the government by calling in the forces of revolution. Is that a reason why our reasonable demands should not be listened to by the Government. To put off the reforms till it is too late will only bring on reaction and make people demand more in the way of reforms than they are inclined to accept at present, for people become unreasonable when reasonable demands are refused. If the British Government, that is, the Government at Home, had granted Ireland all that she wanted in the time of Parnell, I think they would not have had to face the present crisis there. It is true statesmanship to take time by the forelock. A stitch in time saves nine. That is a maxim which embodies the result of past human experience. If you do not do anything now, then after 2, 3, 4 or 5 years you will find yourselves in greater difficulties, and the ambition of all far-sighted statesmen is that the two countries should pull together or their mutual good-will be crushed for ever. But I am glad that the Government have thought fit to

recommend to Parliament that they should send out a commission at an early date, and in view of that assurance which I accept, I withdraw my own Resolution.

The Honourable Sir William Vincent : Sir, I want to correct one statement. What I did say—and I repeat it again—was that we are prepared to communicate to the Secretary of State the view of this Assembly that the progress made by India on the path to responsible government warrants a re-examination and revision of the constitution at an earlier date than 1929.

But that is not exactly what the last speaker said. For the rest, I am content to leave, Sir, the various remarks which he thought fit to make in his last speech without comment, although it will be obvious to any person in this Assembly that it would be perfectly easy to answer—and indeed effectively to answer—most of the points which my Honourable friend has attempted to make.

Mr. Jamnadas Dwarkadas : May I ask leave to withdraw my amendment, Sir.

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

Mr. President : The question is that leave be given to Mr. Agnihotri, to withdraw his amendment.

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

Mr. President : Amendment moved :—

‘That after the word ‘Council’ where it occurs for the first time substitute for the words standing in the Resolution the following words :—

‘that the Government of India should convey to the Secretary of State for India the view of this Assembly that the progress made by India on the path of responsible government warrants a re-examination and revision of the constitution at an earlier date than 1929.’

The amendment was adopted.

Mr. E. L. Price : Sir, is it possible to get the names of dissentients recorded. I wish to record my dissent because there is no mention of constituencies.

Mr. President : The Honourable Member can raise that point when I put the Resolution as amended.

The Honourable Sir William Vincent : I understood that on the assurance given by me the Mover of the Resolution withdrew his Resolution, and if he has withdrawn, I do not understand why these amendments are being put.

Mr. President : We have just had the amendments withdrawn by leave of the Assembly, and the original Resolution, except for half a dozen words in the beginning, was expunged by the vote of the Assembly itself, and after that the Assembly inserted, as an amendment, the words moved by the Honourable the Home Member.

The Honourable Sir William Vincent : I gave a certain assurance to this House, and on that understanding I understood, that the Honourable Rai Bahadur Mazumdar had withdrawn his Resolution.

Rai J. N. Mazumdar Bahadur : I withdrew my Resolution because I accepted the amendment of the Honourable the Home Member.

The Honourable Sir William Vincent : I have no objection.

Mr. President : I regret that misunderstandings have arisen in regard to this matter. An amendment was handed up to me on the table in the form written out, and now the question is that the amended Resolution be adopted. It reads thus :

'That this Assembly recommends to the Governor General in Council that he should convey to the Secretary of State for India the view of this Assembly that the progress made by India on the path of responsible government warrants a re-examination and revision of the constitution at an earlier date than 1929.'

Mr. E. L. Price : Sir, may I ask if it is possible for a member to record his dissent without a division ?

Mr. President : If the Honourable Member's dissent is strong, he can divide the House.

The Resolution as amended was adopted.

RESOLUTION *RE* : RECRUITMENT FOR ALL-INDIA SERVICES.

Mr. Jamnadas Dwarkadas : Sir, the Resolution that stands in my name runs thus :

'This Assembly recommends to the Governor General in Council that, having regard to the Declaration of August 1917, he be pleased to arrange that, in future, the recruitment for all the All-India Services, excepting those of a technical character, shall be made, as far as possible, in India and also to take steps to provide in India such educational facilities as would enable Indians to enter these technical Services in larger numbers than is at present possible.'

(At this stage the President vacated the Chair and the Honourable the Deputy President occupied it.)

Sir, in moving this Resolution, I wish to make it perfectly clear at the very outset that nothing is further from my mind than that at any time in the future of this country, however distant it be, the principle of the Indianization of the services which I am advocating should be interpreted as the complete exclusion of the British element. I am one of those who believe in the British connection, not from motives of mere expediency or narrow national advantage, but because I hold the conviction that it is out of this connection between Great Britain and India in a mighty Indo-British Commonwealth and the result and blending of the ideals of the East and the West in a new and common civilization that the safety and the progress of the world lie. As Sir Jagadish C. Bose pointed out in a memorable speech recently in Calcutta, the future of this country will be enriched by the assimilation into our culture of the Anglo-Saxon element. I hope it is not necessary for me to assure the House that it is in no revolutionary spirit that I am bringing forward this Resolution. I am only urging a principle which has been endorsed by the high authority of the Cabinet in their declaration of August 1917. In speaking two days ago in this House on the question of the appointment of an equal number of Europeans and Indians as Governors, Chief Justices and other Judges of the High Court, I pointed out that His Majesty's Government were carrying out, and could therefore be trusted to carry out, the principle therein enunciated. But as I also pointed out, in the matter of the

Indianization of the services we stood on different ground. I yield to none in my party recognition of the great services rendered to this country by the Indian and other civil services. It is to them that we owe the building up of a system of administration which, with all its faults, remains none the less a model of efficiency. It is due, I think to them, now, especially because the services have come in for a great deal of criticism that we should recognize in our progress towards full responsible government that but for their early work the foundations of the democratic system of government now in force would have been difficult, if not impossible, of achievement.

I urge this reform on one main ground. Until the inauguration of the Reforms, it was maintained even by such a body as the Public Services Commission that the character of the administration must be predominantly British. It is on that theory that the whole report of the Commission was based, and by which the present arrangements for recruitment to the Services are regulated. However much one might differ from the conclusions of the Commission, it must be recognized, Sir, that the point of view which guided the Commission, namely, that the control of the administration was vested in the bureaucracy at least justly related to the then state of affairs. With the introduction of the Reforms and the passing of power into the hands of the popular representatives, a fundamental change has taken place which cannot but be reflected in the character, spirit and personnel of the administration. It would be inconsistent with the very nature of the Reforms to attempt to preserve the predominantly British character of the administration. I maintain that it is an irrefutable proposition that the present system of government demands a predominantly Indian and National agency of administration.

Sir, my Resolution does not contemplate the removal or the prejudicing of the prospects of a single European official now in India. I would also repudiate in advance the assumption that may be made in certain quarters that the carrying out of this Resolution would result in an immediate reduction, on a large scale, of the number of European officials in this country. But, at the same time, I am bound to state that the demand for further political reforms made in this House to-day, which is the reflection of a desire almost universally prevalent in this country, makes it imperative that the process of Indianizing the Services should be correspondingly accelerated. I cannot contemplate the picture of responsible government in India without the Services being predominantly Indian. Even if my Resolution is given the maximum effect and every vacancy caused by the retirement or death of a European official is filled by an Indian, it would take a long term of years before the desired change in the proportion of Indians to Europeans is reached.

Only two weeks ago, Sir, in reply to Mr N. M. Joshi, the Honourable Home Member laid a statement on the table giving the percentage of Indians in each of the various Departments and the proportion in which Indians are being recruited for them. I find 13 per cent Indians in the Indian Civil Service, 5 per cent in the Police, 14½ in the Forest, nearly 26 per cent in the Agriculture, 38 per cent in the Indian Educational Service, 38 per cent in the Engineering, 11 per cent in the Medical and 23 per cent in the Customs. Turning now to the maximum percentage of posts intended to be given to Indians, I find that the policy of the Government is not to give more than 48 per cent in the Civil Service, and 50 per cent in some of the other Services. In the case of the Civil Service the rate of recruitment for Indians is 34½ per cent of the total number of vacancies occurring, and will rise to 48 per cent in the

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[Mr. Jamnadas Dwarkadas.]

course of the next nine years; in the case of the other services the position is even less satisfactory. For instance, in the Police, no definite ratio is laid down for the filling up of fresh vacancies; and it is impossible to say, according to the Government statement, when the maximum percentage of 33 will be reached from the extraordinarily low figure of 5 per cent now obtaining. In the case of the Forest Service in the year 1920, only 4 Indians were found fit for appointment as against 25 appointments made in England. I do not want to weary this House with elaborate statistics, but I think a reference to the Indian Educational Service will not be out of place. I regard the recruitment to the Indian Educational Service as more important to the future of this country than to any other branch of administration. Yet, what do I find? The Home Member says 50 per cent of the annual recruitment is to be Indian exclusive of Indians promoted from the Provincial to the Higher Service. But the door is shut on Indians at 50 per cent of the total strength of the Service. Is this a state of affairs that any one, however modest his aspirations, can view with equanimity? I cannot see on what principle intelligible or sound the percentages for recruitment to the various services have been fixed. It is however undeniable that these maxima are totally inadequate in view of the rapidity with which India is advancing to Dominion status. They are besides the result of no calculation, scientific or mathematical, appreciative of the claims of Indians or the possibilities of recruitment in India.

I urge, Sir, this important reform on another ground. If there is one question on which all parties whatever their political principles, are agreed, it is on the curtailment of the heavy administrative cost. It has been the cry of the Congress from the time of Dadabhai Naoroji that India, one of the poorest countries in the world, has to maintain literally the costliest administration. The strenuous attack which was made on the salaries of the Ministers in every Province shows the trend of public opinion on this question. There is no doubt that it will crystallize itself very soon in a demand for the reduction of the salaries of the Higher Services and the abolition of some of the highly paid posts with a view to curtail public expenditure. I am not concerned here with the legitimacy or the reverse of the demand made by the Services for further increase of emoluments. But it is perfectly clear, however, that the straitened resources of the country do not permit of any further improvement in that direction. There are already indications of the services having begun to lose their attractiveness in England. I notice, Sir, that out of 86 candidates for this year's Civil Service examination in England, only 26 were British, whatever abnormal reasons might have operated to bring about this reduction in the number of British candidates, there can be no doubt that the services will not in future attract the same quality or the same number of young men from England.

Mr. K. G. Bagde : Sir, may I rise to a point of order? I think the number of the Members present here is less than 25, which is the number required for a quorum.

Mr. Jamnadas Dwarkadas : I think there are more than 25.

The Honourable Mr. W. M. Hailey : May we ask for a count, Sir?

The Deputy President : 27. We are a quorum.

Mr. Jamnadas Dwarkadas : It is a pity, Sir, that on an important Resolution like this the House should be so thin, but I am glad at any rate

that there is a quorum. There is no doubt that we are all tired, and the hour is late, I don't know whether the Home Member would agree to having the debate postponed to to-morrow if there is time.

The Honourable Sir William Vincent : I gave the Honourable Member time for this Resolution to-day, on condition that he would not keep us here after the normal time. I don't know if he remembers that part of the arrangement. There is no possibility of this Resolution being debated to-morrow.

Mr. B. Venkatapatiraju : Sir, may I request you to permit me to state that there is no use in discussing such an important Resolution at this late hour: it will take at least three or four hours as there are amendments. Unless we have a chance of discussing it to-morrow it may be dropped. I appeal to you Sir.

The Deputy President : It is not in the hands of the Chair. It rests with the Member in charge of the Resolution.

Mr. Jamnadas Dwarkadas : Sir, I am very grateful to the Honourable Home Member for giving me time to discuss this most important Resolution, and I do admit that the arrangement between us was that the Resolution was to be discussed on the 29th because on the 30th he could not spare time for it. Also I remember he told me that I had to finish the whole debate before 5-30. Now, seeing that there is a demand, because most Members have left the House, that the debate should be postponed to a more convenient date, I am entirely in the hands of the House.

The Honourable Sir William Vincent : Sir, may I ask if there is a quorum here now?

Mr. K. G. Bagde : Sir, I again rise to a point of order as to whether there is a quorum here now.

The Deputy President : Order, order. The point of order has already been raised by the Honourable Home Member.

There is no quorum. So the House stands adjourned till 2 O'clock to-morrow.

LEGISLATIVE ASSEMBLY.

Friday, 30th September, 1921.

The Assembly met in the Assembly Chamber at Two of the Clock. The Honourable the President was in the Chair.

STATEMENTS LAID ON THE TABLE.

The Honourable Mr. W. M. Hailey : Sir, I lay on the table the statement promised in reply to a question by Lala Girdharilal Agarwala on the 26th September 1921 regarding the appointment of Indians to posts under the Government of India on salaries of Rs. 500 or above and Rs. 1,000 and upwards, during the régime of His Excellency the present Viceroy.

(a) (b) and (c). I lay on the table a statement giving the required information.

(d) The appointment of more Indians to posts under the Government of India depends on the progress made in the Indianization of the various services from which officers for these posts are selected, and until Indians employed in those services attain the requisite standing they cannot be appointed to high posts. Indian recruitment for these services is being largely extended as the Honourable Member will see from the statement laid on the table by the Honourable Sir William Vincent on the 15th September 1921, in connection with Mr. Joshi's question on the subject.

Statement showing (a) the number of Indians appointed to posts under the Government of India and paid for from Central Revenues on salaries of Rs. 500 or above and Rs. 1,000 and upwards during the régime of His Excellency the present Viceroy, (b) the appointments and Departments in which no Indian has yet been appointed on Rs. 1,000 and above and (c) the percentage of Indian element on salaries of Rs. 1,000 or above.

Department.	Number of Indians who have been employed during the régime of His Excellency the present Viceroy, on posts carrying salaries of—		Departments and posts in which Indians have not yet been employed on salaries of Rs. 1,000 or above.	Percentage of Indian element on salaries of Rs. 1,000 or above.	REMARKS.
	Rs. 500 or above.	Rs. 1,000 or above.			
1	2	3	4	5	6
Legislative Department.	NIL.	2	1. Secretary 2. Joint Secretary ... 3. Solicitor ... 4. Assistant Solicitor ... 5. Controller, Local Clearing Office (Enemy Debts.)	33%	
Railway Department (Railway Board.)	NIL.	NIL.	Agency, Locomotive, Carriage and Wagon, Signal and Coal Departments of the Superior Revenue Establishment of State Railways.	1. Engineering Department of State Railways. } 20% 2. Superior Traffic Department, State Railways. } 25%	

Department.	Number of Indians who have been employed during the régime of His Excellency the present Viceroy, on posts carrying salaries of—		Departments and posts in which Indians have not yet been employed on salaries of Rs. 1,000 or above.	Percentage of Indian element on salaries of Rs. 1,000 or above.	REMARKS.
	Rs. 500 or above.	Rs. 1,000 or above.			
1	2	3	4	5	6
Department of Industries.	Nil	1	1. Chief Inspector of Explosives ... 2. Junior Inspectors of Explosives ... 3. Chief Inspector of Mines ... 4. Inspectors of Mines ... 5. Director, Geological Survey of India. 6. Superintendents, Geological Survey of India. 7. Printing and Stationery Department. 8. Patent Office ... 9. Metallurgical Inspectors ... 10. Superintendent of Local Manufactures and Government Test House. 11. Deputy Superintendent, Local Manufactures. 12. Chemists, Government Test House. 13. Superintendent, Government Acetone Factory. 14. Deputy Secretary to the Government of India in the Department of Industries. 15. Controller (Labour Bureau) ...	Under 1 %	
Army Department (Headquarters staff only).	6	Nil	1. Secretary ... 2. Deputy Secretary ... 3. Establishment Officer ... 4. Assistant Secretaries ... 5. Registrar ... 6. Staff appointments in Army Headquarters offices.	Nil.	
Public Works Department.	2	1	1. Posts filled by members of the Indian Service of Engineers in Government of India, Public Works Department Secretariat. (b) Minor Administrations financed from Central Revenues. (c) Simla Imperial Circle ... 2. Inspector General of Irrigation ... 3. Assistant Inspector General of Irrigation.	33% 40%	
Foreign and Political Department.	3	5	1. Medical Department ... 2. Imperial Service Troops ... 3. Frontier Militia and Levy Corps ... 4. Cantonment Magistrate's Department. 5. Education Department (Chief College Service). 6. Police officers under the Foreign and Political Department.	Under 1 %	
Financial Adviser, Military Finance.	52	1	1. Deputy Financial Adviser, Military Finance. 2. Deputy Military Accountant General. 3. Senior and Junior Controller of Military Supply Accounts. 4. Military Accountants, 1st class 5. Deputy Controller of War Accounts, Ordnance Factories. 6. Military Deputy Auditor General.	7 %	

Department.	Number of Indians who have been employed during the régime of His Excellency the present Viceroy, on posts carrying salaries of—		Departments and posts in which Indians have not yet been employed on salaries of Rs. 1,000 or above.	Percentage of Indian element on salaries of Rs. 1,000 or above.	REMARKS.
	Rs. 500 or above.	Rs. 1,000 or above.			
1	2	3	4	5	6
Department of Revenue and Agriculture.	Nil	Nil	1. Secretary ... 2. Under Secretary ... 3. Registrar ...	40 %	
	Nil	Nil	IMPERIAL BACTERIOLOGICAL LABORATORY, MUKTESAR. 1. Director and First Bacteriologist ... 2. Second Bacteriologist ... 3. Pathologist ... 4. Veterinary Officer ... 5. Third Bacteriologist ...	Nil	
	Nil	Nil	IMPERIAL AGRICULTURAL DEPARTMENT. 1. Agricultural Adviser to the Government of India. 2. Imperial Economic Botanist ... 3. Imperial Agricultural Chemist ... 4. Imperial Agriculturist ... 5. Imperial Mycologist ... 6. Imperial Agricultural Bacteriologist. 7. Imperial Entomologist ... 8. Second Imperial Mycologist ... 9. Second Imperial Economic Botanist. 10. Assistant Bacteriologist ... 11. Supernumerary Agriculturist ... 12. Indigo Research Chemist ... 13. Protozoologist ... 14. Imperial Dairy Expert ... 15. Imperial Pathological Entomologist. 16. Assistant to the Agricultural Adviser to the Government of India. 17. Imperial Cotton Specialist ... 18. Second Assistant Bacteriologist ... 19. Supernumerary Entomologist ... 20. Indigo Research Botanist ... 21. Physiological Chemist ... 22. Secretary, Indian Central Cotton Committee.	83%	
	Nil.	Nil.	METEOROLOGICAL DEPARTMENT. 1. Director General of Observatories ... 2. Director, Aerological Survey, Agra. 3. Director, Kodikanal and Madras Observatory. 4. Assistant Director, Kodikanal and Madras Observatory.	20%	
	Nil.	Nil.	FOREST DEPARTMENT. 1. Inspector General of Forests ... 2. Assistant Inspector General of Forests. 3. President, Forest Research Institute and College, Dehra Dun ... 4. Forest Botanist ...	5%	

Department.	Number of Indians who have been employed during the régime of His Excellency the present Viceroy, on posts carrying salaries of—		Departments and posts in which Indians have not yet been employed on salaries of Rs. 1,000 or above.	Percentage of Indian element on salaries of Rs. 1,000 or above.	REMARKS.
	Rs. 500 or above.	Rs. 1,000 or above.			
1	2	3	4	5	6
Department of Revenue and Agriculture— <i>contd.</i>	<i>Nil.</i>	<i>Nil.</i>	FOREST DEPARTMENT—(contd.) 5. Forest Economist ... 6. Assistant Forest Economist ... 7. Officer in charge, Minor Forest Products. 8. Officer in charge, Paper Pulp ... 9. Officer in charge, Tans ... 10. Officer in charge, Timber Seasoning. 11. Officer in charge, Timber Testing. 12. Sylviculturist ... 13. Forest Zoologist ... 14. Systematic Entomologist ... 15. Forest Chemist ... 16. } Two Imperial Forest Service Instructors. 17. } 18. Chief Forest Officer, Andamans 19. Deputy Conservator of Forests, Coorg.	5 %	
	<i>Nil.</i>	<i>Nil.</i>	SURVEY DEPARTMENT. 1. Surveyor General of India ... 2. Superintendents ... 3. Deputy Superintendents including the Mathematical Adviser. 4. Assistant Superintendents 5. Officer in charge, Mathematical Instrument Office. 6. Work Manager, Mathematical Instrument Office. 7. Managers Photo-Litho Office ... 8. Head Engraver Engineering Office.	<i>Nil.</i>	
Department of Commerce.	<i>Nil.</i>	7	1. Director General of Commercial Intelligence. 2. Assistant Director General of Commercial Intelligence. 3. Bengal Pilot Service ... 4. Port Officers and Shipping Masters in the Major ports.	8 %	
Department of Education and Health.	5	...	1. Secretary ... 2. Census Commissioner ... 3. Secretary to the Board of Examiners. 4. Director General of Archaeology. 5. Deputy Director General of Archaeology. 6. Director of the Zoological Survey 7. Director General, Indian Medical Service. 8. At any superior appointment on the Staff of the Director General, Indian Medical Service, <i>vis.</i> , the Public Health Commissioner with the Government of India, Director of Medical Research, Deputy Director General, Indian Medical Service, Assistant Director General, Indian Medical Service (Sanitary), Assistant Director General, Indian Medical Service (Stores), and Deputy Assistant Director General, Indian Medical Service.	In the Bacteriological Department the percentage is 15.3.	
	<i>Nil.</i>	<i>Nil.</i>		<i>Nil.</i>	

Department.	Number of Indians who have been employed during the régime of His Excellency the present Viceroy, on posts carrying salaries of—		Departments and posts in which Indians have not yet been employed on salaries of Rs. 1,000 or above.	Percentage of Indian element on salaries of Rs. 1,000 or above.	REMARKS.
	Rs. 500 or above.	Rs. 1,000 or above.			
1	2	3	4	5	6
Department of Education and Health— <i>contd.</i>			9. Director of Public Instruction, North-West Frontier Province. 10. Superintendent of Education, Delhi and Ajmer-Merwara. 11. Educational Commissioner with the Government of India.	<i>Nil.</i>	
Finance Department	<i>Nil.</i>	4	1. Auditor General ... 2. Secretary and Deputy Secretary. 3. Controller of the Currency and Deputy Controller. 4. Mint Master and Deputy Mint Master. 5. Assay Master.	Accountant General (Class II), General and Public Works Lists (Class I).	
Home Department	5	<i>Nil.</i>	SECRETARIAT. 1. Member of the Executive Council 2. Secretary ... 3. Deputy Secretary ... 4. Additional Deputy Secretary ... 5. Director, Central Bureau of Information. 6. Inspector of Office Procedure ... 7. Under Secretary ... 8. Additional Under Secretary ... DELHI. 1. Chief Commissioner of Delhi ... 2. District and Sessions Judge, Delhi ... 3. Deputy Commissioner, Delhi ... 4. Assistant Commissioner, Secretary, Municipal Committee, Delhi. 5. Senior Superintendent of Police, Delhi. 6. Chief Medical Officer, Delhi ... 7. Health Officer, Imperial City ... OFFICE OF DIRECTOR, INTELLIGENCE BUREAU. 1. Director, Intelligence Bureau ... 2. Deputy Director, Intelligence Bureau. 3. Two Deputy Inspectors General of Police. 4. Two Special Officers... 5. Government Examiner of Questioned Documents.	<i>Nil.</i>	
	<i>Nil.</i>	<i>Nil.</i>	COORG. 1. Commissioner of Coorg ... 2. Deputy Conservator of Forests, Coorg. 3. Civil Surgeon, Coorg ... 4. Executive Engineer, Coorg ... 5. Assistant Superintendent of Police, Coorg. 6. Headmaster, Central High School, Coorg. ANDAMANS AND NICOBAR ISLANDS. 1. Chief Commissioner, Andaman and Nicobar Islands. 2. Deputy Commissioner, Andaman and Nicobar Islands. 3. Assistant Commissioner ... 4. Senior Medical Officer ... 5. Chief Forest Officer ... 6. Engineer and Harbour Master... 7. Executive Commissariat Officer... 8. Commandant, Military, Police...	12½ %	
				<i>Nil.</i>	

The Honourable Sir William Vincent: Sir, I lay on the table a statement giving the information asked for in part (c) of Mr. Bhupatiraju Venkatapatiraju's Question No. 137 regarding the removal of racial distinctions.

Statement.

Railway Department.—The railway staff are paid at their market value, and there is no bar to qualified Indians filling the highest posts on railways and being treated in the matter of salary, Travelling Allowance and quarters in precisely the same way as qualified Europeans. As regards differentiation between European and Indian drivers and guards it may be explained that a large number of the Indian drivers are men of the mistri class and illiterate even in their own vernacular. They are, therefore, employed on work demanding less intelligence and at a lower rate of pay than the European, Anglo-Indian and Parsi drivers recruited for more responsible employment on mail and high speed passenger services. Indians, if qualified, are eligible for promotion to the highest of the three classes of guards.

Telegraph Department.—There are no racial distinctions, though it appears that Anglo-Indians recruited for local service before the 1st March 1913 were given house-rent allowance as one of the conditions of their recruitment: few such cases remain, and the removal of the privilege is under consideration.

Army Department.—King's Commissions in the Indian Army are now open to Indians who qualify by passing through Sandhurst. The question of admitting Indians into the Artillery and Engineer services in India, the Royal Air Force for service in India is under the consideration of His Majesty's Government. Proposals are also under consideration for admitting qualified Indian officers into the Ordnance, Supply and Transport and Veterinary Departments. There is no bar to the appointment of Indians to the Royal Indian Marine and proposals are under consideration for granting facilities for the requisite training in England of Indian candidates for commissions in the service.

Ecclesiastical Department.—There is no racial bar but non-Christians obviously could not be appointed to Chaplaincies.

Other Departments.—No racial distinction but a definite proportion of posts is reserved for Europeans recruited in England.

There is no evidence of such racial inequalities as the Honourable Member refers to. Overseas pay is granted in Departments where officers of European domicile are recruited. This is intended primarily to compensate such officers for the drawbacks of expatriation. Differences exist in some cases as to the quarters provided, because of differences in the style of living adopted by Europeans and Indians. Rent is ordinarily charged at a rate which will give a reasonable return on capital.

QUESTIONS AND ANSWERS.

Mr. J. Chaudhuri: Question No. 645.

The Honourable Mr. C. A. Innes: Sir, I am afraid that I have not got the answer to this question ready. As you know, Sir, there was some doubt as to whether this question should be allowed and it was only two days ago that I was informed that the question was going to be allowed in this form.

Mr. Chaudhuri informed me that he would not star it and would not ask for an oral answer. I have drafted the answer to the question but other departments are concerned and the answer is being scrutinised in the other departments. With your permission, Sir, I will lay the answer on the table as soon as it is ready.

Mr. J. Chaudhuri: Sir, Mr. Innes did mention to me two days ago that he would not be ready with oral answers to these questions; and, having regard to the chequered career that these questions have had during the last two months, I thought that it would be preferable to have some answer instead of none and I agreed to Mr. Innes placing the answers on the table.

MUNITIONS BOARD CASE.

646. **Mr. Manmohandas Ramji:** (a) Was the action of the Government in the Calcutta Munitions Board case taken on the sole responsibility of the Honourable Member for Commerce and Industries?

(b) If so, do the Government propose to re-open the question and to begin again the prosecution which was withdrawn?

The Honourable Mr. C. A. Innes: The Honourable Member is referred to the statement published by the Government of India in their communiqué to the Press, dated the 28th August 1921. The Government of India do not propose to reopen the prosecution.

UNSTARRED QUESTIONS AND ANSWERS.

QUESTION OF PERMITTING GOVERNMENT SERVANTS TO WEAR KHADDER CLOTHS.

105. **Rao Bahadur T. Rangachariar:** (a) Will the Government be pleased to state whether there is any objection on their part to Government Servants appearing in Khadder clothes during office hours?

(b) Do the Government propose to issue instructions to heads of offices that appearing in Khadder clothes during office hours should not by itself be considered as not becoming a public servant and that such practice of wearing Khadder where it exists need not be discouraged?

The Honourable Sir William Vincent: (a) Government do not object to their servants wearing clothes composed of any material, provided that the clothes worn do not definitely carry with them any political significance.

(b) Government do not consider it necessary to issue instructions of the nature suggested.

WITHDRAWAL OF THE MUNITIONS CASE.

106. **Mr. P. L. Misra:** (a) Was the Advocate General, Bengal, consulted by the Government of India regarding the withdrawal of the Munitions case against Karnani and Banerjee?

(b) If so when, and what was his opinion?

(c) If the Advocate General was not consulted who else was and what was his opinion?

(d) Was the Advocate General asked by the Government of India to withdraw the case?

(e) Did the Advocate General wire to the Government of India to let him know the reasons for which he should urge the withdrawal?

(f) Did the Government of India send a telegram to the Advocate General detailing the reasons for withdrawal?

(g) Is it a fact that the Advocate General did not commit himself to anything beyond what was stated in the telegram?

(4) Will Government be pleased to lay on the table copies of telegrams, if any, passed between the Advocate General and the Government of India, before the withdrawal of the case?

The Honourable Mr. C. A. Innes: For the reply to this question, I must refer the Honourable Member to the Press Communiqué issued on the 28th August 1921.

CHIEF CONTROLLER, SURPLUS STORES, AND THE MUNITIONS CASE.

107. **Mr. P. L. Misra:** (a) Will Government be pleased to state if the Chief Controller, Surplus Stores, was in Calcutta in June last when Sir Thomas Holland visited that place?

(b) If the Chief Controller was not in Calcutta was he consulted by Sir Thomas Holland, about this case by telegram or otherwise?

(c) If the answer to (a) be in the affirmative, what was his opinion?

(d) If the answer to (a) be in the negative, why was he not consulted?

The Honourable Mr. C. A. Innes: The Chief Controller (Surplus Stores) was not in Calcutta in June when Sir Thomas Holland visited that place. The Chief Controller was not consulted by Sir Thomas Holland by telegram, nor at that stage of the case was there any necessity for such consultation.

COSTS OF THE MUNITIONS CASE.

108. **Mr. P. L. Misra:** (a) Who will bear the costs of withdrawing the Munitions Case against Karnani and Banerji?

(b) Was it a condition precedent that the accused would bear the costs in case of withdrawal?

The Honourable Mr. C. A. Innes: It was not made a condition, prior to the withdrawal of the case, that the accused should bear the cost of the prosecution. That cost, therefore, must fall on Government.

WITHDRAWAL OF MUNITIONS CASE.

109. **Mr. P. L. Misra:** (a) Have the Government of India received protests against the withdrawal of the Munitions Case, from different Chambers of Commerce and other bodies in India?

(b) If so, will Government be pleased to state what replies, if any, have been given to such protests and lay the same on the table?

The Honourable Mr. C. A. Innes: The Government have received protests from certain Chambers of Commerce and other bodies in India. Some of them are still under consideration. I lay on the table, however, a copy of the reply sent to the Bengal Chamber of Commerce and would add that similar replies have been sent to most of the other Chambers and Associations which have addressed Government.

SIR THOMAS HOLLAND'S EXPLANATION RE THE KARNANI CASE.

110. **Mr. P. L. Misra:** Will Government be pleased to lay on the table the explanation given by Sir Thomas Holland, together with all the papers bearing on the Karnani case?

The Honourable Mr. C. A. Innes: The Government of India do not propose to publish Sir Thomas Holland's explanation, or to lay the papers referred to on the table.

PENSION TO SIR THOMAS HOLLAND.

111. **Mr. P. L. Misra:** Will Sir Thomas Holland be granted pension, if so, how much?

The Honourable Mr. C. A. Innes: Sir Thomas Holland is in receipt of a pension as retired Director of the Geological Survey in India.

ALLEGED DESTRUCTION OF PRIVATE PROPERTY OF LALA JIWAN MALL KAKKAR OF PESHAWAR.

112. **Dr. Nand Lal:** I. Will the Government kindly state whether or not it is a fact that:

(a) From the beginning of May last the extensive private property, near gate Ramdas of one Lala Jiwan Mall Kakkar of Peshawar is being pulled down, cut up, and changed out of all shape?

(b) The said Lala Jiwan Mall Kakkar has previously obtained permission from Peshawar Municipality to build the mosque and that when he with previous consent of the Local Deputy Commissioner started building operations, his workmen were forcibly removed and has thus been prevented from building the mosque at his own expense as was his intention to do?

(c) Up to this time the authorities at Peshawar have refused to take any step for stopping this destruction of private property?

(d) The Frontier Province authorities have refused to intervene unless the said Lala Jiwan Mall Kakkar consented to give up his rights of private property over the mosque and the other houses recently pulled down; and that on his refusal to follow this advice, his civil and criminal cases pending in the ordinary courts of Law have by orders of the Local Deputy Commissioner been referred to the Jirga tribunal?

II. If the facts are as stated above, will the Government be pleased to state as to

(a) Why the authorities in the Frontier Province have been watching silently while the destruction of the private personal property of a private individual has been going on unchecked for months?

(b) Who is responsible for taking possession and destroying the private property of the aforesaid Lala Jiwan Mall Kakkar?

III. Is the Government aware that the case of Lala Jiwan Mall Kakkar has filled the entire Hindu populations of Frontier Province with a number of misgivings?

IV. Has His Excellency the Viceroy and Governor General of India received a memorial from the said Lala Jiwan Mall Kakkar, asking for justice? If so, what action has been taken thereon?

The Honourable Dr. T. B. Sapru: I. The facts of this case as ascertained from the Local Government are as follows:—

On Lala Jiwan Mall's land situated in a Muhammadan quarter of Peshawar there is a mosque built by his father. A portion of this mosque

having fallen into disrepair, Jiwan Mall proposed to erect upon it a new building, part of which was alleged by the Muhammadan population of the neighbourhood to be a latrine. Early in May, before these building operations were commenced, certain Muhammadans proceeded to the spot and themselves re-built the mosque, in order, so they alleged, to safeguard what they regarded as consecrated ground.

It is alleged, on the other side, that in this process of rebuilding certain encroachments have been made upon the house property of Jiwan Mall. How far these allegations on either side are founded upon fact, is a question now before the courts.

At the time of these events Lala Jiwan Mall was afforded Police protection, as much religious feeling had been aroused and the leaders of the Muhammadans were warned by the Deputy Commissioner to refrain from any further forcible action.

No civil suit has been withdrawn for reference to a *jirga* and no matter in dispute in such suit has been formally referred to a *jirga*. It appears that before proceeding further with the criminal cases under the Frontier Crimes Regulation, the Deputy Commissioner called for the file of the civil suit since it was impossible for him, without reference to the file, to determine what particular matters in dispute were excluded from the scope of the Regulation. The civil suit is still pending and can be resumed by the plaintiff at any time.

II. In view of the foregoing, (a) does not arise while (b) is subjudice.

III. The Government is informed that the case of Lala Jiwan Mall Kakkar has not created any misgivings among the Hindu population of the Frontier Province.

IV. Yes. In accordance with the Memorial rules the memorial has been returned to the memorialist, through the Chief Commissioner of the North-West Frontier Province, with the intimation that it cannot be entertained by the Government of India unless submitted through the local authority.

MAXIMUM AND MINIMUM PAY OF CERTAIN INDIAN SERVICES.

113. **Bhai Man Singh :** (a) With reference to my Question No. 665, replied to on the 28th March during the last Session, will the Government be pleased to state the number and the names of the various Indian (superior and subordinate) services besides that of the Public Works Department and Railway Accounts, of which the minimum and the maximum pay remained the same since 1864?

(b) If there are very few, why does the Government not consider the question of granting to them such substantial increase as is required by the economical conditions of the country in these days?

(c) Will the Government be pleased to state :

(1) the number of the Public Works Department and the Railway Accountants in different grades who have considerably benefitted by the introduction of the new time scale and the extent to which they have so benefitted and also the number of those who have not benefitted at all?

(2) the reasons why this special system of keeping the same maximum and minimum pay with a changed time scale was adopted in the case of these Accountants and why the ordinary system of revising the whole commensurate with the rise in prices was not thought advisable in that case too?

(d) Will the Government be pleased to state by way of illustration what actual advantage (after the deduction of the temporary war increase) under the new scale accountants of 5 and 20 years' standing have got?

(e) With reference to the reply to my said Question No. 665 given by the Honourable the Finance Member to the effect that in the case of the Railway accountants a further modification has been made whereby those men who retain the title of accountant now start on a minimum pay of Rs. 150, will the Government be pleased to state if it is not a fact that the new scale of Rs. 150 applies to those men only who pass an examination equivalent to the old examination for promotion to accountant second grade with starting pay of Rs. 250 per mensem with the only difference that in the new examination candidates are not required to obtain 66 per cent. marks in one special subject but to obtain 50 per cent. marks only as in the other subjects?

(f) Does it not practically amount to a decrease in the starting pay from Rs. 250 to Rs. 150 per mensem?

The Honourable Mr. W. M. Hailey : The collection of this detailed information will necessitate the expenditure of very much time and trouble, and as the question of the adequacy of the pay in Accounts offices is now under consideration I would ask the Honourable Member to be satisfied with the assurance that the points raised by him in this question will be considered at the same time.

INCREASE GRANTED TO SUPERINTENDENTS AND ACCOUNTANTS OF THE INDIAN AUDIT DEPARTMENT.

114. **Bhai Man Singh :** (a) Will the Government be pleased to lay on the table a statement showing the actual percentage of increase granted to Superintendents and accountants of the Indian Audit Department and to the officers of the same Department in the various grades and posts on account of high cost of living?

(b) Is it not a fact that the increments, granted to the officers are in the shape of permanent addition to the pay whereas in the case of the accountants and Superintendents the increase is to be absorbed in the future increments and that the maximum of the grade is not to be exceeded?

(c) Will the Government be pleased to state the reasons why in the case of officers drawing over Rs. 200 per mensem an increase of 38 per cent. was considered necessary whereas to subordinates drawing over Rs. 200 an increase of Rs. 20 per cent. and to those drawing between Rs. 100 and 200 increase of Rs. 20 per cent. and to those drawing below Rs. 100 only Rs 30 per cent. with a further restriction that the war allowance was to be deducted, was considered sufficient?

(d) Will the Government be pleased to state if in any other Department (besides the Audit Department) a similar increase as permanent addition

to their pay has been granted to the officers drawing more than Rs. 200 on account of the high prices?

(e) Do the Government propose to consider the desirability of revising this new system of increase with a view to mete out equal treatment to the officers, accountants, and superintendents of the Audit Department?

The Honourable Mr. W. M. Hailey : (a) The annexed statement gives the information asked for.

(b) Answer to this part is in the affirmative. It may be pointed out that in the case of Superintendents and clerks the portion absorbable in future increments is only the excess given by the percentage additions over the pay calculated according to service.

(c) The increases sanctioned for the Indian Audit Department are at the rate of—

1st of pay—up to and including 7th year of service ;

1st of pay, with a minimum of Rs. 200—from the 8th up to and including 15th year ;

1st of pay, with a minimum of Rs 250 and maximum of Rs. 300—from the 16th to the end of the time-scale. The higher increase for the General List officers applies only to present incumbents and is justified on the ground that the officers of the Department must adopt a higher standard of living especially in the Presidency and other large towns in which they have to serve. Further the rates of pay were determined after due consideration of the revisions which had been granted to members of other services.

(d) The particular method adopted in the case of the officers of the Audit Department has not been followed in other services.

(e) The question of the adequacy of the pay in accounts offices is now under consideration.

Statement.

The classes which have been admitted to the scheme of percentage increases in accounts offices are :—

- (1) the clerical establishments (except record clerks) in the offices of the Civil Accountants General, including the office of the Comptroller, Assam ;
- (2) the clerical establishment relegated to the Lower Division in the offices of the Chief Auditors of the State Railways ;
- (3) the first and second grade and divisional accountants ;
- (4) the subordinate Accounts Service ; and
- (5) the Railway Subordinate Accounts Service.

The increases are at the following scale—

(a) For those whose pay did not exceed Rs. 100, 30 per cent. increase.

(b) For those drawing pay from Rs. 101 to Rs. 200, 25 per cent. increase.

(c) For those drawing pay over Rs. 200, 20 per cent. increase.

Information as to the actual increases obtained in other classes is not readily available.

APPOINTMENTS HELD BY SIKHS IN THE GOVERNMENT OF INDIA.

115. **Bhai Man Singh :** Will the Government be pleased to state the number of permanent appointments of Superintendents, and stenographers and the number of such appointments held by the Sikhs in each of the several Departments of the Government of India?

The Honourable Sir William Vincent : (a) A statement is laid on the table.

(b) The Honourable Member is referred to the answer given on the 10th September 1921 to the Question (No. 72) asked by Mr. J. R. Pantulu Garu regarding the adequate representation of all Provinces on the staff of the Government of India Secretariat.

Statement showing the number of permanent appointments of Superintendents and Stenographers and the number of such appointments held by the Sikhs in each of the several Departments of the Government of India.

Department.	No. of Superintendents.	No. of Stenographers.	No. of appointments of Superintendents and Stenographers held by Sikhs.	REMARKS.
Home	6	5	Nil.	
Finance	6	6	1 officiating Superintendent	
Foreign and Political	9	5	Nil.	
Army	5	2	Nil.	
Public Works	4	5	Nil.	
Railway	7	5	Nil.	
Revenue and Agriculture	4	3	Nil.	
Legislative	3	2	Nil.	
Education	3	3	Nil.	
Commerce	5	5	Nil.	
Industries	6	6	Nil.	
Military Finance	5	6	Nil.	
Total	63	51	1	

DIRECT POSTAL TELEGRAPHIC COMMUNICATION BETWEEN LAKHIMPUR AND LUCKNOW.

116. **Rai Bahadur S. P. Bajpai :** Do the Government propose to arrange a direct postal telegraphic communication between Lakhimpur and Lucknow ?

Colonel Sir S. D'A. Crookshank : The number of telegrams booked at Lakhimpur for delivery in Lucknow is 5 and the number booked at Lucknow for delivery in Lakhimpur is 8 daily on an average. In view of the fact that the total traffic received at or sent from Lakhimpur in the course of a year averages only 37 messages a day and that Lakhimpur is over 80 miles distant from Lucknow, it would not be economical to erect an additional wire for direct telegraphic communication between the two places. There is already direct postal communication between the two places.

CIVIL CLERKS ON DEPUTATION TO THE MILITARY ACCOUNTS DEPARTMENT.

117. **Rai G. C. Nag Bahadur :** (a) Will the Finance Member please state if any civil clerks on deputation to the Military Accounts Department were recommended by Divisional Controllers for supernumerary promotions in their own Departments as reward for good work ? If so, how many ?

(b) Do Government propose to consider such recommendations ?

(c) Is Government aware that the Military Accountant General held out a promise (*vide* his letter No. 2461-G., dated the 25th July 1918) to the civil clerks on deputation that rewards in the shape of special promotion in their own Departments will be given to them for meritorious services during deputation ?

(d) Have any such rewards been given to any civil clerks ? If not, is it intended to carry out the promise ?

The Honourable Mr. W. M. Hailey : (a), (b), (c) and (d) The terms of the Military Accountant General's letter quoted by the Honourable Member are as follows :

'Civil clerks on deputation who have done and are doing good and loyal work with the Military Accounts Department will, on the termination of their services at the end of the war or later, if it is necessary to keep them on for a while, be recommended for special reward and this should give them superior claims in their own services.'

This does not amount to a promise that such clerks would receive rewards in the shape of special promotion in their own departments and it is obvious that the Military Accountant General was not in a position definitely to bind the heads of other departments to give special promotion to clerks recommended by officers of the Military Accounts Department. The Government of India do not know how many civil clerks were recommended for rewards as a result of the letter in question. Such recommendations are not reported to the Government of India, but are dealt with directly by the officers concerned.

MEMORIALS FROM CLERKS OF THE COMPTROLLER'S OFFICE, SHILLONG.

118. **Rai G. C. Nag Bahadur :** Did Government receive any memorial from the clerks belonging to the Comptroller's Office, Shillong, regarding :

(a) Revision of pay under time scale ;

(b) Hill or local allowance ;

(c) Advance increments in fixing their pay under time scale ?

Do Government propose to expedite final orders thereon ?

The Honourable Mr. W. M. Hailey : Advance copies of the memorials have been received direct from the clerks but Government have not yet received the memorials submitted through the proper channel.

AVERAGE SALARY OF THE OFFICERS OF THE INDIAN CIVIL SERVICE.

119. **Mr. K. Ahmed :** Will the Government be pleased to lay on the table a statement showing the average salary of officers of the Indian Civil Service of 5, 10, 15, 20 and 25 years' service on the 1st July 1921 and 1911 respectively ?

The Honourable Sir William Vincent : The information is being collected and will be laid on the table in due course.

PAY OF THE IMPERIAL SERVICES.

120. **Mr. K. Ahmed :** Is there any comparative statement of the pay of the Imperial Services before and after the recent reorganisation of pay which the Government of India could be prepared to publish ?

The Honourable Mr. W. M. Hailey : I would refer the Honourable Member to the statement laid on the table in reply to Question No. 227 by M. K. Reddi Garu. Copies of the statement will be published in the Legislative Assembly Debates and Government do not consider any further publication to be necessary.

POINT OF ORDER.

Lieut.-Colonel H. A. J. Gidney : I have submitted a letter to you, Sir, asking for certain information on the Resolution which stood in the name of Rai Bahadur Majumdar and to ask a statement from you, Sir, as to how you accepted the statement made by the Honourable the Home Member yesterday, whether that was accepted in the form of an amendment from this House or whether it was accepted in the form of an assurance from the Government on the termination of yesterday's discussion.

Mr. President : The Resolution standing in the name of Rai Jadunath Majumdar Bahadur was duly amended, by the decision of the House, by the insertion of the words handed in at the table in the form of an amendment standing in the name of Government. Therefore the Resolution as finally passed was that which contained the assurance given by Government, and embodied in the amendment.

RESOLUTION RE: RECRUITMENT FOR ALL-INDIA SERVICES.

Mr. Jamnadas Dwarkadas : Sir, I have been called upon to proceed with the Resolution* which I had the honour of moving yesterday and which had to be postponed on account of want of quorum. As I mentioned

* This Assembly recommends to the Governor General in Council that having regard to the declaration of August 1917, he be pleased to arrange, that in future, the recruitment for all the All-India Services excepting those of a technical character shall be made, as far as possible, in India and also to take steps, to provide in India such educational facilities as would enable Indians to enter these technical services in larger numbers than is at present possible.

yesterday, Sir, when the Deputy President was in the Chair, the opportunity was given to me to move this Resolution yesterday by the Honourable the Home Member on a distinct understanding that if the discussion was not concluded on the 29th, he will not be able to spare the 30th for it on account of pressure of important work. Sir, I have also further to inform the House that the Honourable the Home Member has promised to give me the earliest official date in the Delhi Session and on that undertaking, Sir, I wish to withdraw the Resolution for the present.

The Honourable Sir William Vincent : The Honourable Member has quoted me quite correctly except that I did not give a definite promise to take this matter up on the first official date in the Session. I undertake however to give a very early date—the earliest possible date,—to the Honourable Member for this Resolution.

Mr. Jamnadas Dwarkadas : Perhaps, I made a mistake, Sir.

THE CODE OF CRIMINAL PROCEDURE (AMENDMENT) BILL.

The Honourable Sir William Vincent : Sir, I move :

‘That the Bill further to amend the Code of Criminal Procedure, 1898, by providing for the issue by Courts in British India of commissions for the examination of witnesses to such Courts of Princes and Chiefs in India as are notified in this behalf, and for the execution by Courts in British India of commissions issued by such Courts, as passed by the Council of State, be taken into consideration.’

I must apologise to the House for the short notice they have received of this measure, and if there is any feeling whatever on this point, I am quite prepared to defer consideration of the Bill till the next Session. I realise that the Assembly have not had much time to consider it. My only object in making the present motion is to get what I believe to be a non-controversial Bill out of the way and save time for more important work during the next Session. If, however, there is any Member in this Assembly who feels that the Bill ought not to be considered to-day, I am quite prepared to ask the leave of the House to defer further discussion on it. The Bill was introduced in the Council of State on the 19th and passed without amendment or discussion on the 26th. It was laid on the table of this House on the 27th, and I believe that copies have been supplied to Honourable Members. I have also given due notice of my intention to make the present motion. The Bill is a simple one intended to fill a lacuna in the Code of Criminal Procedure. It will be seen that if a Court in British India wishes to secure the taking of the evidence of a witness residing in a Native State, it must at present send the Commission to the Political Agent, who, according to the Code, executes the Commission himself or delegates his powers and duties under the Commission to an officer subordinate to him and such officer must be a person whose powers are not less than those of a Magistrate of the first class in British India. The Bill proposes to provide that in such cases the Political Agent instead of executing the Commission himself or securing its execution in the manner I have described, may send the Commission to a Durbar Court and *vice versa* the Durbar Court may send a Commission through the Political Agent for execution to a Court in British India. The whole arrangement is based on the system of reciprocity.

The Government of India will also have to notify the State Courts of any Prince or Chief in India to which the reciprocal arrangements will extend. Such action will, of course, be taken with due regard to the extent to which modern ideas of jurisprudence are followed in such Courts. I do not think that at this stage I need say anything more about the Bill. But, as I said before, if any Honourable Member wishes more time to consider it, the Government are quite prepared to accede to the request.

Dr. H. S. Gour : Sir, the Bill as introduced in this House leaves two things upon which I should like to ask the Honourable Member in charge of the Bill to enlighten the House. The first is that if a commission is issued from British India to a Native State Court or to a British Officer in the Native State Court, what is to be the procedure for the examination of witnesses. Is a pleader or a legal practitioner entitled to practise in a British Court entitled as of right to examine, cross-examine, and re-examine if necessary such witnesses in the court of a Ruling Chief? Secondly, if a witness commits perjury in a Native State Court, is any provision made as to the trial and the punishment he should receive for committing this offence outside British India and *vice versa*? I must say at once that I have not examined this Bill because I found it placed on the table just now, and that is my sole excuse for questioning the Honourable the Home Member. If I had more time I should have considered it more carefully and perhaps these questions would have been obviated. But if the Honourable the Home Member has considered these questions and can satisfy this House, we do not wish to offer any impediment in the way of its being taken into consideration here and now.

The Honourable Sir William Vincent : Sir, as to the first question of the Honourable Member, I think the matter would be decided according to the practice of the Court in which the evidence was recorded. I will confess that the second point has not perhaps been considered sufficiently. In the circumstances, as the Honourable Dr. Gour has raised these two important questions, I think it would be better to defer the consideration of this Bill with the consent of the Assembly until the next Session.

The consideration of the Bill was, with the consent of the Assembly, deferred.

RESOLUTION RE: RAILWAY COMMITTEE'S REPORT.

The Honourable Mr. C. A. Innes : Sir, I beg to move :

‘That this Assembly recommends to the Governor General in Council to appoint a Committee, consisting of Members of the Indian Legislature, to consider the following matters arising from the Report of the Railway Committee, namely :

- (i) the separation of railway from general finance,
- (ii) the requirements of railways in regard to capital expenditure during the next ten years; and to make recommendations.’

I do not propose to say very much in support of this Resolution. The Assembly knows that on the 15th September last we published a summary of the Railway Committee's Report. The Report itself was published in London I understand on the 23rd September, and the Government of India have not

[Mr. C. A. Innes.]

yet received any copy of it. But the summary shows that the Report traverses the field of railway administration in India and makes many important and drastic recommendations.

In the absence of the Report it will be idle to comment on those recommendations, nor would it be relevant to do so. All I can promise is that as soon as the Report is received, we shall take up the examination of the different questions raised with the least possible delay and that we shall treat the recommendations of the Report with that respect which is due to the distinguished authors of that Report. But it is obvious from the summary, indeed we all knew of it before, that the improvement of the Indian railway system hinges upon the question of finance. Practically all business and commercial witnesses before the Commission, in their evidence, laid stress on that point and it is evident from the opening sentences of the summary that the Committee condemns our existing railway system as entirely inadequate to the needs of the country, and they ascribe this state of affairs primarily to the failure of Government to provide adequate funds both for capital works and for renewals. They find a solution for this state of affairs in the separation of railway from general finance. They suggest that the Railway Budget should be a self-contained budget and that the Railway Department, as reconstituted in accordance with their recommendations, should be responsible for the earning and expending of its own income and that after providing such net revenue as may be required to meet existing railway debt, they may be left free to regulate the disposal of the balance and to devote it to new capital purposes, to reserves or to the improvement in rates and services. It is also evident that a good part of the Report is devoted to the Capital requirements of railways and to the best method of raising that capital. Now the Government of India think that they should examine this question of railway finance without delay. I will not hazard any opinion on the suggestion that railway finance should be separated from general finance. That raises many difficult questions, but I am prepared to say that if we are to improve the existing railway system in India, as admittedly it needs improvement, we must drop all hand to mouth finance. We must try to work to a definite programme of capital expenditure spread over a series of years, unexpended grants of one year being carried on to the next. At any rate the Government of India would like to consider these two questions at once and they are anxious to be able to submit concrete proposals for the consideration of this Assembly in the next Budget Session, but the questions are very difficult and very important and that is the reason why we ask for the assistance of the Legislature. In this Assembly and in the other House there is ample material for a Committee which will give us valuable advice. Business and commercial interests are well represented, and there are many men who, though they may not have actual business experience, will bring to the consideration of the problems ripe experience and ripe knowledge of affairs. The Government of India feel that it would be of great value to them and to this House if they can have the assistance of a Committee of this kind in formulating their proposals. It will be understood that the Committee will be a purely Advisory Committee. Its report will be laid before this House, and the final decision will of course rest with this House. I commend this Resolution, Sir, to the acceptance of the House.

Mr. E. L. Price: Sir, I rise to support Mr. Innes' proposal. At the Budget meeting in Delhi last March to the best of my recollection more than one Member pointed out the defects of the present system of financing railways, and if the House did not take the matter up further at that time, it was solely due to the fact that the Railway Commission was then sitting.

In the meanwhile I know that the Karachi Chamber of Commerce already was proposing to put up to the Associated Chambers of Commerce, which is to meet I think in Bombay in January, proposals on these very lines, and I am perfectly certain that this proposal meets not only the requirements of the findings of the Railway Commission but also the requirements of the commercial community of India. It is impossible to let our railway policy drift as it has done, to let our railway policy drift as it has done particularly during all the years of the war. It is necessary to disintegrate railway finance from the budget finance of the Central Government, and I support this Resolution, with the sure knowledge that all commercial men who know the circumstances of railways at the present time will support it too.

Mr. B. Venkatapatiraju: Sir, I regret to oppose this motion. On your dictum, Sir, that whenever a Resolution is to be referred to a Committee, whenever a Bill or a Resolution is to be remitted to a Committee, then it means that the Assembly accepts the principle underlying it. Now the principle that is to be accepted by us without reading the full report—we have some extracts from the report published in the papers—is not at all, I will respectfully submit, one on which we should come to a conclusion without considering it in all its aspects. That Committee, Sir, reports.....

Mr. President: As the Honourable Member seems to be raising a point of order, I will relieve his mind at once by saying that the Resolution recommends the appointment of a Committee to consider certain subjects. No ruling of the Chair has yet laid down that such a Resolution commits the House to the principle in question. Indeed the Honourable Mr. Innes made it plain that the committal of the House to the principle would not arise till his substantive proposals are brought forward in Delhi. The ruling which the Honourable Member has in mind applied to the reference of a Bill to a Select Committee and has no bearing whatever on issues raised by Resolution.

Mr. B. Venkatapatiraju: Whatever be the ruling with reference to the interpretation, I respectfully urge that we should not pass this Resolution at this stage, because the Railway Committee recommends many other things. First of all they recommend the abolition of the Railway Board. They recommend Government to consider whether company management should not be put an end to, and whether all railways should not be brought under State management, etc. Such being the case, are we to be hurried on to pass such a Resolution as this about the separation of railway from general finance? Perhaps, Sir, many of us are aware that for a long time we have suffered losses on account of the railways. It is estimated that that loss comes to about £50 million or 75 crores. For 10 or 12 years we are making some profit, and we are making a large profit now, though on account of the exorbitant growth of working expenses, that profit has been dwindling from year to year. All the same, the present proposal is this. We have hitherto separate pages and heading for the railway income and expenditure distinct from the other items of the budget. The main principle involved now is that the income from the net profits of the railways should be earmarked for railway purposes mainly,

[Mr. B. Venkatapatiraju.]

and that is the chief crux of the suggestion. Are we to earmark any portion of our revenue for any particular purpose? Is this such a subject that we ought to do this, especially at a time when we had a deficit last year and anticipate a deficit next year? Should we apply the same principle to posts and telegraphs, because there is some profit (whatever be the amount) realised? Now therefore that question should be thoroughly examined and we must know what the Ackworth Committee Members said, whether there was any difference of opinion. That is what I propose we should do in this matter. Everybody is anxious that money should be spent, when necessary, on railways, for the construction of railways, or for the supply of wagons, or replacing other materials which are necessary for railway purposes. The second clause is what capital expenditure should be provided for the next ten years. This also depends upon our budget, whether we have to borrow, how much we can possibly raise for this purpose and whether it is possible at such a time, when we are not meeting our expenditure from our income, to chalk out expenditure for a period of ten years ahead. Is that a fair thing to be done? Are we in a position to commit ourselves either to one view or to the other view? Of course we can suggest a Committee and a Committee of both Houses might sit together and might consider. Why should we not wait and chalk out a policy at least in sending recommendations to the Governor General in Council. We might say what our view is; we might say that the present policy adopted by the Government is ruinous to the interests of the country and that they must withdraw the company system of management and place railways under State management; and we might recommend several other things. Unless we have a comprehensive view of the whole matter and, unless we can recommend a comprehensive scheme, what is useful and necessary in the interests of the country might not be taken up, and what, from the Indians' point of view is essential and absolutely necessary might be left out.

Therefore, I earnestly appeal to the Members of the Assembly that we should not hurriedly pass this Resolution while it may very well be discussed next Session.

The Honourable Mr. W. M. Hailey: Sir, frankly, I do not understand Mr. Venkatapatiraju's attitude in this matter. He first of all based his opposition to this Resolution on grounds which you, Sir, found it necessary to set him right. Foiled in that attempt, he had to search for other grounds, and all I can say of the grounds which he at length found is that he could not have put them forward if he had carefully read the Resolution. He asks why we should now decide or commit ourselves to any course of action with regard to that important Report, a report which he points out deals with questions so important as the complete nationalisation of railways and with the abolition of the Railway Board. Sir, the reason why we desire to separate the two important questions which you will find in the Resolution was simply because they can be treated apart from those other larger questions to which he refers. Even if the Railway Board is abolished, even if every railway in the country is nationalised, the question of finance still remains an important, an urgent and an insistent question. But we do not ask the House to decide or even prejudge this question. We are often accused as a Government of not taking people into our confidence and, when an unfortunate Finance Member and an unfortunate Member in charge of railways between them seek to take Members of the Legislature into their counsel, and consult with them before settling on a policy, then

Mr. Raju says plaintively, 'Oh! you are deciding a policy in advance; why should you decide a policy in advance?' Sir, we are doing nothing of the kind. We are only taking counsel with those whom we think best qualified to advise us; subsequently, of course that advice will be at the disposal of the House.

As regards the second part of the Resolution, he says 'Is this now a time to lay down a definite programme of what we shall spend on railways in future?' Did he read really the Resolution? Does it say anything about the laying down of a programme of what we shall spend? It merely proposes 'to consider the requirements of railways in regard to capital expenditure during the next ten years.' All we propose to do is to ask public men who know the requirements of the public, and who know the requirements of commerce in regard to railways, to study with us this difficult and intricate problem.

He has asked us finally to lay down now a comprehensive policy which the House can discuss in order to make its recommendations to the Governor General in Council. I have tried to explain to the House that before we try to lay down a comprehensive policy we need to take counsel with others on the subject. Anything that we were to do now on the lines suggested by Mr. Raju would be entirely premature. Sir, I support the Resolution.

Mr. B. S. Kamat: Sir, I was rather surprised at the view which my friend, Mr. Venkatapatiraju, has taken with regard to this Resolution. I believe it was only during the last Session at Delhi that I moved a Resolution that every report of an important Commission like the Railway Committee should be placed before this House for consideration and the Members of this House should be taken into confidence by the Government. I believe that Resolution was accepted by this House. Therefore, now that Government is coming forward and laying the report of that important Commission before us and giving us an opportunity to discuss the details, it is with some surprise I see Mr. Raju's attitude. I do not think we shall be committing ourselves to any such policy as Mr. Venkatapatiraju apprehends. It will be for this Committee to go into the requirements of railway expenditure, and after the Committee reports, a further opportunity will be given to the whole of this House to consider whether that Committee's recommendations are sound or unsound. I believe that the proposition which has been brought forward by the Honourable Mr. Innes is a very sound and practical one, and we ought to welcome the opportunity which has been given to us to appoint a Committee of both the Houses.

Dr. H. S. Gour: Sir, I would ask the Honourable Member who has just been commenting upon this Resolution to consider two words which occur in this Resolution, and those are that 'that this Assembly recommends to the Governor General in Council to appoint a Committee consisting of Members of the Indian Legislature to consider the following matters arising from the report of the Railway Committee, etc.' Now Honourable Members will observe that this Committee is not pledged, as appears to have been understood by some Members, to the separation of railway from general finance, or to the requirements of railways in regard to capital expenditure. It is a purely deliberative Committee intended to examine, consider and report upon the necessity set out in the Resolution, and I do not see what objection there could be to the appointment of a Committee of the character contemplated in the Resolution.

The Resolution was adopted.

RESOLUTION RE: THE CONTRIBUTION TO THE GOVERNOR GENERAL IN COUNCIL BY THE GOVERNMENT OF BENGAL.

The Honourable Mr. W. M. Hailey : Sir, I beg to move :

That this Assembly recommends to the Governor General in Council that the contribution of 63 lakhs payable to the Governor General in Council by the Local Government of Bengal under rules 17 and 18 of the Devolution Rules framed under Section 45-A of the Government of India Act, be waived for a period of 3 years with effect from the year 1922-23.

Sir, I must, in the first place, congratulate my Honourable friend, the Leader of the House, on having arranged for the last act of this season's drama a debate which affects so intimately many Members of this House, and in which the outside public has taken so keen an interest. The matters which I have to deal with are, although of great public importance, of a somewhat technical nature, and I must therefore ask the indulgence of the House while I state a few preliminary facts which will bring it into touch with the past and recent history of the case.

Let me first remind the House that under the old system of finance as between the Imperial and Provincial Governments, settlements were made first of all, on a temporary, then on a quinquennial, and then on a quasi-permanent basis; the case of each province was taken up separately with little reference to the needs of other provinces, with the result that there was considerable diversity of treatment as between the various provinces. We allocated to each province a certain portion of the total revenues raised by it; certain heads of revenue were granted in whole, others in part, the intention being to allow the province to benefit by the improvements in its material conditions or its administration. Frequently the revenues allocated were supplemented by standing contributions; but the whole basic principle of these settlements was that the finances of India as a whole were under the control of the Government of India, and that we allocated from time to time to the provinces such sums as were required for their expenditure in accord with the standard of administration which had from time to time been reached by them. The reforms demanded a settlement with the provinces from an entirely different point of view. There was to be a complete separation between our finances and their finances. They were to have complete control both over the revenue and expenditure of the subjects which were handed over to them for administration; subjects for instance as land revenue, excise, judicial stamps and the like. Now, the complete surrender of these important sources of revenue to the provinces naturally left the Imperial Government in deficit; the corollary of this was, that the deficit had to be made up by contributions from the provinces. In other words, under the old system the provinces were beneficiaries of the Government of India; under the present system we are the pensioners of the provinces. Now, for the effects of this change of procedure as estimated in terms of figures: when the Montagu-Chelmsford Report was written it was believed that the deficit would amount to about Rs. 134 crores, and it was thought that the provinces would have no difficulty in supplying us with contributions equal to this deficit; it was believed that the great increase in their provincial sources of revenue would provide them, as a whole, with a surplus which would enable them to undertake this obligation. But at a

conference held in Simla in 1919 doubt was cast on this position, and a further examination of the situation showed that whereas we were demanding contributions amounting to about 13 crores, on a normal estimate the surplus of revenue over expenditure in the hands of provinces would amount only to 11 crores. Not only so, but there were two provinces, Bengal and Bihar and Orissa, which seemed likely to have to face an actual deficit.

Now, I come to the next stage, the stage corresponding to the appointment of an impartial Committee under Lord Meston, to adjust the financial relations with the provinces. There were two difficulties before this Committee. The first was of course to decide how provinces which had in the gross a surplus of revenue over expenditure of only 11 crores could pay contributions amounting on the whole to about 13 crores; the second difficulty was to decide how Bengal and Bihar and Orissa, which seemed to be likely to have to face a deficit, could carry on their administration at all. Well, we ourselves solved the first problem before the Committee actually began its work. It was at a time when we believed that the value of the rupee could be maintained at two shillings, and we hoped that this would leave us a surplus of revenue over expenditure in the central finances which would enable us to reduce our deficit to six crores. Well, Sir, if we were frustrated by fate in that anticipation, let it at least be remembered that it is the provinces which have received the benefit of our over-estimate, and it is the provinces which have been able, purely on that account, to finance themselves in the difficult times which they have had to encounter since 1920. As I say, we ourselves solved the first problem. As to the second problem, now to provide sufficient funds for Bengal and Bihar and Orissa to carry on their administration the Meston Committee proposed that instead of general stamps being retained as a central head, it should be allocated to the provinces. That would of course place additional resources in the hands of all Local Governments, and particularly benefit Bengal. We agreed. The net result was that our deficit was increased to 983 lakhs which lost the 'general stamp' head of revenue. It was this sum of 983 lakhs which the Meston Committee accepted as the basis of the demand which had to be made on the provinces; it was then their task to distribute this demand on some equitable basis between them. Now as the House is aware, this was not done on any ideal calculus of taxable capacity or the like. The contributions were assessed on what appeared to the Committee at the time, and what I still think in spite of all criticisms, is the only reasonable basis, namely, the increased spending power secured to the various provinces under the new allocation of finances. Let me summarise the results. The total increased spending power of the provinces was, as calculated by the Committee, 1,850 lakhs. Of this, as I have shown, it was proposed to take 983 lakhs by way of contributions, leaving a total increased spending power to the provinces of 867 lakhs. That recommendation was accepted with some minor modifications by the Joint Parliamentary Committee in 1920.

Now, Sir, that is the general history of the case; I have thought it necessary to offer it to the Members of this House in order that I may revive their memory of the previous stages of this somewhat complicated question. Now I come to Bengal. That province claimed on general grounds that it had not been provided with adequate resource. It claimed, for instance, that while the allocation of half the land revenue constituted in the case of other provinces an elastic and increasing figure, in the case of Bengal, owing to the peculiar

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Now, Sir, that is the general history of the case; I have thought it necessary to offer it to the Members of this House in order that I may revive their memory of the previous stages of this somewhat complicated question. Now I come to Bengal. That province claimed on general grounds that it had not been provided with adequate resource. It claimed, for instance, that while the allocation of half the land revenue constituted in the case of other provinces an elastic and increasing figure, in the case of Bengal, owing to the peculiar

[Mr. W. M. Hailey.]

circumstances of that province it was fixed and inelastic. It also claimed that we made insufficient allowance for the large sums which they collected on our behalf in customs, in jute export duty and in income-tax. They claimed, indeed, that no system of allocation was fair to them which did not take into consideration those large sums which they paid into the Imperial revenues as the result of collections of these important heads. Now, Sir, let me say at once that although that complaint existed, although the new dispensation provided that they should receive no credit on account of customs, income-tax or the jute export duty, I nevertheless do not here propose to go into that general question. If we do so, we shall be at once plunged into what may be an interminable discussion on highly controversial and disputable questions such as the taxable capacity of the provinces or ideal system of allocating heads of revenue as between the provinces and the Central Government. Not only are these questionous contentious in themselves, but the circumstances of the provinces are so diverse as to make agreement difficult if not impossible. The problem which I have to put before you is self-contained and is a definite one; for reasons which I shall subsequently explain, it is a problem which requires an early solution; no such solution would be possible if we were plunged into the welter of abstract discussions of that nature. I propose, therefore, to put all those considerations aside, and I shall simply take the problem as we find it and as we must meet it. Now Bengal, apart from those general claims, had also particular reasons for doubting the security of its position. When the Montagu-Chelmsford Committee reported, the assumed normal income of Bengal was 7½ crores and against an assumed normal expenditure of 6¼ crores leaving a surplus of about 75 lakhs.

The Simla Conference of 1919 on its examination of the case admitted a normal income at 773 lakhs and assumed expenditure at 791 lakhs, making, instead of a surplus, a deficit of about 18 lakhs. Bengal indeed claimed that the deficit was much larger, and when the Meston Committee examined into the case they admitted a deficit, but thought that the case would be met by their proposal regarding the allocation of General Stamp Revenue. This would give Bengal an additional 110 lakhs, or after the deduction of the proposed contribution of 68 lakhs, a surplus of 47 lakhs. In summing up the case, however, they recognised that the path of Bengal in the future would not be an easy one. They said:

'Bengal has a low scale of expenditure and an inelastic revenue and will receive only a very moderate start in its new financial career.'

The Joint Parliamentary Committee when they examined the case were even more impressed with the difficulties of Bengal, and made a special recommendation on the subject of that province. I ask the House to note that they did not think it necessary to make any such recommendation on behalf of any other province. These are their exact words:

'The Committee desire to add their recognition of the peculiar financial difficulties of the Presidency of Bengal which they accordingly commend to the special consideration of the Government of India.'

Now I come to the final stage; the Meston Committee had assumed that Bengal would start with a working surplus; that was an essential condition of their recommendation as to its contribution; and our concern now is to see how the provision made has worked out in practice. I must premise that the figures which the Meston Committee and the Simla Conference took into consideration,

made adequate provision for the changes which were necessitated by the report of the Public Services Commission, made provision also for some of the expenditure which was required owing to the appointment of Ministers and the like under the Reforms, but that those bodies did not, and could not, then foresee the great increase in provincial expenditure which was necessitated by the revision of the pay of the ministerial and subordinate establishments in the provinces. This factor has of course worked with exceptional difficulty in the case of a Province whose revenues are, as has been said, inelastic. I have given the House the figures of assumed income and expenditure at the Simla Conference, namely, income 773 lakhs and expenditure 791 lakhs, and I have also shown you the Meston Committee expected, by the transfer of general stamps, that Bengal would have a surplus of 47 lakhs. Actually, however, the Budget of last year disclosed a deficit of no less than 212 lakhs. I am not concerned in the defence of the whole of the items which were entered on the expenditure side. We do not now deal very narrowly nor indeed control in any way the Budgets of the provinces, and if I had any criticism to offer it would in this case be of the criticism of an outside critic. But even if some of the items in that Budget were undoubtedly abnormal, yet it is certain that in any case there must have been a considerable deficit. No fresh taxation was imposed, because the province had at the time large accumulated balances and the deficit was met from those balances.

We have however to consider now the problem for next year. The accumulated balances are practically exhausted and the province will start with a very small opening balance. We, on this occasion, have examined the case both narrowly and critically, and it appears certain that with every economy, Bengal must have a deficit of not less than 120 lakhs, even if we make no allowance for any extra expenditure on improvements in transferred subjects such as are desired by Ministers—improvements which we are told are necessary if the system of reforms is to be a success. Bengal would have that deficit even if it provided only the bare minimum expenditure required to carry on the ordinary administration of the province.

Here, Sir, my tale ends, and I now ask the House to address itself to the problem which that tale has revealed.

It is no secret here that the public in Bengal has protested very vigorously against a state of things which leaves the province on the inception of reforms with an immediate annual deficit of over a crore of rupees. It is no secret that the Ministers have protested against imposing taxation at the very outset in order to meet the bare requirements of the administration of their province. That taxation we are informed would be taken by the public as the first fruits of reform; and its imposition even if agreed to by the Council might react disastrously on the progress of reforms in the province. We have been told that the case would not stop with the demonstration of resentment by the public, but that very practical proof of such feelings might be given by the local Council and even by Ministers. I had better not be more precise; the House will take my meaning. Now once again, I am not going into the debatable questions which I have already referred. I am not going into the question for instance—and I hope nobody else will go into the question whether Bengal is, man for man or acre for acre, taxed more lightly or more heavily than other provinces. For my present purposes, and in view of the problem (a problem which is as much political as

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Financial) which we and the House have to meet these considerations are entirely beside the point. Bengal has a demonstrable deficit in its annual working and the most careful criticism by our experts does not allow us to pretend that this deficit can be avoided. Bengal has behind it, in making claims for our assistance an argument which no other province can put forward—namely the specific recommendation of the Joint Parliamentary Committee. Bengal now demands that we should implement that recommendation, nor is it for this Government or indeed, Sir, for this House, which owes its statutory existence to that Committee, to disregard the claim. And, finally, Bengal can point out that if we turn a deaf ear to the claim which she now makes upon us, there may be immediate political reactions which may extend far beyond the province itself.

Well, Sir, that is my case. What we now propose is in effect, to give Bengal a breathing space, by waiving her contribution for the next three years. I may point out that this is far less than the Bengal Government has asked for, less than her public, less than her newspapers, less than her Ministers have asked for. It will not even allow her to meet in full the deficit for next year. It will remain for Bengal to supplement by some form of taxation the measure of assistance which we propose to give. We believe ourselves that Bengal could, without imposing an undue burden on her public, raise the necessary resources by increasing, for instance, her taxes on general and judicial stamps.

And, now, Sir, may I add one personal word to the House. The House may very well imagine that its Finance Member does not stand up lightly before it to suggest the abandonment of an important receipt by central revenues. I need not perhaps assure the House that we should not ourselves have put forward such a proposition if we had not been convinced that it was absolutely necessary to do so. I see from some amendments which have been tabled that there are certain Members of this House that are not prepared to accept the Resolution which I have placed before them unless equal or perhaps even greater advantages can be secured to other provinces. That is an attitude which I must emphatically deprecate. It would be impossible, in the present circumstances, that central finance should make further large sacrifices of revenue. They would have to be implemented elsewhere. Difficult it may be to implement 63 lakhs; it would be impossible to implement 983 lakhs. Besides, as I have already pointed out, and I must again repeat, no other province has exactly the same case as Bengal.

No other province can point out that it is working under a demonstrable and unavoidable deficit.

Mr. Jamnadas Dwarkadas: Bombay.

The Honourable Mr. W. M. Hailey: No. That, Sir, is a position I am prepared to maintain is at the present moment peculiar to Bengal. Further, no other province can point out that it has the definite recommendation of the Joint Parliamentary Committee in its favour. We must regard this problem, a pressing and an insistent problem, entirely on its own merits. I would remind Members of this House that they are Members of an Imperial Assembly, the custodians not of Provincial, but of Imperial finances. They were elected by their constituents as representatives not of Provincial but of all-India interests. When you come here, your hearts may remain in your

provinces; but it is your task to lend you intellect, your political acumen, your sense of statesmanship to a larger cause, the national interests of India. I ask Members of this House to view this question not as provincial partitions, but as members of a jury assembled to try an important case between the general taxpayer and one particular province. I ask them to show all the mental detachment and the impartiality of such a jury, to clear their minds of all prejudices or prepossessions on the subject, and to direct themselves only to one end, namely, to find a solution for the difficulty in which Bengal now finds itself. It is a difficulty which in all truth is hard enough financially; and any delay in its solution may prove to an actual political danger.

Mr. Piyari Lal Misra: May I ask the Honourable the Finance Member if there are accumulated balances to-day in Bengal, if so, how much?

The Honourable Mr. W. M. Hailey: They had an accumulated balance at the beginning of the year of Rs. 41 lakhs. We are given to understand that considerable inroads were made on the balance during the course of the year. I cannot tell exactly how that balance will stand at the beginning of next year, but it will be very considerably below the sum of Rs. 41 lakhs.

Mr. N. M. Samarth: May I ask the Honourable the Finance Member whether any remission has been made of the Bengal contribution for the year 1921-22?

The Honourable Mr. W. M. Hailey: No, Sir.

Mr. N. M. Samarth: My argument, based on that fact, will follow hereafter.

Rao Bahadur C. S. Subrahmanayam: One question, Sir. Has any attempt been made by the Ministers in Bengal to cut down expenditure?

Mr. President: Order, order. That is within the purview of the Local Government of Bengal and not of the Government of India.

Mr. B. S. Kamat: May I ask the Honourable the Finance Member why it is necessary for this House to commit itself to a period of three years in order to give breathing time to Bengal? It is conceivable that their finances might improve in the second or the third year so that it would not be necessary then to waive this Rs. 63 lakhs. Perhaps it may be less, say, Rs. 40 lakhs or Rs. 30 lakhs. Why should this House commit itself for 3 years certain?

The Honourable Mr. W. M. Hailey: My answer would be that it would be seen from the figures that I have given to the House that very considerable improvement indeed is necessary, and that it seems to me to be unlikely on any calculation that we can make that the Bengal finances will improve so rapidly that we should be able to confine our concession to one or even to two years.

Sir Frank Carter: Sir, I am very pleased to learn that the Government of India recognize that Bengal has been hardly treated under the report of Lord Meston's Committee on Financial Relations and I wish to take this opportunity of thanking the Honourable the Finance Member for putting our case so clearly and so generously. After this report was published in the early part of last year numerous protests were made against the proposed adjustment of Finances as between the Government of Bengal and the Government of India.

These protests were made not only by the Local Government but also by various Associations and public bodies, who laid their complaints before the Secretary of State as well as before the Government of India.

[Sir Frank Carter.]

During the last few months I have been absent from India but nothing has impressed me more (speaking of Bengal) since my return than the united voice with which the people of Bengal continue to speak regarding this question of financial adjustment.

I find Chambers of Commerce, and Associations representative of all sections of the community, Indian and European, submitting representations in which they all ask, that favourable recommendation should be given to proposals under discussion, for relieving the financial difficulties of that province.

Now, Sir, I ask *why* are all these leading public bodies so insistent in their desire for some revision of the terms of the Meston Report?

The Bengal Chamber of Commerce is quite frank in expressing its views on the point. In one of its latest telegrams the Chamber says '*Unless adequate relief be granted, fresh taxation for ordinary expenditure will be inevitable which will cause serious discontent, endangering the Reforms and strengthening the non-co-operation movement*'.

I believe, Sir, that the people of Bengal will be quite prepared to accept fresh taxation for any new schemes that may be put forward for the *public benefit* and I know that schemes for improving the *educational facilities* and for the better *sanitation and drainage* of the province are now under the consideration of the Ministers. But they naturally hesitate to place these schemes involving fresh taxation before the Legislative Council until the financial arrangements with the Central Government are *equitably adjusted*.

I repeat, Sir, that the Honourable Ministers in Bengal are preparing schemes for the welfare of the people they have been elected to represent, and that these schemes will involve large sums of money which must be forthcoming if the Ministers are to justify their existence in the new order of things.

But, I submit, Sir, there is a wide difference between taxing the people of Bengal for *new schemes for their welfare*—there is I say a wide difference between *that* and taxing the people to square a deficit which has been forced upon the province, *for no fault of their own*, but as the result of the Reforms, under an arrangement of which they have *never* approved and indeed against which they have never ceased to protest since the Meston Committee's Report was first published nearly eighteen months ago.

The Honourable the Finance Member has already explained what are Bengal's grounds of complaint against the Meston Report and I therefore will not take up the time of this House going into further detail—but I do feel that Bengal has legitimate cause for complaint and something ought to be done in order to give the Reforms there a fair chance of success.

After all, Sir, we must recognize that the adjustments as between the Local Governments and the Central Government are of an arbitrary nature. The Meston Committee themselves admitted frankly that it was 'inevitable that the initial contributions should be in some manner arbitrary' (those are the exact words).

What I maintain, Sir, is that the division of sources of revenue, whereby Bengal receives practically no credit for the large collection made in Calcutta under the head of Income-tax and Customs Duties and Jute-tax, is a more

or less arbitrary arrangement that tells most adversely against the province. And *actual experience* shows us, I mean *actual figures* made up at the present time not the *pro forma* statements in which the Meston Committee's recommendations were based, but up to date figures show that *unless something is done*, Bengal falls into the very pit the Meston Committee intended to avoid.

Sir, on this House rests a great responsibility. By its vote to-day it will largely contribute to the making of *marring* of the Reforms in Bengal.

A *favourable* vote will mean encouragement to the Ministers to press forward with their schemes for the welfare of the people; it will give *confidence* to the Bengal Legislative Council and it will go far to make the *people* of Bengal more contented with the Reforms.

An *adverse* vote, Sir, I hesitate to imagine, what the effect of an *adverse* vote may be.

I *refuse* to believe that this House can be so *unsympathetic* or so *ungenerous* and I have the whole matter in the hands of Members with every confidence that they will do *justice* to a *righteous cause*.

Mr. J. Chaudhuri: Sir, I am very thankful to the Government of India and to our Finance Member for the small mercies they have been kind enough to offer to us. This reminds me of my experience in a barber's shop while I was sojourning in Germany. I am very grateful to the Finance Member, but I must *narrate* my tale of *woe* to the Assembly here.

It is in great grief that I am narrating this sad experience of my early life. After I sat down in a German Shaving Saloon, the barber gave me a very rough shave, and while my chin was still smarting I hurriedly brought out a coin which was more valuable than half a crown. I did not know the language well enough, and when I wanted a change, the generous barber gave me back six pence for it, saluted me and pointed me to the door. There my legitimate due was 2 shillings, and his share was 6 pence, but I got only 6 pence for myself, and had to leave 2 shillings to the shaving establishment. Whatever I get now I welcome, for my Honourable friend, Mr. Spence, told us in this House the other day that when one gets a 2 anna piece for a tip, one ought not to grumble or throw it away, but it would be wise to put it in one's pocket, and go away. So I am prepared to do it, but all the same I must say a few words to explain our embarrassing financial position, I thank the Honourable the Finance Minister for having explained to this Assembly the peculiar difficulties of Bengal. Now I shall only remind the Honourable Members about the recommendations of the Meston Committee. They proceeded on the basis that there should be for every province a 'limiting consideration'. In making an adjustment between the Central and Provincial Governments they went upon the principle that there should be a 'limiting consideration', which they explained in the following terms: 'That there is an obligation to leave each province with a reasonable working surplus.' Now, they further explained their policy with regard to the levying of contributions from the Provinces in the following terms:

'The limit we have imposed on ourselves is that in no case may the contribution be such as would force the province to new taxation *ad hoc*, which, to our mind, would be an unthinkable sequel to a purely administrative re-arrangement of abundant general resources.'

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So they proceeded on the basis that directly there was this Imperial and Provincial adjustment, and the provinces started on their own account after the reforms were introduced, no province should be required to impose new taxation. That was the principle followed. But what was the result? The result was that Bengal started not with any surplus but with a deficit of a crore and a half. I shall quote my figures from Lord Meston's report.

The Committee estimated that Bengal's budgetted income would be Rs. 8,57,00,000. Out of that they transferred to us Rs. 43½ lakhs of expenditure which the Government of India formerly used to meet from Imperial resources. Further, they levied on us an Imperial contribution of 63 lakhs. That being so, our estimated income being Rs. 8,57,00,000, and these two together coming up to nearly Rs. 1,70,000, our net budgetted income amounted to Rs. 7½ crores only.

Now, in 1920-21 our budgetted expenditure was 9 crores and 3 lakhs, so we started, unlike the other provinces, with a deficit of Rs. 1,50,00,000. Whatever other considerations there may be, I would appeal to this House to consider that we did not start level as the other provinces did, and that the deficit has stuck to us ever since.

Now, the Honourable the Finance Minister has referred to the fact that we are very large collectors of revenue on behalf of the Government of India. I would like to inform the Honourable Members how much revenue we collect for the Government of India and what we get for ourselves. We collect in Customs Rs. 12,81,00,000; we collect in Income-tax nearly seven crores of rupees. All this we hand over to the Government of India. Altogether, in 1921-22 we raised from all sources of revenue in Bengal more than 34 crores and out of that, under this new adjustment, how much did we keep for ourselves? We kept for ourselves only Rs. 9,84,95,000.

Now, let us see what revenue is raised in the other provinces and what they keep. Madras raises Rs. 21,42,42,000 odd and retains Rs. 13,22,89,000. Bombay raises Rs. 31,42,34,000 and keeps Rs. 13,90,35,000. The United Provinces raise Rs. 14,29,65,000 and retain Rs. 11,94,03,000. The Punjab raises Rs. 11,94,00,000 and retains Rs. 9,52,96,000. Thus it will be seen that we retain Rs. 9,84,00,000 out of 34 crores and the Punjab retains Rs. 9,52,00,000 out of 12. Of course, I have no grievance against the other provinces. We regard India, as a whole, our common motherland. If we are in distress, I come to my brother Members of this House and appeal to them to give us relief and to help us. So also, when they are in similar distress and would appeal to us for financial assistance, we would be the last persons to deny them consideration. (Hear, hear.) The other day the Honourable the Home Member said that a Resolution was passed in Madras recommending the separation of judicial and executive functions, and because of the financial difficulties they had to turn down the scheme. Now, I say that whenever other provinces want to carry out any projected reform which is essential for good government and if the Members come before the House and convince us that they have no funds to carry out such reference, we shall look to the interests of the provinces and not to the interests of the Central Exchequer. Our goal is provincial autonomy.

Provincial autonomy will mean absolutely nothing if the provinces do not progress under the Reforms scheme. If we are unable to carry out the

necessary measures of reform, educationally, industrially, and in our administration and sanitation, the Reform scheme will be absolutely useless. However, I shall assure this House that if it was necessary for us to finance ourselves for primary education, we should be only too glad to tax ourselves for that purpose. It is not for such purposes that we seek financial relief. I was explaining to you that we started with a deficit of a crore and a half and now out of the 2 crores and 10 lakhs deficit that we are faced with, only 67 lakhs have been budgetted for by the transferred Departments, that is, by the Ministers. The balance of it goes to meet the increased cost of general administration over which we have no control. As my Honourable friend, the Finance Minister, explained, the deficit is due largely to the increase of salaries, of the ministerial, Provincial and the Imperial Services. Therefore this present predicament in which we find ourselves, has not been brought about by any hasty measures of our Ministers but by an inequitable adjustment. I do not say that it was purposely done but surely it was through inadvertence. Now that it is admitted on all hands, that injustice has been done to Bengal, is it just or fair that it should not be remedied? I submit that the waiving of the claim to the contribution of 63 lakhs by the Government of India would not solve our difficulties. We will still have to find a crore and a half to make the two ends meet.

Finally I would appeal to the House that when the Government has come forward to do us tardy justice and make us not an over-generous contribution, the House will not raise any opposition but consider the difficulty of our position calmly, coolly and sympathetically. I am quite confident that not a single voice of dissent will be heard in this House. With these words, I commend the Resolution to the acceptance of the House.

Mr. B. Venkatapatiraju : Sir, in spite of the warning of the Honourable the Finance Member I am prepared to move my amendment and offer my own remarks on the observations made by the Honourable the Finance Member.

The amendment which I have to place for your consideration is that the following words be added to the Resolution :

'And further recommends that suitable help or similar concessions be given to Madras and other provinces where financial difficulties exist.'

First of all, Sir, I must make my position clear.

The Finance Member tells us that when we come to the Legislative Assembly we must forget from what place we have come. Then, why do you want so many representatives from so many provinces? Does Mr. Price forget that he represents the constituency of a Chamber of Commerce? Do other Members forget that they represent their constituencies? Why should we forget that we represent Madras or others that they represent their provinces? We represent our provinces; there is nothing wrong in our parochial patriotism, but it should not stand in the way of our national patriotism. I do agree that Bengal really deserves help. I congratulate the Government of India for offering some help to Bengal; and I would have been more glad if they once and for all abolish the contribution from Bengal. I would never stand in the way. But what I would suggest is that when necessity arises, when there are financial difficulties and when occasion arises and when other provinces also do equally suffer, I would then ask the Government of India to give suitable help to those provinces as they do on this occasion. The Judges of suitable help are themselves. Is there anything wrong in asking it? Is it parochial patriotism to ask that when you give help to Bengal you

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should also look to the other provinces whenever financial aid is wanted and render them such help? Of course the Honourable Member says on this occasion when we are showing our charity and lending or making a gift of a few lakhs of rupees, we should not compare the incidence of taxation either on land or per head of population, because the Honourable Member is perfectly aware and he cannot justify it if he entered into those things; he wants to avoid them; but I will not avoid them, not because I do want to stand in the way of Bengal getting something, but that I want the Government of India should see how other provinces are treated and whether they are not in need of financial help and whether they should not be given some help on this or on any future occasion. From the statistics of the Government of India published in the year 1919, you will find that Madras pays per head of the population Rs. 27. Bombay Rs. 15, Bengal Rs. 16, and the United Provinces Rs. 14. Is not Madras heavily taxed? I shall give the assessment with reference to the acreage. In Madras, they charge on the average Rs. 2-8-11 per acre, whereas in Bombay it is Rs. 1-5-7, in the United Provinces it is Rs. 1-12-2, in Oudh Rs. 1-15-7 and in Bihar and Orissa Rs. 1-2-6. Is not Madras heavily taxed even with reference to the assessment on land? Even with reference to the liquor which you sell in Madras how much do you charge there as compared with the others? Do they not give us an ever-increasing revenue, that excise, from which we get more than 5 crores? Now, from the reports which I have received, there is already a decrease of 25 per cent. in consumption. What would be the effect on Madras if we depend on the excise revenue? Most Members, even the official Members are anxious to put an end to that excise revenue. If 5 crores are gone, what is to be the position of Madras? Have they considered it? They have for the last two years been spending more than their revenue in Madras. I am pleading for Madras, not because I do not want, not to help Bengal or any other province, but because I want to plead for other provinces as well who might have similar grievances to be dealt with and who might require help. Because the Government of India are charitably disposed now, let us take this opportunity of bringing before them the grievances of our several provinces. How long can Madras rely upon this excise revenue? Thanks to Mr. Gandhi's activities, in course of time, I am sure the whole excise revenue will go. Are we in a position to impose further taxation? Madras has to pay now, not Rs. 63 lakhs as Bengal is paying, but Rs. 348 lakhs. We have to pay nearly Rs. 3½ crores, the highest amount that any province was asked to contribute. Should not some concession be shown to that Government, when there is a deficit? What is deficit? We are spending more than our revenue.

Even in the year 1919-20 we spent in Madras more than our revenue and we have spent much more than that in 1921, and the budget provided for next year has already exhausted all the resources at our disposal. Perhaps the Members of this House may not be aware that the Madras Government is very efficient in the administration. They will not ask for any concessions or dolos at the hands of Imperial Government. They will screw every pie in fines and penalties from the people. The recoveries from fines and penalties in the Madras Presidency are more than in any other part of India, because we are efficient; they do not ask for a loan even from the Imperial Government; they will screw every pie in the shape of settlements in order to rescue themselves. And they have stinted their expenditure for a long time.

Now what have they done? When every province has increased the salaries of their officials, the Madras Government also have increased the salaries of their officials, and the net result is they are exceeding their income. Now, Sir, I ask, should not the Madras Government receive some concession at your hands? I may add that even before this it was neglected, out of sight, out of mind, because it is far away from the throne, and that is the reason why we are regarded as the benighted presidency. When Bombay received 22 lakhs recurring grant for education for smaller population—Bengal nearly 42 lakhs, proportionately a scanty sum was given to Madras. Even with reference to temporary grants, Madras always lags behind because either her representatives do not scramble or they have not got the trumpet voice of Sir Surendra Nath Banerjee in order to extort something from the unwilling hands of the Honourable the Finance Member. But if we had a strong representative like Sir Surendra Nath from Madras, probably he would have appealed to him, and not in vain, to get something to relieve the present situation in Madras. Perhaps the Madras Government are busy with Moplah outbreaks, perhaps they have no time to run up to Simla and appeal to the Honourable the Finance Member for some aid. But he must see from the Madras budget figures, from the closing balance, from the incidence of taxation and from the every day declining revenue on which they have to build up their administration what their condition is. Is Madras able to spend anything for development purposes, for which the Honourable Mr. Hailey pleaded now for Bengal? Where is the money for us for Education? We have none. In the matter of drainage, ~~excepting one municipality~~, the Government of Madras was not able to help any other municipality. ~~We have not started technical schools, and technical education is very backward in Madras. We cannot compare ourselves either with Bombay or Bengal even in the matter of education.~~ Where are we to get money from? Now, am I wrong in asking the Government of India to show us some concession out of the compulsory contribution which you levy from Madras of 348 lakhs, and not 63 lakhs every year? Why not show us some concession taking the difficulties of Madras into consideration? I do not plead for Madras alone. I earnestly submit that whatever be the province, since the Government of India have established a good precedent, they must consider at leisure and try to help other provinces also if they are in difficulty, but please do not say, as was suggested by the Honourable Mr. Hailey, 'this is only a special concession given to Bengal; we are poor, we have to borrow money to meet our own demands, and therefore let the other provinces not expect any concessions.' Now I demur to such a thing.

When you find other provinces in similar difficulties you are bound to help, you cannot treat one province in one way and another province in another way when they are in similar difficulties. I do not say that you should not go to the help of those who are starving till you help the halfstarving. Do not say that I go thus far and no further. The Assembly must give what amount they think proper, to other provinces as well and we have no grievance against Bengal, but the Government should give a similar concession to other provinces similarly situated. We must do everything in our power to ensure prosperity to the country and it is not a mere question of patriotism, you must not do these things for the sake of a few people who agitate, nor for the sake of a few who speak loudly and ignore those who are modest or backward in their demands. If a mother wanted to give something to one daughter, the other daughters would naturally complain if they were not treated in the

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same manner. You must look upon the provinces as sister provinces. Treat all provinces alike, help all provinces that suffer from financial difficulties. I therefore appeal to all Members to support the Resolution and the amendment and never hesitate to come to the aid of other provinces where similar difficulties exist.

Mr. President: Which amendment does the Honourable Member propose to move?

Mr. B. Venkatapatiraju: The amendment I read out just now, Sir.

Mr. President: The Honourable Member prefers that to the other? If so, he will not be able to move the other.

Mr. B. Venkatapatiraju: I don't wish to move the other, Sir.

Mr. E. L. Price: May we hear what the amendment is, Sir?

Mr. President: Amendment moved:

'That the following words be added to the Resolution:

'And further recommends that suitable help or similar concessions be given to Madras and other provinces where financial difficulties exist.'

Mr. J. P. Cotelingam: Sir, the relative financial position of the provinces is not the question before the House, nor are the financial needs of Madras the subject for consideration now. I am confident that the House will not be so unsympathetic as to refuse the sum proposed by the Honourable the Finance Member. Bengal's financial embarrassment, as we have been told, was anticipated and a special recommendation was made on its behalf by the Joint Parliamentary Committee, and I hope the House will gladly sanction the amount which the Honourable Mr. Hailey recommends for the immediate relief of Bengal, which stands in great need.

Mr. E. L. Price: Sir, I had not intended to speak in this debate, but

8-40 P.M. Mr. Venkatapatiraju mentioned me by name and, as I understood him, he challenged me to stand up for the financial rights of the Presidency from which I come. Well, Sir, I am extremely sorry that Mr. Venkatapatiraju, going back on his Delhi record, has seen fit to introduce a strong strain of provincialism into this debate. Provincialism in this matter does not appeal to me. It is quite true I am the representative of European residents in the Bombay Presidency, but, when I am elected, I serve neither the Europeans nor Bombay. I maintain I serve all India. And, if I have not so borne myself, I much regret it, for certainly in that case I have failed in my duty. I do not think I have any right, on behalf of my constituency or the province in which it is situated, to bring to this House mere prejudices, either of my own community or of my own Presidency, when I am dealing with all-India matters.

Well, Sir, I must admit, on the other hand, that the provincialism unfortunately introduced by Mr. Venkatapatiraju on behalf of Madras was only what I should have expected from the provincialism introduced by Mr. J. Chaudhuri on behalf of Bengal, and my own feeling was that if Bengal has a set-back in this matter, Mr. Chaudhuri himself will be somewhat responsible.

Now, Sir, it is very unpleasant for this Assembly to have to appear to interfere in any provincial matter. We are an all-India Assembly. We want to mind our own business and let the provinces mind theirs. That is a point I have always insisted on. But, in the case of Bengal, when Bengal comes to us and asks us to raise a large sum of money, well, naturally one seems to have an acquired right to look into the circumstances; and, of course, the circumstances are that owing to that wretched old permanent settlement, the land revenue system of Bengal is not expansive in the same way that the land revenue system of the other provinces for the most part is. The obvious thing is that Bengal will have to put her house in order, will have to look to other sources of revenue. The Honourable Member has mentioned stamps as being a provincial head. It looks to me as though it is absolutely necessary that Bengal raises her stamp duties by 25 or 50 per cent, and, though I support this assistance being given to Bengal in her dire need, as indeed I would support it being given to any other province if there were an equally dire need at the same time, I think this course can very well couple with it in this debate the straight warning that is up to Bengal, as soon as she possibly can—it will probably take at least three years—to put her house in order and raise the revenue necessary to carry on her provincial government. Apart from that, Sir, Bengal's affairs are her own, and, if only she would conduct them without coming to us for help, I am the last person in the world to say anything about it. But, as she has come to us for help, I think it is quite within the province of this Assembly, while voting the remission of 63 lakhs for three years, to convey a very strong hint, as I hope Mr. Hailey will do, that this gift is final and that Bengal must put her own house in order. If her present system of taxation does not enable her to carry on her provincial government, the sooner she takes the necessary steps the better.

Mr. Jamnadas Dwarkadas: Sir, I support the Resolution moved by the Honourable the Finance Member, but I have to make a certain reservation in regard to the statement that he had made in support of his Resolution. If the Honourable Member had only moved the Resolution and, in support of that Resolution, if he had only stated his ground for allowing this release to Bengal, should have had nothing to say, but, in view of the fact that the Honourable the Finance Member has also made some statement with regard to other provinces, I am constrained to rise and to challenge the statements made by the Honourable the Finance Member.

I have nothing to say with regard to the claim of Bengal. I entirely support the Resolution of the Honourable the Finance Member so far as the claim of Bengal is concerned. But I join issue with him when he says that while Bengal deserves special consideration, other provinces do not. I am not prepared to speak about the present position of the other provinces, because no demand has come from the other provinces. But I make bold to say, Sir, that in spite of the statement made by the Honourable the Finance Member, if at a future date other provinces come to us with a demand for release or other help, the House reserves to itself the right to consider these demands on their own merits. Another point: The argument that the Meston Committee realised the difficulty with regard to Bengal or the Joint Committee also found difficulty in the case of Bengal will not weigh with us when we discuss the merits of these provinces when they come to us with their demands. Sir, I interjected one of the remarks made by the Honourable the Finance Member and said that Bombay also was not treated in a proper manner. As I have

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already said before, I am not pressing Bombay's claims because Bombay has made no demand just at the present moment. But, at the same time, I want to remind the Honourable the Finance Member and this House that Bengal alone was not dissatisfied with the award made by the Meston Committee, but Bombay also was dissatisfied and Bombay was unanimous in expressing its dissatisfaction, so much so that at the meeting that was convened by the Sheriff of Bombay to protest against this, the Honourable Mr. Froom of the Council of State and Mr. Gandhi spoke from the same platform. However, I mention this fact only to let the Honourable the Finance Member know that the arguments that he has advanced in support of the Resolution, especially the argument that Bengal's demand has been justified to a certain extent because its difficulties have been recognised by the Joint Committee and the Meston Committee do not weigh with us and that we reserve the right to ourselves of discussing the demands of the various provinces when they come to us on their own merits.

Lala Girdharilal Agarwala : Sir, I rise to support the Resolution moved by the Honourable the Finance Member. But I submit there were certain remarks made by him to which I take exception. For example, I come from the United Provinces. Our province has also been very badly treated in regard to the provincial contribution. A deputation was sent to His Excellency the Viceroy on behalf of the United Provinces Liberal Association in which stress was laid upon this point, and it was pressed that the financial arrangement should be revised and readjusted. Of course, we are not making any demand just at present, but I simply want to make it clear that my province is also doing very badly and we may have sooner or later to bring a similar Resolution.

Khan Bahadur Sarfaraz Hussain Khan : Sir, I shall be failing in my duty if I do not say anything on behalf of my province. My province needs as much financial assistance as any other province; but I agree with my Honourable Colleague, Mr. Price, that this is not the time when we should introduce provincialisation. When at present we are in a position to give financial assistance to Bengal, we should ungrudgingly and without any further remarks and pressing the claims of our own provinces, whole-heartedly support the Resolution moved by the Honourable the Finance Member.

Lieut.-Colonel H. A. J. Gidney : I move that the question be now put.

Mr. C. W. Rhodes : I think by now we know pretty well the opinion of the House, and as I feel sure that the Resolution will be passed by this Assembly, I rise to thank it on behalf of Bengal for the very generous way in which they have dealt with this Resolution. The Honourable the Finance Member has dealt so thoroughly with the question that it is quite unnecessary for us, Members from Bengal, to supplement his statement. Like Mr. Price I thoroughly deprecate any provincialism, whether on my own side or on the other. (Hear, hear.) The contribution that the Honourable the Finance Minister has offered to waive, viz., 63 lakhs, is not sufficient for us, but we shall have to make the best of it. We recognise that other provinces have their difficulties, but it is not a question of difficulty with us but of disaster. We shall do our best during the next three years, under an almost intolerable burden, hampered as we are with the permanent settlement, which after all is a matter for this House, and personally I wish the Assembly would take

it up. But the position is critical in Bengal, and will still be critical with this remission. In conclusion, I should like to repeat that if this Resolution is passed, as I feel sure it will be, we shall be very grateful to this House, and I think this Session will be closed under the happiest possible auspices with the feeling that one province is able to receive justice from the other provinces even at some disadvantage to themselves.

Mr. M. K. Reddi Garia : Sir, if it is true, that more things are wrought by prayer, rich Bengal has succeeded in that art: and in this connection I am reminded of the famous Biblical saying: 'He who hath much, to him more shall be given, and from him that hath little, even the little shall be taken.'

If the prosperous Bengal is to be given a generous treatment, I ask, Sir, what is to become of the poor and the 'benighted' Madras. It is a fact, known to this Government, that Madras had always pursued a very frugal and economical policy even at the sacrifice of the necessary developments, and thus placed, surplus, after surplus at the hands of this Government. I am referring to the days before this federal system of finance came into existence as the result of the inequitable award of Lord Meston. Is it a sin, Sir, to be economical, is it a sin to be frugal and thrifty; if not, why this unjust treatment to Madras? Why is she asked to contribute 85½ per cent. of the total deficit as compared with the standard rate of 17 per cent. Is it just, Sir, that the poor, voiceless Madras should be obliged to pay Rs. 348 lakhs, while Bombay and Bengal together, pay a third of what Madras pays. I ask again, is it really a sin, to be sober and economical?

Sir, I should like to place another fact before you. When the Joint Select Committee of the House of Commons recommended that the provinces should get some share in the growth of the revenues from the taxation on incomes, did Madras profit thereby, while Bengal and Bombay, with their commercial capitals got the benefit of it. But, on the other hand, the benighted Madras had to pay Rs. 382 lakhs instead of Rs. 348 lakhs as mentioned in the Meston's award.

Sir, there is another and a more weighty reason why Madras should be given an immediate relief. As the result of the anti-drink movement and picketting, the Abkari sales in my Presidency has already gone down, and I can tell you with a certain amount of authority, that in the next Budget there is sure to be a deficit of more than a crore of rupees. Again, there is not a year in that Presidency which passes without a famine in one district or the other. Under these circumstances, how are we to meet the deficit that is staring us in the face. Further taxations it is impossible to think of, it will be ruinous to the interests of the poor ryots.

Sir, if the Government is not going to extend a generous and sympathetic hand—of course not in the sense it did in the case of the Resolution on the increase of pensions, but a sympathetic financial help, I am sure, the financial history of Persia, would repeat itself.

Sir, with the finances at this low ebb, what can the Ministers do? What development, educational, or industrial, can you expect from them? Let us rather have no such responsible government, with a state of things forcing the hands of the Ministers to fresh taxation. We must remember,

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our opponents, who are ever sitting on the fences and watching us, the moment we fail to advance the progress of the country, from industrial, educational, and from irrigation and sanitary points of view, will at once come down upon us and tell us, in plain language that these Reforms are but a camouflage and are meant to cheat the people and their agitators. I ask, is this a right feeling for this wise Government to foster?

Sir, I appeal to this Government and the Honourable Members of this House, to re-open the whole question of Lord Meston's award and thus to make the provinces to work the Reforms successfully and in the true spirit with which they were granted to us.

Mr. N. M. Samarth : Sir, I, for one, fail to see why this Resolution has been brought before this House. Under the Devolution Rules, Rule 18, which has been referred to, says :

4 P. M. 'That from the Financial year 1922-23 onwards a total contribution of 983 lakhs, or such smaller sum as may be determined by the Governor-General in Council, shall be paid to the Governor General in Council by the Local Governments mentioned in the preceding rule.'

It is for the Governor General in Council to decide. They have decided to take a smaller sum and the Resolution need not have been brought before this Assembly at all. I do not, therefore, see the necessity of asking this House to pass this Resolution specially in favour of Bengal, but as the Resolution has come up before us, I have no hesitation in stating that it has my fullest sympathy and support. But let this House and the Government also beware of the necessary implications of passing this Resolution and arriving at this decision. Devolution Rule 18 proceeds to say :

'When for any year the Governor General in Council determines as the total amount of the contribution a smaller sum than that payable for the preceding year, a reduction shall be made in the contributions of those Local Governments only, whose last previous annual contribution exceeds the proportion specified below of the smaller sum so determined as the total contribution.'

and then certain proportions are given. This is the revised rule, Rule 18, in substitution of the original rule framed by the Meston Committee, and the Joint Parliamentary Committee have this commentary on the meaning and significance of that new rule. They say :

'The acceptance of this latter proposal emphasises the intention that the contributions from the provinces to the Central Government should cease at the earliest possible moment. The Committee attach great importance to the fulfilment of this intention and they are convinced that the opposition which the proposals of the Financial Relations Committee have evoked would be much diminished if it becomes possible for the Government of India to take steps to ensure the abolition of the contributions within a reasonably short period. They trust that the Government of India and the Secretary of State in Council will, in regulating their financial policy, make it their constant endeavour to render the Central Government independent of provincial assistance at the earliest possible date.'

That is the meaning and significance of this devolution rule, under which the Government of India have taken this action, which need not have come before this Assembly, as I have said, and which it was quite within their competence to take. Having taken that action, the necessary implication of that follows that they have to take care to see that they do not mulct any other Local Government into paying any higher contribution than that allowed by this rule. But, Sir, I should not have been surprised if a Resolution had simply been placed before us by the Honourable Mr. Hailey in view of the difficulties of Bengal. But his speech has

impelled me to make a few observations. He said that it is only in the case of Bengal that these difficulties have arisen, that Bengal alone stands in need of this relief, and that no other province stands in such need. Surely the Honourable the Finance Member must know that Bombay also is in the same boat with Bengal. We had a deficit of something like a crore and a half last year, which in Bombay we managed to tide over by drawing upon our reserve balance. Surely this state of things cannot go on long, without bringing the Bombay Government to the brink of bankruptcy. But if I am here, and so long as I am here, it will be my constant endeavour to see that the Central Government adjusts its resources in such a way that its normal expenditure is met from its own revenues without having anything to do with provincial contributions, which under the injunctions of the Joint Parliamentary Committee, the Government of India are bound as speedily as possible to do away with.

With these remarks, Sir, I support this Resolution, which need not, as I say, have been brought before this Assembly.

The Honourable Mr. W. M. Hailey : Sir, Mr. Samarth has raised a technical point, to which I ought to give a definite answer. He asks, what is the need for putting forward this Resolution at all, since Rule 18 of the Devolution Rules provide that the Governor General may take as a total contribution less than the amount laid down. But as he will see from the Resolution, we propose an alteration in this rule. Now, Sir, I recognize that an alteration of the Devolution Rules can be made by the Governor General in Council, with the sanction of the Secretary of State in Council. But I put it to this House whether it would be proper on our part to suggest to the Secretary of State that he should sanction an important change in the Devolution Rules, a change involving our giving up a considerable amount of central revenue without first coming to this Assembly. I for my part, Government for its part, would have been unwilling that we should recommend a change of this importance without first seeking the assent of this House. I think, I can claim that the Assembly will appreciate our attitude in this respect. We shall have to ask for a change in Devolution Rule 18, because what we are proposing is, not to reduce the total contribution, in the manner contemplated by that rule, but simply to lay it down that Bengal shall, for a time, namely for three years, disappear from the list that is given in Devolution Rule 17.

Mr. N. M. Samarth : Does not the total contribution come to 963 lakhs, instead of 983 lakhs?

The Honourable Mr. W. M. Hailey : No, Sir, I think the definite answer is that we simply propose that Bengal should be let off the contribution provided in Rule 17, other contributions not being affected thereby. That is the definite answer to Mr. Samarth.

Now, Sir, I do not know whether it is necessary that I should argue at length to the House the amendment that has been put before it by Mr. Samarth.

Mr. N. M. Samarth : Not by me.

The Honourable Mr. W. M. Hailey : I beg the Honourable Member's pardon—by Mr. Raju. For my part, I feel that no extended argument is necessary. He proposes that suitable help or similar concessions be given to

[Mr. W. M. Hayley.]

Madras and other provinces where financial difficulties exist. My proposition was a definite one, which I argued to the House on definite grounds, and which in itself implied an alteration of the Devolution Rules. Are we prepared now to approach the Secretary of State and ask him to lay on the table of the Houses of Parliament a vague amendment of the Devolution Rules such as would follow from the proposition he has put forward. It would be impracticable to do so. Other Members, not neglectful of the claims of their own provinces, have arisen in their places and assured us that should their provinces at any time be faced with difficulties such as those under which Bengal now labours, they will demand an equal concession for their own provinces. Sir, nothing can prevent their making such proposals. (Hear, hear.) I should deprecate them in the interests of mutual finance; but nothing that Government can do, could prevent their coming before this House and making by Resolution a proposal of this nature; and, if this House were to determine, in spite of the opposition which I should offer, to recommend to Government that a further alteration should be made in the Devolution Rules similar to that now proposed, it would have a perfect right to do so what then is the necessity for Mr. Raju's amendment? I, Sir, am not going to argue to-day as a partisan either for or against any province; I hope I did not argue to-day as a partisan on behalf of Bengal, for it was not my intention to do so. I am not going to enter into the figures which Mr. Raju gave on behalf of Madras because I consider that would be entirely inconsistent with the plea which I put forward to this House that we should treat the present case of Bengal as a self-contained problem, and in so doing take an entirely detached view of the situation. He is advancing the claims of Madras; I am not going to contest them. But when he said that I did not give the various figures of Bengal, taxation man for man or acre for acre, because I was afraid to do so, since I knew that they would tell against Bengal, he was not correct. The reason I gave was that it would lead to interminable discussions of an abstract and contentious nature; how interminable that discussion would be the House can easily judge when I tell them that if instead of quoting the figures for Madras as he quoted them, that is to say, revenue by acre and excise by gallons, he had quoted them per head of population, his results would be reversed. I hope that Mr. Raju will not question what I am saying, since I have here the printed statement from which he drew his inspiration and I can have no better ground than that. It was because I feared interminable discussion of that kind, abstract calculations of what the taxable capacity of each province should be, abstract considerations of what should be the proper basis of allocating central and provincial finance, it was purely on those grounds that I avoided the questions to which I have referred. Nor, Sir, can I suggest any answer as to why it is that Madras collects more fines or penalties than other provinces; I will not even suggest the implication that arises from that curious fact. But, if the House desires an interesting figure—I am here no partisan again—I will give it; that is that for practically every crore of rupees of contribution that we remit, Madras will get approximately 50 lakhs. That is certainly the case in the initial stages of our progress in remissions. Let Mr. Raju take some consolation from that fact. I do not believe that he can have considered how favourable the position was of his province under the guarantee given by us for the gradual remission of contributions when he placed his plea for consideration before the House.

Sir, I can only oppose this amendment because I believe that it is entirely unnecessary in itself; because we could not ask the Secretary of State to lay on the table of the Houses of Parliament so vague an amendment to the Devolution Rules, and because, as I said before, it is perfectly possible for any private Member to raise the question by Resolution in regard to any province at any time he chooses to do so.

The amendment was negatived.

The Resolution was then adopted.

PROVISIONAL DATE OF RE-ASSEMBLING.

Mr. President: This House now stands adjourned to a date which will hereafter be announced. I may say, for the provisional information of the Members, that the date will probably be January the 10th.

